

Introduced by

Legislative Management

(Transportation Committee)

1 A BILL for an Act to create and enact four new subsections to section 39-01-01, section  
2 39-06-14.1, and a new subsection to section 39-06.2-09 of the North Dakota Century Code,  
3 relating to definitions and motorcycle and commercial licenses; to amend and reenact  
4 subsection 60 of section 39-01-01, sections 39-06-01, 39-06-01.1, 39-06-01.2, 39-06-02,  
5 39-06-03, 39-06-03.1, 39-06-04, 39-06-05, 39-06-06, 39-06-07, 39-06-07.1, 39-06-07.2,  
6 39-06-08, 39-06-09, 39-06-10, 39-06-11, 39-06-12, 39-06-13, 39-06-13.1, 39-06-14, 39-06-16,  
7 39-06-17, 39-06-18, 39-06-19, 39-06-19.1, 39-06-20, 39-06-21, 39-06-22, 39-06-24, 39-06-25,  
8 39-06-26, 39-06-27, 39-06-28, 39-06-31, 39-06-32, 39-06-32.1, 39-06-33, 39-06-34, 39-06-34.1,  
9 39-06-35, 39-06-36, 39-06-37, 39-06-38, 39-06-40, 39-06-40.1, 39-06-42, 39-06-43, 39-06-44,  
10 39-06-45, 39-06-46, 39-06-47, 39-06-48, 39-06-49, 39-06.1-08, and 39-06.1-09, subsection 3 of  
11 section 39-06.1-11, and section 39-16-03 of the North Dakota Century Code, relating to the  
12 privilege to operate a motor vehicle in this state; and to repeal sections 39-06-23, 39-06-30,  
13 39-06-50, 39-06-52, and 39-16.1-02 of the North Dakota Century Code, relating to the privilege  
14 to operate a motor vehicle in this state.

15 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

16 **SECTION 1.** Four new subsections to section 39-01-01 of the North Dakota Century Code  
17 are created and enacted as follows:

18 "Cancellation" means a license is annulled and terminated because of an error or  
19 defect or because the licensee is no longer entitled to the operator's license, but the  
20 cancellation of a license is without prejudice and application for a new license may be  
21 made at any time after the cancellation.

22 "Conviction" means a final order or judgment or conviction by the North Dakota  
23 supreme court, any lower court having jurisdiction, a tribal court, or a court in another

1 state if an appeal is not pending and the time for filing a notice of appeal has elapsed.

2 Subject to the filing of an appeal, the term includes:

3 a. An imposed and suspended sentence;

4 b. A deferred imposition of sentence under subsection 4 of section 12.1-32-02; or

5 c. A forfeiture of bail or collateral deposited to secure a defendant's appearance in  
6 court and the forfeiture has not been vacated.

7 "Revocation" means that the operator's license is terminated and may not be renewed  
8 or restored, except on application for a new license presented to and acted upon by  
9 the director after the expiration of the period of revocation.

10 "Suspension" means that the operator's license is temporarily withdrawn but only  
11 during the period of the suspension.

12 **SECTION 2. AMENDMENT.** Subsection 60 of section 39-01-01 of the North Dakota Century  
13 Code is amended and reenacted as follows:

14 60. "Proof of financial responsibility" means proof of ability to respond in damages for  
15 liability, on account of accidents occurring ~~subsequent to~~after the effective date of  
16 ~~said~~the proof, arising out of the ownership, maintenance, or use of a motor vehicle, in  
17 the amount of twenty-five thousand dollars because of bodily injury to or death of one  
18 person in any one accident, and, subject to ~~said~~the limit for one person, in the amount  
19 of fifty thousand dollars because of bodily injury to or death of two or more persons in  
20 any one accident, and in the amount of ~~ten~~twenty-five thousand dollars because of  
21 injury to or destruction of property of others in any one accident.

22 **SECTION 3. AMENDMENT.** Section 39-06-01 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24 **39-06-01. Operators must be licensed - Additional licensing - Penalty.**

25 1. ~~A person~~An individual, unless expressly exempted in this section, may not drive any  
26 motor vehicle on a highway or on public or private areas to which the public has a right  
27 of access for vehicular use in this state unless the ~~person~~individual has a valid license  
28 as an operator under ~~the provisions of~~ this chapter or a temporary operator's permit  
29 issued under chapter 39-20. ~~A person~~An individual may not receive an operator's

1 license unless and until that ~~person~~individual surrenders to the director all operator's  
2 licenses and permits issued to the ~~person~~that individual by any jurisdiction. ~~When~~if a  
3 license issued by another jurisdiction is surrendered, the director shall notify the  
4 issuing jurisdiction of ~~its~~the surrender. ~~A person~~An individual may not have more than  
5 one valid operator's license at any one time.

- 6 2. ~~Any person~~An individual licensed as an operator ~~hereunder~~ may exercise the privilege  
7 ~~thereby granted upon all streets and highways~~by the license on any highway in this  
8 state and may not be required to obtain any other license to exercise ~~such~~the privilege  
9 by any ~~county, municipal, or local board, or body~~political subdivision having authority  
10 to adopt local police regulations, except that municipalities may ~~license draymen,~~  
11 ~~parcel-deliverymen, busdrivers, taxi drivers, porters, expressmen, watermen, and~~  
12 ~~others pursuing like~~regulate occupations; and may regulate the operation of taxicabs,  
13 ~~as provided by~~ under subsection 27 of section 40-05-01.

14 **SECTION 4. AMENDMENT.** Section 39-06-01.1 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **39-06-01.1. Special provisions for minor operators.**

- 17 1. The director shall cancel the ~~permit or operator's~~ license ~~to operate a motor vehicle~~ of  
18 an individual who has committed acts resulting in an accumulated point total in excess  
19 of five points as provided for a violation under section 39-06.1-10 or has committed an  
20 alcohol-related offense or a drug-related offense while operating a motor vehicle, if:  
21 a. The acts or offenses were committed while the individual was a minor; and  
22 b. The individual admitted the violation, was found to have committed the violation  
23 by the official having jurisdiction, or pled guilty to, was found guilty of, or  
24 adjudicated to have committed the offense.
- 25 2. If an individual has had that individual's license ~~or permit~~to operate a motor vehicle  
26 canceled under subsection 1, the director shall deem that individual to have never  
27 have had any license ~~or permit~~ to operate a motor vehicle and may not issue any  
28 license ~~or permit to drive~~operate a motor vehicle other than an instruction permit or a  
29 restricted instruction permit after the completion of any period of suspension or  
30 revocation. After the issuance of an instruction permit or restricted instruction permit,

1 the director may not issue any other operator's license ~~or permit~~ to that individual until,  
2 while using the permit issued under this section, that individual:

- 3 a. (1) Completes a course of classroom instruction and a course of  
4 behind-the-wheel instruction acceptable to the director;  
5 (2) Completes an internet course through a licensee under chapter 39-25 and  
6 completes thirty hours of driving with that individual's parent or guardian in  
7 compliance with department rules designed for experience in various driving  
8 conditions; or  
9 (3) Successfully completes a course at an approved commercial driver training  
10 school; and  
11 b. Satisfies all other requirements that apply to that individual for that operator's  
12 license ~~or permit~~.

13 **SECTION 5. AMENDMENT.** Section 39-06-01.2 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **39-06-01.2. Anatomical gifting.**

16 The application for nondriver photo identification cards and ~~driver's~~operator's licenses  
17 ~~issued to operators~~ must include a statement making an anatomical gift and provide for the  
18 voluntary identification of the applicant as a donor under chapter 23-06.6. ~~Voluntary~~In addition,  
19 identification of the applicant as a donor under chapter 23-06.6 ~~also~~ may be completed by an  
20 online registry approved by the director. If the applicant's donor intention is made by the online  
21 registry, the intention must be recorded on the applicant's record. The intention is not required  
22 on the identification card or license unless a duplicate card is obtained or at the time of renewal.  
23 The department may not be held civilly or criminally liable for any act or omission in  
24 implementing and maintaining the online registration of donors.

25 **SECTION 6. AMENDMENT.** Section 39-06-02 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27 **39-06-02. What personsIndividuals who are exempt from having an operator's license**  
28 **- Resident defined.**

- 29 1. The following persons are exempt from having an operator's license hereunder:



1       **SECTION 7. AMENDMENT.** Section 39-06-03 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **39-06-03. What persons may not be licensedNo operator's license to certain**  
4 **individuals.**

5       The director may not issue ~~any~~an operator's license hereunder:

- 6       1. To ~~any person~~an individual who is under the age of sixteen years, except that the  
7       director may issue an instructional permit under section 39-06-04, a restricted permit  
8       or license under ~~sections~~section 39-06-05 and, or a license under section 39-06-17 to  
9       ~~any person who is less than sixteen years of age.~~
- 10      2. To ~~any person~~an individual whose license has been suspended or revoked in this  
11      state or in any other state during ~~such~~the suspension, except ~~as provided in~~under  
12      section 39-06.1-03 or 39-06.1-11, ~~nor~~or to any person whose license has been  
13      revoked, except ~~as provided in~~under sections 39-06-35, 39-06-36, and 39-06.1-11.
- 14      3. To ~~any~~an individual who is a habitual drunkard, ~~or~~ is a habitual user of narcotic drugs,  
15      or is a habitual user of any other drug to a degree that renders the individual incapable  
16      of safely ~~driving~~operating a motor vehicle. The director has good cause to believe that  
17      an individual is a habitual drunkard or drug user if the individual has three or more  
18      convictions for violating section 39-08-01, or equivalent ordinance, or three or more  
19      administrative suspensions under chapter 39-20 within a five-year period. An individual  
20      who is a habitual drunkard or user may provide the director with adequate proof of the  
21      removal of the habit which may include satisfactory completion of a licensed alcohol or  
22      drug treatment program.
- 23      4. To ~~any person~~an individual who has previously been adjudged to be afflicted with or  
24      suffering from any mental disability or disease and who has not at the time of  
25      application been restored to competency by the methods provided by law.
- 26      5. To ~~any person~~an individual who is required by this chapter to take an examination,  
27      unless ~~such person~~the individual has successfully passed such examination.
- 28      6. To ~~any person~~an individual who is required under the laws of this state to deposit  
29      security or file proof of financial responsibility and who has not deposited ~~such~~the  
30      security or filed ~~such~~the proof.

1       7. To ~~any person~~an individual if the director has good cause to believe that such-  
2       ~~person~~the individual by reason of physical or mental disability would not be able to  
3       operate a motor vehicle with safety ~~upon the highways~~.

4       8. To ~~any person~~an individual when the director has good cause to believe that the  
5       operation of a motor vehicle on the highways by ~~such person~~that individual would be  
6       inimical to public safety or welfare.

7       9. ~~Repealed by S.L. 1977, ch. 348, § 2.~~

8       **SECTION 8. AMENDMENT.** Section 39-06-03.1 of the North Dakota Century Code is  
9       amended and reenacted as follows:

10       **39-06-03.1. Nondriver photo identification card issued by director - Release of**  
11       **information - Penalty - Public awareness.**

12       1. The director shall issue a nondriver color photo identification card to any North-Dakota-  
13       resident of this state who fulfills the requirements of this section. An application for an  
14       identification card must be made on a form furnished by the director. Within thirty days  
15       from receipt of a complete application that includes the applicant's social security  
16       number, unless the applicant is a nonimmigrant who is not eligible for a social security  
17       number, the director shall determine whether to issue and, if appropriate, issue a  
18       nondriver photo identification card to an applicant. The director may not withhold the  
19       issuance of a nondriver color photo identification card without reasonable cause. If the  
20       ~~person~~applicant is under the age of eighteen or at least the age of eighteen and under  
21       the age of twenty-one, the photo must be against the same color background required  
22       on a motor vehicle operator's license for an operator of that age. Subject to  
23       ~~subsection 1 of section 39-06-19~~, identification cards expire eight years from the date  
24       of issue and may be renewed. The application must contain ~~such~~ other information as  
25       the director may require to improve identity security. ~~The director may require an~~  
26       ~~applicant for an identification card to provide a social security card and proof of~~  
27       ~~residence address.~~

28       2. To confirm the identity, date of birth, and legal presence of the applicant, the director or  
29       examining officer shall require satisfactory evidence be provided by the applicant.  
30       Satisfactory evidence includes a certified copy of the applicant's birth certificate or  
31       other evidence reasonably calculated to permit the determination of the date of birth,

1 identification, and legal presence of the applicant by the director or examining officer.

