

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

SENATE BILL NO. 2039
(Legislative Management)
(Transportation Committee)

AN ACT to create and enact four new subsections to section 39-01-01, section 39-06-14.1, and a new subsection to section 39-06.2-09 of the North Dakota Century Code, relating to definitions and motorcycle and commercial licenses; to amend and reenact subsection 60 of section 39-01-01, sections 39-06-01, 39-06-01.1, 39-06-01.2, 39-06-02, 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, 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, 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, 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, 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, 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 section 39-06.1-11, and section 39-16-03 of the North Dakota Century Code, relating to the privilege to operate a motor vehicle in this state; and to repeal sections 39-06-23, 39-06-30, 39-06-50, 39-06-52, and 39-16.1-02 of the North Dakota Century Code, relating to the privilege to operate a motor vehicle in this state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

"Conviction" means a final order or judgment or conviction by the North Dakota supreme court, any lower court having jurisdiction, a tribal court, or a court in another state if an appeal is not pending and the time for filing a notice of appeal has elapsed. Subject to the filing of an appeal, the term includes:

- a. An imposed and suspended sentence;
- b. A deferred imposition of sentence under subsection 4 of section 12.1-32-02; or
- c. A forfeiture of bail or collateral deposited to secure a defendant's appearance in court and the forfeiture has not been vacated.

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

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

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

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

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

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

1. ~~A person~~ An individual, unless expressly exempted in this section, may not drive any motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state unless the ~~person~~ individual has a valid license as an operator under the ~~provisions~~ of this chapter or a temporary operator's permit issued under chapter 39-20. A ~~person~~ An individual may not receive an operator's license unless and until that ~~person~~ individual surrenders to the director all operator's licenses and permits issued to the ~~person~~ that individual by any jurisdiction. ~~When~~ If a license issued by another jurisdiction is surrendered, the director shall notify the issuing jurisdiction of its ~~surrender~~ surrender. A ~~person~~ An individual may not have more than one valid operator's license at any one time.
2. ~~Any person~~ An individual licensed as an operator hereunder may exercise the privilege thereby granted ~~upon all streets and highways~~ by the license on any highway in this state and may not be required to obtain any other license to exercise ~~such~~ the privilege by any ~~county, municipal, or local board, or body~~ political subdivision having authority to adopt ~~local~~ police regulations, except that municipalities may license ~~draymen, parcel deliverymen, busdrivers, taxi drivers, porters, expressmen, watermen, and others~~ pursuing like ~~regulate~~ occupations; and may regulate the operation of taxicabs, ~~as provided by~~ under subsection 27 of section 40-05-01.

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

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

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

~~or permit to that individual until, while using the permit issued under this section, that individual:~~

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

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

39-06-01.2. Anatomical gifting.

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

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

39-06-02. What persons/Individuals who are exempt from having an operator's license - Resident defined.

1. The following persons are exempt from having an operator's license hereunder:
 1. a. Any~~An~~ employee of the United States government while operating a motor vehicle owned by or leased to that government and being operated on official business.
 2. b. A nonresident who is at least sixteen years of age, who has in that ~~person's/individual's~~ immediate possession a valid operator's license issued to that ~~person/individual~~ in that ~~person's/individual's~~ home state or country, ~~may operate a motor vehicle in this state.~~
 3. c. A nonresident who is at least sixteen years of age, whose home state or country does not require the licensing of operators, ~~may operate a motor vehicle within this state for a period of not more than thirty days in any calendar year without making an application for or obtaining an operator's license of this state; provided, however, if that the person shall have~~individual has in that ~~person's/individual's~~ possession while driving in this state an official certificate showing the lawful registry of the motor vehicle and be able to prove that ~~person's/individual's~~ lawful possession or the right to operate ~~such~~the vehicle and to establish that ~~person's/individual's~~ identity.
 4. d. A member of the armed forces of the United States ~~may operate a motor vehicle in this state while that person/individual is stationed in North Dakota, provided~~if that ~~person/individual~~ has a valid current operator's license from another state.

5. ~~e.~~ ~~A person~~An individual over sixteen years of age who becomes a resident of this state and who has in ~~that person's~~ possession a valid operator's license issued to that ~~person~~ individual pursuant to ~~the laws of some other state or country or by military authorities of the United States may operate a motor vehicle~~ under the laws of some other state or country or by military authorities of the United States may operate for a period of not more than sixty days after becoming a resident of this state, ~~without being required to have a North Dakota operator's license.~~
6. ~~f.~~ ~~A member of the North Dakota national guard may operate~~operating any military vehicles as authorized by a national guard operator's license while on duty.
2. For purposes of this chapter, ~~a person must be an individual is~~ an individual is deemed a resident of this state when the ~~person~~individual has lived in the state for ninety consecutive days, unless ~~such person~~the individual is a nonresident student, a tourist, or a member of the armed forces.

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

39-06-03. ~~What persons may not be licensed~~No operator's license to certain individuals.

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

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

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

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

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

1. The director shall issue a nondriver color photo identification card to any ~~North Dakota~~ resident of this state who fulfills the requirements of this section. An application for an identification card must be made on a form furnished by the director. Within thirty days from receipt of a complete application that includes the applicant's social security number, unless the applicant is a nonimmigrant who is not eligible for a social security number, the director shall determine whether to issue and, if appropriate, issue a nondriver photo identification card to an applicant. The director may not withhold the issuance of a nondriver color photo identification card without reasonable cause. If the ~~person~~applicant is under the age of eighteen or at least the age of eighteen and under the age of twenty-one, the photo must be against the same color background required on a motor vehicle operator's license for an operator of that age. Subject to ~~subsection 1 of~~ section 39-06-19, identification cards expire eight years from the date of issue and may be renewed. The application must contain ~~such~~ other information as the director may require to improve identity security. ~~The director may require an applicant for an identification card to provide a social security card and proof of residence address.~~
2. To confirm the identity, date of birth, and legal presence of the applicant, the director or examining officer shall require satisfactory evidence be provided by the applicant. Satisfactory evidence includes a certified copy of the applicant's birth certificate or other evidence reasonably calculated to permit the determination of the date of birth, identification, and legal presence of the applicant by the director or examining officer. The director may require an applicant for an identification card to provide a social security card and proof of residence address.
3. ~~The application fee is eight dollars listed in section 39-06-49. Fees collected pursuant to this section must be paid monthly into the highway fund in the state treasury.~~
4. Any information obtained by the director from an applicant for the issuance, renewal, or replacement of an identification card ~~issuable pursuant to this chapter may only~~not be released ~~in accordance with the provisions of~~unless allowed under section 39-16-03.
5. ~~It is a class B misdemeanor for any person, except the director or the director's authorized agent, to print or otherwise produce or reproduce cards or their components, which may be utilized as identification cards issued pursuant to this section.~~
6. The director may advertise the availability and the use of the card.
- 7.6. Identification cards issued ~~pursuant to~~under this section are sufficient identification for all identification purposes.
8. ~~The director shall cancel any card upon determining that the holder is not entitled to the issuance of the card under the laws of this state, or the holder has failed to give the required or correct information to the director, or has committed fraud in making the application, or the fee was in the form of an insufficient or no account check. Upon cancellation, the holder shall surrender the card to the director. When a cancellation is in effect, any law enforcement officer may take custody of the card.~~
9. ~~A duplicate card may be obtained by making an application and paying an eight dollar fee. For a cardholder who has reached the age of eighteen or twenty-one, a replacement card may be obtained by making an application and paying an eight dollar fee.~~

