

Sixty-third  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2046

Introduced by

Legislative Management

(Transportation Committee)

1 A BILL for an Act to amend and reenact subsection 7 of section 39 06-04 and sections  
2 39-06.2-02, 39-06.2-06, 39-06.2-07, 39-06.2-08, 39-06.2-08.1, 39-06.2-09, 39-06.2-09.1,  
3 39-06.2-10, 39-06.2-10.5, 39-06.2-12, and 39-06.2-16 of the North Dakota Century Code,  
4 relating to commercial driver's licenses.

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

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

8 7. The director may issue a commercial ~~driver's instruction~~learner's permit under section  
9 39-06.2-07.

10 **SECTION 2. AMENDMENT.** Section 39-06.2-02 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **39-06.2-02. Definitions.**

13 As used in this chapter, unless the context or subject matter otherwise requires:

- 14 1. "Alcohol" means any substance containing any form of alcohol, including ethanol,  
15 methanol, propanol, and isopropanol.
- 16 2. "Alcohol concentration" means:
- 17 a. The number of grams of alcohol per one hundred milliliters of blood;
- 18 b. The number of grams of alcohol per two hundred ten liters of breath; or
- 19 c. The number of grams of alcohol per sixty-seven milliliters of urine.
- 20 3. "Commercial ~~driver's instruction~~learner's permit" means a permit issued under  
21 subsection 4 of section 39-06.2-07.
- 22 4. "Commercial driver's license" means a license issued under this chapter which  
23 authorizes an individual to drive a class of commercial motor vehicle.

- 1           5. "Commercial driver's license information system" means the information system  
2           established under the Commercial Motor Vehicle Safety Act to serve as a  
3           clearinghouse for locating information related to the licensing and identification of  
4           commercial motor vehicle drivers.
- 5           6. "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles  
6           designed or used to transport passengers or property:
- 7           a. If the gross combination weight rating or gross combination weight is twenty-six  
8           thousand one pounds [~~11794~~~~11793.40~~11793.86 kilograms] or more, whichever is  
9           greater, provided the towed unit has a gross vehicle weight rating or gross  
10          combination vehicle weight of more than ten thousand pounds [4536 kilograms],  
11          whichever is greater;
- 12          b. If the vehicle has a gross vehicle weight rating or gross vehicle weight of more  
13          than twenty-six thousand pounds [11793.40 kilograms] ~~or such lesser rating as~~  
14          ~~determined by federal regulation, whichever is greater~~;
- 15          c. If the vehicle is designed to transport sixteen or more passengers, including the  
16          driver; or
- 17          d. If the vehicle is transporting hazardous materials and is required to be placarded  
18          in accordance with 49 CFR part 172, subpart F or any quantity of a material listed  
19          as a select agent or toxin in 42 CFR part 73.
- 20          7. "Controlled substance" means any substance so classified under section 802(6) of the  
21          Controlled Substances Act [21 U.S.C. 802(6)], and includes all substances listed on  
22          schedules I through V, of 21 CFR part 1308, as they may be revised from time to time.
- 23          8. "Conviction" means an unvacated adjudication of guilt, or a determination that a  
24          ~~person~~an individual has violated or failed to comply with the law in a court of original  
25          jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or  
26          collateral deposited to secure the ~~person's~~individual's appearance in court, the  
27          payment of a fine or court cost, or violation of a condition of release without bail,  
28          regardless of whether or not the penalty is rebated, suspended, or probated.
- 29          9. "Disqualification" means a withdrawal of the privilege to drive a commercial motor  
30          vehicle.
- 31          10. "Downgrade" means:

