

March 14, 2013

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2046

Page 1, line 1, after "reenact" insert "subsection 7 of section 39 06-04 and"

Page 1, line 1, after the first comma insert "39-06.2-06,"

Page 1, line 1, after the second comma insert "39-06.2-08, 39-06.2-08.1,"

Page 1, line 2, after the second comma insert "39-06.2-10.5, 39-06.2-12,"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Subsection 7 of section 39-06-04 of the North Dakota Century Code is amended and reenacted as follows:

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

Page 1, line 15, overstrike "driver's instruction" and insert immediately thereafter "learner's"

Page 2, line 2, replace "11793.40" with "11793.86"

Page 2, line 3, replace "combination" with "vehicle"

Page 3, line 10, remove the overstrike over ~~"Driver's license" means a license issued by a state to an individual which authorizes~~

Page 3, remove the overstrike over line 11

Page 3, line 12, remove the overstrike over "14."

Page 3, remove the overstrike over lines 15 and 16

Page 3, line 17, remove the overstrike over "16."

Page 3, line 17, remove "14."

Page 3, line 20, remove the overstrike over "17."

Page 3, line 20, remove "15"

Page 3, line 22, remove the overstrike over "18."

Page 3, line 22, remove "16."

Page 3, line 24, remove the overstrike over "19."

Page 3, line 24, remove "17."

Page 3, line 25, remove the overstrike over "20."

Page 3, line 25, remove "18."

Page 4, line 1, remove the overstrike over "21."

Page 4, line 1, remove "19."

Page 4, line 5, remove the overstrike over "~~22.~~"

Page 4, line 5, remove "20."

Page 4, line 10, remove the overstrike over "~~23.~~"

Page 4, line 10, remove "21"

Page 4, line 14, replace "22." with "24."

Page 4, line 17, replace "23." with "25."

Page 4, line 19, replace "24." with "26."

Page 4, line 20, after "license" insert "or a commercial learner's permit"

Page 4, line 22, replace "25." with "27."

Page 4, line 24, replace "26." with "28."

Page 5, line 4, replace "driver's instruction" with "learner's"

Page 5, line 6, replace "driver's instruction" with "learner's"

Page 5, line 9, remove "driver's"

Page 5, line 10, replace "instruction" with "learner's"

Page 5, line 12, replace "driver's instruction" with "learner's"

Page 5, line 16, after "law" insert "or local law or ordinance"

Page 5, line 18, replace "27." with "29."

Page 5, line 19, replace "28." with "30."

Page 5, line 20, replace "a tank" with "one or more tanks"

Page 5, line 27, overstrike "29." and insert immediately thereafter "31."

Page 6, line 14, replace "30." with "32."

Page 6, line 17, replace "31." with "33."

Page 6, line 21, replace "32." with "34."

Page 6, line 22, replace "33." with "35."

Page 6, after line 27, insert:

"SECTION 3. AMENDMENT. Subsection 1 of section 39-06.2-06 of the North Dakota Century Code is amended and reenacted as follows:

1. Except when driving under a commercial ~~driver's instruction~~learner's permit and accompanied by the holder of a commercial driver's license valid for the vehicle being driven, ~~no person~~an individual may not drive a commercial motor vehicle on the highways of this state unless the ~~person~~individual holds and is in immediate possession of a commercial driver's license with applicable endorsements valid for the vehicle the ~~person~~individual is driving. This subsection does not apply:

- a. When the vehicle being driven is a house car or a vehicle towing a travel trailer being used solely for personal rather than commercial purposes.
- b. When the vehicle being driven constitutes emergency or firefighting equipment necessary to the preservation of life or property.
- c. When the vehicle is being driven for military purposes, subject to any limitations imposed by 49 CFR part 383.3(c)."

Page 7, line 23, overstrike "driver's instruction" and insert immediately thereafter "learner's"

Page 8, line 1, overstrike "driver's instruction" and insert immediately thereafter "learner's"

Page 8, line 4, overstrike "driver's instruction" and insert immediately thereafter "learner's"

Page 8, after line 15, insert:

"SECTION 5. AMENDMENT. Section 39-06.2-08 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-08. Application for commercial driver's license.

1. The application for a commercial driver's license or commercial ~~driver's instruction~~learner's permit must include the following:
 - a. The full name and current mailing address of the applicant;
 - b. A physical description of the applicant, including sex, height, weight, and eye and hair color;
 - c. Date of birth;
 - d. The applicant's social security number, unless the application is for a ~~nonresident~~nondomiciled commercial driver's license and the applicant is a resident of a foreign jurisdiction;
 - e. The applicant's signature;
 - f. The certifications including those required by 49 CFR part 383.71;
 - g. Any other information required by the director; and
 - h. A consent to release driving record information.
2. The application must be accompanied by an application fee of fifteen dollars. The application must contain any other information as the director may require to improve identity security. The director may require an applicant for a commercial license or commercial ~~instruction~~learner's permit to provide a social security card and proof of residence address.
3. When the holder of a commercial driver's license changes the holder's name or mailing address, an application for a duplicate license must be made as provided in section 39-06-18.
4. An individual who has been a resident of this state for thirty days may not drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.