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

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

39-06-04. ~~Instruction~~Class D instruction permit.

1. Any resident of this state who is at least fourteen years of age may apply to the director for a class D instruction permit.
2. The director may issue a class D instruction permit that entitles the applicant while having the permit in the permittee's immediate possession to drive a motor vehicle upon the public highways, if the individual:
 - a. Has successfully passed a standard written rules of the road knowledge test prescribed by the director;
 - b. Has successfully passed a vision examination; and
 - c. Has the written approval of the individual's parent or legal guardian.
3. ~~The permittee must be accompanied by a licensed operator who holds a~~ an individual with a class A, B, C, or D license corresponding to the vehicle the permittee operates ~~allowed to be operated with a class D license~~, who is at least eighteen years of age, who has had at least three years of driving experience, and who is occupying a seat beside the driver. An individual other than the supervising driver and the permitholder may not be in the front seat unless the vehicle has only a front seat, in which case, the supervising driver must be seated next to the permitholder.
4. An individual who is not yet eighteen years of age is not eligible for a class D license until that individual has had an instruction permit issued for at least six months or at least twelve months if under the age of sixteen. The director may recognize an instruction permit issued by another jurisdiction in computing the six-month or twelve-month instructional period.
5. The permittee may not operate an electronic communication device to talk, compose, read, or send an electronic message while operating a motor vehicle that is in motion unless the sole purpose of operating the device is to obtain emergency assistance, to prevent a crime about to be committed, or in the reasonable belief that an individual's life or safety is in danger.
6. ~~A resident of this state who is at least fourteen years of age may apply to the director for a class M learner's permit under section 39-06-14. An individual holding a class M learner's permit for the operation of a motorcycle may not operate the motorcycle during the hours when the use of headlights are required under section 39-21-01 or carry or transport any passenger. Any learner's permit may be renewed or a new permit issued for an additional period.~~
7. ~~The director may issue a commercial driver's instruction permit under section 39-06-2-07.~~

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

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

1. The director upon receiving proper application may issue a restricted instruction permit effective for a school year or more restricted period to an applicant who is at least fourteen years of age and enrolled in a commercial driver training course ~~which~~ that includes practice driving and which is approved by the superintendent of the highway patrol ~~pursuant to~~ under chapter 39-25. ~~Such~~ The restricted instruction permit entitles the permittee when the permittee

~~has such a~~the permit in the permittee's immediate possession to operate a motor vehicle ~~only with an approved instructor occupying a seat beside the permittee and on a designated highway or within a designated area but only when an approved instructor is occupying a seat beside the permittee.~~

2. Any student who is at least fourteen years of age and enrolled in behind-the-wheel driver's training through a high school program approved by the superintendent of public instruction may operate a motor vehicle, under the supervision of a driver training instructor certified by the superintendent of public instruction, without a permit or license to operate a motor vehicle; ~~provided, that~~if the school district sponsoring the driver's training program has an insurance policy covering any damage ~~which that~~ may be done by ~~any such a~~ student while operating the vehicle, and ~~provided further that~~ proof of coverage is filed with the superintendent of public instruction by the school district's insurance carrier. The insurance coverage must be in the amount required under section 39-16.1-02.

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

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

The director may issue a temporary operator's permit for the operation of a motor vehicle to an applicant for an operator's license pending an investigation and determination of facts relative to the applicant's right to receive an operator's license. The permit must be in the applicant's immediate possession while operating a motor vehicle and is invalid ~~when~~if the applicant's license has been issued or denied.

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

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

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

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

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

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

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

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

39-06-07.2. Medical advice - Use by director - DefinitionDriver's duty to report certain injuries.

1. The director is authorized to seek professional medical advice from a licensed medical care provider and to use that advice in decisions made by the director in regard to the issuance, renewal, suspension, revocation, or cancellation of ~~driver's licenses~~an operator's license under this chapter. The director may receive advice ~~may be received~~ in any manner deemed advisable ~~by the director or the director's authorized agent~~.
2. In addition to advice sought and received under subsection 1, the director may consider information and advice received from an individual applicant's or ~~driver's~~motor vehicle operator's licensed ~~medical~~health care provider. Any examination and report requested by the applicant ~~or driver, motor vehicle operator, or required to be taken and provided by the director~~ under this chapter ~~must be~~is at the expense of the applicant or ~~driver~~motor vehicle operator.
3. Any licensed ~~medical~~health care provider ~~providing advice to the director or director's authorized agent under subsection 1~~ does not incur any liability for any opinion, recommendation, or advice provided to the director under subsection 1.
4. Advice and information received by the director ~~or director's authorized agent~~ under subsection 1 which relates to an individual applicant or ~~driver~~motor vehicle operator is for the confidential use of the director ~~or director's authorized agent~~ in making decisions on the individual's qualifications as a driver, and the information may not be divulged to any person or used in evidence in any trial or proceeding except in matters concerning the individual's qualifications to receive or retain a ~~driver's~~an operator's license.
5. ~~General~~In addition to other sources of information, general advice and information received by the director ~~or director's authorized agent~~ under this section, ~~in addition to other sources of information,~~ may be used by the director in the adoption of administrative rules concerning medical criteria for driver licensing.
6. ~~As used in this section, "licensed medical care provider" means doctor of medicine, doctor of osteopathy, doctor of chiropractic, optometrist, psychologist, advanced practice registered nurse, or physician assistant, who is licensed, certified, or registered in accordance with laws and regulations in this or another state.~~Before operating any motor vehicle the holder of an operator's license issued under this chapter who has suffered permanent loss of use of a hand, arm, foot, leg, or eye shall report the loss of use to the director who shall take reasonable action as may be proper under this chapter as to reexamination of the licensee to determine if the licensee is capable of operating vehicles for which the licensee is licensed.