- 1           a. A state allows the driver to change the driver's self-certification to interstate, but  
2           operating exclusively in transportation or operation excepted from 49 CFR  
3           part 391, as provided in 390.3(f), 391.2, 391.68, or 398.3;
- 4           b. A state allows the driver to change the driver's self-certification to intrastate only,  
5           if the driver qualifies under the state's physical qualification requirements for  
6           intrastate only;
- 7           c. A state allows the driver to change the driver's certification to intrastate, but  
8           operating exclusively in transportation or operations excepted from all or part of  
9           the state driver's qualification; or
- 10          d. A state removes the commercial driver's license privilege from the driver's  
11          license.
- 12          11. "Drive" means to drive, operate, or be in physical control of a motor vehicle.
- 13          12. "Driver" means ~~any person~~ an individual who drives, operates, or is in physical control  
14          of a commercial motor vehicle, or who is required to hold a commercial driver's  
15          license.
- 16          13. "Driver's license" means a license issued by a state to an individual which authorizes  
17          the individual to drive a motor vehicle.
- 18          14. "Drug" means any drug or substance or combination of drugs or substances which  
19          renders a ~~person~~ an individual incapable of safely driving, and includes any controlled  
20          substance.
- 21          15. "Electronic device" includes a cellular telephone, personal digital assistant, pager,  
22          computer, or any other device used to input, write, send, receive, or read text.
- 23          ~~16.14.~~ "Employer" means any person, including the United States, a state, or a political  
24          subdivision of a state, who owns or leases a commercial motor vehicle, or assigns a  
25          ~~person~~ an individual to drive a commercial motor vehicle.
- 26          ~~17.15~~ "Fatality" means the death of a ~~person~~ an individual as a result of a motor vehicle  
27          accident.
- 28          ~~18.16.~~ "Felony" means any offense under state or federal law which is punishable by death or  
29          imprisonment for a term exceeding one year.
- 30          ~~19.17.~~ "Foreign jurisdiction" means any jurisdiction other than a state of the United States.

1 | ~~20.18.~~ "Gross vehicle weight rating" means the value specified by the manufacturer as the  
2 | maximum loaded weight of a single or a combination (~~or articulated~~) vehicle. The  
3 | gross vehicle weight rating of a combination (~~or articulated~~) vehicle, (~~commonly~~  
4 | referred to as the "gross combination weight rating"), is the gross vehicle weight rating  
5 | of the power unit plus the gross vehicle weight rating or actual weight of the towed unit  
6 | or units.

7 | ~~21.19.~~ "Hazardous materials" means any material that has been designated as hazardous  
8 | under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 CFR  
9 | part 172 or any quantity of a material listed as a select agent or toxin in 42 CFR  
10 | part 73.

11 | ~~22.20.~~ "Imminent hazard" means the existence of a condition that presents a substantial  
12 | likelihood that death, serious illness, severe personal injury, or a substantial  
13 | endangerment to health, property, or the environment may occur before the  
14 | reasonably foreseeable completion date of a formal proceeding begun to lessen the  
15 | risk of that death, illness, injury, or endangerment.

16 | ~~23.21.~~ "Mobile telephone" means a mobile communication device that falls under or uses any  
17 | commercial mobile radio service, as defined in regulations of the federal  
18 | communications commission in 47 CFR 20.3. The term does not include two-way  
19 | and citizens band radio services.

20 | ~~22.24.~~ "Motor vehicle" means every vehicle that is self-propelled, and every vehicle that is  
21 | propelled by electric power obtained from overhead trolley wires but not operated  
22 | upon rails, except vehicles moved solely by human power and motorized wheelchairs.

23 | ~~24.23.25.~~ "Noncommercial motor vehicle" means a motor vehicle or combination of motor  
24 | vehicles not defined by the term commercial motor vehicle.

25 | ~~25.24.26.~~ "NonresidentNondomiciled commercial driver's license" means a commercial  
26 | driver's license or a commercial learner's permit issued by a state to an individual  
27 | domiciled in a foreign country meeting the requirements of 49 CFR 383.23(b)(1).

28 | ~~26.25.27.~~ "Out-of-service order" means a temporary prohibition against driving a  
29 | commercial motor vehicle.

30 | ~~27.26.28.~~ "Serious traffic violation" means a conviction when operating a commercial  
31 | motor vehicle of:

- 1 a. Excessive speeding, involving a single charge of any speed fifteen miles  
2 [24.14 kilometers] per hour or more, above the posted speed limit;
- 3 b. Reckless driving, as defined under section 39-08-03 or local ordinance, including  
4 charges of driving a commercial motor vehicle in willful or wanton disregard for  
5 the safety of ~~persons~~an individual or property, improper or erratic traffic lane  
6 changes, or following the vehicle ahead too closely;
- 7 c. A violation of any state or local law related to motor vehicle traffic control, other  
8 than a parking violation, arising in connection with a fatal accident;
- 9 d. Driving a commercial motor vehicle without obtaining a commercial driver's  
10 license or commercial ~~driver's instruction~~learner's permit;
- 11 e. Driving a commercial motor vehicle without a commercial driver's license or  
12 commercial ~~driver's instruction~~learner's permit in the driver's possession. An  
13 individual who provides proof to the enforcement authority that issued the  
14 citation, by the date the individual must appear in court or pay a fine for such  
15 violation, that the individual held a valid commercial driver's license or  
16 commercial ~~driver's instruction~~learner's permit on the date the citation was  
17 issued, is not guilty of this offense;
- 18 f. Driving a commercial motor vehicle without the proper class of commercial  
19 driver's license ~~or~~, endorsement, or ~~both~~commercial ~~driver's instruction~~learner's  
20 permit, for the specific vehicle group being operated or for the passengers or type  
21 of cargo being transported; ~~or~~
- 22 g. Violating a state or local law or ordinance prohibiting texting while driving; or  
23 h. Violating a state law ~~or local law or ordinance~~ on motor vehicle traffic control  
24 restricting or prohibiting the use of a hand-held mobile telephone while driving a  
25 commercial motor vehicle.
- 26 ~~28-27-29.~~ "State" means a state of the United States or the District of Columbia.
- 27 ~~28-30.~~ "Tank vehicle" means any commercial motor vehicle that is designed to transport any  
28 liquid or gaseous material within ~~a tank~~one or more tanks having an individual rated  
29 capacity of more than one hundred nineteen gallons [450.46 liters] and an aggregate  
30 rated capacity of one thousand gallons [3785.41 liters] or more that is either  
31 permanently or temporarily attached to the vehicle or the chassis. A commercial motor