2 The director may require an applicant for an identification card to provide a social  
3 security card and proof of residence address.

4 3. The application fee is ~~eight dollars~~listed in section 39-06-49. ~~Fees collected pursuant~~  
5 ~~to this section must be paid monthly into the highway fund in the state treasury.~~

6 4. Any information obtained by the director from an applicant for the issuance, renewal,  
7 or replacement of an identification card ~~issuable pursuant to this chapter~~ may ~~only~~not  
8 be released ~~in accordance with the provisions of~~unless allowed under section  
9 39-16-03.

10 5. It is a class B misdemeanor for any person, ~~except the director or the director's~~  
11 ~~authorized agent, to print or otherwise produce or reproduce cards or their~~  
12 ~~components, which may be utilized as identification cards issued pursuant to this~~  
13 ~~section.~~

14 6. The director may advertise the availability and the use of the card.

15 ~~7.6.~~ Identification cards issued ~~pursuant to~~under this section are sufficient identification for  
16 all identification purposes.

17 8. ~~The director shall cancel any card upon determining that the holder is not entitled to~~  
18 ~~the issuance of the card under the laws of this state, or the holder has failed to give~~  
19 ~~the required or correct information to the director, or has committed fraud in making~~  
20 ~~the application, or the fee was in the form of an insufficient or no-account check. Upon~~  
21 ~~cancellation, the holder shall surrender the card to the director. When a cancellation is~~  
22 ~~in effect, any law enforcement officer may take custody of the card.~~

23 9. ~~A duplicate card may be obtained by making an application and paying an eight dollar~~  
24 ~~fee. For a cardholder who has reached the age of eighteen or twenty-one, a~~  
25 ~~replacement card may be obtained by making an application and paying an eight~~  
26 ~~dollar fee.~~

27 10. ~~The director may not withhold the issuance of a nondriver color photo identification~~  
28 ~~card without reasonable cause.~~

29 **SECTION 9. AMENDMENT.** Section 39-06-04 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1       **39-06-04. Instruction Class D instruction permit.**

- 2       1. Any resident of this state who is at least fourteen years of age may apply to the  
3       director for a class D instruction permit.
- 4       2. The director may issue a class D instruction permit that entitles the applicant while  
5       having the permit in the permittee's immediate possession to drive a motor vehicle  
6       upon the public highways, if the individual:
- 7       a. Has successfully passed a standard written rules of the road knowledge test  
8       prescribed by the director;
- 9       b. Has successfully passed a vision examination; and
- 10      c. Has the written approval of the individual's parent or legal guardian.
- 11      3. ~~The permittee must be accompanied by a licensed operator who holds an individual~~  
12      ~~with a class A, B, C, or D license corresponding to the~~ a vehicle the permittee-  
13      ~~operates~~ allowed to be operated with a class D license, who is at least eighteen years  
14      of age, who has had at least three years of driving experience, and who is occupying a  
15      seat beside the driver. An individual other than the supervising driver and the  
16      permitholder may not be in the front seat unless the vehicle has only a front seat, in  
17      which case, the supervising driver must be seated next to the permitholder.
- 18      4. An individual who is not yet eighteen years of age is not eligible for a class D license  
19      until that individual has had an instruction permit issued for at least six months or at  
20      least twelve months if under the age of sixteen. The director may recognize an  
21      instruction permit issued by another jurisdiction in computing the six-month or  
22      twelve-month instructional period.
- 23      5. The permittee may not operate an electronic communication device to talk, compose,  
24      read, or send an electronic message while operating a motor vehicle that is in motion  
25      unless the sole purpose of operating the device is to obtain emergency assistance, to  
26      prevent a crime about to be committed, or in the reasonable belief that an individual's  
27      life or safety is in danger.
- 28      6. ~~A resident of this state who is at least fourteen years of age may apply to the director~~  
29      ~~for a class M learner's permit under section 39-06-14. An individual holding a class M~~  
30      ~~learner's permit for the operation of a motorcycle may not operate the motorcycle~~  
31      ~~during the hours when the use of headlights are required under section 39-21-01 or~~

1           ~~carry or transport any passenger. Any learner's permit may be renewed or a new-~~  
2           ~~permit issued for an additional period.~~

3           7.   ~~The director may issue a commercial driver's instruction permit under section-~~  
4           ~~39-06.2-07.~~

5           **SECTION 10. AMENDMENT.** Section 39-06-05 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7           **39-06-05. Restricted instruction permit - When instruction permit not required.**

- 8           1.   The director upon receiving proper application may issue a restricted instruction permit  
9           effective for a school year or more restricted period to an applicant who is at least  
10          fourteen years of age and enrolled in a commercial driver training course ~~which that~~  
11          includes practice driving and which is approved by the superintendent of the highway  
12          patrol ~~pursuant to~~ under chapter 39-25. ~~Such~~ The restricted instruction permit entitles  
13          the permittee when the permittee has ~~such a~~ the permit in the permittee's immediate  
14          possession to operate a motor vehicle ~~only~~ with an approved instructor occupying a  
15          seat beside the permittee and on a designated highway or within a designated area  
16          ~~but only when an approved instructor is occupying a seat beside the permittee.~~
- 17          2.   Any student who is at least fourteen years of age and enrolled in behind-the-wheel  
18          driver's training through a high school program approved by the superintendent of  
19          public instruction may operate a motor vehicle, under the supervision of a driver  
20          training instructor certified by the superintendent of public instruction, without a permit  
21          or license to operate a motor vehicle; ~~provided, that~~ if the school district sponsoring the  
22          driver's training program has an insurance policy covering any damage ~~which that~~ may  
23          be done by ~~any such a~~ a student while operating the vehicle; ~~and provided further that~~  
24          proof of coverage is filed with the superintendent of public instruction by the school  
25          district's insurance carrier. The insurance coverage must be in the amount required  
26          under section 39-16.1-02.

27          **SECTION 11. AMENDMENT.** Section 39-06-06 of the North Dakota Century Code is  
28 amended and reenacted as follows:

29          **39-06-06. Temporary operator's permit.**

30          The director may issue a temporary operator's permit for the operation of a motor vehicle to  
31 an applicant for an operator's license pending an investigation and determination of facts

1 relative to the applicant's right to receive an operator's license. The permit must be in the  
2 applicant's immediate possession while operating a motor vehicle and is invalid ~~when~~<sup>if</sup> the  
3 applicant's license has been issued or denied.

4 **SECTION 12. AMENDMENT.** Section 39-06-07 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **39-06-07. Application for operator's license or instruction permit.**

- 7 1. ~~Every application~~<sup>An applicant</sup> for an ~~instruction permit or for an operator's license~~  
8 must be made upon a form furnished by the director.
- 9 2. ~~Every application~~<sup>An applicant</sup> must state on the application the full name, date of birth,  
10 sex, social security number, unless the applicant is a nonimmigrant who is not eligible  
11 for a social security number, residence and mailing address, and ~~briefly~~  
12 ~~describe~~<sup>provide a brief description of</sup> the applicant. ~~In~~<sup>By</sup> signing the application the  
13 applicant is deemed to have certified that all information contained on the application  
14 is true and correct. The application must be accompanied by the ~~proper~~ fee listed in  
15 section 39-06-49. The application must contain ~~such~~<sup>any</sup> other information as the  
16 director may require to improve identity security. The director may require an applicant  
17 ~~for a license or instruction permit~~ to provide a social security card and proof of  
18 residence address.
- 19 3. ~~Whenever~~<sup>If</sup> an application is received from a ~~person~~<sup>an individual</sup> previously licensed  
20 in another jurisdiction, the director may request a copy of the driver's record from  
21 ~~such~~<sup>the</sup> other jurisdiction. ~~When received, the~~<sup>A copy of another jurisdiction's</sup> driving  
22 record becomes a part of the driving record in this state with the same force and effect  
23 as though entered on the driving record in this state in the original instance.
- 24 4. ~~Whenever the director receives a request for a driving record from another licensing~~  
25 ~~jurisdiction, the record must be forwarded without charge.~~

26 **SECTION 13. AMENDMENT.** Section 39-06-07.1 of the North Dakota Century Code is  
27 amended and reenacted as follows:

1       **39-06-07.1. Proof of name, date of birth, and legal presence for operator's license**  
2 **application.**

3       ~~The~~An applicant must verify the applicant's name, date of birth, and legal presence on all  
4 ~~applications must be verified~~any application by a certified birth certificate or ~~other satisfactory~~  
5 ~~evidence. Applicants must produce documents which will be acceptable as listed below:~~

- 6       1. ~~Certified birth certificate;~~ or  
7       2. ~~Any~~any other documentary evidence ~~which~~that confirms to the satisfaction of the  
8       director the true identity, date of birth, and legal presence of the applicant.

9       **SECTION 14. AMENDMENT.** Section 39-06-07.2 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11       **39-06-07.2. Medical advice - Use by director - ~~Definition~~Driver's duty to report certain**  
12 **injuries.**

- 13       1. The director is authorized to seek professional medical advice from a licensed medical  
14       care provider and to use that advice in decisions made by the director in regard to the  
15       issuance, renewal, suspension, revocation, or cancellation of ~~driver's license~~an  
16       operator's license under this chapter. The director may receive ~~advice may be~~  
17       ~~received in any manner deemed advisable by the director or the director's authorized~~  
18       ~~agent.~~
- 19       2. In addition to advice sought and received under subsection 1, the director may  
20       consider information and advice received from an ~~individual~~ applicant's or  
21       ~~driver's~~motor vehicle operator's licensed ~~medical~~health care provider. Any examination  
22       and report requested by the applicant ~~or driver, motor vehicle operator, or required to~~  
23       ~~be taken and provided by the director under this chapter must be~~is at the expense of  
24       the applicant or ~~driver~~motor vehicle operator.
- 25       3. Any licensed ~~medical~~health care provider ~~providing advice to the director or director's~~  
26       ~~authorized agent under subsection 1~~ does not incur any liability for any opinion,  
27       recommendation, or advice provided to the director under subsection 1.
- 28       4. Advice and information received by the director ~~or director's authorized agent~~ under  
29       subsection 1 which relates to an individual applicant or ~~driver~~motor vehicle operator is  
30       for the confidential use of the director ~~or director's authorized agent~~ in making  
31       decisions on the individual's qualifications as a driver, and the information may not be

1           divulged to any person or used in evidence in any trial or proceeding except in matters  
2           concerning the individual's qualifications to receive or retain a driver'san operator's  
3           license.

4           5. ~~General~~In addition to other sources of information, general advice and information  
5           received by the director ~~or director's authorized agent~~ under this section, ~~in addition to~~  
6           ~~other sources of information~~, may be used by the director in the adoption of  
7           administrative rules concerning medical criteria for driver licensing.

