

**FIRST ENGROSSMENT
with House Amendments
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, section 39-06.2-02,
2 subsection 1 of section 39-06.2-06, and sections 39-06.2-07, 39-06.2-08, 39-06.2-08.1,
3 39-06.2-09, 39-06.2-09.1, 39-06.2-10, 39-06.2-10.5, 39-06.2-12, and 39-06.2-16 of the North
4 Dakota Century Code, 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 [44794.11793.86 kilograms] or more, whichever is greater,
9 provided the towed unit has a gross vehicle weight rating or gross vehicle weight
10 of more than ten thousand pounds [4536 kilograms], whichever is greater;
- 11 b. If the vehicle has a gross vehicle weight rating or gross vehicle weight of more
12 than twenty-six thousand pounds [11793.40 kilograms] ~~or such lesser rating as~~
13 ~~determined by federal regulation,~~ whichever is greater;
- 14 c. If the vehicle is designed to transport sixteen or more passengers, including the
15 driver; or
- 16 d. If the vehicle is transporting hazardous materials and is required to be placarded
17 in accordance with 49 CFR part 172, subpart F or any quantity of a material listed
18 as a select agent or toxin in 42 CFR part 73.
- 19 7. "Controlled substance" means any substance so classified under section 802(6) of the
20 Controlled Substances Act [21 U.S.C. 802(6)], and includes all substances listed on
21 schedules I through V, of 21 CFR part 1308, as they may be revised from time to time.
- 22 8. "Conviction" means an unvacated adjudication of guilt, or a determination that a
23 ~~person~~ an individual has violated or failed to comply with the law in a court of original
24 jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or
25 collateral deposited to secure the ~~person's~~ individual's appearance in court, the
26 payment of a fine or court cost, or violation of a condition of release without bail,
27 regardless of whether or not the penalty is rebated, suspended, or probated.
- 28 9. "Disqualification" means a withdrawal of the privilege to drive a commercial motor
29 vehicle.
- 30 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. "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. "Fatality" means the death of a ~~person~~ an individual as a result of a motor vehicle
27 accident.
- 28 18. "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. "Foreign jurisdiction" means any jurisdiction other than a state of the United States.

- 1 20. "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. "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. "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. "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 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 ~~24-25.~~ "Noncommercial motor vehicle" means a motor vehicle or combination of motor
24 vehicles not defined by the term commercial motor vehicle.
- 25 ~~25-26.~~ "NonresidentNondomiciled commercial driver's license" means a commercial driver's
26 license or a commercial learner's permit issued by a state to an individual domiciled in
27 a foreign country meeting the requirements of 49 CFR 383.23(b)(1).
- 28 ~~26-27.~~ "Out-of-service order" means a temporary prohibition against driving a commercial
29 motor vehicle.
- 30 ~~27-28.~~ "Serious traffic violation" means a conviction when operating a commercial motor
31 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 learner's permit;
- 11 e. Driving a commercial motor vehicle without a commercial driver's license or
12 commercial learner's permit in the driver's possession. An individual who provides
13 proof to the enforcement authority that issued the citation, by the date the
14 individual must appear in court or pay a fine for such violation, that the individual
15 held a valid commercial driver's license or commercial learner's permit on the
16 date the citation was issued, is not guilty of this offense;
- 17 f. Driving a commercial motor vehicle without the proper class of commercial
18 driver's license ~~or~~ endorsement, or ~~both~~commercial learner's permit, for the
19 specific vehicle group being operated or for the passengers or type of cargo
20 being transported; ~~or~~
- 21 g. Violating a state or local law or ordinance prohibiting texting while driving; or
- 22 h. Violating a state law or local law or ordinance on motor vehicle traffic control
23 restricting or prohibiting the use of a hand-held mobile telephone while driving a
24 commercial motor vehicle.
- 25 ~~28-29.~~ "State" means a state of the United States or the District of Columbia.
- 26 30. "Tank vehicle" means any commercial motor vehicle that is designed to transport any
27 liquid or gaseous material within one or more tanks having an individual rated capacity
28 of more than one hundred nineteen gallons [450.46 liters] and an aggregate rated
29 capacity of one thousand gallons [3785.41 liters] or more that is either permanently or
30 temporarily attached to the vehicle or the chassis. A commercial motor vehicle
31 transporting an empty storage container tank, not designed for transportation, with a

1 rated capacity of one thousand gallons [3785.41 liters] or more that is temporarily
2 attached to a flatbed trailer is not considered a tank vehicle.

3 ~~29-31.~~ "Texting" means manually entering alphanumeric text into, or reading text from, an
4 electronic device. This action includes short message service, e-mailing, instant
5 messaging, a command or request to access a worldwide web page, pressing more
6 than a single button to initiate or terminate a voice communication using a mobile
7 telephone or engaging in any other form of electronic text retrieval or entry, for present
8 or future communication. "Texting" does not include:

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

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

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

27 ~~30-34.~~ "United States" means the fifty states and the District of Columbia.