1 vehicle transporting an empty storage container tank, not designed for transportation,  
2 with a rated capacity of one thousand gallons [3785.41 liters] or more that is  
3 temporarily attached to a flatbed trailer is not considered a tank vehicle.

4 ~~29.31.~~ "Texting" means manually entering alphanumeric text into, or reading text from, an  
5 electronic device. This action includes short message service, e-mailing, instant  
6 messaging, a command or request to access a worldwide web page, pressing more  
7 than a single button to initiate or terminate a voice communication using a mobile  
8 telephone or engaging in any other form of electronic text retrieval or entry, for present  
9 or future communication. "Texting" does not include:

- 10 a. ~~Reading, selecting, or entering a telephone number, an extension number, or~~  
11 ~~voice mail retrieval codes and commands into an electronic device for the~~  
12 ~~purpose of initiating or receiving a telephone call using voice commands to~~  
13 ~~initiate or receive a telephone call~~Pressing a single button to initiate or terminate  
14 a voice communication using a mobile telephone;
- 15 b. Inputting, selecting, or reading information on a global positioning system or  
16 navigation system; or
- 17 c. Using a device capable of performing multiple functions, including fleet  
18 management systems, dispatching devices, smartphones, citizens' band radios,  
19 or music players, for a purpose that is not otherwise prohibited in 49 CFR  
20 part 383.

21 ~~30.32.~~ "Third-party skills test examiner" means an individual employed by a third-party tester  
22 who is authorized by the state to administer the skills tests in 49 CFR part 383,  
23 subparts G and H.

24 ~~31.33.~~ "Third-party tester" means a person, including another state, a motor carrier, a private  
25 driver training facility or other private institution, or a political subdivision authorized by  
26 the state to employ skills test examiners to administer the skills tests in 49 CFR part  
27 383, subparts G and H.

28 ~~30.32.34.~~ "United States" means the fifty states and the District of Columbia.

29 ~~33.35.~~ "Use a hand-held mobile telephone" means using at least one hand to hold a mobile  
30 telephone to conduct a voice communication; dialing or answering a mobile telephone  
31 by pressing more than a single button; or reaching for a mobile telephone in a manner

1           that requires a driver to maneuver so that the driver is no longer in a seated driving  
2           position, restrained by a seatbelt that is installed under 49 CFR 393.93 and adjusted in  
3           accordance with the vehicle manufacturer's instructions.

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

- 6           1. Except when driving under a commercial ~~driver's instruction~~ learner's permit and  
7           accompanied by the holder of a commercial driver's license valid for the vehicle being  
8           driven, ~~no person~~ an individual may not drive a commercial motor vehicle on the  
9           highways of this state unless the ~~person~~ individual holds and is in immediate  
10          possession of a commercial driver's license with applicable endorsements valid for the  
11          vehicle the ~~person~~ individual is driving. This subsection does not apply:  
12          a. When the vehicle being driven is a house car or a vehicle towing a travel trailer  
13             being used solely for personal rather than commercial purposes.  
14          b. When the vehicle being driven constitutes emergency or firefighting equipment  
15             necessary to the preservation of life or property.  
16          c. When the vehicle is being driven for military purposes, subject to any limitations  
17             imposed by 49 CFR part 383.3(c).