8           6. ~~As used in this section, "licensed medical care provider" means doctor of medicine,~~  
9           ~~doctor of osteopathy, doctor of chiropractic, optometrist, psychologist, advanced-~~  
10           ~~practice registered nurse, or physician assistant, who is licensed, certified, or~~  
11           ~~registered in accordance with laws and regulations in this or another state.~~Before  
12           operating any motor vehicle the holder of an operator's license issued under this  
13           chapter who has suffered permanent loss of use of a hand, arm, foot, leg, or eye shall  
14           report the loss of use to the director who shall take reasonable action as may be  
15           proper under this chapter as to reexamination of the licensee to determine if the  
16           licensee is capable of operating vehicles for which the licensee is licensed.

17           **SECTION 15. AMENDMENT.** Section 39-06-08 of the North Dakota Century Code is  
18           amended and reenacted as follows:

19           **39-06-08. Application of minors.**

20           The application of any minor for an ~~initial instruction permit~~ or operator's license must be  
21           signed and verified before a ~~person~~an individual authorized to administer oaths or the ~~director's~~  
22           ~~agent~~director, by the father, mother, or legal guardian, or, ~~in the event if there is n~~not a parent  
23           or legal guardian, then by another responsible adult who is willing to assume the obligation  
24           imposed under this chapter upon a ~~person~~an individual signing the application of a minor.

25           **SECTION 16. AMENDMENT.** Section 39-06-09 of the North Dakota Century Code is  
26           amended and reenacted as follows:

27           **39-06-09. Liability for negligence of minor - General.**

28           Any negligence of a minor when driving a motor vehicle upon a highway must be imputed to  
29           the ~~person~~individual who has signed the application of ~~such~~the minor for a ~~permit~~ or an  
30           operator's license, which person must be. This individual is jointly and severally liable with

1 ~~such~~the minor for any damages caused by ~~such~~the negligence, except as otherwise provided in  
2 section 39-06-10.

3 **SECTION 17. AMENDMENT.** Section 39-06-10 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **39-06-10. Liability for negligence of minor - Proof of financial responsibility.**

6 If a minor ~~deposits or there is deposited for the minor~~provides proof of financial  
7 responsibility for the operation of a motor vehicle ~~owned by the minor, or for the operation of~~  
8 any motor vehicle, as required under the motor vehicle financial responsibility laws of this state,  
9 then the director may accept the application of the minor.

10 **SECTION 18. AMENDMENT.** Section 39-06-11 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **39-06-11. Cancellation of minor's license or permit upon request.**

13 ~~Any person~~An individual who has signed the application of a minor for a license may  
14 thereafter file with the director a verified written request ~~that~~to cancel the operator's license of  
15 the minor ~~so granted be canceled. Thereupon, the~~Upon receipt of the request, the director shall  
16 cancel the operator's license ~~or permit~~ of the minor and the ~~person~~individual who signed the  
17 application of the minor is relieved from the liability imposed under this chapter by reason of  
18 having signed ~~such~~the application on account of any subsequent negligence of the minor in  
19 operating a motor vehicle.

20 **SECTION 19. AMENDMENT.** Section 39-06-12 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 **39-06-12. Cancellation of minor's an operator's license ~~or permit~~ of a minor upon**  
23 **death of applicant.**

24 The director upon receipt of satisfactory evidence of the death of the ~~person~~individual who  
25 signed the application of a minor for ~~an~~ operator's license shall cancel the operator's license ~~or~~  
26 ~~permit~~ and may not issue a new license ~~or permit~~ until ~~such time as~~ a new application, ~~duly~~  
27 ~~signed and verified, is made as required by this chapter. This provision does not apply in the~~  
28 ~~event the minor has attained the age of eighteen years~~ is made by the minor.

29 **SECTION 20. AMENDMENT.** Section 39-06-13 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1       **39-06-13. Examination of applicants.**

2       The

- 3       1. Unless otherwise provided in this chapter, the director shall examine every applicant  
4       for an operator's license, ~~except as otherwise provided in this chapter.~~ The  
5       examination must include a test of the applicant's eyesight, ability to read and  
6       understand highway signs regulating, warning, and directing traffic, and knowledge of  
7       the traffic laws of this state. ~~During testing,~~ The director shall make any written portion  
8       of the examination, except writing on illustrations of signs, ~~must be made available to~~  
9       an applicant in any widely practiced language. The director may waive the written  
10      portion of the examination for an applicant who has successfully passed a written  
11      examination in another state and has an operator's license that is not or in the  
12      process of being revoked, suspended, or canceled ~~or in the process of being revoked,~~  
13      suspended, or canceled. An  
14      2. The examination must include an actual demonstration of ability to exercise ordinary  
15      and reasonable control in the operation of a motor vehicle ~~is also required, but may~~  
16      ~~be~~ unless waived for an applicant who has successfully passed an actual ability test in  
17      this or another state. ~~Operators' examinations must be given at locations designated~~  
18      ~~by the director.~~ A minor may operate a motor vehicle no matter how owned for the  
19      actual ability test.  
20      3. In lieu of an eyesight test, the applicant may provide a statement of examination from  
21      a licensed physician or an optometrist stating the corrected and uncorrected vision of  
22      the applicant, if the examination was within six months of the application.  
23      4. The director may require any other physical or mental examination.

24      **SECTION 21. AMENDMENT.** Section 39-06-13.1 of the North Dakota Century Code is  
25      amended and reenacted as follows:

26      **39-06-13.1. Fee for examination of applicants.**

- 27      1. ~~Every~~ An applicant for an operator's license who is required to be tested to determine  
28      the applicant's knowledge of highway signs, regulating, warning, and directing traffic  
29      and of the traffic laws of this state shall pay a fee ~~of five dollars~~ listed in section  
30      39-06-49.

- 1           2.   EveryAn applicant for an operator's license who is required to be tested to  
2                   demonstrate the applicant's ability to exercise ordinary and reasonable control in the  
3                   operation of a motor vehicle shall pay a fee of five dollarslisted in section 39-06-49.

4           **SECTION 22. AMENDMENT.** Section 39-06-14 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6           **39-06-14. Licenses issued to operators - General - Classified driver'soperator's**  
7 **license.**

- 8           1.   ~~The~~Upon the payment of the application fee listed in section 39-06-49, the director,  
9                   ~~upon payment of a fifteen dollar fee,~~ shall issue to every qualified applicant an  
10                  operator's license as ~~applied for in the form prescribed by the director.~~ An application  
11                  for an operator's license must be made on a form furnished by the director. The  
12                  operator's license must bear ~~a distinguishing number assigned to the licensee, a color~~  
13                  ~~photograph of the licensee,~~ the full name, date of birth, residence address, and a brief  
14                  description of the licensee, ~~and.~~
- 15           2.   The license must bear either a facsimile of the signature of the licensee or a space  
16                  upon which the licensee shall write the licensee's usual signature. An operator's  
17                  license is not valid unless signed by the licensee with the licensee's usual signature.  
18                  For purposes of verification, the director may require the licensee to write the  
19                  licensee's signature in the presence of the director.
- 20           3.   The operator's license must bear a distinguishing number assigned to the licensee.  
21                  The director may not issue a distinguishing number that is, contains, can be converted  
22                  to, or is an encrypted version of the applicant's social security number.
- 23           4.   The operator's license must bear a color photograph of the licensee. The director may  
24                  adopt rules relating to the manner in which photographs are to be obtained and placed  
25                  on an operator's license. The photograph may be produced by digital imaging or other  
26                  electronic means and is not a public record. If the licensee is under the age of  
27                  eighteen, the photograph must be against a color border or background that is  
28                  different from the color used for other licensees. If the licensee is at least the age of  
29                  eighteen and is under the age of twenty-one, the photograph must be against a color  
30                  border or background that is different from the color used for other licensees. ~~No~~  
31                  ~~license is valid until it has been signed by the licensee with the licensee's usual~~

1 signature. For purposes of verification, an officer may require the licensee to write the  
2 licensee's signature in the presence of the officer. The director may adopt rules,  
3 pursuant to chapter 28-32, relating to the manner in which photographs are to be  
4 obtained and placed on operator's licenses. The photograph may be produced by  
5 digital imaging or other electronic means and is not a public record.

6 5. Upon request and with adequate documentation, the director shall place an indicator  
7 on the face of an operator's license of a veteran. The veteran may make the request  
8 through the department of veterans' affairs.

9 2.6. An applicant holding a valid North Dakota operator's license issued by this state and  
10 making application for renewal must be issued a class D license without being  
11 subjected to a written or actual ability examination.

12 3. An~~The director shall issue to any other applicant, except an applicant holding a valid~~  
13 ~~North Dakota operator's license who will be issued a class D license, applying for~~  
14 ~~issuance of an operator's license must be issued a classified license after having been~~  
15 ~~required to submit to a~~ successful examination in the type of motor vehicle or  
16 combination of vehicles for which the particular class of license is desired and which the  
17 particular license shall authorize the holder to drive the particular class of  
18 vehicles as ~~provided~~ designated in section 39-06.2-09, or as ~~follows:~~ this chapter.

19 a.7. A driver~~An individual~~ with a class D license may operate any:

- 20 a. A single vehicle with a gross vehicle weight rating of twenty-six thousand pounds  
21 [11793.40 kilograms] or less or any such ~~this~~ vehicle towing a vehicle with a gross  
22 vehicle weight rating not in excess of ten thousand pounds [4535.92 kilograms]  
23 or a combination of vehicles with a gross combination weight or a gross  
24 combination weight rating in excess of twenty-six thousand pounds  
25 [11793.40 kilograms] if the individual is eighteen years of age or older, unless the  
26 individual is driving a farm vehicle and meets the requirements of subdivision e of  
27 subsection 7 of this section and subsection 3 of section 39-06.2-06. A driver with  
28 a class D license may operate a
- 29 b. A farm tractor towing another vehicle having a gross weight in excess of ten  
30 thousand pounds [4535.92 kilograms], and may operate a

- 1           c. ~~A truck towing a trailer in excess of ten thousand pounds [4535.92 kilograms]~~  
2           ~~provided if the combined weight does not exceed twenty-six thousand pounds~~  
3           ~~[11793.40 kilograms] gross combination weight rating. A driver with a class D-~~  
4           ~~license may operate a~~
- 5           d. ~~A house car or a vehicle towing a travel trailer being used solely for personal~~  
6           ~~purposes.~~
- 7           e. ~~A driver with a class D license must be eighteen years of age or older to operate~~  
8           ~~a combination of vehicles with a gross combination weight or a gross-~~  
9           ~~combination weight rating in excess of twenty-six thousand pounds [11793.40-~~  
10           ~~kilograms] , unless the driver is driving a farm vehicle and meets the~~  
11           ~~requirements of subdivision b of subsection 3 of section 39-06-14 and~~  
12           ~~subsection 3 of section 39-06.2-06.~~
- 13          b. ~~A driver with a class D license may operate any two-axle or tandem-axle motor~~  
14           ~~vehicle, a triple-axle motor vehicle, a farm tractor towing another vehicle having a~~  
15           ~~gross weight in excess of six thousand pounds [2721.55 kilograms], and a truck~~  
16           ~~or truck tractor towing a trailer, semitrailer, or farm trailer if the driver individual is~~  
17           ~~exempted from a commercial driver's license under subsection 3 of section~~  
18           ~~39-06.2-06, except the driver individual may not operate a double trailer; or triple~~  
19           ~~trailer; or, if and an individual under eighteen years of age, may not operate a~~  
20           ~~truck tractor as defined in section 39-01-01 or a bus designed to carry sixteen or~~  
21           ~~more passengers, including the driver.~~
- 22          e. ~~A driver with a class M license may operate any motor vehicle having a seat or~~  
23           ~~saddle for the use of the rider and designed to travel on not more than three-~~  
24           ~~wheels in contact with the ground, but excluding motorized bicycles and tractors.~~  
25           ~~A class M vehicle may not be operated under a class A, B, C, or D license.~~
- 26           (1) ~~The holder of a class A, B, C, or D license may receive a class M-~~  
27           ~~endorsement upon successful completion of an examination. The director-~~  
28           ~~may waive the skill portion of the examination if the applicant has~~  
29           ~~successfully completed a motorcycle safety course approved by the director.~~
- 30           (2) ~~An applicant sixteen years of age and older, who does not hold a current-~~  
31           ~~valid operator's license may be issued a class M learner's permit after~~

1                   successful completion of a written examination. The class M license will be  
2                   issued after the applicant has successfully completed a driver's  
3                   examination. The director may waive the skill portion of the examination if  
4                   the applicant has successfully completed a motorcycle safety course  
5                   approved by the director.

