

Introduced by

Senators Mathern, Anderson

Representatives Gruchalla, Hunskor, N. Johnson

1 A BILL for an Act to create and enact a new section to chapter 5-01, a new section to chapter  
2 5-02, a new subsection to section 39-01-01, a new section to chapter 39-08, and section  
3 39-08-01.5 of the North Dakota Century Code, relating to marked licenses for driving under the  
4 influence and an ignition interlock restricted license; to amend and reenact subsection 7 of  
5 section 39-06.1-10, section 39-06.1-11, subsections 4 and 5 of section 39-08-01, section  
6 39-08-01.3, subsection 1 of section 39-20-04, and section 39-20-04.1 of the North Dakota  
7 Century Code, relating to driving while under the influence and ignition interlock; and to provide  
8 a penalty.

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

10 **SECTION 1.** A new section to chapter 5-01 of the North Dakota Century Code is created  
11 and enacted as follows:

12 **Delivery prohibited to individuals with marked license - Penalty.**

13 An individual who knows that another individual has a marked license or card under section  
14 39-08-01.5 and who delivers alcoholic beverages to that individual is guilty of a class B  
15 misdemeanor. The court shall order the license or card of an individual who violates this section  
16 marked for one year.

17 **SECTION 2.** A new section to chapter 5-02 of the North Dakota Century Code is created  
18 and enacted as follows:

19 **Sale prohibited to individuals with marked license - Penalty.**

20 A retail licensee may not sell alcohol to an individual with a marked license under section  
21 39-08-01.5. If a retail licensee in determining proof of age under section 5-01-08.3 is presented  
22 proof that shows an address within this state, the retail licensee shall require the presentation of  
23 state-issued identification from the individual attempting to purchase alcoholic beverages. If the

1 state-issued identification is from this state, the only valid identification is an operator's license  
2 or nondriver photo identification card from this state. A violation of this section is an infraction.

3 **SECTION 3.** A new subsection to section 39-01-01 of the North Dakota Century Code is  
4 created and enacted as follows:

5 "Advanced technology ignition interlock" means a fuel cell breath testing device that  
6 will not allow a motor vehicle to start with a breath test result that is over a breath  
7 alcohol level of at least twenty-five one-thousandths of one percent. The device must  
8 include a camera that takes images of the individual taking the breath test and must  
9 include active global position satellite technology to determine the precise location of  
10 the vehicle. The device must transmit the results of every test via cellular network in  
11 real time and these results must be available in real time to the director. The device  
12 must meet standards of the director and must be recalibrated at intervals of sixty days,  
13 unless the device has been certified to maintain calibration standards for a period of  
14 one hundred eighty days, in which case, the device may be calibrated at a  
15 one-hundred-eighty-day interval.

16 **SECTION 4. AMENDMENT.** Subsection 7 of section 39-06.1-10 of the North Dakota  
17 Century Code is amended and reenacted as follows:

- 18 7. The period of suspension imposed for a violation of section 39-08-01 or equivalent  
19 ordinance is:
- 20 a. ~~Ninety-one~~Three hundred sixty-five days if the operator's record shows the  
21 person has not violated section 39-08-01 or equivalent ordinance within the five  
22 years preceding the last violation.
  - 23 b. ~~One hundred eighty days~~Two years if the operator's record shows the person has  
24 not violated section 39-08-01 or equivalent ordinance within five years preceding  
25 the last violation and the violation was for an alcohol concentration of at least  
26 eighteen one-hundredths of one percent by weight.
  - 27 c. ~~Three hundred sixty-five days~~Five years if the operator's record shows the  
28 person has once violated section 39-08-01 or equivalent ordinance within the five  
29 years preceding the last violation.
  - 30 d. ~~Two~~Ten years if the operator's record shows the person has at least once  
31 violated section 39-08-01 or equivalent ordinance within the five years preceding

- 1           the last violation and the violation was for an alcohol concentration of at least  
2           eighteen one-hundredths of one percent by weight.
- 3           e. ~~Two~~Ten years if the operator's record shows the person has at least twice  
4           violated section 39-08-01 or equivalent ordinance within the five years preceding  
5           the last violation.
- 6           f. ~~Three years~~Lifetime if the operator's record shows the person has at least twice  
7           violated section 39-08-01 or equivalent ordinance within the five years preceding  
8           the last violation and the violation is for an alcohol concentration of at least  
9           eighteen one-hundredths of one percent by weight.