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

39-06-08. Application of minors.

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

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

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

Any negligence of a minor when driving a motor vehicle upon a highway must be imputed to the ~~person~~ individual who has signed the application of ~~such~~ the minor for a ~~permit or an operator's license,~~ which ~~person~~ individual must be. This individual is jointly and severally liable with such the minor for any damages caused by ~~such~~ the negligence, except as otherwise provided in section 39-06-10.

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

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

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

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

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

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

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

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

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

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

39-06-13. Examination of applicants.

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

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

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

1. ~~Every~~An applicant for an operator's license who is required to be tested to determine the applicant's knowledge of highway signs, regulating, warning, and directing traffic and of the traffic laws of this state shall pay a fee of ~~five dollars~~listed in section 39-06-49.
2. ~~Every~~An applicant for an operator's license who is required to be tested to demonstrate the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle shall pay a fee of ~~five dollars~~listed in section 39-06-49.

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

39-06-14. Licenses issued to operators - General - Classified driver's operator's license.

1. ~~The~~Upon the payment of the application fee listed in section 39-06-49, the director, upon payment of a fifteen dollar fee, shall issue to every qualified applicant an operator's license as applied for in the form prescribed by the director. An application for an operator's license must be made on a form furnished by the director. The operator's license must bear a distinguishing number assigned to the licensee, a color photograph of the licensee, the full name, date of birth, residence address, and a brief description of the licensee, ~~and.~~
2. The license must bear either a facsimile of the signature of the licensee or a space upon which the licensee shall write the licensee's usual signature. An operator's license is not valid unless signed by the licensee with the licensee's usual signature. For purposes of verification, the director may require the licensee to write the licensee's signature in the presence of the director.
3. The operator's license must bear a distinguishing number assigned to the licensee. The director may not issue a distinguishing number that is, contains, can be converted to, or is an encrypted version of the applicant's social security number.

4. The operator's license must bear a color photograph of the licensee. The director may adopt rules relating to the manner in which photographs are to be obtained and placed on an operator's license. The photograph may be produced by digital imaging or other electronic means and is not a public record. If the licensee is under the age of eighteen, the photograph must be against a color border or background that is different from the color used for other licensees. If the licensee is at least the age of eighteen and is under the age of twenty-one, the photograph must be against a color border or background that is different from the color used for other licensees. No license is valid until it has been signed by the licensee with the licensee's usual signature. For purposes of verification, an officer may require the licensee to write the licensee's signature in the presence of the officer. The director may adopt rules, pursuant to chapter 28-32, relating to the manner in which photographs are to be obtained and placed on operator's licenses. The photograph may be produced by digital imaging or other electronic means and is not a public record.
5. Upon request and with adequate documentation, the director shall place an indicator on the face of an operator's license of a veteran. The veteran may make the request through the department of veterans' affairs.
- ~~2-6.~~ An applicant holding a valid North Dakota operator's license issued by this state and making application for renewal must be issued a class D license without being subjected to a ~~written or actual ability examination.~~
- ~~3.~~ ~~An~~The director shall issue to any other applicant, ~~except an applicant holding a valid North Dakota operator's license who will be issued a class D license,~~ applying for issuance of an operator's license must be issued a classified license after having been required to submit to a ~~successful~~ examination in the type of motor vehicle or combination of vehicles for which the particular class of license is desired and which the particular license shall authorize~~authorizes~~ the holder to drive the particular class of vehicles as provided~~designated~~ in section 39-06.2-09; or ~~as follows:~~this chapter.
- a-7. A driver An individual with a class D license may operate any:
 - a. A single vehicle with a gross vehicle weight rating of twenty-six thousand pounds [11793.40 kilograms] or less or any such~~this~~ vehicle towing a vehicle with a gross vehicle weight rating not in excess of ten thousand pounds [4535.92 kilograms] or a combination of vehicles with a gross combination weight or a gross combination weight rating in excess of twenty-six thousand pounds [11793.40 kilograms] if the individual is eighteen years of age or older, unless the individual is driving a farm vehicle and meets the requirements of subdivision e of subsection 7 of this section and subsection 3 of section 39-06.2-06. A driver with a class D license may operate a
 - b. A farm tractor towing another vehicle having a gross weight in excess of ten thousand pounds [4535.92 kilograms], and may operate a
 - c. A truck towing a trailer in excess of ten thousand pounds [4535.92 kilograms] provided if the combined weight does not exceed twenty-six thousand pounds [11793.40 kilograms] gross combination weight rating. A driver with a class D license may operate a
 - d. A house car or a vehicle towing a travel trailer being used solely for personal purposes.
 - e. A driver with a class D license must be eighteen years of age or older to operate a combination of vehicles with a gross combination weight or a gross combination weight rating in excess of twenty-six thousand pounds [11793.40 kilograms] , unless the driver is driving a farm vehicle and meets the requirements of subdivision b of subsection 3 of section 39-06-14 and subsection 3 of section 39-06.2-06.
- ~~b.~~ A driver with a class D license may operate any two-axle or tandem-axle motor vehicle, a triple-axle motor vehicle, a farm tractor towing another vehicle having a gross weight in

~~excess of six thousand pounds [2721.55 kilograms]; and a truck or truck tractor towing a trailer, semitrailer, or farm trailer if the driver~~individual~~ is exempted from a commercial driver's license under subsection 3 of section 39-06.2-06, except the driver~~individual~~ may not operate a double trailer; or triple trailer; or, if and an individual under eighteen years of age; may not operate a truck tractor as defined in section 39-01-01 or a bus designed to carry sixteen or more passengers, including the driver.~~