18          **SECTION 4. AMENDMENT.** Section 39-06.2-07 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20          **39-06.2-07. Commercial driver's license qualification standards.**

- 21          1. ~~Testing.~~  
22          a. ~~General. No person~~ An individual may not be issued a commercial driver's license  
23             unless that ~~person~~ individual is a resident of this state and ~~;~~ has passed a  
24             knowledge and skills test, including a skills test administered by another state, for  
25             driving a commercial motor vehicle which complies with minimum federal  
26             standards established by federal regulations enumerated in 49 CFR part 383,  
27             subparts G and H; ~~;~~ and has satisfied all other requirements of state and federal  
28             law, including the Commercial Motor Vehicle Safety Act ~~in addition to other~~  
29             ~~requirements imposed by state law or federal regulation.~~ The tests must be  
30             prescribed and conducted by the director. The applicant ~~must~~ shall pay a fee of  
31             five dollars for each of the tests.

1     ~~b.2.~~ Third-party testing. The director may authorize a person, including an agency of this or  
2             another state, an employer, a private driver's training facility, or other private institution,  
3             or a department, agency, or instrumentality of local government, to administer the  
4             skills test specified by this section, ~~provided~~ third-party testing, if:

5             (1)~~a.~~ The test is the same as that which would otherwise be administered by ~~the~~ this  
6             state; and

7             (2)~~b.~~ The third party has entered ~~into~~ an agreement with this state which complies with  
8             requirements of 49 CFR part 383.75.

9     ~~2.3.~~ Waiver of skills test. The director may waive the skills test specified in this section for a  
10            commercial driver's license applicant who meets the requirements of 49 CFR  
11            part 383.77.

12    ~~3.4.~~ Limitations on issuance of license. A commercial driver's license, or commercial  
13            ~~driver's instruction~~ learner's permit, may not be issued to a ~~person~~ individual while  
14            the ~~person~~ individual is subject to a disqualification from driving a commercial motor  
15            vehicle, or while the ~~person's~~ individual's driver's license is suspended, revoked, or  
16            canceled in any state; ~~nor may a~~ A commercial driver's license may not be issued to a  
17            ~~person~~ individual who has a commercial driver's license issued by any other state  
18            unless the ~~person~~ individual first surrenders ~~all such licenses~~ that license. The director  
19            shall notify the issuing state of the surrender of the license.

20    4. Commercial driver's instruction permit.

21            a. A commercial ~~driver's instruction~~ learner's permit may be issued to an individual  
22            who holds a valid class D ~~driver's operator's~~ license who has passed the vision  
23            and written tests required for an equivalent commercial driver's license.

24            b. The commercial ~~driver's instruction~~ learner's permit may not be issued for a period  
25            to exceed ~~six months~~ one hundred eighty days. Only one renewal or reissuance  
26            may be granted within a two-year period. The director may issue a letter of  
27            authority that authorizes the applicant to drive to a driver's license office,  
28            complete the road test, and return home. ~~The~~ director may issue the letter of  
29            authority ~~is used after an~~ if all allowable number of permits have been issued. The  
30            holder of a ~~commercial driver's instruction~~ permit ~~may~~, unless otherwise  
31            disqualified, may drive a commercial motor vehicle only when accompanied by

1 the holder of a commercial driver's license valid for the type of vehicle driven who  
2 occupies a seat beside the individual for the purpose of giving instruction in  
3 driving the commercial motor vehicle. A holder of a permit is not eligible for a  
4 license until that individual has had the permit issued for at least fourteen days.

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

7 **39-06.2-08. Application for commercial driver's license.**

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

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

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

7           **39-06.2-08.1. Commercial driver's license medical certification requirements.**

- 8           1. The director may issue a commercial ~~driver's instruction~~learner's permit or commercial  
9           driver's license to a North Dakota resident who meets the medical qualification and  
10          certification requirements pursuant to the limitations of 49 CFR parts 383 and 391.  
11          2. Every individual who makes application for a commercial ~~driver's instruction~~learner's  
12          permit or commercial driver's license ~~must~~shall certify that the individual meets the  
13          qualification requirements contained in 49 CFR part 391 or certify that the individual's  
14          commercial transportation is entirely in intrastate commerce and is not subject to 49  
15          CFR part 391.  
16          3. The application will contain the following categories to comply with the commercial  
17          driver's certification requirements:  
18              a. Interstate and subject to 49 CFR part 391.  
19              b. Interstate, but operating exclusively in transportation or operations excepted  
20              under 49 CFR part 390.3(f), 391.2, 391.68, or 398.3.  
21              c. Intrastate and subject to state driver's qualification requirements.  
22              d. Intrastate, but operating exclusively in transportation or operations excepted from  
23              all or part of the state driver's qualification requirements.  
24          4. Every individual who makes application for or holds a commercial ~~driver's-~~  
25          ~~instruction~~learner's permit or commercial driver's license ~~must~~shall submit a copy of  
26          the individual's medical certificate to the director unless the commercial transportation  
27          is not subject to 49 CFR part 391.  
28          5. The director will downgrade or remove the commercial driving privilege from the  
29          license if the medical certificate expires and the driver does not change the driver's  
30          certification if the driver is no longer subject to 49 CFR part 391.