6                   (3) Applicants fourteen or fifteen years of age may be issued a motorcycle  
7                   learner's permit if the applicant is enrolled in or has completed an approved  
8                   motorcycle safety course. Applicants for a motorcycle operator's license  
9                   who are under sixteen years of age shall hold an initial learner's permit for  
10                  at least two months before applying for a class M operator's license, shall  
11                  have completed an approved motorcycle safety course, and shall hold a  
12                  valid motorcycle learner's permit at the time of application. The director may  
13                  waive the skill portion of the examination if the applicant has successfully  
14                  completed a motorcycle safety course approved by the director. Any person  
15                  under sixteen years of age who holds a permit or license is restricted to the  
16                  operation of a motorcycle powered with an engine of two hundred fifty cubic  
17                  centimeters, or less, displacement. Evidence that the applicant has  
18                  satisfactorily completed a motorcycle safety course which meets the  
19                  minimum requirements of the motorcycle safety foundation must  
20                  accompany the application.

21                  4. The holder of a class A, B, or C license may drive any vehicle in that or a lesser  
22                  classification, except a class M vehicle.

23                  5.8. Any holder of a classified license who drives a motor vehicle otherwise than as  
24                  permitted by the class of license issued to the holder is deemed to be driving a motor  
25                  vehicle without being duly licensed under this chapter. The holder of a classified  
26                  license who desires to obtain a different class license in one of the classes provided  
27                  by this chapter must exchange or renew the license. The director may adopt rules the  
28                  director determines are necessary with respect to such on renewals or exchanges for  
29                  the proper administration of this chapter. No class A, B, or C license may be issued to  
30                  any person under eighteen years of age, except a class A, B, or C type license

1 specially restricted to use for custom harvest purposes must be issued to a person at  
2 least sixteen years of age who satisfactorily completes the appropriate examinations.

3 6. ~~Before operating any motor vehicle or motorcycle, any holder of a license issued  
4 pursuant to this chapter who has suffered permanent loss of use of a hand, arm, foot,  
5 leg, or eye shall report the loss of use to the director who shall take reasonable action  
6 as may be proper under the provisions of this chapter as to reexamination of the  
7 licensee to determine if the licensee is capable of operating vehicles for which the  
8 licensee is licensed.~~

9 7. ~~The director may issue a motorized bicycle operator's permit to an applicant who is at  
10 least fourteen years of age. To obtain a permit, the applicant shall pay a fee of ten  
11 dollars and take a written examination of the applicant's knowledge of traffic laws and  
12 general rules of the road. If the applicant passes the written examination and the  
13 director is satisfied that the applicant has adequate eyesight, the director may issue  
14 the applicant a motorized bicycle operator's permit, even if the applicant does not have  
15 an operator's license. The permit expires in the same manner as an operator's license.  
16 A person who has an operator's license, a temporary permit, an instruction permit, or a  
17 motorcycle permit is not required to obtain a motorized bicycle operator's permit.~~

18 **SECTION 23.** Section 39-06-14.1 of the North Dakota Century Code is created and enacted  
19 as follows:

20 **39-06-14.1. Motorcycle operator's licenses and motorized bicycles.**

21 1. A resident of this state who is at least fourteen years of age may apply to the director  
22 for a class M learner's permit. An individual holding a class M learner's permit for the  
23 operation of a motorcycle may not operate the motorcycle during the hours when the  
24 use of headlights are required under section 39-21-01 or carry or transport any  
25 passenger. Any learner's permit may be renewed or a new permit issued for an  
26 additional period.

27 2. An individual with a class M license may operate any motor vehicle having a seat or  
28 saddle for the use of the rider and designed to travel on not more than three wheels in  
29 contact with the ground, but excluding motorized bicycles and tractors.

30 a. The holder of a class A, B, C, or D license may receive a class M endorsement  
31 upon successful completion of an examination. The director may waive the skill

1           portion of the examination if the applicant has successfully completed a  
2           motorcycle safety course approved by the director.

3           b. An applicant sixteen years of age and older, who does not hold a current valid  
4           operator's license, may be issued a class M learner's permit after successful  
5           completion of a written examination. The class M license must be issued after the  
6           applicant has successfully completed a driver's examination. The director may  
7           waive the skill portion of the examination if the applicant has successfully  
8           completed a motorcycle safety course approved by the director.

9           c. Applicants fourteen or fifteen years of age may be issued a motorcycle learner's  
10          permit if the applicant is enrolled in or has completed an approved motorcycle  
11          safety course. Applicants for a motorcycle operator's license who are under  
12          sixteen years of age must hold an initial learner's permit for at least two months  
13          before applying for a class M operator's license, must have completed an  
14          approved motorcycle safety course, and must hold a valid motorcycle learner's  
15          permit at the time of application. The director may waive the skill portion of the  
16          examination if the applicant has successfully completed a motorcycle safety  
17          course approved by the director. Any person under sixteen years of age who  
18          holds a permit or license may not operate a motorcycle powered with an engine  
19          in excess of two hundred fifty cubic centimeters displacement. Evidence that the  
20          applicant has satisfactorily completed a motorcycle safety course which meets  
21          the minimum requirements of the motorcycle safety foundation must accompany  
22          the application.

23          3. The director may issue a motorized bicycle operator's permit to an applicant who is at  
24          least fourteen years of age. To obtain a permit, the applicant shall pay a fee as listed in  
25          section 39-06-49 and take a written examination of the applicant's knowledge of traffic  
26          laws and general rules of the road. If the applicant passes the written examination and  
27          the director is satisfied that the applicant has adequate eyesight, the director may  
28          issue the applicant a motorized bicycle operator's permit, even if the applicant does  
29          not have an operator's license. The permit expires in the same manner as an  
30          operator's license. A person who has an operator's license, a temporary permit, an

1 instruction permit, or a motorcycle permit is not required to obtain a motorized bicycle  
2 operator's permit.

3 **SECTION 24. AMENDMENT.** Section 39-06-16 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **39-06-16. License to be carried and exhibited on demand.**

6 ~~A licensee~~An individual licensed to operate a motor vehicle shall have the licensee's-  
7 operator's license ~~or permit~~ in the licensee'sindividual's immediate possession at all times when  
8 operating a motor vehicle and shall physically surrender the operator's license ~~or permit~~, upon  
9 demand of any ~~district court, municipal court, a patrolman, peace~~police officer, or a field deputy  
10 or inspector of the department. However, ~~a person~~an individual charged with violating this  
11 section may not be convicted or assessed any court costs if the ~~person~~individual produces in  
12 court, ~~to the chief of police, or in the office of the arresting officer~~ and a valid operator's license ~~or~~  
13 ~~permit issued to that person and valid and~~individual that is not under suspension, revocation, or  
14 cancellation at the time of the ~~person's~~individual's arrest.

15 **SECTION 25. AMENDMENT.** Section 39-06-17 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **39-06-17. Restricted licenses - Penalty for violation.**

- 18 1. ~~The director, upon~~Upon issuing an operator's license or a temporary restricted  
19 operator's license ~~pursuant to~~under section 39-06.1-11, ~~has authority to~~ the director  
20 may impose restrictions suitable to ~~the~~a licensee's driving ability with respect to the  
21 type of ~~or~~motor vehicle, special mechanical control devices required on a motor  
22 vehicle ~~which~~that the licensee may operate, ~~or such~~any other restrictions applicable to  
23 the licensee as the director may determine to be appropriate to assure the safe  
24 operation of a motor vehicle by the licensee.
- 25 2. The director may either issue a special restricted class D license or may state the  
26 restrictions upon the usual license form. In the same manner, the director shall restrict  
27 licenses under section 39-16.1-09.
- 28 ~~3-2.~~ A~~The director may issue a~~ restricted operator's~~class D~~ license ~~or permit~~ to operate the  
29 parent's, guardian's, grandparent's, sibling's, aunt's, or uncle's automobile, ~~or an~~  
30 ~~automobile which is equipped with dual controls and while accompanied by a qualified~~  
31 ~~instructor, may be issued to any child~~ minor, who is at least ~~fourteen~~fifteen years of

1 age, and otherwise qualified, upon the written recommendation of the parent or  
2 guardian. A ~~child~~minor may operate an ~~automobile~~a motor vehicle that is not the  
3 parent's or guardian's to take the ~~road~~actual ability test. ~~No operator's~~The parent,  
4 guardian, grandparent, sibling, aunt, or uncle at all times is responsible for any and all  
5 damages growing out of the negligent operation of a motor vehicle by a minor. A  
6 restricted class D license may not be issued until the child to a minor unless the minor,  
7 accompanied by the parent or guardian, appears in person and satisfies the director  
8 that:

- 9 a. The ~~child~~minor is at least ~~fourteen~~fifteen years of age;:
- 10 b. The ~~child~~minor is qualified to operate an automobile safely;:
- 11 c. It is necessary for the child to drive the parent's, guardian's, grandparent's,  
12 sibling's, aunt's, or uncle's automobile without being accompanied by an adult;:
- 13 d. The ~~child~~minor has:
  - 14 (1) ~~Successfully~~ successfully completed an approved driver's education course  
15 that includes a course of classroom instruction and a course of  
16 behind-the-wheel instruction acceptable to the director; or
  - 17 (2) ~~Successfully~~has successfully completed a course at an approved  
18 commercial driver training school; and
- 19 e. The ~~child~~minor has accumulated a minimum of fifty hours of supervised,  
20 behind-the-wheel driving experience in various driving conditions and situations  
21 that include night driving; driving on gravel, dirt, or aggregate surface road;  
22 driving in both rural and urban conditions; and winter driving conditions.

23 ~~The parent, guardian, grandparent, sibling, aunt, or uncle at all times is responsible for~~  
24 ~~any and all damages growing out of the negligent operation of a motor vehicle by any~~  
25 ~~such child.~~

- 26 3. The provisions of ~~this~~ subsection 2 do not authorize ~~the child~~a minor to drive a  
27 commercial truck, motorbus, or taxicab except the holder of a restricted class D  
28 license, ~~fourteen or fifteen years of age,~~ may drive a farm motor vehicle having a gross  
29 weight of fifty thousand pounds [22679.62 kilograms] ~~when~~while used to transport  
30 agricultural products, farm machinery, or farm supplies to or from a farm when so  
31 operated within one hundred fifty miles [241.40 kilometers] of the driver's farm.