- e. ~~A driver with a class M license may operate any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding motorized bicycles and tractors. A class M vehicle may not be operated under a class A, B, C, or D license.~~
- ~~(1) The holder of a class A, B, C, or D license may receive a class M endorsement upon successful completion of an examination. The director may waive the skill portion of the examination if the applicant has successfully completed a motorcycle safety course approved by the director.~~
 - ~~(2) An applicant sixteen years of age and older, who does not hold a current valid operator's license may be issued a class M learner's permit after successful completion of a written examination. The class M license will be issued after the applicant has successfully completed a driver's examination. The director may waive the skill portion of the examination if the applicant has successfully completed a motorcycle safety course approved by the director.~~
 - ~~(3) Applicants fourteen or fifteen years of age may be issued a motorcycle learner's permit if the applicant is enrolled in or has completed an approved motorcycle safety course. Applicants for a motorcycle operator's license who are under sixteen years of age shall hold an initial learner's permit for at least two months before applying for a class M operator's license, shall have completed an approved motorcycle safety course, and shall hold a valid motorcycle learner's permit at the time of application. The director may waive the skill portion of the examination if the applicant has successfully completed a motorcycle safety course approved by the director. Any person under sixteen years of age who holds a permit or license is restricted to the operation of a motorcycle powered with an engine of two hundred fifty cubic centimeters, or less, displacement. Evidence that the applicant has satisfactorily completed a motorcycle safety course which meets the minimum requirements of the motorcycle safety foundation must accompany the application.~~
4. ~~The holder of a class A, B, or C license may drive any vehicle in that or a lesser classification, except a class M vehicle.~~
- 5.8. ~~Any holder of a classified license who drives a motor vehicle otherwise than as permitted by the class of license issued to the holder is deemed to be driving a motor vehicle without being duly licensed under this chapter. The holder of a classified license who desires to obtain a different class license in one of the classes provided by this chapter must exchange or renew the license. The director may adopt rules the director determines are necessary with respect to such on renewals or exchanges for the proper administration of this chapter. No class A, B, or C license may be issued to any person under eighteen years of age, except a class A, B, or C type license specially restricted to use for custom harvest purposes must be issued to a person at least sixteen years of age who satisfactorily completes the appropriate examinations.~~
6. ~~Before operating any motor vehicle or motorcycle, any holder of a license issued pursuant to this chapter who has suffered permanent loss of use of a hand, arm, foot, leg, or eye shall report the loss of use to the director who shall take reasonable action as may be proper under the provisions of this chapter as to reexamination of the licensee to determine if the licensee is capable of operating vehicles for which the licensee is licensed.~~

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

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

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

1. A resident of this state who is at least fourteen years of age may apply to the director for a class M learner's permit. An individual holding a class M learner's permit for the operation of a motorcycle may not operate the motorcycle during the hours when the use of headlights are required under section 39-21-01 or carry or transport any passenger. Any learner's permit may be renewed or a new permit issued for an additional period.
2. An individual with a class M license may operate any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding motorized bicycles and tractors.
 - a. The holder of a class A, B, C, or D license may receive a class M endorsement upon successful completion of an examination. The director may waive the skill portion of the examination if the applicant has successfully completed a motorcycle safety course approved by the director.
 - b. An applicant sixteen years of age and older, who does not hold a current valid operator's license, may be issued a class M learner's permit after successful completion of a written examination. The class M license must be issued after the applicant has successfully completed a driver's examination. The director may waive the skill portion of the examination if the applicant has successfully completed a motorcycle safety course approved by the director.
 - c. Applicants fourteen or fifteen years of age may be issued a motorcycle learner's permit if the applicant is enrolled in or has completed an approved motorcycle safety course. Applicants for a motorcycle operator's license who are under sixteen years of age must hold an initial learner's permit for at least two months before applying for a class M operator's license, must have completed an approved motorcycle safety course, and must hold a valid motorcycle learner's permit at the time of application. The director may waive the skill portion of the examination if the applicant has successfully completed a motorcycle safety course approved by the director. Any person under sixteen years of age who holds a permit or license may not operate a motorcycle powered with an engine in excess of two hundred fifty cubic centimeters displacement. Evidence that the applicant has satisfactorily completed a motorcycle safety course which meets the minimum requirements of the motorcycle safety foundation must accompany the application.
3. The director may issue a motorized bicycle operator's permit to an applicant who is at least fourteen years of age. To obtain a permit, the applicant shall pay a fee as listed in section 39-06-49 and take a written examination of the applicant's knowledge of traffic laws and general rules of the road. If the applicant passes the written examination and the director is satisfied that the applicant has adequate eyesight, the director may issue the applicant a motorized bicycle operator's permit, even if the applicant does not have an operator's license.

The permit expires in the same manner as an operator's license. A person who has an operator's license, a temporary permit, an instruction permit, or a motorcycle permit is not required to obtain a motorized bicycle operator's permit.

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

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

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

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

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

1. ~~The director, upon~~Upon issuing an operator's license or a temporary restricted operator's license pursuant to ~~under~~ section 39-06.1-11, ~~has authority to~~the director may impose restrictions suitable to ~~the~~ licensee's driving ability with respect to the type of ~~or motor vehicle,~~ special mechanical control devices required on a motor vehicle ~~which that~~ the licensee may operate, or ~~such any~~ other restrictions applicable to the licensee as the director may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.
2. The director may either issue a special restricted class D license or may state the restrictions upon the usual license form. In the same manner, the director shall restrict licenses under section 39-16.1-09.
- 3-2. ~~A~~The director may issue a restricted operator's class D license or permit to operate the parent's, guardian's, grandparent's, sibling's, aunt's, or uncle's automobile, ~~or an automobile which is equipped with dual controls and while accompanied by a qualified instructor, may be issued to any child~~a minor, who is at least ~~fourteen~~fifteen years of age, and otherwise qualified, upon the written recommendation of the parent or guardian. ~~A child~~minor may operate ~~an automobile~~a motor vehicle that is not the parent's or guardian's to take the ~~road~~actual ability test. ~~No operator's~~The parent, guardian, grandparent, sibling, aunt, or uncle at all times is responsible for any and all damages growing out of the negligent operation of a motor vehicle by a minor. A restricted class D license may not be issued until the child to a minor unless the minor, accompanied by the parent or guardian, appears in person and satisfies the director that:
 - a. The ~~child~~minor is at least ~~fourteen~~fifteen years of age;
 - b. The ~~child~~minor is qualified to operate an automobile safely;
 - c. It is necessary for the child to drive the parent's, guardian's, grandparent's, sibling's, aunt's, or uncle's automobile without being accompanied by an adult;
 - d. The ~~child~~minor has:
 - (4) ~~Successfully~~ successfully completed an approved driver's education course that includes a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director; or

~~(2) Successfully~~ has successfully completed a course at an approved commercial driver training school; ~~and~~

e. The ~~child~~ minor has accumulated a minimum of fifty hours of supervised, behind-the-wheel driving experience in various driving conditions and situations that include night driving; driving on gravel, dirt, or aggregate surface road; driving in both rural and urban conditions; and winter driving conditions.