28 35. "Use a hand-held mobile telephone" means using at least one hand to hold a mobile
29 telephone to conduct a voice communication; dialing or answering a mobile telephone
30 by pressing more than a single button; or reaching for a mobile telephone in a manner
31 that requires a driver to maneuver so that the driver is no longer in a seated driving

1 position, restrained by a seatbelt that is installed under 49 CFR 393.93 and adjusted in
2 accordance with the vehicle manufacturer's instructions.

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

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

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

19 **39-06.2-07. Commercial driver's license qualification standards.**

- 20 1. ~~Testing.~~
- 21 a. ~~General.~~ An individual may not be issued a commercial driver's
22 license unless that ~~person~~individual is a resident of this state ~~and~~; has passed a
23 knowledge and skills test, including a skills test administered by another state, for
24 driving a commercial motor vehicle which complies with minimum federal standards
25 established by federal regulations enumerated in 49 CFR part 383, subparts G and H;;
26 and has satisfied all other requirements of state and federal law, including the
27 Commercial Motor Vehicle Safety Act ~~in addition to other requirements imposed by~~
28 ~~state law or federal regulation.~~ The tests must be prescribed and conducted by the
29 director. The applicant ~~must~~shall pay a fee of five dollars for each of the tests.
 - 30 ~~b.2.~~ Third-party testing. The director may authorize a person, including an agency of this or
31 another state, an employer, a private driver's training facility, or other private

1 institution, or a department, agency, or instrumentality of local government, to
2 administer the skills test specified by this section, ~~provided~~third-party testing, if:

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

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

7 ~~2.3. Waiver of skills test.~~ The director may waive the skills test specified in this section for a
8 commercial driver's license applicant who meets the requirements of 49 CFR
9 part 383.77.

10 ~~3.4. Limitations on issuance of license.~~ A commercial driver's license, or commercial
11 driver's ~~instruction~~learner's permit, may not be issued to a ~~person~~an individual while
12 the ~~person~~individual is subject to a disqualification from driving a commercial motor
13 vehicle, or while the ~~person's~~individual's driver's license is suspended, revoked, or
14 canceled in any state; ~~nor may a.~~ A commercial driver's license may not be issued to a
15 ~~person~~an individual who has a commercial driver's license issued by any other state
16 unless the ~~person~~individual first surrenders ~~all such licenses~~that license. The director
17 shall notify the issuing state of the surrender of the license.

18 4. ~~Commercial driver's instruction permit.~~

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

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

1 driving the commercial motor vehicle. A holder of a permit is not eligible for a
2 license until that individual has had the permit issued for at least fourteen days.

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

5 **39-06.2-08. Application for commercial driver's license.**

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

1 the individual's commercial driver's license or pending application for a period of at
2 least sixty consecutive days.

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

5 **39-06.2-08.1. Commercial driver's license medical certification requirements.**

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

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

3 **39-06.2-09. Commercial driver's license.**

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

1 to transport hazardous materials in the form of farm supplies within one hundred fifty
2 miles [241.40 kilometers] of the farm; and is not used in the operations of a common
3 or contract carrier.

4 a. ClassificationsThe classifications of commercial driver's licenses are:

5 (1) Class A class A license. AnyThis license allows the operation of any
6 combination of vehicles with a gross vehicle weight rating of more than
7 twenty-six thousand pounds [11793.40 kilograms], ~~provided~~if the gross
8 vehicle weight rating of the vehicles being towed is in excess of ten
9 thousand pounds [4535.92 kilograms].

10 (2) Class A class B license. AnyThis license allows the operation of a single
11 vehicle with a gross vehicle weight rating of more than twenty-six thousand
12 pounds [11793.40 kilograms], and ~~any such~~this vehicle towing a vehicle not
13 in excess of ten thousand pounds [4535.92 kilograms].

14 (3) Class A class C license. AnyThis license allows the operation of a single
15 vehicle with a gross vehicle weight rating of twenty-six thousand pounds
16 [11793.40 kilograms] or less or ~~any such~~this vehicle towing a vehicle with a
17 gross vehicle weight rating not in excess of ten thousand pounds [4535.92
18 kilograms] comprising:

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

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

24 b. Endorsements and restrictions include:

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

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

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

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

30 (5) "X" ~~-that~~ authorizes driving combinations of tank vehicles and hazardous
31 material vehicles.

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

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

21 **39-06.2-09.1. ~~Nonresident~~Nondomiciled commercial license.**

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

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

3 **39-06.2-10. Disqualification and cancellation.**

- 4 1. ~~Disqualification offenses. Any person~~An individual is disqualified from driving a
5 commercial motor vehicle for a period of not less than one year if convicted of a first
6 violation of:
- 7 a. Driving a commercial motor vehicle under the influence of alcohol or drugs;
 - 8 b. Leaving the scene of an accident involving a commercial motor vehicle driven by
9 the ~~person~~individual in violation of section 39-08-04, 39-08-05, 39-08-07, or
10 39-08-09;
 - 11 c. Using a commercial motor vehicle in the commission of any felony as defined in
12 this chapter;
 - 13 d. Refusal to submit to a test to determine the driver's alcohol concentration while
14 driving a commercial motor vehicle; or
 - 15 e. Driving or being in actual physical control of a commercial motor vehicle while the
16 alcohol concentration of the ~~person's~~individual's blood, breath, or urine is four
17 one-hundredths of one percent or more by weight.

