

HOUSE BILL NO. 1493

Introduced by

Representatives Heilman, K. Anderson, Christensen, Dyk, Hauck, Kasper, D. Ruby, Timmons
Senators Clemens, Paulson

1 A BILL for an Act to create and enact a new subsection to section 39-06-03 of the North Dakota
2 Century Code, relating to who may not receive an operator's license; to amend and reenact
3 section 39-01-01, subsection 2 of section 39-06-02, sections 39-06-03.1 and 39-06-07.1,
4 subsection 5 of section 39-06-14, and section 39-06-19 of the North Dakota Century Code,
5 relating to motor vehicle definitions, nondriver photo identification cards, operator's license
6 applications, and expiration of operator's licenses; and to declare an emergency.

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

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

10 **39-01-01. Definitions.**

11 In this title, unless the context or subject matter otherwise requires:

- 12 1. "Appropriate licensed addiction treatment program" means an addiction treatment
13 program conducted by an addiction facility licensed by the department of health and
14 human services or conducted by a licensed individual specifically trained in addiction
15 treatment.
- 16 2. "Authorized emergency vehicles":
- 17 a. "Class A" authorized emergency vehicles means:
- 18 (1) Vehicles of a governmentally owned fire department.
- 19 (2) Vehicles when operated by or under the control of a police officer having
20 authority to enforce the provisions of this title or by a salaried employee of a
21 municipal police department within the municipality or by a sheriff or deputy
22 sheriff not including special deputy sheriffs, or by the director of the
23 department of corrections and rehabilitation and the director's authorized

- 1 agents who have successfully completed training in the operation of class A
2 authorized emergency vehicles.
- 3 (3) Vehicles clearly identifiable as property of the department of corrections and
4 rehabilitation when operated or under the control of the director of the
5 department of corrections and rehabilitation.
- 6 (4) Ambulances and other vehicles authorized by licensure granted under
7 chapter 23-27.
- 8 (5) Vehicles operated by or under the control of the director, district deputy
9 director, or a district deputy game warden of the game and fish department.
- 10 (6) Vehicles owned or leased by the United States and used for law
11 enforcement purposes.
- 12 (7) Vehicles designated for the use of the adjutant general or assistant adjutant
13 general in cases of emergency.
- 14 (8) Vehicles operated by or under the control of the director of the parks and
15 recreation department.
- 16 (9) Vehicles operated by or under the control of a licensed railroad police officer
17 and used for law enforcement purposes.
- 18 (10) Vehicles operated by or under the control of the state forester.
- 19 (11) Vehicles operated by or under the control of the bureau of criminal
20 investigation and used for law enforcement purposes.
- 21 (12) Vehicles operated by or under the department of health and human services
22 in cases of emergencies.
- 23 (13) Vehicles used or operated by governmental search and rescue personnel
24 while performing emergency operations or duties. As used in this paragraph,
25 "search and rescue" means deployment, coordination, and use of available
26 resources and personnel in locating, relieving the distress, and preserving
27 the life of and removing an individual who is missing, trapped, or lost in the
28 backcountry, remote areas, or waters of the state. The term includes water
29 and dive rescue.
- 30 b. "Class B" authorized emergency vehicles means wreckers and such other
31 emergency vehicles as are authorized by the local authorities.

- 1 c. "Class C" authorized emergency vehicles means:
- 2 (1) Vehicles used by the state division of homeland security or local division of
- 3 emergency management organizations.
- 4 (2) Vehicles used by volunteer firefighters while performing their assigned
- 5 disaster and emergency responsibilities.
- 6 (3) Vehicles, other than ambulances, used by emergency medical services
- 7 personnel.
- 8 (4) Vehicles used by volunteer search and rescue personnel if performing an
- 9 emergency operation or duty upon the request of a state entity, political
- 10 subdivision, or volunteer fire department. A volunteer organization may
- 11 classify a personal vehicle as a class C emergency vehicle if needed to
- 12 assist in a search and rescue operation in accordance with this paragraph.
- 13 As used in this paragraph, "search and rescue" means deployment,
- 14 coordination, and use of available resources and personnel in locating,
- 15 relieving the distress, and preserving the life of and removing an individual
- 16 who is missing, trapped, or lost in the backcountry, remote areas, or waters
- 17 of the state. The term includes water and dive rescue.
- 18 3. "Bicycle" means every device propelled solely by human power upon which any
- 19 person may ride, having two tandem wheels or two parallel wheels and one forward or
- 20 rearward wheel. The term includes an electric bicycle.
- 21 4. "Bus" means every motor vehicle designed for carrying more than ten passengers and
- 22 used for the transportation of persons, and every motor vehicle, other than a taxicab,
- 23 designed and used for the transportation of persons for compensation. Provided,
- 24 every motor vehicle designed for carrying not more than fifteen persons and used for a
- 25 ridesharing arrangement, as defined in section 8-02-07, is not a "bus".
- 26 5. "Business district" means the territory contiguous to a highway when fifty percent or
- 27 more of the frontage thereon for a distance of three hundred feet [91.44 meters] or
- 28 more is occupied by buildings in use for business.
- 29 6. "Camping trailer" means a vehicular portable unit mounted on wheels and constructed
- 30 with collapsible partial side walls that fold for towing by another vehicle and unfold at

1 the campsite to provide temporary living quarters for recreational, camping, or travel
2 use.