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

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

4. A minor with a restricted class D license issued under subsection 2 may operate the type or class of motor vehicle specified on the restricted license under the following conditions:

a. A restricted licenseholder must be in possession of the license while operating the motor vehicle.

b. An individual holding a restricted class D license driving a motor vehicle may not carry more passengers than the vehicle manufacturer's suggested passenger capacity.

c. An individual holding a restricted class D license driving a motor vehicle may not operate an electronic communication device to talk, compose, read, or send an electronic message while operating a motor vehicle that is in motion unless the sole purpose of operating the device is to obtain emergency assistance, to prevent a crime about to be committed, or in the reasonable belief that an individual's life or safety is in danger.

d. An individual holding a restricted class D license may not operate a motor vehicle between the later of sunset or nine p.m. and five a.m. unless a parent, legal guardian, or an individual eighteen years of age or older is in the front seat of the motor vehicle or the motor vehicle is being driven directly to or from work, an official school activity, or a religious activity.

5. Upon receiving satisfactory evidence of any violation of the restrictions of a license, the director may suspend or revoke the license but the licensee is entitled to a hearing as upon a suspension or revocation under this chapter.

5-6. It is a class B misdemeanor for ~~any person~~ an individual to operate a motor vehicle in any manner in violation of the restrictions imposed ~~in a restricted license issued to that person other than restrictions imposed under subsection 6~~ under this section except for the restrictions in subsection 4.

7. If ~~the~~ a temporary restricted license ~~was~~ is issued under section 39-06.1-11 and the underlying suspension was imposed for a violation of section 39-08-01 or equivalent ordinance, or is governed by chapter 39-20, punishment is as provided in subsection 2 of section 39-06-42 ~~and upon~~. Upon receiving notice of the conviction the director shall revoke, without opportunity for hearing, the licensee's temporary restricted license and shall extend the underlying suspension for a like period of not more than one year. The director may not issue a temporary restricted license for the extended period of suspension imposed under this subsection.

8. If the conviction referred to in this section is reversed by an appellate court, the director shall restore the ~~person~~individual to the status held by the ~~person prior to~~individual before the conviction, including restoration of driving privileges if appropriate.
6. ~~A restricted license issued under subsection 3 to a child at least fourteen years of age to operate a parent's or guardian's automobile authorizes the licenseholder to drive the type or class of motor vehicle specified on the restricted license only under the following conditions:~~
 - a. ~~A restricted licenseholder must be in possession of the license while operating the motor vehicle.~~
 - b. ~~An individual holding a restricted driver's license driving a motor vehicle may not carry more passengers than the vehicle manufacturer's suggested passenger capacity.~~
 - c. ~~An individual holding a restricted driver's license driving a motor vehicle may not operate an electronic communication device to talk, compose, read, or send an electronic message while operating a motor vehicle that is in motion unless the sole purpose of operating the device is to obtain emergency assistance, to prevent a crime about to be committed, or in the reasonable belief that an individual's life or safety is in danger.~~
 - d. ~~An individual holding a restricted driver's license may not operate a motor vehicle between the later of sunset or nine p.m. and five a.m. unless a parent, legal guardian, or an individual eighteen years of age or older is in the front seat of the motor vehicle or the motor vehicle is being driven directly to or from work, an official school activity, or a religious activity.~~

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

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

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

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

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

1. Every operator's license issued under this chapter or chapter 39-06.2 expires and is renewed according to this section.
2. The expiration date of a noncommercial operator's license for ~~a person~~an individual whose birth occurred in a year ending in an odd numeral is twelve midnight on the anniversary of the birthday in the third subsequent year ending in an odd numeral, except for an individual who, at the time of renewal, is seventy-eight years of age or older is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an odd numeral. The expiration date of a noncommercial operator's license for ~~a person~~an individual whose birth occurred in a year ending in an even numeral is twelve midnight on the anniversary of the

birthday in the third subsequent year ending in an even numeral, except for an individual who, at the time of renewal, is seventy-eight years of age or older is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an even numeral.

3. The expiration date of a commercial operator's license for ~~a person~~ an individual whose birth occurred in a year ending in an odd numeral is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an odd numeral. The expiration date of a commercial operator's license for ~~a person~~ an individual whose birth occurred in a year ending in an even numeral is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an even numeral. ~~A person~~
4. An individual who has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States, a pending application for asylum in the United States, a pending or approved application for temporary protected status in the United States, approved deferred action status, or a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence or conditional permanent residence status in the United States will be issued a temporary operator's license or nondriver photo identification card. The temporary operator's license or identification card is valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year. The license or card may be renewed only upon presentation of valid documentary evidence that the status has been extended.
- ~~2. If the licensee has reached the age of eighteen, and desires reissuance of a license with the distinctive background for licensees at least the age of eighteen and under the age of twenty-one, the applicant may apply at any time for a replacement license. If the licensee has reached the age of twenty-one and desires reissuance of a license without the distinctive color background required by section 39-06-14, the applicant may apply at any time for a replacement license.~~
- ~~3-5.~~ An applicant for renewal must present the application with the fee for renewal of license to the director not before ten months before the expiration date of the operator's license. The director may require an examination of an applicant as upon an original application. The director may require an applicant for renewal, ~~replacement~~, or a substitute to provide a social security card and proof of residence address. The director may not issue a distinguishing number that is, contains, can be converted to, or is an encrypted version of the applicant's social security number.
6. The director may not renew an operator's license if the license has been suspended under section 14-08.1-07. Upon the recommendation of the court, the director may issue a temporary permit to the licensee under section 39-06.1-11 if the temporary permit is necessary for the licensee to work and the court has determined the licensee is making a good-faith effort to comply with the child support order.
- ~~4-7.~~ Every application~~An applicant~~ for renewal of an operator's license ~~by an applicant~~ must be accompanied ~~by~~ provide a certificate of examination from either the driver licensing or examining authorities or a statement as to the corrected and uncorrected vision of the applicant from a licensed physician or an optometrist, licensed in this or another state, containing a statement as to the corrected and uncorrected vision of the applicant. The director shall provide visual examination equipment at each location where a license may be renewed. The initial application for a motor vehicle operator's license may be accompanied by a statement of examination from a licensed physician or an optometrist, stating the corrected and uncorrected vision of the applicant, in lieu of the department examination. ~~This examination must be within six months of the driver's license application.~~
- ~~5-8.~~ Every person~~An individual~~ submitting an application and the fee for renewal of license one year or more after the expiration of a license, except an applicant whose military service has

terminated less than thirty days prior to such the application, must be treated as a new driver and an initial applicant.