- 1           6. If the driver provides a current medical certification, the director shall upgrade without  
2           retesting the license of a driver which was downgraded under this section.

3           **SECTION 7. AMENDMENT.** Section 39-06.2-09 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5           **39-06.2-09. Commercial driver's license.**

- 6           1. The commercial driver's license must be marked "commercial driver's license", and  
7           must be, to the maximum extent practicable, tamper proof. ~~The license~~ must include  
8           the following information:
- 9           a. The name and residential address of the ~~person~~individual;
  - 10           b. The ~~person's~~individual's color photograph;
  - 11           c. A physical description of the ~~person~~individual, including sex, height, and eye  
12           color;
  - 13           d. Date of birth;
  - 14           e. A distinguishing number assigned to the ~~person~~individual;
  - 15           f. The ~~person's~~individual's signature;
  - 16           g. The class or type of commercial motor vehicle or vehicles which the  
17           ~~person~~individual is authorized to drive together with any endorsements or  
18           restrictions;
  - 19           h. The name of this state; and
  - 20           i. The dates between which the license is valid.
- 21           2. The director may issue a ~~nonresidentnondomiciled~~ commercial driver's license  
22           pursuant to the limitations of 49 CFR 383 including waiving the social security number  
23           requirement. The face of the license must be marked "~~nonresidentnondomiciled~~" in  
24           accordance with ~~49 CFR 383.153(b)~~49 CFR 383.153(c).
- 25           3. Commercial driver's licenses may be issued with the following classifications,  
26           endorsements, and restrictions; ~~the~~The holder of a valid commercial driver's license  
27           may drive all vehicles in the class for which that license is issued and all lesser  
28           classes of vehicles except motorcycles. Vehicles for which an endorsement is required  
29           may not be driven unless the proper endorsement appears on the license. The  
30           requirements of placarding vehicles transporting hazardous materials under  
31           subparagraph b of paragraph 3 of subdivision a and the endorsement required under

1 paragraph 1 of subdivision b do not apply to a person who is the operator of a farm  
2 vehicle, ~~provided such~~ if the vehicle is controlled and operated by a farmer and used  
3 to transport hazardous materials in the form of farm supplies within one hundred fifty  
4 miles [241.40 kilometers] of the farm; and is not used in the operations of a common  
5 or contract carrier.

6 a. ~~Classifications~~ The classifications of commercial driver's licenses are:

7 (1) ~~Class A class A license. Any~~ This license allows the operation of any

8 combination of vehicles with a gross vehicle weight rating of more than  
9 twenty-six thousand pounds [11793.40 kilograms], ~~provided if~~ the gross  
10 vehicle weight rating of the vehicles being towed is in excess of ten  
11 thousand pounds [4535.92 kilograms].

12 (2) ~~Class A class B license. Any~~ This license allows the operation of a single

13 vehicle with a gross vehicle weight rating of more than twenty-six thousand  
14 pounds [11793.40 kilograms], and ~~any such~~ this vehicle towing a vehicle not  
15 in excess of ten thousand pounds [4535.92 kilograms].

16 (3) ~~Class A class C license. Any~~ This license allows the operation of a single

17 vehicle with a gross vehicle weight rating of twenty-six thousand pounds  
18 [11793.40 kilograms] or less or ~~any such~~ this vehicle towing a vehicle with a  
19 gross vehicle weight rating not in excess of ten thousand pounds [4535.92  
20 kilograms] comprising:

21 (a) Vehicles designed to transport sixteen or more passengers, including  
22 the driver; and

23 (b) Vehicles used in the transportation of hazardous materials which  
24 requires the vehicle to be placarded under 49 CFR part 172,  
25 subpart F.

26 b. Endorsements and restrictions include:

27 (1) "H" ~~-that~~ authorizes the driver to drive a vehicle transporting hazardous  
28 materials.

29 (2) "T" ~~-that~~ authorizes driving double and triple trailers.

30 (3) "P" ~~-that~~ authorizes driving vehicles carrying passengers.

31 (4) "N" ~~-that~~ authorizes driving tank vehicles.