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

7 8. "Child restraint system" means a specifically designed device, built-in seating system,
8 or belt-positioning booster that meets the federal motor vehicle safety standards and is
9 permanently affixed to a motor vehicle, is affixed to the vehicle by a safety belt or
10 universal attachment system, or is combined with a federally compliant safety belt
11 system.

12 9. "Commercial freighting" means the carriage of things other than passengers, for hire,
13 except that such term does not include:
14 a. The carriage of things other than passengers within the limits of the same city;
15 b. Carriage by local dray lines of baggage or goods to or from a railroad station from
16 or to places in such city or in the immediate vicinity thereof, in this state, and not
17 to exceed two miles [3.22 kilometers] from the corporate or recognized limits of
18 said city; or
19 c. Hauling done by farmers for their neighbors in transporting agricultural products
20 to or from market.

21 10. "Commercial passenger transportation" means the carriage of passengers for hire,
22 except that the term does not include:
23 a. The carriage of passengers within the limits of a city.
24 b. The carriage by local buslines of passengers to or from a railroad station from or
25 to places within any city or within two miles [3.22 kilometers] of the limits of the
26 city.
27 c. The carriage of passengers under a ridesharing arrangement, as defined in
28 section 8-02-07.

29 11. "Commissioner" means the director of the department of transportation of this state,
30 acting directly or through authorized agents as provided by section 24-02-01.3.

- 1 12. "Controlled-access highway" means every highway, street, or roadway in respect to
2 which owners or occupants of abutting lands and other persons have no legal right of
3 access to or from the same except at such points only and in such manner as may be
4 determined by the public authority having jurisdiction over such highway, street, or
5 roadway.
- 6 13. "Conviction" means a final order or judgment or conviction by the North Dakota
7 supreme court, any lower court having jurisdiction, a tribal court, or a court in another
8 state if an appeal is not pending and the time for filing a notice of appeal has elapsed.
9 Subject to the filing of an appeal, the term includes:
10 a. An imposed and suspended sentence;
11 b. A deferred imposition of sentence under subsection 4 of section 12.1-32-02; or
12 c. A forfeiture of bail or collateral deposited to secure a defendant's appearance in
13 court and the forfeiture has not been vacated.
- 14 14. "Crosswalk" means that part of a roadway at an intersection included within the
15 connections of the lateral lines of the sidewalks on opposite sides of the highway
16 measured from the curbs, or, in the absence of curbs, from the edges of the
17 traversable roadway; or any portion of a roadway at an intersection or elsewhere
18 distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- 19 15. "Dealer" means every person, partnership, corporation, or limited liability company
20 engaged in the business of buying, selling, or exchanging motor vehicles, or who
21 advertises, or holds out to the public as engaged in the buying, selling, or exchanging
22 of motor vehicles, or who engages in the buying of motor vehicles for resale. Any
23 person, partnership, corporation, limited liability company, or association doing
24 business in several cities or in several locations within a city must be considered a
25 separate dealer in each such location.
- 26 16. "Department" means the department of transportation of this state as provided by
27 section 24-02-01.1.
- 28 17. "Director" means the director of the department of transportation of this state as
29 provided by section 24-02-01.3.
- 30 18. "Driver" means every person who drives or is in actual physical control of a vehicle.