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

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

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

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

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

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

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

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

39-06-21. Filing application records.

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

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

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

39-06-22. Driving records of licensees.

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

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

39-06-24. Authority to cancel licenses.

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

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

39-06-25. Suspending privileges of nonresidents.

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

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

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

1. ~~The director may, upon~~ Upon receiving a record of the conviction or adjudication in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, or an equivalent ordinance of any of its political subdivisions ~~ordinance,~~ the director may notify the licensing authority in the state ~~wherein the person so convicted~~ in which the nonresident resides or is licensed.
2. ~~When~~ If a nonresident's operating privilege is suspended or revoked ~~pursuant to any~~ under the law of this state, the director shall notify the licensing authority in the state ~~wherein such~~ in which the nonresident resides or is licensed.

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

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

1. The director may suspend or revoke the operator's license of any resident of this state or the privilege of a nonresident to ~~drive~~operate a motor vehicle in this state upon receiving notice of the conviction of that ~~person~~individual in a tribal court or in another state of an offense therein ~~which, which~~ if committed in this state; would be grounds for the suspension or revocation of ~~the~~an operator's license of an operator. The director may act on a report of a conviction in tribal court received from any tribal law enforcement agency. This section may not be construed as authorizing the assessment of points against a ~~resident driver's~~resident's driving record in accordance with chapter 39-06.1, except upon conviction of a resident driver for a criminal offense in a tribal court or in another state which is equivalent to one of those offenses defined in section 39-06.1-05. A suspension or revocation may not be imposed for convictions for driving under suspension or revocation on an Indian reservation or in another state if a valid ~~North Dakota license or permit~~operator's license from this state was in effect at the time of the violation. For purposes of this section, originals, photostatic copies, ~~or~~and electronic transmissions of the records of the driver's licensing or other authority of the other jurisdiction are sufficient evidence ~~whether or not they are even if not~~ certified copies.
2. Upon receipt of a certification that the operating privileges of a resident of this state have been suspended or revoked on an Indian reservation or in any other state ~~pursuant to~~under a law providing for the suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident; ~~if~~ under circumstances that would require the director to suspend a nonresident's operating privileges had the accident occurred in this state, the director shall suspend the license of the resident if the resident was the driver of a motor vehicle involved in the accident. The suspension continues until the resident furnishes evidence satisfactory to the director of the ~~person's~~resident's compliance with the laws of the Indian reservation or the other state relating to the deposit of security or payment of a judgment arising out of a motor vehicle accident, to the extent that compliance would be required if the accident had occurred in this state.

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

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

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

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

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

1. A period of revocation is at least thirty days and not more than one year, unless otherwise provided by law.
2. The director shall revoke ~~forthwith~~, for a period of one year; or for ~~such a~~a period as may be recommended by the trial court, the operator's license of ~~any operator~~an individual upon receiving a record of ~~such operator's~~the individual's conviction of any of the following offenses:
 4. a. Any ~~A~~ felony, ~~including a violation of chapter 12.1-16, in which a motor vehicle was used in the commission of which a motor vehicle is used~~the felony.

2. ~~b.~~ b. Any ~~A~~ misdemeanor resulting from the operation of a motor vehicle and causing serious bodily injury, as defined in section 12.1-01-04, to another ~~person~~ individual.
3. ~~c.~~ c. The making of a false affidavit or statement under oath to the director under this chapter or under any other law relating to the ownership or operation of motor vehicles.
3. The revocation of the license under this section may be beyond any time of imprisonment or court-ordered addiction treatment.

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

39-06-32. Authority to suspend licenses.

1. The director may suspend the operator's license of an ~~operator~~ individual, after hearing, upon proof by a fair preponderance of the evidence, that any of the following apply to the licensee:
 1. a. Commission of an offense for which mandatory revocation of license is required upon conviction.
 2. b. Incompetence to drive a motor vehicle.
 3. c. Unlawful or fraudulent use of an operator's license.
 4. d. Refusal to submit to an implied consent chemical test on an Indian reservation or in another state. For purposes of this subsection, the specific requirements for establishing a refusal used on the Indian reservation or in the other state may not be considered, and photostatic copies of the records of the other jurisdiction's driver's licensing authority are sufficient evidence of the refusal whether ~~or not~~ those copies are certified. The suspension must be for the same length of time as the revocation in section 39-20-04. If the refusal arose out of an arrest or stop of a ~~person~~ an individual while operating a commercial motor vehicle, the period of suspension must be the same as the period of revocation provided in section 39-06.2-10.
- 5-2. Failure, as shown by the certificate of the court, to pay a fine or serve any other sentence as ordered by a court upon conviction for any criminal traffic offense.
- 6-3. Failure, as shown by the certificate of the court, to appear in court or post and forfeit bond after signing a promise to appear, if signing is required by law, in violation of section 39-06.1-04, willful violation of a written promise to appear in court, in violation of section 39-07-08, or violation of equivalent ordinances or laws in another jurisdiction. Upon resolution by the operator of the underlying cause for a suspension under this subsection, as shown by the certificate of the court, the director shall record the suspension separately on the driving record. This separate record is not available to the public.
- 7-4. An administrative decision on an Indian reservation or in another state that the licensee's privilege to drive on that Indian reservation or in that state is suspended or revoked because of a violation of that Indian reservation's or state's law forbidding motor vehicle operation with an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight, or because of a violation of that Indian reservation's or state's law forbidding the driving or being in actual physical control of a commercial motor vehicle while having an alcohol concentration of at least four one-hundredths of one percent by weight. The specific requirements for establishing the violation on the Indian reservation or in the other state may not be considered and certified copies of the records of the Indian reservation's or other state's driver's licensing authority are sufficient evidence of the violation. The suspension must be for the same duration as the suspension in section 39-20-04.1, if the violation does not involve a commercial motor vehicle. If the violation involves a commercial

motor vehicle, the period of suspension must be the same as the period of suspension provided in section 39-06.2-10. For purposes of this section, originals, photostatic copies, or electronic transmissions of the records of the driver's licensing or other authority of the other jurisdiction are sufficient evidence whether or not they are certified copies.

- 8-5. Conviction of an offense under this title and it appears from the director's records that the offense contributed to causing an accident which resulted in death or serious personal injury or serious property damage. ~~No~~A suspension may not be imposed if the ~~person~~individual has been sanctioned for the same offense under section 39-06-31.