- 1 (5) "X" ~~-that authorizes driving~~ combinations of tank vehicles and hazardous  
2 material vehicles.
- 3 (6) "S" ~~-that~~ authorizes driving a schoolbus.
- 4 c. Other restrictions may be placed upon a commercial driver's license, ~~as provided~~  
5 ~~in~~under section 39-06-17. The applicant shall pay a fee of three dollars for each  
6 endorsement.
- 7 4. Before issuing a commercial driver's license, the director shall obtain driving record  
8 information through the commercial driver's license information system, the national  
9 driver's register, and from each state in which the ~~person~~individual has been licensed.
- 10 5. Within ten days after issuing a commercial driver's license, the director shall notify the  
11 commercial driver's license information system of that fact, providing all information  
12 required to ensure identification of the ~~person~~individual.
- 13 6. A commercial driver's license issued under this chapter expires in the manner  
14 provided for operator's licenses under section 39-06-19.
- 15 7. ~~Every person~~An individual applying for renewal of a commercial driver's license must  
16 complete the application form required by subsection 1 of section 39-06.2-08,  
17 ~~providing~~and provide updated information and required certifications. ~~If the~~For an  
18 applicant ~~wishes~~ to retain a hazardous materials endorsement, the applicant must take  
19 and pass the written test for a hazardous materials endorsement ~~must be taken and~~  
20 ~~passed~~.

21 **SECTION 8. AMENDMENT.** Section 39-06.2-09.1 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **39-06.2-09.1. NonresidentNondomiciled commercial license.**

- 24 1. The department may issue a ~~nonresidentnondomiciled~~ commercial driver's license to  
25 an applicant who does not present a social security card as required by section  
26 39-06.2-08 but who otherwise meets the requirements for a ~~nonresidentnondomiciled~~  
27 commercial driver's license. A license issued under this subsection is valid only during  
28 the period of time of the applicant's authorized stay in the United States. The license  
29 may be renewed only upon presentation of valid documentary evidence that the status  
30 has been extended. The department shall renew without a skills or knowledge test a

1           ~~nonresidentnondomiciled~~ commercial license that has been expired for a duration not  
2           longer than one year.

3           2. The fee for a ~~nonresidentnondomiciled~~ commercial driver's license is twenty dollars.

4           **SECTION 9. AMENDMENT.** Section 39-06.2-10 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6           **39-06.2-10. Disqualification and cancellation.**

7           1. ~~Disqualification offenses. Any person~~An individual is disqualified from driving a  
8           commercial motor vehicle for a period of not less than one year if convicted of a first  
9           violation of:

- 10           a. Driving a commercial motor vehicle under the influence of alcohol or drugs;  
11           b. Leaving the scene of an accident involving a commercial motor vehicle driven by  
12           the ~~person~~individual in violation of section 39-08-04, 39-08-05, 39-08-07, or  
13           39-08-09;  
14           c. Using a commercial motor vehicle in the commission of any felony as defined in  
15           this chapter;  
16           d. Refusal to submit to a test to determine the driver's alcohol concentration while  
17           driving a commercial motor vehicle; or  
18           e. Driving or being in actual physical control of a commercial motor vehicle while the  
19           alcohol concentration of the ~~person's~~individual's blood, breath, or urine is four  
20           one-hundredths of one percent or more by weight.

21           If any of the above violations occurred while transporting a hazardous material  
22           required to be placarded, the ~~person~~individual is disqualified for a period of not less  
23           than three years.

24           2. An individual is disqualified for a period of not less than sixty days for providing false  
25           information to the department related to the issuance of a commercial permit or  
26           commercial license or for a period of not less than one year if convicted of fraud  
27           related to the issuance of a commercial driver's permit or license.

28           3. ~~A person~~An individual is disqualified for life if convicted of two or more violations of any  
29           of the offenses specified in subsection 1, ~~78~~, ~~910~~, or ~~412~~, or any combination of those  
30           offenses, arising from two or more separate incidents. Only offenses committed while  
31           operating a commercial motor vehicle after July 1, 1989, may be considered in

1 applying this subsection. Only offenses committed while operating a noncommercial  
2 motor vehicle after August 1, 2003, may be considered in applying this subsection.

3 ~~3.4.~~ The director may adopt rules under section 39-06.2-14, establishing guidelines,  
4 including conditions, under which a disqualification for life under subsections ~~23~~, ~~89~~,  
5 ~~4011~~, and ~~4213~~ may be reduced to a period of not less than ten years.