5. Any individual who knowingly falsifies information or certifications required under subsection 1 is subject to suspension, revocation, cancellation, or disqualification of the individual's commercial driver's license or pending application for a period of at least sixty consecutive days.

SECTION 6. AMENDMENT. Section 39-06.2-08.1 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-08.1. Commercial driver's license medical certification requirements.

1. The director may issue a commercial ~~driver's instruction~~learner's permit or commercial driver's license to a North Dakota resident who meets the medical qualification and certification requirements pursuant to the limitations of 49 CFR parts 383 and 391.
2. Every individual who makes application for a commercial ~~driver's instruction~~learner's permit or commercial driver's license ~~must~~shall certify that the individual meets the qualification requirements contained in 49 CFR part 391 or certify that the individual's commercial transportation is entirely in intrastate commerce and is not subject to 49 CFR part 391.
3. The application will contain the following categories to comply with the commercial driver's certification requirements:
 - a. Interstate and subject to 49 CFR part 391.
 - b. Interstate, but operating exclusively in transportation or operations excepted under 49 CFR part 390.3(f), 391.2, 391.68, or 398.3.
 - c. Intrastate and subject to state driver's qualification requirements.
 - d. Intrastate, but operating exclusively in transportation or operations excepted from all or part of the state driver's qualification requirements.
4. Every individual who makes application for or holds a commercial ~~driver's instruction~~learner's permit or commercial driver's license ~~must~~shall submit a copy of the individual's medical certificate to the director unless the commercial transportation is not subject to 49 CFR part 391.
5. The director will downgrade or remove the commercial driving privilege from the license if the medical certificate expires and the driver does not change the driver's certification if the driver is no longer subject to 49 CFR part 391.
6. If the driver provides a current medical certification, the director shall upgrade without retesting the license of a driver which was downgraded under this section."

Page 9, line 5, overstrike "nonresident" and insert immediately thereafter "nondomiciled"

Page 12, line 7, after "than" insert "sixty days for providing false information to the department related to the issuance of a commercial permit or commercial license or for a period of not less than"

Page 13, line 25, replace "instruction" with "learner's"

Page 13, line 30, replace "instruction" with "learner's"

Page 14, line 3, replace "instruction" with "learner's"

Page 14, line 7, replace "instruction" with "learner's"

Page 14, line 11, replace "instruction" with "learner's"

Page 14, line 15, replace "instruction" with "learner's"

Page 14, line 20, replace "instruction" with "learner's"

Page 15, line 9, overstrike "nonresident" and insert immediately thereafter "nondomiciled"

Page 15, line 11, overstrike "driver's instruction" and insert immediately thereafter "learner's"

Page 15, after line 11, insert:

SECTION 10. AMENDMENT. Section 39-06.2-10.5 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-10.5. Revocation of privilege to drive commercial motor vehicle upon refusal to submit to testing.

If a person refuses to submit to testing under section 39-06.2-10.2, the law enforcement officer shall immediately take possession of the person's driver's license and issue to that person a temporary driver's permit. The director, upon the receipt of that person's driver's license and a certified written report of the law enforcement officer in the form required by the director, forwarded by the officer within five days after issuing the temporary driver's permit, showing that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a commercial motor vehicle while in violation of section 39-06.2-10.1 or, had reason to believe that the person committed a moving traffic violation or was involved in a traffic accident as a driver, and in conjunction with the violation or accident the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol, that the person was lawfully detained, and that the person had refused to submit to the screening test under section 39-06.2-10.2, shall revoke that person's commercial driver's license or permit to drive and any ~~nonresident~~nondomiciled commercial driver's privilege for the appropriate period under section 39-06.2-10, or if the person is a resident without a commercial driver's license or permit, the director shall deny to the person the issuance of a commercial driver's license or permit for the appropriate period under section 39-06.2-10 after the date of the alleged violation, subject to the opportunity for a prerevocation hearing and postrevocation review as provided in this chapter. In the revocation of the person's driver's license the director shall give credit for time in which the person was without a driver's license after the day of the person's refusal to submit to the test except that the director may not give credit for time in which the person retained driving privileges through a temporary driver's permit.

SECTION 11. AMENDMENT. Section 39-06.2-12 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-12. Notification of traffic convictions.

Within ten days after receiving a report of the conviction of any ~~nonresident~~nondomiciled holder of a commercial driver's license for any violation of state or local ordinance relating to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle, the director shall notify the driver's licensing authority in the licensing state of the conviction."

Page 15, line 17, overstrike "driver's license instruction" and insert immediately thereafter "learner's"

Renumber accordingly