- 1 19. "Electric bicycle" means a bicycle equipped with fully operable pedals, a saddle or
2 seat for the rider, and an electric motor of seven hundred fifty or fewer watts which
3 meets the requirements of one of the following three classes:
- 4 a. A class 1 electric bicycle if the motor provides assistance only when the individual
5 is pedaling and the motor ceases to provide assistance when a speed of twenty
6 miles [32 kilometers] per hour is achieved.
- 7 b. A class 2 electric bicycle if the motor is capable of propelling the bicycle without
8 the individual pedaling and the motor ceases to provide assistance when a speed
9 of twenty miles [32 kilometers] per hour is achieved.
- 10 c. A class 3 electric bicycle if the motor provides assistance only when the individual
11 is pedaling and the motor ceases to provide assistance when a speed of
12 twenty-eight miles [45 kilometers] per hour is achieved.
- 13 20. "Electronic communication device" means an electronic device, including a wireless
14 telephone, personal digital assistant, a portable or mobile computer or other device,
15 and video display equipment. The term does not include a global positioning system or
16 navigation system or a device that is physically or electronically integrated into the
17 motor vehicle.
- 18 21. "Essential parts" means all integral and body parts of a vehicle of a type required to be
19 registered hereunder, the removal, alteration, or substitution of which would tend to
20 conceal the identity of the vehicle or substantially alter its appearance, model, type, or
21 mode of operation and includes all integral parts and body parts, the removal,
22 alteration, or substitution of which will tend to conceal the identity or substantially alter
23 the appearance of the vehicle.
- 24 22. "Explosives" means any chemical compound or mechanical mixture that is commonly
25 used or intended for the purpose of producing an explosion and which contains any
26 oxidizing and combustive units or other ingredients in such proportions, quantities, or
27 packing that an ignition by fire, by friction, by concussion, by percussion, or by
28 detonator of any part of the compound or mixture may cause such a sudden
29 generation of highly heated gases that the resultant gaseous pressures are capable of
30 producing destructive effects on contiguous objects or by destroying life or limb.

- 1 23. "Farm tractor" includes every motor vehicle designed and used primarily as a farm
2 implement for drawing plows, moving machines, and other implements of husbandry.
- 3 24. "Farm trailer" includes those trailers and semitrailers towed by a bona fide resident
4 farmer hauling the farmer's own agricultural, horticultural, dairy, and other farm
5 products if the gross weight, not including the towing vehicle, does not exceed
6 twenty-four thousand pounds [10886.22 kilograms].
- 7 25. "Fifth-wheel travel trailer" means a vehicular unit mounted on wheels, designed to
8 provide temporary living quarters for recreational, camping, or travel use, of such size
9 or weight as not to require a special highway movement permit and designed to be
10 towed by a motorized vehicle that contains a towing mechanism that is mounted
11 above or forward of the tow vehicle's rear axle.
- 12 26. "Flammable liquid" means any liquid which has a flash point of seventy degrees
13 Fahrenheit [21.11 degrees Celsius], or less, as determined by a tagliabue or
14 equivalent closed-cup test device.
- 15 27. "Foreign vehicle" means every motor vehicle which is brought into this state other than
16 in the ordinary course of business by or through a manufacturer or dealer and which
17 has not been registered in this state.
- 18 28. "Gross weight" means the weight of a vehicle without load plus the weight of any load
19 thereon.
- 20 29. "Guest" means and includes a person who accepts a ride in any vehicle without giving
21 compensation therefor.
- 22 30. "Highway" means the entire width between the boundary lines of every way publicly
23 maintained when any part thereof is open to the use of the public for purposes of
24 vehicular travel and of every way privately maintained within a mobile home park,
25 trailer park, or campground containing five or more lots for occupancy by mobile
26 homes, travel trailers, or tents when any part thereof is open for purposes of vehicular
27 travel.
- 28 31. "House car" or "motor home" means a motor vehicle which has been reconstructed or
29 manufactured primarily for private use as a temporary or recreational dwelling and
30 having at least four of the following permanently installed systems:
31 a. Cooking facilities.

- 1 b. Icebox or mechanical refrigerator.
- 2 c. Potable water supply including plumbing and a sink with faucet either
- 3 self-contained or with connections for an external source, or both.
- 4 d. Self-contained toilet or a toilet connected to a plumbing system with connection
- 5 for external water disposal, or both.
- 6 e. Heating or air-conditioning system, or both, separate from the vehicle engine or
- 7 the vehicle engine electrical system.
- 8 f. A 110-115 volt alternating current electrical system separate from the vehicle
- 9 engine electrical system either with its own power supply or with a connection for
- 10 an external source, or both, or a liquefied petroleum system and supply.
- 11 32. "Implement of husbandry" means every vehicle designed and adapted exclusively for
- 12 agricultural, horticultural, or livestock raising operations or for lifting or carrying an
- 13 implement of husbandry and in either case not subject to registration if used upon the
- 14 highway.
- 15 33. "Intersection" means the area embraced within the prolongation or connection of the
- 16 lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two
- 17 highways which join one another at, or approximately at, right angles, or the area
- 18 within which vehicles traveling upon different highways joining at any other angle may
- 19 come in conflict. Where a highway includes two roadways thirty feet [9.14 meters] or
- 20 more apart, then every crossing of each roadway of such divided highway by an
- 21 intersecting highway must be regarded as a separate intersection. In the event such
- 22 intersecting highway also includes two roadways thirty feet [9.14 meters] or more
- 23 apart, then every crossing of two roadways of such highways must be regarded as a
- 24 separate intersection.
- 25 34. "Intoxicating liquor" means and includes any beverage containing alcohol.
- 26 35. "Judgment" means any judgment which has become final by expiration without appeal
- 27 of the time within which an appeal might have been perfected, or by final affirmation
- 28 on appeal, rendered by a court of competent jurisdiction of any state of the United
- 29 States, upon a claim for relief arising out of ownership, maintenance, or use of any
- 30 motor vehicle, for damages, including damages for care and loss of services, because
- 31 of bodily injury to or death of any person, or for damages because of injury to or