6 ~~4.5.~~ ~~A person~~An individual is disqualified from driving a commercial motor vehicle for life  
7 who uses a commercial motor vehicle in the commission of any felony involving the  
8 manufacture, distribution, or dispensing of a controlled substance, or possession with  
9 intent to manufacture, distribute, or dispense a controlled substance.

10 ~~5.6.~~ ~~A person~~An individual is disqualified from driving a commercial motor vehicle for a  
11 period of not less than sixty days if convicted of two serious traffic violations, or one  
12 hundred twenty days if convicted of three serious traffic violations, committed in a  
13 commercial motor vehicle arising from separate incidents occurring within a three-year  
14 period.

15 ~~6.7.~~ Disqualification for railroad-highway grade crossing violation:

16 a. A driver who is convicted of driving a commercial motor vehicle in violation of a  
17 federal, state, or local law or regulation pertaining to any one of the following six  
18 offenses at a railroad-highway grade crossing is disqualified for the period of time  
19 specified in subdivision b:

20 (1) For drivers who are not required to always stop, failing to slow down and  
21 check that the tracks are clear of an approaching train;

22 (2) For drivers who are not required to always stop, failing to stop before  
23 reaching the crossing, if the tracks are not clear;

24 (3) For drivers who are always required to stop, failing to stop before driving  
25 onto the crossing;

26 (4) For all drivers, failing to have sufficient space to drive completely through  
27 the crossing without stopping;

28 (5) For all drivers, failing to obey a traffic control device or the directions of an  
29 enforcement official at the crossing; and

30 (6) For all drivers, failing to negotiate a crossing because of insufficient  
31 undercarriage clearance.

- b. Duration of disqualification for a railroad-highway grade crossing violation:
- (1) ~~First violation.~~ A driver is disqualified for not less than sixty days if the driver is convicted of a first violation of a railroad-highway grade crossing violation.
  - (2) ~~Second violation.~~ A driver is disqualified for not less than one hundred twenty days if, during any three-year period, the driver is convicted of a second railroad-highway grade crossing violation in separate incidents.
  - (3) ~~Third or subsequent violation.~~ A driver is disqualified for not less than one year if, during any three-year period, the driver is convicted of a third or subsequent railroad-highway grade crossing violation in separate incidents.

~~7-8.~~ For a first conviction of driving while under the influence of alcohol or being under the influence of a controlled substance or refusal to be tested while operating a noncommercial motor vehicle, a holder of a commercial driver's licenseholderlicense or instructionlearner's permit must be disqualified from operating a commercial motor vehicle for one year.

~~8-9.~~ For a second or subsequent conviction of driving while under the influence or being under the influence of a controlled substance or refusal to be tested while operating a noncommercial motor vehicle, a holder of a commercial driver's licenseholderlicense or instructionlearner's permit must be disqualified from operating a commercial motor vehicle for life.

~~9-10.~~ For a first conviction for leaving the scene of an accident while operating a noncommercial motor vehicle, a holder of a commercial driver's licenseholderlicense or instructionlearner's permit must be disqualified from operating a commercial motor vehicle for one year.

~~10-11.~~ For a second or subsequent conviction for leaving the scene of an accident while operating a noncommercial motor vehicle, a holder of a commercial driver's licenseholderlicense or instructionlearner's permit must be disqualified from operating a commercial motor vehicle for life.

~~11-12.~~ For a first conviction for using a vehicle to commit a felony while operating a noncommercial motor vehicle, a holder of a commercial driver's licenseholderlicense or instructionlearner's permit must be disqualified from operating a commercial motor vehicle for one year.