- 1       4. A minor with a restricted class D license issued under subsection 2 may operate the  
2       type or class of motor vehicle specified on the restricted license under the following  
3       conditions:
- 4       a. A restricted licenseholder must be in possession of the license while operating  
5       the motor vehicle.
- 6       b. An individual holding a restricted class D license driving a motor vehicle may not  
7       carry more passengers than the vehicle manufacturer's suggested passenger  
8       capacity.
- 9       c. An individual holding a restricted class D license driving a motor vehicle may not  
10       operate an electronic communication device to talk, compose, read, or send an  
11       electronic message while operating a motor vehicle that is in motion unless the  
12       sole purpose of operating the device is to obtain emergency assistance, to  
13       prevent a crime about to be committed, or in the reasonable belief that an  
14       individual's life or safety is in danger.
- 15       d. An individual holding a restricted class D license may not operate a motor vehicle  
16       between the later of sunset or nine p.m. and five a.m. unless a parent, legal  
17       guardian, or an individual eighteen years of age or older is in the front seat of the  
18       motor vehicle or the motor vehicle is being driven directly to or from work, an  
19       official school activity, or a religious activity.
- 20       5. Upon receiving satisfactory evidence of any violation of the restrictions of a license,  
21       the director may suspend or revoke the license but the licensee is entitled to a hearing  
22       as upon a suspension or revocation under this chapter.
- 23       ~~5.6.~~ It is a class B misdemeanor for ~~any person~~ an individual to operate a motor vehicle in  
24       any manner in violation of the restrictions imposed ~~in a restricted license issued to that~~  
25       ~~person other than restrictions imposed under subsection 6~~ under this section except for  
26       the restrictions in subsection 4.
- 27       7. If ~~the~~ a ~~temporary~~ restricted license ~~was~~ is issued under section 39-06.1-11 and the  
28       underlying suspension was imposed for a violation of section 39-08-01 or equivalent  
29       ordinance, or is governed by chapter 39-20, punishment is as provided in subsection 2  
30       of section 39-06-42 ~~and upon~~. Upon receiving notice of the conviction the director  
31       shall revoke, without opportunity for hearing, the licensee's temporary restricted

1 license and shall extend the underlying suspension for a like period of not more than  
2 one year. The director may not issue a temporary restricted license for the extended  
3 period of suspension imposed under this subsection.

4 8. If the conviction referred to in this section is reversed by an appellate court, the  
5 director shall restore the person~~individual~~ to the status held by the person~~prior-~~  
6 ~~to~~individual before the conviction, including restoration of driving privileges if  
7 appropriate.

8 ~~6.~~ A restricted license issued under subsection 3 to a child at least fourteen years of age  
9 to operate a parent's or guardian's automobile authorizes the licenseholder to drive the  
10 type or class of motor vehicle specified on the restricted license only under the  
11 following conditions:

- 12 a. A restricted licenseholder must be in possession of the license while operating  
13 the motor vehicle.
- 14 b. An individual holding a restricted driver's license driving a motor vehicle may not  
15 carry more passengers than the vehicle manufacturer's suggested passenger  
16 capacity.
- 17 c. An individual holding a restricted driver's license driving a motor vehicle may not  
18 operate an electronic communication device to talk, compose, read, or send an  
19 electronic message while operating a motor vehicle that is in motion unless the  
20 sole purpose of operating the device is to obtain emergency assistance, to  
21 prevent a crime about to be committed, or in the reasonable belief that an  
22 individual's life or safety is in danger.
- 23 d. An individual holding a restricted driver's license may not operate a motor vehicle  
24 between the later of sunset or nine p.m. and five a.m. unless a parent, legal  
25 guardian, or an individual eighteen years of age or older is in the front seat of the  
26 motor vehicle or the motor vehicle is being driven directly to or from work, an  
27 official school activity, or a religious activity.

28 **SECTION 26. AMENDMENT.** Section 39-06-18 of the North Dakota Century Code is  
29 amended and reenacted as follows:

1        **39-06-18. ~~Duplicate certificates~~ Substitute operator's license.**

2        ~~In the event that a permit or~~ if an operator's license or nondriver photo identification card  
3 issued under this chapter is lost, mutilated, or destroyed, or contains erroneous information due  
4 to a change in name, address, or for any other reason, the ~~person~~ individual to whom the  
5 ~~same operator's license or identification card~~ was issued may obtain a ~~duplicate, or~~ substitute,  
6 ~~upon~~ by furnishing proof satisfactory to the director that the ~~permit or~~ operator's license or  
7 identification card has been lost, mutilated, or destroyed, or is erroneous, and upon payment of  
8 a fee listed in section 39-06-49. ~~The fee is eight dollars for a duplicate or substitute permit or~~  
9 ~~license for a license or permit that was lost, mutilated, or destroyed, or is being replaced for any~~  
10 ~~other reason, except the fee is three dollars for a duplicate or substitute permit or license for a~~  
11 ~~license or permit that contains erroneous information due to a change in name or address.~~ If an  
12 individual has a name change, the individual shall obtain a substitute license or identification  
13 card with the correct name.

14        **SECTION 27. AMENDMENT.** Section 39-06-19 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16        **39-06-19. Expiration of license - Renewal.**

- 17        1. Every operator's license issued under this chapter or chapter 39-06.2 expires and is  
18 renewed according to this section.
- 19        2. The expiration date of a noncommercial operator's license for a ~~person~~ an individual  
20 whose birth occurred in a year ending in an odd numeral is twelve midnight on the  
21 anniversary of the birthday in the third subsequent year ending in an odd numeral,  
22 except for an individual who, at the time of renewal, is seventy-eight years of age or  
23 older is twelve midnight on the anniversary of the birthday in the second subsequent  
24 year ending in an odd numeral. The expiration date of a noncommercial operator's  
25 license for a ~~person~~ an individual whose birth occurred in a year ending in an even  
26 numeral is twelve midnight on the anniversary of the birthday in the third subsequent  
27 year ending in an even numeral, except for an individual who, at the time of renewal, is  
28 seventy-eight years of age or older is twelve midnight on the anniversary of the  
29 birthday in the second subsequent year ending in an even numeral.
- 30        3. The expiration date of a commercial operator's license for a ~~person~~ an individual  
31 whose birth occurred in a year ending in an odd numeral is twelve midnight on the

1 anniversary of the birthday in the second subsequent year ending in an odd numeral.

2 The expiration date of a commercial operator's license for ~~a person~~ an individual  
3 whose birth occurred in a year ending in an even numeral is twelve midnight on the  
4 anniversary of the birthday in the second subsequent year ending in an even numeral.

5 ~~A person~~

6 4. An individual who has a valid, unexpired nonimmigrant visa or nonimmigrant visa  
7 status for entry into the United States, a pending application for asylum in the United  
8 States, a pending or approved application for temporary protected status in the United  
9 States, approved deferred action status, or a pending application for adjustment of  
10 status to that of an alien lawfully admitted for permanent residence or conditional  
11 permanent residence status in the United States will be issued a temporary operator's  
12 license or nondriver photo identification card. The temporary operator's license or  
13 identification card is valid only during the period of time of the applicant's authorized  
14 stay in the United States or, if there is no definite end to the period of authorized stay,  
15 a period of one year. The license or card may be renewed only upon presentation of  
16 valid documentary evidence that the status has been extended.

17 ~~2.~~ ~~If the licensee has reached the age of eighteen, and desires reissuance of a license~~  
18 ~~with the distinctive background for licensees at least the age of eighteen and under the~~  
19 ~~age of twenty-one, the applicant may apply at any time for a replacement license. If~~  
20 ~~the licensee has reached the age of twenty-one and desires reissuance of a license~~  
21 ~~without the distinctive color background required by section 39-06-14, the applicant~~  
22 ~~may apply at any time for a replacement license.~~

23 ~~3.5.~~ 3.5. An applicant for renewal must present the application with the fee for renewal of  
24 license to the director not before ten months before the expiration date of the  
25 operator's license. The director may require an examination of an applicant as upon  
26 an original application. The director may require an applicant for renewal,  
27 replacement, or a substitute to provide a social security card and proof of residence  
28 address. The director may not issue a distinguishing number that is, contains, can be  
29 converted to, or is an encrypted version of the applicant's social security number.

30 6. The director may not renew an operator's license if the license has been suspended  
31 under section 14-08.1-07. Upon the recommendation of the court, the director may

1 issue a temporary permit to the licensee under section 39-06.1-11 if the temporary  
2 permit is necessary for the licensee to work and the court has determined the licensee  
3 is making a good-faith effort to comply with the child support order.

4 ~~4.7.~~ ~~Every application~~An applicant for renewal of ~~aan operator's license by an applicant~~  
5 ~~must be accompanied by~~provide a certificate of examination from either the driver  
6 licensing or examining authorities or a statement as to the corrected and uncorrected  
7 vision of the applicant from a licensed physician or an optometrist, ~~licensed in this or~~  
8 ~~another state, containing a statement as to the corrected and uncorrected vision of the~~  
9 ~~applicant.~~ The director shall provide visual examination equipment at each location  
10 where a license may be renewed. The initial application for a motor vehicle operator's  
11 license ~~may be accompanied by a statement of examination from a licensed physician~~  
12 ~~or an optometrist, stating the corrected and uncorrected vision of the applicant, in lieu~~  
13 ~~of the department examination. This examination must be within six months of the~~  
14 ~~driver's license application.~~

15 ~~5.8.~~ ~~Every person~~An individual submitting an application and the fee for renewal of license  
16 one year or more after the expiration of a license, except an applicant whose military  
17 service has terminated less than thirty days prior to ~~such~~the application, must be  
18 treated as ~~a new driver~~an initial applicant.

19 6. The fee for renewal or replacement of an operator's license is ten dollars.

20 **SECTION 28. AMENDMENT.** Section 39-06-19.1 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 **39-06-19.1. Extended term of license held by members of the armed forces -**

23 **Limitations.**

24 A valid operator's license issued under ~~the provisions of~~ this chapter to a resident of North  
25 ~~Dakota~~this state who enters or is in the United States armed forces and serving ~~upon~~on active  
26 duty ~~with such forces~~ continues in full force and effect so long as the active service continues  
27 and the licensee remains absent from this state, and for not to exceed thirty days following the  
28 date on which the holder of ~~such~~this license is honorably separated from ~~such~~this service or  
29 returns to this state, unless the license is sooner suspended, canceled, or revoked for cause ~~as~~  
30 ~~provided by law.~~ The license is valid only ~~when~~if in the immediate possession of the licensee  
31 while driving and the licensee has the licensee's discharge or separation papers, if the licensee

1 has been discharged or separated from the service, or has documentation authorizing the  
2 licensee to be absent from the licensee's duty station in the licensee's immediate possession.

3 **SECTION 29. AMENDMENT.** Section 39-06-20 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **39-06-20. Notice of change of address or name.**

6 ~~Whenever a person~~If an individual after applying for or receiving an operator's license or  
7 ~~permit~~ moves from the address named in the application or ~~in~~on the license or ~~permit~~ issued to  
8 that person or ~~when~~if the name of a licensee is changed by marriage or otherwise, that person  
9 ~~shall~~individual within ten days ~~thereafter~~after moving or the name change shall notify the  
10 director in writing or in person of that person's~~individual's~~ old and new addresses or of ~~such~~the  
11 individual's former and new names and of the number of any operator's license or ~~permit~~ then  
12 held by that person. ~~A person~~An individual may obtain a corrected operator's license or ~~permit~~  
13 by making an application as provided for in section 39-06-18. ~~In the event of a name change, a~~  
14 ~~corrected license must be obtained.~~ The department may change the address based on  
15 information received from any authorized address correction service of the United States postal  
16 service. The department may also develop procedures for receiving notification of address  
17 changes by telephone or electronic means.

18 **SECTION 30. AMENDMENT.** Section 39-06-21 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **39-06-21. Filing application records.**

21 The director shall file ~~every~~and maintain each application for a license and ~~shall maintain~~  
22 ~~each application for a license received and shall maintain~~with suitable indexes containing:

- 23 1. All applications denied and on each ~~such~~denied application note the reason for the  
24 denial;
- 25 2. All applications granted; and
- 26 3. The name of every licensee whose operator's license has been suspended, revoked,  
27 canceled, or restricted by the department and after each ~~such~~ name state the reasons  
28 for such actions.