1 destruction of property, including the loss of use thereof, or upon a claim for relief on
2 an agreement of settlement for such damages.

3 36. ~~"Lawful presence" or "lawfully present" means legally living in the United States~~
4 ~~according to federal immigration laws~~ lawful presence or lawfully present as defined
5 under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.]. The terms do not
6 include:

7 a. ~~An immigration parolee;~~

8 ~~b. An individual who is subject to deportation from the United States whose removal~~
9 ~~has been deferred, stayed, or withheld; or~~

10 ~~c.b. An individual who is not otherwise lawfully present who has applied for asylum~~
11 ~~but not been granted asylum.~~

12 37. "Legal owner" means a person who holds the legal title to a vehicle.

13 ~~37.~~38. "Licensed health care provider" means doctor of medicine, doctor of osteopathy,
14 doctor of chiropractic, optometrist, psychologist, advanced practice registered nurse,
15 or physician assistant who is licensed, certified, or registered in accordance with laws
16 and regulations in this or another state.

17 ~~38.~~39. "Lienholder" means a person holding a security interest in a vehicle.

18 ~~39.~~40. "Local authorities" includes every county, municipal, and other local board or body
19 having authority to adopt local police regulations under the constitution and laws of
20 this state.

21 ~~40.~~41. "Mail" means to deposit mail properly addressed and with postage prepaid with the
22 United States postal service.

23 ~~41.~~42. "Manifest injustice" means a specific finding by the court that the imposition of
24 sentence is unreasonably harsh or shocking to the conscience of a reasonable
25 person, with due consideration of the totality of circumstances.

26 ~~42.~~43. "Manufactured home" means a structure, transportable in one or more sections, that,
27 in the traveling mode, is eight body feet [2.44 meters] or more in width or forty body
28 feet [12.19 meters] or more in length, or, when erected onsite, is three hundred twenty
29 square feet [29.73 square meters] or more, and which is built on a permanent chassis
30 and designed to be used as a dwelling with or without a permanent foundation when
31 connected to the required utilities, and includes the plumbing, heating, air-conditioning,

1 and electrical systems contained therein. The term includes any structure that meets
2 all of the requirements of this subsection except the size requirements and with
3 respect to whether the manufacturer voluntarily files a certification required by the
4 United States secretary of housing and urban development and complies with the
5 standards established under title 42 of the United States Code.

6 ~~43.44.~~ "Manufacturer" means any person who manufactures, assembles, or imports and sells
7 new motor vehicles to new motor vehicle dealers for resale in the state; but such term
8 does not include a person who assembles or specially builds interior equipment on a
9 completed vehicle supplied by another manufacturer, distributor, or supplier.

10 ~~44.45.~~ "Metal tires" includes all tires the surface of which in contact with the highway is wholly
11 or partly of metal or other hard, nonresilient material except that this provision does
12 not apply to pneumatic tires.

13 ~~45.46.~~ "Mobile home" means a structure, either single or multisectional, which is built on a
14 permanent chassis, ordinarily designed for human living quarters, either on a
15 temporary or permanent basis, owned or used as a residence or place of business of
16 the owner or occupant, which is either attached to utility services or is twenty-seven
17 feet [8.23 meters] or more in length.

18 ~~46.47.~~ "Modular unit" includes every factory fabricated transportable building unit designed to
19 be incorporated with similar units at a building site into a modular structure to be used
20 for residential, commercial, educational, or industrial purposes.

21 ~~47.48.~~ "Motor vehicle" includes every vehicle that is self-propelled, every vehicle that is
22 propelled by electric power obtained from overhead trolley wires, but not operated
23 upon rails, and, for purposes of motor vehicle registration, title registration, and
24 operator's licenses, motorized bicycles. The term does not include a snowmobile as
25 defined in section 39-24-01 or an electric bicycle.

26 ~~48.49.~~ "Motorcycle" means every motor vehicle having a seat or saddle for the use of the
27 rider and designed to travel on not more than three wheels in contact with the ground,
28 but excluding implements of husbandry. The term does not include an electric bicycle.

