

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1424

Introduced by

Representatives Haak, Delmore

1 A BILL for an Act to amend and reenact section 39-06-33 and subdivisions h and i of subsection
2 2 of section 39-06-49 of the North Dakota Century Code, relating to certified mail for driver's
3 license suspension and revocation notifications and reinstatement fees.

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

5 **SECTION 1. AMENDMENT.** Section 39-06-33 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **39-06-33. Hearings on suspension or revocation.**

- 8 1. If an operator's license is suspended or revoked under section 39-06-32 or 39-06.1-10
9 or chapter 39-16 or 39-16.1, the director shall give notice of intention to suspend to the
10 licensee by mailing the notice to the licensee at the address of record in the
11 department under section 39-06-20. Actual notice of the opportunity for a hearing
12 under this section must be deemed to have occurred seventy-two hours after the
13 notice is mailed by regular mail. The licensee has ten days after the date of mailing of
14 the notice to request, in writing or by other means authorized by the director, a hearing
15 on the intended suspension or revocation.
- 16 2. Any hearing conducted under this section and any appeal from the decision of the
17 hearing must be conducted under chapter 28-32, except the hearing must be heard
18 within sixty days of the receipt of the request for hearing and in the county of the
19 licensee's residence, unless the parties agree to a different time and place for the
20 hearing. At the hearing, the regularly kept records of the director may be introduced
21 and are prima facie evidence of their content without further foundation.
- 22 3. The mailing of the decision and the resulting order by ~~regular~~certified mail to the
23 address recorded in the files of the director under section 39-06-20 is sufficient notice.
24 If a suspension is ordered, a reexamination of the licensee may be required.

- 1 4. If a suspension is ordered under subdivision b of subsection 1 of section 39-06-32, the
2 notice must include a specific description of the conditions which led to the conclusion
3 that the licensee is incompetent to drive a motor vehicle. If during the suspension
4 those conditions dissipate, the licensee may request another hearing on the issue of
5 competence to drive a motor vehicle. The hearing must be held in the manner required
6 under subsections 2 and 3 for the original suspension.

7 **SECTION 2. AMENDMENT.** Subdivision h of subsection 2 of section 39-06-49 of the North
8 Dakota Century Code is amended and reenacted as follows:

- 9 h. Reinstatement after suspension is ~~forty~~fifty-five dollars unless the suspension was
10 the result of a suspension under subsection 4, 5, or 7 of section 39-06-03 or
11 subdivision b of subsection 1 of section 39-06-32, then the fee is twenty-five
12 dollars, or unless the suspension was a result of a violation under section
13 39-08-01 or chapter 39-20, then the fee is one hundred dollars.

14 **SECTION 3. AMENDMENT.** Subdivision i of subsection 2 of section 39-06-49 of the North
15 Dakota Century Code is amended and reenacted as follows:

- 16 i. Reinstatement after revocation is ~~forty~~fifty-five dollars, unless the revocation was
17 imposed for a violation of subsection 6 of section 39-06-17 or section 39-06-31,
18 39-06-43, or 39-20-04, then the fee is one hundred dollars.