Sixty-ninth
Legislative Assembly
of North Dakota

BILL NO.

Introduced by

Representative Olson

A BILL for an Act to amend and reenact section 39-06-13 and subsection 5 of section 39-06-19 of the North Dakota Century Code, relating to requiring the use of the English language during driver's license examinations; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-06-13 of the North Dakota Century Code is amended and reenacted as follows:

39-06-13. Examination of applicants.

1. Unless otherwise provided in this chapter, the director shall examine every applicant for an operator's license. 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. The director shall make ~~any~~the written portion of the examination~~, except writing on illustrations of signs,~~ available to an applicant only in ~~any widely practiced~~the English 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.
2. The director shall establish a process to administer the written portion of an examination for an operator's license through an online electronic medium. The director shall charge an applicant a fee of ten dollars to access the online written examination. The online examination must:
   a. Use personal questions about the applicant before the examination which the applicant is required to answer during the examination, to strengthen test security to deter fraud; and

b. Require the applicant's parent or legal guardian to certify to the department the parent or legal guardian monitored the applicant during the online written examination, before issuance by the department of a class D instruction permit to an applicant who has passed the online examination.

3. The examination must be conducted in the English language, American sign language, or English-based sign language. The examination must include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle unless waived for an applicant who has successfully passed an actual ability test in this or another state conducted by a state licensing authority or by a commercial driver training school meeting the driver education requirements prescribed by the director under chapter 39-25. A minor may operate a motor vehicle no matter how owned for the actual ability test.

4. 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.

5. The director may require any other physical or mental examination.

SECTION 2. AMENDMENT. Subsection 5 of section 39-06-19 of the North Dakota Century Code is amended and reenacted as follows:

5. An applicant for renewal must present the application with the fee for renewal of license to the director ~~not before~~no earlier than ten months ~~prior to~~before the expiration date of the operator's license. The director may offer the application only in the English language. The director may require an examination of an applicant as upon an original application. The director may require an applicant for renewal or a substitute to provide documentation that confirms to the satisfaction of the director the true identity, date of birth, and legal presence of the applicant and provide a social security card or other satisfactory evidence of a social security number and proof of residence address, if not previously completed or if there are changes to the information already on file. 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.

SECTION 3. EFFECTIVE DATE. This Act becomes effective immediately upon its filing with the secretary of state.