29 ~~49.50.~~ "Motorized bicycle" means a vehicle equipped with two or three wheels, foot pedals to
30 permit muscular propulsion or footrests for use by the operator, a power source
31 providing up to a maximum of two brake horsepower having a maximum piston or

1 rotor displacement of 3.05 cubic inches [49.98 milliliters] if a combustion engine is
2 used, which will propel the vehicle, unassisted, at a speed not to exceed thirty miles
3 [48.28 kilometers] per hour on a level road surface, and a power drive system that
4 functions directly or automatically only, not requiring clutching or shifting by the
5 operator after the drive system is engaged, and the vehicle may not have a width
6 greater than thirty-two inches [81.28 centimeters]. The term does not include an
7 electric bicycle.

8 ~~50-51.~~ "Motor-powered recreational vehicle" means a motorcycle, unconventional vehicle, or
9 off-highway vehicle as defined in section 39-29-01, or a snowmobile as defined in
10 section 39-24-01. The term does not include an electric bicycle.

11 ~~51-52.~~ "Nonresident" means any person who is not a resident of this state.

12 ~~52-53.~~ "Nonresident's operating privilege" means the privilege conferred upon a nonresident
13 by the laws of this state pertaining to the operation by such person of a motor vehicle,
14 or the use of a vehicle owned by such person, in this state.

15 ~~53-54.~~ "Official traffic-control devices" means all signs, signals, markings, and devices not
16 inconsistent with this title placed or erected by authority of a public body or official
17 having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

18 ~~54-55.~~ "Operator" means every person who drives or is in actual physical control of a motor
19 vehicle upon a highway or who is exercising control over or steering a vehicle being
20 towed by a motor vehicle.

21 ~~55-56.~~ "Operator's license", "driver's license", or "license to operate a motor vehicle" means
22 any operator's or driver's license or any other license or permit to operate a motor
23 vehicle issued under, or granted by, the laws of this state, including:

- 24 a. Any temporary license or instruction permit;
- 25 b. The privilege of any person to drive a motor vehicle whether such person holds a
26 valid license; or
- 27 c. Any nonresident's operating privilege as defined in this section.

28 ~~56-57.~~ "Owner" means a person, other than a lienholder, having the property in or title to a
29 vehicle. The term includes a person entitled to the use and possession of a vehicle
30 subject to a security interest in another person, but excludes a lessee under a lease
31 not intended as security.

Sixty-eighth
Legislative Assembly

- 1 ~~57-58.~~ "Park", when prohibited, means the standing of a vehicle, whether occupied or not,
2 otherwise than temporarily for the purpose of and while actually engaged in loading or
3 unloading.
- 4 ~~58-59.~~ "Passenger motor vehicle" means every motor vehicle designed principally for the
5 transportation of persons and includes vehicles which utilize a truck chassis, but have
6 a seating capacity for four or more passengers.
- 7 ~~59-60.~~ "Pedestrian" means any person afoot.
- 8 ~~60-61.~~ "Person" includes every natural person, firm, copartnership, association, corporation,
9 or limited liability company.
- 10 ~~61-62.~~ "Pneumatic tires" includes all tires inflated with compressed air.
- 11 ~~62-63.~~ "Pole trailer" means every vehicle without motive power designed to be drawn by
12 another vehicle and attached to the towing vehicle by means of a reach, or pole, or by
13 being boomed or otherwise secured to the towing vehicle, and ordinarily used for
14 transporting long or irregularly shaped loads such as poles, pipes, or structural
15 members capable, generally, of sustaining themselves as beams between the
16 supporting connections.
- 17 ~~63-64.~~ "Police officer" means every officer authorized to direct or regulate traffic or to make
18 arrests for violations of traffic regulations.
- 19 ~~64-65.~~ "Primary source identity document" means documentary evidence of an individual's
20 name, date of birth, and legal presence required in chapters 39-06 and 39-06.2 related
21 to the issuance of permits, licenses, and nondriver photo identification cards, and
22 retained in the driver record.
- 23 ~~65-66.~~ "Private road or driveway" means every way or place in private ownership and used
24 for vehicular travel by the owner and those having express or implied permission from
25 the owner, but not by other persons.
- 26 ~~66-67.~~ "Proof of financial responsibility" means proof of ability to respond in damages for
27 liability, on account of accidents occurring after the effective date of the proof, arising
28 out of the ownership, maintenance, or use of a motor vehicle, in the amount of
29 twenty-five thousand dollars because of bodily injury to or death of one person in any
30 one accident, and, subject to the limit for one person, in the amount of fifty thousand
31 dollars because of bodily injury to or death of two or more persons in any one

1 accident, and in the amount of twenty-five thousand dollars because of injury to or
2 destruction of property of others in any one accident.