- 1 ~~12-13.~~ For a second or subsequent conviction for using a vehicle to commit a felony while  
2 operating a noncommercial motor vehicle, a holder of a commercial driver's  
3 licenseholder license or instruction learner's permit must be disqualified from operating  
4 a commercial motor vehicle for life.
- 5 ~~13-14.~~ For a conviction for using a vehicle in the commission of a felony involving  
6 manufacturing, distributing, or dispensing a controlled substance while operating a  
7 commercial motor vehicle or a noncommercial motor vehicle, a holder of a commercial  
8 driver's licenseholder license or instruction learner's permit must be disqualified from  
9 operating a commercial motor vehicle for life.
- 10 ~~14-15.~~ ~~A person~~ An individual is disqualified from driving a commercial motor vehicle for a  
11 period of not less than sixty days if convicted of any combination of two serious traffic  
12 violations within a three-year period while operating a noncommercial motor vehicle,  
13 and either conviction results in the revocation, cancellation, or suspension of an  
14 operator's license, including a commercial driver's license.
- 15 ~~15-16.~~ ~~A person~~ An individual is disqualified from driving a commercial motor vehicle for a  
16 period of not less than one hundred twenty days if convicted of any combination of  
17 three or more serious traffic violations within a three-year period while operating a  
18 noncommercial motor vehicle, and any of the convictions results in the revocation,  
19 cancellation, or suspension of an operator's license, including a commercial driver's  
20 license.
- 21 ~~16-17.~~ ~~Notice and hearing. Prior to~~ Before suspending, revoking, or disqualifying a driver  
22 under this section, the director must provide the driver with notice of opportunity for  
23 hearing, in accordance with section 39-06-33, and the hearing requested must be held  
24 in accordance with section 39-06-33.
- 25 ~~17-18.~~ After suspending, revoking, disqualifying, or canceling a commercial driver's license,  
26 the director shall update the director's records to reflect that action within ten days.  
27 After suspending, revoking, or canceling a ~~nonresident~~ nondomiciled commercial  
28 driver's privileges, the director shall notify the licensing authority of the state that  
29 issued the commercial driver's license or commercial ~~driver's instruction~~ learner's  
30 permit within ten days.

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

3 | **39-06.2-10.5. Revocation of privilege to drive commercial motor vehicle upon refusal**  
4 | **to submit to testing.**

5 | If a person refuses to submit to testing under section 39-06.2-10.2, the law enforcement  
6 | officer shall immediately take possession of the person's driver's license and issue to that  
7 | person a temporary driver's permit. The director, upon the receipt of that person's driver's  
8 | license and a certified written report of the law enforcement officer in the form required by the  
9 | director, forwarded by the officer within five days after issuing the temporary driver's permit,  
10 | showing that the officer had reasonable grounds to believe the person had been driving or was  
11 | in actual physical control of a commercial motor vehicle while in violation of section  
12 | 39-06.2-10.1 or, had reason to believe that the person committed a moving traffic violation or  
13 | was involved in a traffic accident as a driver, and in conjunction with the violation or accident the  
14 | officer has, through the officer's observations, formulated an opinion that the person's body  
15 | contains alcohol, that the person was lawfully detained, and that the person had refused to  
16 | submit to the screening test under section 39-06.2-10.2, shall revoke that person's commercial  
17 | driver's license or permit to drive and any ~~nonresident~~nondomiciled commercial driver's privilege  
18 | for the appropriate period under section 39-06.2-10, or if the person is a resident without a  
19 | commercial driver's license or permit, the director shall deny to the person the issuance of a  
20 | commercial driver's license or permit for the appropriate period under section 39-06.2-10 after  
21 | the date of the alleged violation, subject to the opportunity for a prerevocation hearing and  
22 | postrevocation review as provided in this chapter. In the revocation of the person's driver's  
23 | license the director shall give credit for time in which the person was without a driver's license  
24 | after the day of the person's refusal to submit to the test except that the director may not give  
25 | credit for time in which the person retained driving privileges through a temporary driver's  
26 | permit.

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

29 | **39-06.2-12. Notification of traffic convictions.**

30 | Within ten days after receiving a report of the conviction of any ~~nonresident~~nondomiciled  
31 | holder of a commercial driver's license for any violation of state or local ordinance relating to

1 motor vehicle traffic control, other than parking violations, committed in a commercial motor  
2 vehicle, the director shall notify the driver's licensing authority in the licensing state of the  
3 conviction.

4 **SECTION 12. AMENDMENT.** Section 39-06.2-16 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **39-06.2-16. Reciprocity.**

- 7 1. Notwithstanding any other provision of law, ~~a person~~an individual may drive a  
8 commercial motor vehicle in this state if the ~~person~~individual has a valid commercial  
9 driver's license or commercial ~~driver's license instruction~~learner's permit issued by any  
10 state, ~~or~~ province or territory of Canada, or licencia federal de conductor issued by  
11 Mexico in accordance with the minimum federal standards for the issuance of a  
12 commercial motor vehicle driver's license, if the ~~person's~~individual's license or permit  
13 is not suspended, revoked, or canceled, and if the ~~person~~individual is not disqualified  
14 from driving a commercial motor vehicle.
- 15 2. The director must give all out-of-state convictions full faith and credit if the driver is  
16 licensed by this state at the time of the conviction or becomes licensed by this state at  
17 a later time and treat them for sanctioning purposes under this chapter as if they  
18 occurred in this state. For purposes of this section, originals, photostatic copies, or  
19 electronic transmissions of the records of the driver's licensing or other authority of the  
20 other jurisdiction are sufficient evidence whether or not they are certified copies.