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

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

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

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

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

1. ~~In matters of driver's license suspension or revocation arising~~is suspended or revoked under sections ~~section 39-06-32 and or 39-06.1-10 and chapters or chapter 39-16 and or 39-16.1~~, the director shall give notice of intention to suspend to the licensee by mailing the notice to the licensee at the address of record in the department under section 39-06-20. Actual notice of the opportunity for a hearing under this section must be deemed to have occurred seventy-two hours after the notice is mailed by regular mail. The licensee has ten days after the date of mailing of the notice to request, in writing or by other means authorized by the director, a hearing on the intended suspension or revocation.
2. Any hearing conducted under this section and any appeal from the decision of the hearing must be conducted under chapter 28-32, except the hearing must be heard within sixty days of the receipt of the request for hearing and in the county of the licensee's residence, unless the parties agree to a different time and place for the hearing. At the hearing, the regularly kept records of the director may be introduced and are prima facie evidence of their content without further foundation.
3. The mailing of the decision and the resulting order by regular mail to the address recorded in the files of the director under section 39-06-20 is sufficient notice. If a suspension is ordered, a reexamination of the licensee may be required.
4. If a suspension is ordered under subdivision b of subsection 21 of section 39-06-32, the notice must include a specific description of the conditions which led to the conclusion that the licensee is incompetent to drive a motor vehicle. If during the suspension those conditions dissipate, the licensee may request another hearing on the issue of competence to drive a motor vehicle. The hearing must be held in the manner required under subsections 2 and 3 for the original suspension.

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

39-06-34. Director may require reexamination.

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

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

39-06-34.1. Court may require reexamination.

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

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

39-06-35. Period of suspension.

When

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

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

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

39-06-36. Restoration of revoked licenses.

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

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

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

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

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

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

Any resident or nonresident whose operator's license ~~or right or privilege to operate a motor vehicle~~ in this state has been suspended or revoked ~~as provided in~~under this title may not operate a motor

vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during ~~such~~the suspension or after ~~such~~the revocation until a new operator's license is obtained when and as permitted under this title.

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

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

1. It is a class B misdemeanor for ~~any person~~an individual:
4. a. To display or cause or permit to be displayed or have in possession any canceled, revoked, fictitious, or fraudulently altered operator's license,~~permit~~, or nondriver photo identification card;
2. b. To lend ~~one's~~that individual's operator's license,~~permit~~, or nondriver photo identification card to any other ~~person~~individual or knowingly permit the use ~~thereof~~of that individual's operator's license or nondriver photo identification card by another individual;
3. c. To display or represent as ~~one's~~an individual's own any operator's license,~~permit~~, or nondriver photo identification card not issued to that ~~person~~individual;
4. d. To fail or refuse to surrender to the director upon demand any operator's license,~~permit~~, or nondriver photo identification card ~~which~~that has been suspended, revoked, or canceled;
5. e. To permit any unlawful use of an operator's license,~~permit~~, or nondriver photo identification card issued to that ~~person~~individual; or
6. f. To use a false or fictitious name in any application for an operator's license,~~permit~~, or nondriver photo identification card or to knowingly make a false statement or to conceal a material fact or otherwise commit a fraud in the application.

The director upon

2. Within five days of receiving a record of conviction or other satisfactory evidence of the violation of this section, the director shall revoke ~~within five days~~, the ~~person's~~individual's operator's license,~~driving privileges~~, ~~permit~~, or nondriver photo identification card. The director may set the period of revocation ~~is at the discretion of the director~~, not to exceed six months.

SECTION 48. AMENDMENT. Section 39-06-40.1 of the North Dakota Century Code is amended and reenacted as follows:

39-06-40.1. Reproducing operator's ~~or driver's~~ license ~~or permit~~ - Penalty.

1. It is unlawful for ~~any person~~an individual to print, photograph, photostat, duplicate, alter, or in any way reproduce any operator's license, ~~permit~~, nondriver photo identification card, or facsimile ~~thereof~~of an operator's license or card, or to print, photograph, photostat, duplicate, alter, or in any way reproduce any document used in the production of any operator's ~~or driver's~~ license or ~~permit~~card or facsimile ~~thereof~~of an operator's license or card, in ~~such~~ a manner that it would be mistaken for a valid license or document containing valid information, or to display or have in possession any ~~such~~ print, photograph, photostat, duplicate, reproduction, or facsimile unless authorized by law.
2. It is unlawful for ~~any person~~an individual to alter in any manner any operator's license,~~permit~~, or nondriver photo identification card or to display or have in possession ~~any such document~~an altered operator's license or nondriver photo identification card.

3. ~~Every person~~An individual violating the ~~provisions of~~ this section is guilty of a class B misdemeanor.
4. ~~The director upon~~Within five days of receiving a record of conviction or other satisfactory evidence of the violation of this section, ~~the director shall immediately~~ revoke the operator's license, ~~driving privileges, or permit or cancel the nondriver photo identification card of the person~~individual. ~~In like manner, a nondriver photo identification card shall be canceled. The director may set the~~ period of revocation ~~is at the discretion of the director,~~ not to exceed six months.

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

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

1. Except as provided in section 39-06.1-11, ~~any person~~an individual who ~~drives~~operates a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state while ~~that person's~~an individual's operator's license ~~or privilege so to~~ do is suspended or revoked in any jurisdiction is guilty of a class B misdemeanor for the first, second, or third offense within a five-year period. Any subsequent offense within the same five-year period is a class A misdemeanor.
2. If the suspension or revocation was imposed for violation of section 39-08-01 or equivalent ordinance or was governed by section 39-06-31 or chapter 39-20, the sentence must be at least four consecutive days' imprisonment and ~~sueh~~a fine as the court deems proper. The execution of sentence may not be suspended or the imposition of sentence deferred under subsection 3 or 4 of section 12.1-32-02. Forfeiture of bail is not permitted in lieu of the defendant's personal appearance in open court for arraignment on a charge under this subsection.
3. In addition to any other punishment imposed, the court may order the number plates of the motor vehicle owned and operated by the offender at the time of the offense to be impounded by the sheriff for the duration of the period of suspension or revocation. ~~When~~If a period of suspension has been extended under subsection ~~56~~56 of section 39-06-17, the court may order the number plates to be impounded ~~in accordance with~~under this subsection. ~~The impounded number plates may be released, upon order of the court, to a bona fide purchaser of the offender's motor vehicle, if that purchaser produces a new certificate of title to the motor vehicle issued by the director.~~
4. A city may, by ordinance, authorize its municipal judge to order impoundment of motor vehicle number plates in the manner provided in subsection 3.