29 **SECTION 31. AMENDMENT.** Section 39-06-22 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1       **39-06-22. Driving records of licensees.**

2       The director shall file all accident reports and abstracts of court records of convictions  
3 received by the director under the laws of this state and ~~in connection therewith~~ maintain  
4 convenient records or make suitable notations in order that ~~an individual~~each record of each  
5 licensee showing the convictions of ~~such~~the licensee and the traffic accidents in which the  
6 licensee has been involved ~~shall be~~is readily ascertainable and available for the consideration  
7 of the director ~~upon any application for renewal of license and at other suitable times.~~

8       **SECTION 32. AMENDMENT.** Section 39-06-24 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10       **39-06-24. Authority to cancel licenses.**

- 11       1. The director shall cancel any operator's license, ~~permit,~~ or nondriver photo  
12 identification card upon determining that the ~~person~~individual is not entitled to the  
13 issuance of the document ~~under the laws of this state~~ or that ~~said person~~the individual  
14 failed to give the required or correct information on the application or the fee was  
15 invalid. Invalid fees include being in the form of an insufficient fund or no-account  
16 check or a credit or debit card in which the transaction was canceled by the applicant  
17 before the department received correct payment. The making of a false statement in  
18 any application for an operator's license, ~~permit,~~ or nondriver photo identification card,  
19 concerning the applicant's age or the prior loss of driving privileges through a  
20 cancellation, suspension, revocation, or similar sanction in any state, is grounds for  
21 the director to cancel any document or privilege issued on the basis of the application.
- 22       2. Upon cancellation, the holder shall surrender the nondriver photo identification card to  
23 the director or any police officer may take custody of the card.

24       **SECTION 33. AMENDMENT.** Section 39-06-25 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26       **39-06-25. Suspending privileges of nonresidents.**

27       The privilege of driving a motor vehicle on the highways of this state given to a nonresident  
28 ~~hereunder~~ is subject to suspension or revocation by the director in like manner and for like  
29 cause as an operator's license issued ~~hereunder~~in this title may be suspended or revoked.

30       **SECTION 34. AMENDMENT.** Section 39-06-26 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1       **39-06-26. Reporting convictions, suspensions, or revocations of nonresidents.**

2       1. ~~The director may, upon~~Upon receiving a record of the conviction or adjudication in this  
3       state of a nonresident driver of a motor vehicle of any offense under the motor vehicle  
4       laws of this state, or an ~~equivalent ordinances of any of its political-~~  
5       ~~subdivisions~~ordinance, the director may notify the licensing authority in the state  
6       ~~wherein the person so convicted~~in which the nonresident resides or is licensed.

7       2. ~~When~~If a nonresident's operating privilege is suspended or revoked ~~pursuant to-~~  
8       ~~any~~under the law of this state, the director shall notify the licensing authority in the  
9       state ~~wherein such~~in which the nonresident resides or is licensed.

10       **SECTION 35. AMENDMENT.** Section 39-06-27 of the North Dakota Century Code is  
11       amended and reenacted as follows:

12       **39-06-27. Suspending licenses upon conviction, suspension, or revocation in another**  
13       **jurisdiction.**

14       1. The director may suspend or revoke the operator's license of any resident of this state  
15       or the privilege of a nonresident to ~~drive~~operate a motor vehicle in this state upon  
16       receiving notice of the conviction of that ~~person~~individual in a tribal court or in another  
17       state of an offense ~~therein which, which~~ if committed in this state, would be grounds  
18       for the suspension or revocation of ~~the~~an operator's license of an operator. The  
19       director may act on a report of a conviction in tribal court received from any tribal law  
20       enforcement agency. This section may not be construed as authorizing the  
21       assessment of points against a ~~resident driver's~~resident's driving record in accordance  
22       with chapter 39-06.1, except upon conviction of a resident driver for a criminal offense  
23       in a tribal court or in another state which is equivalent to one of those offenses defined  
24       in section 39-06.1-05. A suspension or revocation may not be imposed for convictions  
25       for driving under suspension or revocation on an Indian reservation or in another state  
26       if a valid ~~North Dakota license or permit~~operator's license from this state was in effect  
27       at the time of the violation. For purposes of this section, originals, photostatic copies,  
28       or~~and~~ electronic transmissions of the records of the driver's licensing or other authority  
29       of the other jurisdiction are sufficient evidence ~~whether or not they are~~even if not  
30       certified copies.

1        2. Upon receipt of a certification that the operating privileges of a resident of this state  
2        have been suspended or revoked on an Indian reservation or in any other state  
3        ~~pursuant to~~under a law providing for the suspension or revocation for failure to deposit  
4        security for the payment of judgments arising out of a motor vehicle accident; if under  
5        circumstances that would require the director to suspend a nonresident's operating  
6        privileges had the accident occurred in this state, the director shall suspend the  
7        license of the resident if the resident was the driver of a motor vehicle involved in the  
8        accident. The suspension continues until the resident furnishes evidence satisfactory  
9        to the director of the ~~person's~~resident's compliance with the laws of the Indian  
10       reservation or the other state relating to the deposit of security or payment of a  
11       judgment arising out of a motor vehicle accident, to the extent that compliance would  
12       be required if the accident had occurred in this state.

13        **SECTION 36. AMENDMENT.** Section 39-06-28 of the North Dakota Century Code is  
14       amended and reenacted as follows:

15        **39-06-28. Courts to forward license to director upon certain convictions.**

16        ~~Whenever any person~~If an individual is convicted of any offense for which this chapter  
17       ~~makes mandatory~~requires the revocation of the operator's license of ~~such person~~that individual  
18       by the director, the court ~~in which such~~of the conviction is ~~had~~ shall require the surrender to ~~it~~the  
19       court of any operator's license then held by the ~~person so convicted and the~~convicted individual.  
20       The court shall thereupon~~then~~ forward the ~~same together with~~operator's license and a record of  
21       ~~such~~the conviction to the director.

22        **SECTION 37. AMENDMENT.** Section 39-06-31 of the North Dakota Century Code is  
23       amended and reenacted as follows:

24        ~~39-06-31. Mandatory revocation~~Revocation of licenses.

25        1. A period of revocation is at least thirty days and not more than one year, unless  
26        otherwise provided by law.

27        2. The director shall revoke ~~forthwith~~, for a period of one year; or for ~~such~~a period as may  
28        be recommended by the trial court, the operator's license of ~~any operator~~an individual  
29        upon receiving a record of ~~such operator's~~the individual's conviction of any of the  
30        following offenses:

- 1        1. ~~a.~~ AnyA felony, ~~including a violation of chapter 12.1-16, in which a motor vehicle~~  
2                    was used in the commission of ~~which a motor vehicle is used~~the felony.
- 3        2. ~~b.~~ AnyA misdemeanor resulting from the operation of a motor vehicle and causing  
4                    serious bodily injury, as defined in section 12.1-01-04, to another  
5                    ~~person~~individual.
- 6        3. ~~c.~~ The making of a false affidavit or statement under oath to the director under this  
7                    chapter or under any other law relating to the ownership or operation of motor  
8                    vehicles.
- 9        3. The revocation of the license under this section may be beyond any time of  
10                   imprisonment or court-ordered addiction treatment.

11        **SECTION 38. AMENDMENT.** Section 39-06-32 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13        **39-06-32. Authority to suspend licenses.**

- 14        1. The director may suspend the operator's license of an ~~operator~~individual, after  
15                    hearing, upon proof by a fair preponderance of the evidence, that any of the following  
16                    apply to the licensee:
- 17        1. ~~a.~~ a. Commission of an offense for which mandatory revocation of license is required  
18                    upon conviction.
- 19        2. ~~b.~~ b. Incompetence to drive a motor vehicle.
- 20        3. ~~c.~~ c. Unlawful or fraudulent use of an operator's license.
- 21        4. ~~d.~~ d. Refusal to submit to an implied consent chemical test on an Indian reservation or  
22                    in another state. For purposes of this subsection, the specific requirements for  
23                    establishing a refusal used on the Indian reservation or in the other state may not  
24                    be considered, and photostatic copies of the records of the other jurisdiction's  
25                    driver's licensing authority are sufficient evidence of the refusal ~~whether or not~~  
26                    those copies are certified. The suspension must be for the same length of time as  
27                    the revocation in section 39-20-04. If the refusal arose out of an arrest or stop of  
28                    ~~a person~~an individual while operating a commercial motor vehicle, the period of  
29                    suspension must be the same as the period of revocation provided in section  
30                    39-06.2-10.

1     ~~5.2.~~ Failure, as shown by the certificate of the court, to pay a fine or serve any other  
2           sentence as ordered by a court upon conviction for any criminal traffic offense.

3     ~~6.3.~~ Failure, as shown by the certificate of the court, to appear in court or post and forfeit  
4           bond after signing a promise to appear, if signing is required by law, in violation of  
5           section 39-06.1-04, willful violation of a written promise to appear in court, in violation  
6           of section 39-07-08, or violation of equivalent ordinances or laws in another  
7           jurisdiction. Upon resolution by the operator of the underlying cause for a suspension  
8           under this subsection, as shown by the certificate of the court, the director shall record  
9           the suspension separately on the driving record. This separate record is not available  
10          to the public.

11    ~~7.4.~~ An administrative decision on an Indian reservation or in another state that the  
12          licensee's privilege to drive on that Indian reservation or in that state is suspended or  
13          revoked because of a violation of that Indian reservation's or state's law forbidding  
14          motor vehicle operation with an alcohol concentration of at least eight one-hundredths  
15          of one percent by weight or, with respect to a person under twenty-one years of age,  
16          an alcohol concentration of at least two one-hundredths of one percent by weight, or  
17          because of a violation of that Indian reservation's or state's law forbidding the driving  
18          or being in actual physical control of a commercial motor vehicle while having an  
19          alcohol concentration of at least four one-hundredths of one percent by weight. The  
20          specific requirements for establishing the violation on the Indian reservation or in the  
21          other state may not be considered and certified copies of the records of the Indian  
22          reservation's or other state's driver's licensing authority are sufficient evidence of the  
23          violation. The suspension must be for the same duration as the suspension in section  
24          39-20-04.1, if the violation does not involve a commercial motor vehicle. If the violation  
25          involves a commercial motor vehicle, the period of suspension must be the same as  
26          the period of suspension provided in section 39-06.2-10. For purposes of this section,  
27          originals, photostatic copies, or electronic transmissions of the records of the driver's  
28          licensing or other authority of the other jurisdiction are sufficient evidence whether or  
29          not they are certified copies.

30    ~~8.5.~~ Conviction of an offense under this title and it appears from the director's records that  
31          the offense contributed to causing an accident which resulted in death or serious

1 personal injury or serious property damage. ~~No~~A suspension may not be imposed if  
2 the ~~person~~individual has been sanctioned for the same offense under section  
3 39-06-31.

4 **SECTION 39. AMENDMENT.** Section 39-06-32.1 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **39-06-32.1. Juvenile delinquent's suspension of driving privileges.**

7 Upon receipt of a copy of an order of a juvenile court ordering the suspension of a juvenile's  
8 ~~driving privileges~~child operator's license, the director shall suspend the juvenile's  
9 ~~driver's~~operator's license or permit and make notation of the length of time of the suspension of  
10 ~~driving privileges~~. During the time of the juvenile's suspension of ~~driving privileges~~, ~~no~~an  
11 application for a ~~driver's~~class D instruction permit may not be accepted from the ~~juvenile~~child.  
12 For purposes of this section, "child" is defined by section 27-20-02.