3 ~~67-68.~~ "Railroad" means a carrier of persons or property upon cars, other than streetcars,
4 operated upon stationary rails.

5 ~~68-69.~~ "Railroad sign or signal" means any sign, signal, or device erected by authority of a
6 public body or official or by a railroad and intended to give notice of the presence of
7 railroad tracks or the approach of a railroad train.

8 ~~69-70.~~ "Reconstructed vehicle" means any vehicle, of a type required to be registered,
9 materially altered from its original construction by the removal, addition, or substitution
10 of new or used essential parts.

11 ~~70-71.~~ "Recreational vehicle" means any motorcycle not qualified for registration, off-highway
12 vehicle, snowmobile, vessel, or personal watercraft. The term does not include an
13 electric bicycle.

14 ~~71-72.~~ "Residence district" means territory contiguous to a highway not comprising a
15 business district, when the frontage on such highway for a distance of three hundred
16 feet [91.44 meters] or more is occupied mainly by dwellings, or by dwellings and
17 buildings in use for business.

18 ~~72-73.~~ "Revocation" means that the operator's license is terminated and may not be renewed
19 or restored, except on application for a new license presented to and acted upon by
20 the director after the expiration of the period of revocation.

21 ~~73-74.~~ "Right of way" means the privilege of the immediate use of a roadway.

22 ~~74-75.~~ "Road tractor" means every motor vehicle designed and used for drawing other
23 vehicles and not so constructed as to carry any load thereon either independently or
24 any part of the weight of a vehicle or load so drawn.

25 ~~75-76.~~ "Roadway" means that portion of a highway improved, designed, or ordinarily used for
26 vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two
27 or more separate roadways, the term "roadway" as used herein refers to any such
28 roadway separately but not to all such roadways collectively.

29 ~~76-77.~~ "Saddle mount" means placing the front wheels of the drawn vehicle upon the bed of
30 the drawing vehicle.

- 1 ~~77-78.~~ "Safety zone" means the area or space officially set aside within a highway for the
2 exclusive use of pedestrians and which is so plainly marked or indicated by proper
3 signs as to be plainly visible at all times while set aside as a safety zone.
- 4 ~~78-79.~~ "Salvage certificate of title" means a document issued by the department for purposes
5 of proof of ownership of a salvage or destroyed vehicle and not acceptable for motor
6 vehicle registration purposes.
- 7 ~~79-80.~~ "Schoolbus" means a motor vehicle designed or used to carry more than ten
8 passengers in addition to the driver, and is used for the purpose of transporting
9 preprimary, primary, or secondary school students from home to school, from school to
10 home, or to and from school-related events. For the purposes of chapter 39-21,
11 "schoolbus" means any motor vehicle that is owned or leased by a public or
12 governmental agency and used to transport preprimary, primary, or secondary school
13 students to or from school or to or from school-related events, or is privately owned
14 and operated for compensation to transport preprimary, primary, or secondary school
15 students to or from school or to or from school-related events. Schoolbus does not
16 include a bus used as a common carrier.
- 17 ~~80-81.~~ "Semitrailer" includes every vehicle of the trailer type so designed and used in
18 conjunction with a truck or truck tractor that some part of its own weight and that of its
19 own load rests upon or is carried by a truck or truck tractor, except that it does not
20 include a "housetrailer" or "mobile home".
- 21 ~~81-82.~~ "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of
22 a roadway, and the adjacent property lines, intended for use of pedestrians.
- 23 ~~82-83.~~ "Solid tire" includes every tire made of rubber or other resilient material other than a
24 pneumatic tire.
- 25 ~~83-84.~~ "Special mobile equipment" means every vehicle not designed or used primarily for
26 the transportation of persons or property and only incidentally operated or moved over
27 a highway.
- 28 ~~84-85.~~ "Specially constructed vehicle" means any vehicle which was not constructed
29 originally under the distinct name, make, model, or type by a generally recognized
30 manufacturer of vehicles.

