

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

SENATE BILL NO. 2045  
(Legislative Management)  
(Transportation Committee)

AN ACT to amend and reenact sections 39-25-01, 39-25-02, 39-25-03, 39-25-04, 39-25-05, 39-25-06, and 39-25-07 of the North Dakota Century Code, relating to commercial driver training schools.

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

**SECTION 1. AMENDMENT.** Section 39-25-01 of the North Dakota Century Code is amended and reenacted as follows:

**39-25-01. Definitions.**

1. "Commercial driver training school" or "school" means a business enterprise conducted by ~~an individual, association, partnership, corporation, or limited liability company~~ a person for the education and training of ~~persons~~ individuals, either practically or theoretically, or both, to operate or drive ~~a motor vehicle~~ vehicle, and ~~charging afor which accepts~~ consideration or charges tuition for such ~~services~~ the service.
2. "Instructor" means ~~any person~~ an individual, whether acting on that ~~person's~~ individual's own behalf as an operator of a commercial driver training school or for ~~such~~ a school for compensation, who teaches, conducts ~~classes of a class for~~, gives demonstrations to, or supervises practice of, ~~persons~~ an individual learning to operate or drive a motor ~~vehicle~~ vehicle.

**SECTION 2. AMENDMENT.** Section 39-25-02 of the North Dakota Century Code is amended and reenacted as follows:

**39-25-02. Duties of ~~superintendent~~ director - Regulations.**

1. The ~~superintendent of the state highway patrol~~ director shall adopt and prescribe ~~such~~ regulations concerning the administration and enforcement of this chapter ~~as which~~ are necessary to protect the public. The ~~superintendent~~ director shall inspect the school facilities ~~and~~ and equipment of applicants and licensees, and examine applicants for instructor's ~~and~~ and ~~examiner's~~ examiner's licenses or certifications.
2. The ~~superintendent~~ director shall administer and enforce this chapter and shall ~~formulate and promulgate the~~ adopt regulations for its ~~the~~ the administration and enforcement of this chapter.

**SECTION 3. AMENDMENT.** Section 39-25-03 of the North Dakota Century Code is amended and reenacted as follows:

**39-25-03. School - License required - Contents of application for license.**

1. ~~No~~ A commercial driver training school may not be established nor may any existing school continue to operate ~~on or after July 1, 1969~~, unless ~~such~~ the school applies for and obtains from the ~~superintendent~~ director a license in the manner and form prescribed by the ~~superintendent~~ director.
2. The application for license must include a statement of the location of the school, the equipment, courses of instruction, instructors, previous records of the school and instructors, financial statements, schedule of fees and charges, character and reputation of the operators,

insurance, and ~~such~~any other matters~~matter~~ as the ~~superintendent~~director may prescribe for the protection of the public.

**SECTION 4. AMENDMENT.** Section 39-25-04 of the North Dakota Century Code is amended and reenacted as follows:

**39-25-04. Instructor - License required - Contents of application for license.**

- ~~1. No person~~An individual may not act as an instructor ~~on or after July 1, 1969,~~ unless ~~such person~~the individual applies for and obtains a license in the manner and form prescribed by this chapter.
- ~~2. The regulations must state the requirements for an instructor's license, including requirements concerning moral character, physical condition, knowledge of the courses of instruction, motor vehicle laws and safety principles, previous personal and employment records, and~~ such~~any other matters~~matter as the ~~superintendent~~director may prescribe for the protection of the public.

**SECTION 5. AMENDMENT.** Section 39-25-05 of the North Dakota Century Code is amended and reenacted as follows:

**39-25-05. Expiration and renewal of licenses - Fees.**

~~All licenses expire~~A license expires on the last day of the calendar year and may be renewed upon application to the ~~superintendent~~director as prescribed by the ~~superintendent's~~director's regulations. Each application for an original or renewal school license must be accompanied by a fee of twenty-five dollars, and each application for an original or renewal instructor's license must be accompanied by a fee of ten dollars. ~~Such~~These fees must be deposited in the state treasury in the state highway fund. ~~No license~~License fees may not be refunded in the event any license is rejected, suspended, or revoked.

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

**39-25-06. Refusal, suspension, or revocation of license.**

The ~~superintendent~~director may refuse to issue, or may suspend or revoke a license in any case when the ~~superintendent~~director finds the applicant or licensee has violated any of the provisions of this chapter or the regulations adopted by the ~~superintendent~~director. A suspended or revoked license must be returned to the ~~superintendent~~director by the licensee.

**SECTION 7. AMENDMENT.** Section 39-25-07 of the North Dakota Century Code is amended and reenacted as follows:

**39-25-07. Exclusions - Free instruction - Colleges, universities, and high schools.**

This chapter does not apply to any person giving driver training lessons without charge, to employers maintaining driver training schools without charge solely for ~~their~~that employer's employees ~~only~~, nor to ~~schools~~a school or ~~classes~~a class conducted by ~~colleges~~a college, ~~universities~~a university, and ~~high schools~~or a high school for a regularly enrolled full-time or part-time ~~students~~student as a part of a normal program ~~for such institutions~~of the institution.

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President of the Senate

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Secretary of the Senate

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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. 2045.

Senate Vote:    Yeas 47            Nays 0            Absent 0

House Vote:    Yeas 94            Nays 0            Absent 0

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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