13 **SECTION 40. AMENDMENT.** Section 39-06-33 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **39-06-33. Hearings on suspension or revocation.**

- 16 1. ~~In matters of driver's~~if an operator's license suspension or revocation arising is  
17 suspended or revoked under sections~~section~~ 39-06-32 ~~and~~or 39-06.1-10 ~~and~~  
18 ~~chapters~~chapter 39-16 ~~and~~or 39-16.1, the director shall give notice of intention to  
19 suspend to the licensee by mailing the notice to the licensee at the address of record  
20 in the department under section 39-06-20. Actual notice of the opportunity for a  
21 hearing under this section must be deemed to have occurred seventy-two hours after  
22 the notice is mailed by regular mail. The licensee has ten days after the date of mailing  
23 of the notice to request, in writing or by other means authorized by the director, a  
24 hearing on the intended suspension or revocation.
- 25 2. Any hearing conducted under this section and any appeal from the decision of the  
26 hearing must be conducted under chapter 28-32, except the hearing must be heard  
27 within sixty days of the receipt of the request for hearing and in the county of the  
28 licensee's residence, unless the parties agree to a different time and place for the  
29 hearing. At the hearing, the regularly kept records of the director may be introduced  
30 and are prima facie evidence of their content without further foundation.

1           3. The mailing of the decision and the resulting order by regular mail to the address  
2           recorded in the files of the director under section 39-06-20 is sufficient notice. If a  
3           suspension is ordered, a reexamination of the licensee may be required.

4           4. If a suspension is ordered under subdivision b of subsection 21 of section 39-06-32,  
5           the notice must include a specific description of the conditions which led to the  
6           conclusion that the licensee is incompetent to drive a motor vehicle. If during the  
7           suspension those conditions dissipate, the licensee may request another hearing on  
8           the issue of competence to drive a motor vehicle. The hearing must be held in the  
9           manner required under subsections 2 and 3 for the original suspension.

10           **SECTION 41. AMENDMENT.** Section 39-06-34 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12           **39-06-34. Director may require reexamination.**

13           In addition to ~~any other powers set forth in this chapter~~power, the director, having good  
14 cause to believe that ~~a licensed operator~~an individual with an operator's license is incompetent  
15 or otherwise not qualified ~~to be licensed~~for the operator's license, may upon written notice of at  
16 least five days to the ~~licensee~~individual require the ~~licensee~~individual to submit to such physical,  
17 mental, or driver's examination as may be deemed necessary ~~by the director~~. If the director has  
18 good cause to believe that the ~~licensed operator~~individual presents an immediate danger to the  
19 motoring public, the director may immediately, and without prior notice, suspend the operator's  
20 license of the individual pending the examination. The notice of suspension must provide the  
21 ~~operator~~individual with the opportunity for a hearing within five days of the receipt of the notice  
22 of suspension. When a hearing is requested it, the hearing must be conducted under section  
23 39-06-33 and the hearing officer's recommended decision must be rendered within two days of  
24 the conclusion of the hearing. Upon the conclusion of ~~such~~the examination, the director shall  
25 take action as may be appropriate and may suspend or revoke the license of ~~such person~~the  
26 individual or permit the ~~licensee~~individual to retain the license, or may issue a license subject to  
27 restrictions as permitted under section 39-06-17. ~~Refusal~~The director may suspend or revoke  
28 the operator's license of the individual for refusal or neglect of the ~~licensee~~individual to submit to  
29 ~~such an~~ examination shall be grounds for suspension or revocation of the license.

30           **SECTION 42. AMENDMENT.** Section 39-06-34.1 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1           **39-06-34.1. Court may require reexamination.**

2           In addition to ~~any other powers set forth in this chapter~~, the court, upon finding of a moving  
3 motor vehicle violation which leads the court to believe ~~the licensed operator~~an individual with  
4 an operator's license is not qualified ~~to be licensed~~for the operator's license, may direct the  
5 director ~~or director's duly authorized agent~~ to require the licenseeindividual to submit to  
6 reexamination ~~pursuant to~~under section 39-06-13. Written notice of at least five days must be  
7 given to the licenseeindividual by the director of ~~such~~the reexamination. Upon the conclusion of  
8 ~~such~~the examination, the director shall take action as may be appropriate and may suspend or  
9 revoke the license of ~~such person~~the individual or permit the ~~person~~individual to retain the  
10 ~~person's~~operator's license, or may issue a license subject to restrictions as permitted under  
11 section 39-06-17. ~~Refusal~~The director may suspend or revoke the operator's license of the  
12 individual for refusal or neglect of the licenseeindividual to submit to ~~such~~the examination shall  
13 be grounds for suspension or revocation of the licensee's license.

14           **SECTION 43. AMENDMENT.** Section 39-06-35 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16           **39-06-35. Period of suspension.**

17           ~~When~~

18           1. After the period of suspension imposed under this title ceases, the operator's license  
19 ~~or driving privilege~~of an individual that has been suspended remains suspended and  
20 may not be returned or reinstated, ~~and remains under suspension~~, until the  
21 ~~operator~~individual pays to the director a reinstatement fee of ~~fifty dollars, or twenty five~~  
22 ~~dollars if the suspension was the result of a suspension under subsection 4, 5, or 7 of~~  
23 ~~section 39-06-03 or subsection 2 of section 39-06-32, or one hundred dollars if the~~  
24 ~~suspension was the result of a violation under section 39-08-01 or chapter 39-20, and,~~  
25 if as listed in section 39-06-49. If applicable, the operator's license may not be returned  
26 until compliance with subsection 3.1 of section 39-06.1-10. Upon payment of the  
27 reinstatement fee the license must be returned to the ~~operator~~individual. If the  
28 individual submits payment of the reinstatement fee ~~is submitted with a check or a,~~  
29 credit card, or debit card and the ~~operator~~individual stops payment on the transaction,  
30 the director shall reimpose the suspension ~~will be reimposed until the director receives~~  
31 ~~proper payment has been made to the director.~~

1        2. A reinstatement fee is not required for a license to be returned to the operator if the  
2                return of the license is due to the findings of a hearing, reexamination of hearing, or  
3                court or judicial review under chapter 39-06, 39-06.1, or 39-20.

4        **SECTION 44. AMENDMENT.** Section 39-06-36 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6        **39-06-36. Restoration of revoked licenses.**

7        ~~Any person~~An individual whose operator's license or ~~privilege to drive a motor vehicle on~~  
8 ~~the public highways~~ has been revoked is not entitled to have such license or ~~privilege~~the  
9 operator's license renewed or restored unless the revocation was for a cause which has been  
10 removed, except that after the expiration of the revocation period ~~such person~~the individual may  
11 make application for a new license ~~as provided by law~~, but the director may not then issue a  
12 new license unless ~~and until~~ the director is satisfied after investigation of the individual's driving  
13 records, driving habits, and driving ability of ~~such person~~the individual that it will be safe to grant  
14 ~~the privilege of driving a motor vehicle on the public highways~~an operator's license to that  
15 individual. ~~A person~~An individual whose operator's license or ~~privilege to drive a motor vehicle~~  
16 has been revoked must pay to the director a revocation reinstatement fee of ~~fifty dollars, or one~~  
17 ~~hundred dollars~~ if the revocation was imposed for violation of subsection 5 of section 39-06-17,  
18 ~~section 39-06-31, 39-06-43, or 39-20-04~~as listed in section 39-06-49, in addition to any license  
19 renewal fee, for issuance of a new license. If the individual submits payment of a reinstatement  
20 fee ~~is submitted~~ with a check or a credit card, or debit card and the ~~operator~~individual stops  
21 payment on the transaction, the director shall reimpose a suspension ~~will be reimposed until the~~  
22 director receives proper payment ~~has been made to the director~~. ~~Until the reinstatement fee is~~  
23 ~~paid~~ the license and ~~privilege to drive a motor vehicle~~ remain under revocation. A reinstatement  
24 fee is not required if a revoked license is reinstated due to the findings of a hearing,  
25 reexamination of hearing, or court or judicial review as provided under chapter 39-06, 39-06.1,  
26 or 39-20.

27        **SECTION 45. AMENDMENT.** Section 39-06-37 of the North Dakota Century Code is  
28 amended and reenacted as follows:

1           **39-06-37. Surrender and return of license - Duration of multiple suspensions and**  
2 **revocations for separate violations.**

- 3           1. The director upon canceling or revoking ~~aan~~ operator's license shall require that  
4           such~~the~~ license must be surrendered to and be retained by the director.
- 5           2. ~~If any person fails immediately to return to the director any license or permit which has~~  
6 ~~been canceled or revoked, the order of the director shall authorize any peace officer or~~  
7 ~~the director's designated agent to secure possession thereof and return the same to~~  
8 ~~the director.~~ A suspension, revocation, or cancellation ordered under this title must be  
9 deemed to have commenced when the order is delivered to the licensee at the  
10 address of record in the department ~~pursuant to~~ under section 39-06-20. Constructive  
11 delivery under this section must be considered as occurring forty-eight hours after the  
12 order is mailed to the person by regular mail.
- 13           3. Unless otherwise specifically provided in this title, any suspension, revocation,  
14 cancellation, or denial of licensing ordered under ~~any provision of~~ this title must be in  
15 addition to, and run consecutive to, any other or existing suspension, revocation,  
16 cancellation, or denial of licensing ordered for a separate violation.

17           **SECTION 46. AMENDMENT.** Section 39-06-38 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19           **39-06-38. No operation under foreign license during suspension or revocation in this**  
20 **state.**

21           Any resident or nonresident whose operator's license ~~or right or privilege to operate a motor~~  
22 ~~vehicle in this state has been suspended or revoked as provided in~~ under this title may not  
23 operate a motor vehicle in this state under a license, permit, or registration certificate issued by  
24 any other jurisdiction or otherwise during ~~such~~ the suspension or after ~~such~~ the revocation until a  
25 new operator's license is obtained when and as permitted under this title.

26           **SECTION 47. AMENDMENT.** Section 39-06-40 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28           **39-06-40. Unlawful use of license - Penalty.**

- 29           1. It is a class B misdemeanor for ~~any person~~ an individual:



1           the production of any operator's ~~or driver's~~ license or ~~permit~~card or facsimile thereof  
2           an operator's license or card, in such a manner that it would be mistaken for a valid  
3           license or document containing valid information, or to display or have in possession  
4           any ~~such~~ print, photograph, photostat, duplicate, reproduction, or facsimile unless  
5           authorized by law.

6           2. It is unlawful for ~~any person~~an individual to alter in any manner any operator's license,  
7           ~~permit~~, or nondriver photo identification card or to display or have in possession any  
8           ~~such document~~an altered operator's license or nondriver photo identification card.

9           3. ~~Every person~~An individual violating the ~~provisions~~ of this section is guilty of a class B  
10          misdemeanor.

11          4. ~~The director upon~~Within five days of receiving a record of conviction or other  
12          satisfactory evidence of the violation of this section, the director shall immediately  
13          revoke the operator's license, ~~driving privileges, or permit~~ or cancel the nondriver  
14          photo identification card of the ~~person~~individual. ~~In like manner, a nondriver photo-~~  
15          ~~identification card shall be canceled.~~ The director may set the period of revocation is at  
16          ~~the discretion of the director~~, not to exceed six months.

17          **SECTION 49. AMENDMENT.** Section 39-06-42 of the North Dakota Century Code is  
18          amended and reenacted as follows:

19          **39-06-42. Penalty for driving while license suspended or revoked - Impoundment of**  
20          **vehicle number plates - Authority of cities.**

21          1. Except as provided in section 39-06.1-11, ~~any person~~an individual who ~~drives~~operates  
22          a motor vehicle on a highway or on public or private areas to which the public has a  
23          right of access for vehicular use in this state while that ~~person's~~an individual's  
24          operator's license ~~or privilege so to do~~ is suspended or revoked in any jurisdiction is  
25          guilty of a class B misdemeanor for the first, second, or third offense within a five-year  
26          period. Any subsequent offense within the same five-year period is a class A  
27          misdemeanor.