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

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

1. The director upon receiving a record of the conviction of ~~any person~~an individual upon a charge of driving a vehicle while the ~~operator's~~operator's license ~~or driving privileges of the person~~individual was suspended shall extend the period of that suspension for an additional:
 - a. Like period not to exceed ninety days if the operator's record for the three years preceding the most recent violation of section 39-06-42 or equivalent ordinance shows the ~~person's~~individual's operator's license or privilege has not been suspended, revoked, or denied for a prior violation of section 39-06-42 or equivalent ordinance;

2. ~~b.~~ One hundred eighty days if the operator's record for the three years preceding the most recent violation of section 39-06-42 or equivalent ordinance shows the ~~person's~~individual's operator's license or privilege has been once suspended, revoked, or denied for a prior violation of section 39-06-42 or equivalent ordinance; or
 3. ~~c.~~ One year if the operator's record for the three-year period preceding the most recent violation of section 39-06-42 or equivalent ordinance shows the ~~person's~~individual's operator's license or privilege has been at least twice suspended, revoked, or denied for a prior violation of section 39-06-42 or equivalent ordinance.
2. If the original suspension was imposed for violation of section 39-08-01 or equivalent ordinance, the director shall extend the period of that suspension for at least six months. If the suspension of ~~driving privileges~~the operator's license resulted solely from failure to appear in court or to post and forfeit bond on noncriminal traffic violations, there may be no additional period of suspension. Suspension periods for failure to appear or to post and forfeit bond on noncriminal traffic violations may be for an indefinite duration. If the conviction was upon a charge of driving while ~~an operator's license or driving privileges were~~was revoked, the director may not issue a new operator's license for an additional period of one year from and after the date the ~~person~~individual would otherwise have been entitled to apply for a new license. Upon a conviction of ~~a person~~an individual for violating a restricted license issued under section 39-06.1-11 and in which the underlying suspension was imposed for violating section 39-08-01 or equivalent ordinance or is governed by chapter 39-20, the director shall extend the period of the underlying suspension in accordance with subsection ~~56~~ of section 39-06-17.

SECTION 51. AMENDMENT. Section 39-06-44 of the North Dakota Century Code is amended and reenacted as follows:

39-06-44. Permitting unauthorized minor to drive.

~~No person~~An individual may not cause or knowingly permit the ~~person's~~individual's ~~minor~~ child or ward under the age of eighteen years to drive~~operate~~ a motor vehicle upon any highway ~~when such~~if ~~the~~ minor is not authorized ~~hereunder~~under this chapter or in violation of ~~any of the provisions of this chapter.~~

SECTION 52. AMENDMENT. Section 39-06-45 of the North Dakota Century Code is amended and reenacted as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

1. All money received under ~~the provisions of~~ this chapter must be paid monthly into the highway fund in the state treasury.
2. The fee for:
 - a. An application for a nondriver photo identification card is eight dollars.
 - b. Written testing for an application for an operator's license is five dollars.
 - c. Actual ability testing for an application for an operator's license is five dollars.
 - d. An application for an operator's license is fifteen dollars.
 - e. An application for a motorized bicycle operator's permit is ten dollars.
 - f. A substitute operator's license is eight dollars unless the substitute is for erroneous information due to a change in name or address, then the fee is three dollars.
 - g. An operator's license renewal is fifteen dollars.
 - h. Reinstatement after suspension is fifty dollars unless the suspension was the result of a suspension under subsection 4, 5, or 7 of section 39-06-03 or subdivision b of subsection 1 of section 39-06-32, then the fee is twenty-five dollars, or unless the suspension was a result of a violation under section 39-08-01 or chapter 39-20, then the fee is one hundred dollars.
 - i. Reinstatement after revocation is fifty dollars, unless the revocation was imposed for a violation of subsection 6 of section 39-06-17 or section 39-06-31, 39-06-43, or 39-20-04, then the fee is one hundred dollars.
3. Any application for which there is a fee must be accompanied by the proper fee.

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

39-06.1-08. Nonmoving violation defined.

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

1. A violation of section 39-04-11, subsection 1 of section 39-04-37 by an individual by becoming a resident of this state, subsection 64 of section 39-06-17, and section 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, 39-21-10, 39-21-11, or 39-21-14, or a violation of any municipal ordinance equivalent to the foregoing sections.
2. A violation, discovered at a time when the vehicle is not actually being operated, of section 39-21-03, 39-21-05, 39-21-13, 39-21-19, 39-21-32, 39-21-37, 39-21-39, or 39-21-44.2, or a violation of any municipal ordinance equivalent to the foregoing sections.

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

39-06.1-09. Moving violation defined.

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

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

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

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

A class A, B, or C license may not be issued to an individual under eighteen years of age, except a class A, B, or C type license specially restricted to use for custom harvest purposes must be issued to an individual at least sixteen years of age who satisfactorily completes the appropriate examinations.

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

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

1. The director upon request shall furnish any person a certified abstract of the operating record of any ~~person~~individual, source document ~~therefor~~for the abstract entry, or record of clearance, subject to this title. The abstract must include the convictions, adjudications, and admissions of commission of traffic offenses of any driver and suspensions, revocations, and restrictions of ~~a person's driving privileges~~an individual's operator's license. Any person, except the subject of the record and ~~a law enforcement agency, a judicial officers~~officer, or another licensing jurisdiction functioning in ~~their~~that person's official capacity, requesting the

abstract, source documents in aggregate form, or record of clearance shall indicate in writing the reason for the request and shall identify the person ~~or firm~~ for whom or which the request is made and the intended recipient of the record.

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

2-3. A fee of three dollars must be paid for each abstract of any operating record, operating record, complete operating record, or record of clearance, ~~and a. A reasonable fee must be paid for each source document, except no. The director may not assess a fee may be assessed to a law enforcement agencies or agency, a judicial officers officer, or another licensing jurisdiction.~~ The director shall send an additional copy of the abstract, source document if requested in aggregate form, or record of clearance to the driver whose record was requested, accompanied by a statement identifying the person making the request, identifying the person ~~or firm~~ for whom or which the request is made, identifying the intended recipient of the record, and providing the reason for the request. ~~No~~An additional copy of the abstract or record of clearance may not be sent to a driver if the request for the record was made by the federal bureau of investigation or the United States central intelligence agency, or their agents, or by any law enforcement agency or judicial officer.

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

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

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2039.

Senate Vote: Yeas 46 Nays 0 Absent 1

House Vote: Yeas 91 Nays 0 Absent 3

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,

at _____ o'clock _____ M.

Secretary of State