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

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

- 25 3. ~~A person~~An individual is disqualified for life if convicted of two or more violations of any
26 of the offenses specified in subsection 1, ~~7~~8, ~~9~~10, or ~~11~~12, or any combination of those
27 offenses, arising from two or more separate incidents. Only offenses committed while
28 operating a commercial motor vehicle after July 1, 1989, may be considered in
29 applying this subsection. Only offenses committed while operating a noncommercial
30 motor vehicle after August 1, 2003, may be considered in applying this subsection.

1 ~~3.4.~~ The director may adopt rules under section 39-06.2-14, establishing guidelines,
2 including conditions, under which a disqualification for life under subsections ~~23~~, ~~89~~,
3 ~~4011~~, and ~~4213~~ may be reduced to a period of not less than ten years.

4 ~~4.5.~~ A ~~person~~An individual is disqualified from driving a commercial motor vehicle for life
5 who uses a commercial motor vehicle in the commission of any felony involving the
6 manufacture, distribution, or dispensing of a controlled substance, or possession with
7 intent to manufacture, distribute, or dispense a controlled substance.

8 ~~5.6.~~ A ~~person~~An individual is disqualified from driving a commercial motor vehicle for a
9 period of not less than sixty days if convicted of two serious traffic violations, or one
10 hundred twenty days if convicted of three serious traffic violations, committed in a
11 commercial motor vehicle arising from separate incidents occurring within a three-year
12 period.

13 ~~6.7.~~ Disqualification for railroad-highway grade crossing violation:

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

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

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

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

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

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

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

30 b. Duration of disqualification for a railroad-highway grade crossing violation:

1 (1) ~~First violation:~~ A driver is disqualified for not less than sixty days if the driver
2 is convicted of a first violation of a railroad-highway grade crossing violation.

3 (2) ~~Second violation:~~ A driver is disqualified for not less than one hundred
4 twenty days if, during any three-year period, the driver is convicted of a
5 second railroad-highway grade crossing violation in separate incidents.

6 (3) ~~Third or subsequent violation:~~ A driver is disqualified for not less than one
7 year if, during any three-year period, the driver is convicted of a third or
8 subsequent railroad-highway grade crossing violation in separate incidents.

9 ~~7-8.~~ For a first conviction of driving while under the influence of alcohol or being under the
10 influence of a controlled substance or refusal to be tested while operating a
11 noncommercial motor vehicle, a holder of a commercial driver's licenseholderlicense
12 or learner's permit must be disqualified from operating a commercial motor vehicle for
13 one year.

14 ~~8-9.~~ For a second or subsequent conviction of driving while under the influence or being
15 under the influence of a controlled substance or refusal to be tested while operating a
16 noncommercial motor vehicle, a holder of a commercial driver's licenseholderlicense
17 or learner's permit must be disqualified from operating a commercial motor vehicle for
18 life.

19 ~~9-10.~~ For a first conviction for leaving the scene of an accident while operating a
20 noncommercial motor vehicle, a holder of a commercial driver's licenseholderlicense
21 or learner's permit must be disqualified from operating a commercial motor vehicle for
22 one year.

23 ~~10-11.~~ For a second or subsequent conviction for leaving the scene of an accident while
24 operating a noncommercial motor vehicle, a holder of a commercial driver's
25 licenseholderlicense or learner's permit must be disqualified from operating a
26 commercial motor vehicle for life.

27 ~~11-12.~~ For a first conviction for using a vehicle to commit a felony while operating a
28 noncommercial motor vehicle, a holder of a commercial driver's licenseholderlicense
29 or learner's permit must be disqualified from operating a commercial motor vehicle for
30 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 licenseholderlicense or learner's permit must be disqualified from operating a
4 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 licenseholderlicense or learner's permit must be disqualified from operating a
9 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 ~~nonresidentnondomiciled~~ commercial driver's
18 privilege for the appropriate period under section 39-06.2-10, or if the person is a resident
19 without a commercial driver's license or permit, the director shall deny to the person the
20 issuance of a commercial driver's license or permit for the appropriate period under section
21 39-06.2-10 after the date of the alleged violation, subject to the opportunity for a prerevocation
22 hearing and postrevocation review as provided in this chapter. In the revocation of the person's
23 driver's license the director shall give credit for time in which the person was without a driver's
24 license after the day of the person's refusal to submit to the test except that the director may not
25 give 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 ~~nonresidentnondomiciled~~
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.