Sixty-eighth
Legislative Assembly

- 1 ~~85-86.~~ "Stand" or "standing" means the halting of a vehicle, whether occupied or not,
2 otherwise than temporarily for the purpose of and while actually engaged in receiving
3 or discharging passengers.
- 4 ~~86-87.~~ "State" means a state, territory, or possession of the United States, the District of
5 Columbia, the Commonwealth of Puerto Rico, or a province of the Dominion of
6 Canada.
- 7 ~~87-88.~~ "Stop", when required, means complete cessation from movement.
- 8 ~~88-89.~~ "Stop" or "stopping", when prohibited, means any halting, even momentarily, of a
9 vehicle, whether occupied or not, except when necessary to avoid conflict with other
10 traffic or in compliance with the directions of a police officer or traffic-control sign or
11 signal.
- 12 ~~89-90.~~ "Street" means the entire width between boundary lines of every way publicly
13 maintained when any part thereof is open to the use of the public for purposes of
14 vehicular travel.
- 15 ~~90-91.~~ "Superintendent" means the superintendent of the North Dakota state highway patrol,
16 acting directly or through authorized employees of the superintendent.
- 17 ~~91-92.~~ "Suspension" means that the operator's license is temporarily withdrawn but only
18 during the period of the suspension.
- 19 ~~92-93.~~ "Through highway" means every highway or portion thereof on which vehicular traffic
20 is given preferential right of way, and at the entrances to which vehicular traffic from
21 intersecting highways is required by law to yield right of way to vehicles on such
22 through highway and in obedience to either a stop sign or yield sign, when such signs
23 are erected by law.
- 24 ~~93-94.~~ "Trackless trolley coach" means every motor vehicle which is propelled by electric
25 power obtained from overhead trolley wires but not operated upon rails.
- 26 ~~94-95.~~ "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other
27 conveyances either singly or together while using any highway for purposes of travel.
- 28 ~~95-96.~~ "Traffic-control signal" means any device, whether manually, electrically, or
29 mechanically operated, by which traffic is alternately directed to stop and to proceed.
- 30 ~~96-97.~~ "Trailer" includes every vehicle without motive power designed to carry property or
31 passengers wholly on its own structure and to be drawn by a motor vehicle, except

1 that it does not include a "houstrailer" or "mobile home", which terms mean a vehicle
2 as defined in this subsection which is designed and intended for use as living or
3 sleeping quarters for people and which is not used for commercial hauling of
4 passengers.

5 ~~97.98.~~ "Travel trailer" means a vehicular unit mounted on wheels, designed to provide
6 temporary living quarters for recreational, camping, or travel use, and of such size or
7 weight as not to require a special highway movement permit when towed by a
8 motorized vehicle.

9 ~~98.99.~~ "Truck" includes every motor vehicle designed, used, or maintained primarily for
10 transportation of property.

11 ~~99.100.~~ "Truck camper" means a portable unit that is constructed to provide temporary living
12 quarters for recreational, camping, or travel use; consists of a roof, floor, and sides;
13 and is designed to be loaded onto and unloaded from the bed of a pickup truck.

14 ~~100.101.~~ "Truck tractor" includes every motor vehicle designed and used primarily for drawing
15 other vehicles and not so constructed as to carry a load other than a part of the weight
16 of the vehicle and load so drawn.

17 ~~101.102.~~ "Urban district" means the territory contiguous to and including any street which is built
18 up with structures devoted to business, industry, or dwelling houses situated at
19 intervals of less than one hundred feet [30.48 meters] for a distance of a quarter of a
20 mile [402.34 meters] or more.

21 ~~102.103.~~ "Used vehicle" means a motor vehicle which has been sold, bargained, exchanged,
22 given away, or the title to which has been transferred to another, by the person who
23 first acquired it from the manufacturer or importer, dealer, or agent of the manufacturer
24 or importer.

25 ~~103.104.~~ "Vehicle" includes every device in, upon, or by which any person or property may be
26 transported or drawn upon a public highway, except devices moved by human power
27 or used exclusively upon stationary rails or tracks. The term does not include an
28 electric bicycle.

29 **SECTION 2. AMENDMENT.** Subsection 2 of section 39-06-02 of the North Dakota Century
30 Code is amended and reenacted as follows:

1 2. For purposes of this chapter, an individual is deemed a resident of this state when the
2 individual has lived in the state for ninety consecutive days, unless the individual is a
3 lawfully present nonresident student, a lawfully present tourist, or a member of the
4 armed forces.

5 **SECTION 3.** A new subsection to section 39-06-03 of the North Dakota Century Code is
6 created and enacted as follows:

7 To an individual who is not lawfully present or who has not provided satisfactory proof
8 of lawful presence.

9 **SECTION 4. AMENDMENT.** Section 39-06-03.1 of the North Dakota Century Code is
10 amended and reenacted as follows:

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

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

27 2. The director shall issue a nondriver color photo identification card to any lawfully
28 present resident who at the time of application is not a citizen of the United States and
29 who fulfills the requirements of this section. The identification card must be designed
30 in a manner to clearly make the card distinguishable from a similar card issued to a
31 citizen of the United States and resident of this state. The card may be replaced with a

1 card issued to a citizen of this country and resident of this state only when proof of
2 United States citizenship is provided by the individual and any applicable replacement
3 fee listed in section 39-06-49 is paid.