28          2. If the suspension or revocation was imposed for violation of section 39-08-01 or  
29          equivalent ordinance or was governed by section 39-06-31 or chapter 39-20, the  
30          sentence must be at least four consecutive days' imprisonment and ~~such a~~a fine as the  
31          court deems proper. The execution of sentence may not be suspended or the

1 imposition of sentence deferred under subsection 3 or 4 of section 12.1-32-02.

2 Forfeiture of bail is not permitted in lieu of the defendant's personal appearance in  
3 open court for arraignment on a charge under this subsection.

4 3. In addition to any other punishment imposed, the court may order the number plates of  
5 the motor vehicle owned and operated by the offender at the time of the offense to be  
6 impounded by the sheriff for the duration of the period of suspension or revocation.

7 ~~When~~If a period of suspension has been extended under subsection ~~56~~ of section  
8 39-06-17, the court may order the number plates to be impounded in accordance  
9 ~~with~~under this subsection. ~~The impounded number plates may be released, upon~~  
10 ~~order of the court, to a bona fide purchaser of the offender's motor vehicle, if that~~  
11 ~~purchaser produces a new certificate of title to the motor vehicle issued by the director.~~

12 4. A city may, by ordinance, authorize its municipal judge to order impoundment of motor  
13 vehicle number plates in the manner provided in subsection 3.

14 **SECTION 50. AMENDMENT.** Section 39-06-43 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **39-06-43. Extension of license suspension or revocation.**

17 1. The director upon receiving a record of the conviction of ~~any person~~an individual upon  
18 a charge of driving a vehicle while the operator's license ~~or driving privileges~~ of the  
19 ~~person were~~individual was suspended shall extend the period of that suspension for  
20 an additional:

21 4. a. Like period not to exceed ninety days if the operator's record for the three years  
22 preceding the most recent violation of section 39-06-42 or equivalent ordinance  
23 shows the ~~person's~~individual's operator's license or privilege has not been  
24 suspended, revoked, or denied for a prior violation of section 39-06-42 or  
25 equivalent ordinance;

26 2. b. One hundred eighty days if the operator's record for the three years preceding  
27 the most recent violation of section 39-06-42 or equivalent ordinance shows the  
28 ~~person's~~individual's operator's license or privilege has been once suspended,  
29 revoked, or denied for a prior violation of section 39-06-42 or equivalent  
30 ordinance; or



1       **39-06-45. Permitting unauthorized ~~person~~individual to drive.**

2       ~~No person~~An individual may not authorize or knowingly permit a motor vehicle owned by  
3 the ~~person~~individual or under the ~~person's~~individual's control to be ~~driven~~operated upon any  
4 highway by any ~~person~~individual who is not authorized ~~hereunder~~under this chapter or in  
5 violation of ~~any of the provisions of~~ this chapter.

6       **SECTION 53. AMENDMENT.** Section 39-06-46 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8       **39-06-46. Renting motor vehicles - License of renter.**

9       ~~No~~A person may not rent a motor vehicle to ~~any other person~~an individual unless the ~~latter~~  
10 ~~person is then duly licensed hereunder~~individual has an operator's license or, in the case of a  
11 nonresident, ~~then duly licensed~~the individual has an operator's license under the laws of the  
12 state or country of the nonresident's residence except a nonresident whose home state or  
13 country does not require that an operator be licensed, or unless the renter certifies that the  
14 vehicle ~~shall~~will be driven by a ~~duly licensed driver~~an individual with an operator's license.

15       **SECTION 54. AMENDMENT.** Section 39-06-47 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17       **39-06-47. Renting motor vehicle - License inspection.**

18       ~~No~~A person may not rent a motor vehicle to another individual until the lessor has inspected  
19 the operator's ~~or chauffeur's~~ license of the ~~person~~individual to whom the vehicle is to be rented,  
20 or of the ~~person~~individual by whom the vehicle shall be driven, and compared and verified the  
21 signature ~~thereon~~on the operator's license with the signature of ~~such person~~the individual  
22 written in the lessor's presence.

23       **SECTION 55. AMENDMENT.** Section 39-06-48 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25       **39-06-48. Renting motor vehicle - Records.**

26       ~~Every~~A person renting a motor vehicle to another person shall keep a record of the  
27 registration number of the motor vehicle so rented, the name and address of the lessee to  
28 whom the vehicle is rented, the number of the license of the lessee or the lessee's certified  
29 driver, and the date and place when and where said license was issued. ~~Such~~This record must  
30 be open to inspection by any police officer or ~~officer or employee of~~ the director.

1       **SECTION 56. AMENDMENT.** Section 39-06-49 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **39-06-49. Fees collected to be paid into state treasury - Deposit in state highway**  
4 **fund.**

5       1. All money received under the provisions of this chapter must be paid monthly into the  
6 highway fund in the state treasury.

7       2. The fee for:

8       a. An application for a nondriver photo identification card is eight dollars.

9       b. Written testing for an application for an operator's license is five dollars.

10       c. Actual ability testing for an application for an operator's license is five dollars.

11       d. An application for an operator's license is fifteen dollars.

12       e. An application for a motorized bicycle operator's permit is ten dollars.

13       f. A substitute operator's license is eight dollars unless the substitute is for  
14 erroneous information due to a change in name or address, then the fee is three  
15 dollars.

16       g. An operator's license renewal is fifteen dollars.

17       h. Reinstatement after suspension is fifty dollars unless the suspension was the  
18 result of a suspension under subsection 4, 5, or 7 of section 39-06-03 or  
19 subdivision b of subsection 1 of section 39-06-32, then the fee is twenty-five  
20 dollars, or unless the suspension was a result of a violation under section  
21 39-08-01 or chapter 39-20, then the fee is one hundred dollars.

22       i. Reinstatement after revocation is fifty dollars, unless the revocation was imposed  
23 for a violation of subsection 6 of section 39-06-17 or section 39-06-31, 39-06-43,  
24 or 39-20-04, then the fee is one hundred dollars.

25       3. Any application for which there is a fee must be accompanied by the proper fee.

26       **SECTION 57. AMENDMENT.** Section 39-06.1-08 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28       **39-06.1-08. Nonmoving violation defined.**

29       For the purposes of section 39-06.1-06, a "nonmoving violation" means:

30       1. A violation of section 39-04-11, subsection 1 of section 39-04-37 by an individual by  
31 becoming a resident of this state, subsection 64 of section 39-06-17, and section

1 39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50, 39-10-51, 39-10-54.1, 39-21-08,  
2 39-21-10, 39-21-11, or 39-21-14, or a violation of any municipal ordinance equivalent  
3 to the foregoing sections.

4 2. A violation, discovered at a time when the vehicle is not actually being operated, of  
5 section 39-21-03, 39-21-05, 39-21-13, 39-21-19, 39-21-32, 39-21-37, 39-21-39, or  
6 39-21-44.2, or a violation of any municipal ordinance equivalent to the foregoing  
7 sections.

8 **SECTION 58. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **39-06.1-09. Moving violation defined.**

11 For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a  
12 violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01,  
13 39-06-14, 39-06-14.1, 39-06-16, 39-08-23, 39-08-24, 39-09-04.1, or 39-09-09, subsection 1 of  
14 section 39-12-02, section 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-24-02, or 39-24-09,  
15 except subdivisions b and c of subsection 5 of section 39-24-09, or equivalent ordinances; or a  
16 violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except  
17 subsection 5 of section 39-10-26, sections 39-21-44 and 39-21-45.1, subsections 2 and 3 of  
18 section 39-21-46, and those sections within those chapters which are specifically listed in  
19 subsection 1 of section 39-06.1-08.

20 **SECTION 59. AMENDMENT.** Subsection 3 of section 39-06.1-11 of the North Dakota  
21 Century Code is amended and reenacted as follows:

22 3. The director may not issue a temporary restricted license for a period of license  
23 revocation or suspension imposed under subsection 56 of section 39-06-17 or section  
24 39-06-31. A temporary restricted license may be issued for suspensions ordered under  
25 subsection 74 of section 39-06-32 if it could have been issued had the suspension  
26 resulted from in-state conduct.

27 **SECTION 60.** A new subsection to section 39-06.2-09 of the North Dakota Century Code is  
28 created and enacted as follows:

29 A class A, B, or C license may not be issued to an individual under eighteen years of  
30 age, except a class A, B, or C type license specially restricted to use for custom

1 harvest purposes must be issued to an individual at least sixteen years of age who  
2 satisfactorily completes the appropriate examinations.

3 **SECTION 61. AMENDMENT.** Section 39-16-03 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **39-16-03. Driving records - Not admissible in evidence - Fee.**

6 1. The director upon request shall furnish any person a certified abstract of the operating  
7 record of any ~~person~~individual, source document ~~therefor~~for the abstract entry, or  
8 record of clearance, subject to this title. The abstract must include the convictions,  
9 adjudications, and admissions of commission of traffic offenses of any driver and  
10 suspensions, revocations, and restrictions of ~~a person's driving privileges~~an  
11 individual's operator's license. Any person, except the subject of the record ~~and, a law~~  
12 ~~enforcement or~~agency, a judicial officer~~officer, or another licensing jurisdiction~~  
13 functioning in ~~their~~that person's official capacity, requesting the abstract, source  
14 documents in aggregate form, or record of clearance shall indicate in writing the  
15 reason for the request and shall identify the person ~~or firm~~ for whom or which the  
16 request is made and the intended recipient of the record.

17 2. Copies of abstracts are not admissible as evidence in any civil or criminal trial arising  
18 out of a motor vehicle accident. Upon request and subject to the provisions of this title,  
19 the director shall furnish an operating record or complete operating record to the  
20 subject of the record or to law enforcement or judicial officers.

21 ~~2.3.~~ A fee of three dollars must be paid for each abstract of any operating record, operating  
22 record, complete operating record, or record of clearance, ~~and a.~~ A reasonable fee  
23 ~~must be paid for each source document, except no.~~ The director may not assess a fee  
24 ~~may be assessed to a law enforcement agencies~~agency, a judicial officer~~officer, or~~  
25 another licensing jurisdiction. The director shall send an additional copy of the  
26 abstract, source document if requested in aggregate form, or record of clearance to  
27 the driver whose record was requested, accompanied by a statement identifying the  
28 person making the request, identifying the person ~~or firm~~ for whom or which the  
29 request is made, identifying the intended recipient of the record, and providing the  
30 reason for the request. ~~No~~An additional copy of the abstract or record of clearance  
31 may not be sent to a driver if the request for the record was made by the federal

1 bureau of investigation or the United States central intelligence agency, or their-  
2 agents, or by any law enforcement agency or judicial officer.

3 ~~3.4.~~ A requester may provide the department with a list of names of drivers and may  
4 request any source documents from the department relating to the listed drivers for a  
5 set time period. The department shall provide this information in hard copy or  
6 electronic format. If in order to provide the information by electronic format the  
7 department sets up a computer program, the department may charge a requester a  
8 reasonable charge for a setup fee. This charge may not exceed the actual cost to set  
9 up the computer program. A requester of source documents in aggregate form shall  
10 pay the director a reasonable fee for making and mailing to the driver whose record  
11 was requested an additional copy of the document as it relates to that driver.

12 **SECTION 62. REPEAL.** Sections 39-06-23, 39-06-30, 39-06-50, 39-06-52, and 39-16.1-02  
13 of the North Dakota Century Code are repealed.