4 3. To confirm the identity, date of birth, and ~~legal~~lawful presence of the applicant, the
5 director or examining officer shall require satisfactory evidence be provided by the
6 applicant. Satisfactory evidence includes a certified copy of the applicant's birth
7 certificate or other evidence reasonably calculated to permit the determination of the
8 date of birth, identification, and ~~legal~~lawful presence of the applicant by the director or
9 examining officer. The director may require an applicant for an identification card to
10 provide a social security card and proof of residence address.

11 4. The application fee is listed in section 39-06-49. Except for a duplicate or replacement
12 card, the director may not charge a fee to provide a nondriver photo identification card
13 to an eligible applicant.

14 5. Any information obtained by the director from an applicant for the issuance, renewal,
15 or replacement of an identification card may not be released unless allowed under
16 section 39-16-03.

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

18 7. Identification cards issued under this section are sufficient identification for all
19 identification purposes, except the cards issued to residents who are not citizens of
20 the United States are not identification for purposes of voting.

21 **SECTION 5. AMENDMENT.** Section 39-06-07.1 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **39-06-07.1. Proof of name, date of birth, ~~legal~~lawful presence, and citizenship for**
24 **operator's license application - License difference for citizens and noncitizens - Primary**
25 **source identity documents.**

26 1. An applicant must verify the applicant's name, date of birth, and ~~legal~~lawful presence
27 on any application by a certified birth certificate or any other documentary evidence
28 that confirms to the satisfaction of the director the true identity, date of birth, ~~legal~~lawful
29 presence, and citizenship of the applicant. The license issued to a noncitizen of the
30 United States must be designed in a manner to distinguish the license clearly from a
31 similar license issued to a citizen of the United States.

1 2. Primary source identity documents retained by the department are not public records.

2 **SECTION 6. AMENDMENT.** Subsection 5 of section 39-06-14 of the North Dakota Century
3 Code is amended and reenacted as follows:

4 5. The director shall issue an operator's license to any resident who at the time of
5 application is not a citizen of the United States, who is lawfully present, and who fulfills
6 the requirements of this section. The license must be designed in a manner to
7 distinguish the license clearly from a similar license issued to a citizen of the United
8 States and resident of this state. The license issued under this subsection may be
9 replaced with a card issued to a citizen of this country and resident of this state only
10 when satisfactory proof of United States citizenship is provided by the individual and
11 the replacement fee listed in section 39-06-49 is paid.

12 **SECTION 7. AMENDMENT.** Section 39-06-19 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **39-06-19. Expiration of license - Renewal.**

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

1 year ending in an even numeral is twelve midnight on the anniversary of the birthday
2 in the second subsequent year ending in an even numeral.

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

15 5. An applicant for renewal must present the application with the fee for renewal of
16 license to the director not before ten months prior to the expiration date of the
17 operator's license. The director may require an examination of an applicant as upon
18 an original application. The director may require an applicant for renewal or a
19 substitute to provide documentation that confirms to the satisfaction of the director the
20 true identity, date of birth, and ~~legal~~lawful presence of the applicant and provide a
21 social security card or other satisfactory evidence of a social security number and
22 proof of residence address, if not previously completed or if there are changes to the
23 information already on file. The director may not issue a distinguishing number that is,
24 contains, can be converted to, or is an encrypted version of the applicant's social
25 security number.

26 6. The director may not renew an operator's license if the license has been suspended
27 under section 14-08.1-07. Upon the recommendation of the court, the director may
28 issue a temporary permit to the licensee under section 39-06.1-11 if the temporary
29 permit is necessary for the licensee to work and the court has determined the licensee
30 is making a good-faith effort to comply with the child support order.

- 1 7. An applicant for renewal of an operator's license must provide a certificate of
2 examination from the driver licensing or examining authorities or a statement as to the
3 corrected and uncorrected vision of the applicant from a licensed physician or an
4 optometrist, except as required under subsection 9. The director shall provide visual
5 examination equipment at each location where a license may be renewed.
- 6 8. An individual submitting an application and the fee for renewal of license one year or
7 more after the expiration of a license, except an applicant whose military service has
8 terminated less than thirty days prior to the application, must be treated as an initial
9 applicant.
- 10 9. A noncommercial applicant may apply by mail or electronically for renewal of a license
11 during every other renewal cycle, except as otherwise provided by subsection 10. The
12 director may use vision information provided by the applicant to meet vision
13 requirements for applicants under seventy years of age and adopt procedures
14 necessary to implement this subsection.
- 15 10. A noncommercial applicant for an operator's license may not renew by mail or
16 electronically if the applicant is seeking a new photo or changes to the information on
17 the face of the physical operator's license.
- 18 **SECTION 8. EMERGENCY.** This Act is declared to be an emergency measure.