10        **SECTION 5. AMENDMENT.** Section 39-06.1-11 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12        **39-06.1-11. Temporary restricted license - Ignition interlock device.**

- 13        1. ~~Except as provided under subsection 2, if~~ the director has suspended a license under  
14        section 39-06.1-10 or has extended a suspension or revocation under section  
15        39-06-43, upon receiving written application from the offender affected, the director  
16        may for good cause issue a temporary restricted operator's license valid for the  
17        remainder of the suspension period after seven days of the suspension period have  
18        passed.
- 19        2. ~~If the director has suspended a license under chapter 39-20, or after a violation of~~  
20        ~~section 39-08-01 or equivalent ordinance, upon written application of the offender the~~  
21        ~~director may issue for good cause a temporary restricted license that takes effect after~~  
22        ~~thirty days of the suspension have been served after a first offense under section~~  
23        ~~39-08-01 or chapter 39-20. The director may not issue a temporary restricted license~~  
24        ~~to any offender whose operator's license has been revoked under section 39-20-04 or~~  
25        ~~suspended upon a second or subsequent offense under section 39-08-01 or chapter~~  
26        ~~39-20, except that a temporary restricted license may be issued for good cause if the~~  
27        ~~offender has not committed an offense for a period of two years before the date of the~~  
28        ~~filing of a written application that must be accompanied by a report from an~~  
29        ~~appropriate licensed addiction treatment program or if the offender is participating in~~  
30        ~~the drug court program and has not committed an offense for a period of three~~  
31        ~~hundred sixty five days before the date of the filing of a written application that must~~

1           ~~be accompanied by a recommendation from the district court. The director may~~  
2           ~~conduct a hearing for the purposes of obtaining information, reports, and evaluations~~  
3           ~~from courts, law enforcement, and citizens to determine the offender's conduct and~~  
4           ~~driving behavior during the prerequisite period of time. The director may also require~~  
5           ~~that an ignition interlock device be installed in the offender's vehicle.~~

6           3. The director may not issue a temporary restricted license for a period of license  
7           revocation or suspension imposed under subsection 5 of section 39-06-17 or section  
8           39-06-31. A temporary restricted license may be issued for suspensions ordered under  
9           subsection 7 of section 39-06-32 if it could have been issued had the suspension  
10          resulted from in-state conduct.

11          4.3. A restricted license issued under this section is solely for the use of a motor vehicle  
12          during the licensee's normal working hours and may contain any other restrictions  
13          authorized by section 39-06-17. Violation of a restriction imposed according to this  
14          section is deemed a violation of section 39-06-17.

15          5. ~~If an offender has been charged with, or convicted of, a second or subsequent~~  
16          ~~violation of section 39-08-01 or equivalent ordinance and the offender's driver's license~~  
17          ~~is not subject to an unrelated suspension or revocation, the director shall issue a~~  
18          ~~temporary restricted driver's permit to the offender only for the purpose of participation~~  
19          ~~in the twenty four seven sobriety program upon submission of proof of financial~~  
20          ~~responsibility and proof of participation in the program by the offender. If a court or the~~  
21          ~~parole board finds that an offender has violated a condition of the twenty four seven~~  
22          ~~sobriety program, the court or parole board may order the temporary restricted driver's~~  
23          ~~permit be revoked and take possession of the temporary restricted driver's permit. The~~  
24          ~~court or the parole board shall send a copy of the order to the director who shall record~~  
25          ~~the revocation of the temporary restricted driver's permit. Revocation of a temporary~~  
26          ~~restricted driver's permit for violation of a condition of the twenty four seven sobriety~~  
27          ~~program does not preclude the offender's eligibility for a temporary restricted driver's~~  
28          ~~license under any other provisions of this section.~~

29          **SECTION 6. AMENDMENT.** Subsection 4 of section 39-08-01 of the North Dakota Century  
30          Code is amended and reenacted as follows:

- 1           4. A person convicted of violating this section, or an equivalent ordinance, must be  
2           sentenced in accordance with this subsection. For purposes of this subsection, unless  
3           the context otherwise requires, "drug court program" means a district court-supervised  
4           treatment program approved by the supreme court which combines judicial  
5           supervision with alcohol and drug testing and chemical addiction treatment in a  
6           licensed treatment program. The supreme court may adopt rules, including rules of  
7           procedure, for drug courts and the drug court program.
- 8           a. For a first offense, the sentence must include ~~both~~ at least thirty days'  
9           imprisonment or placement in a minimum security facility, of which forty-eight  
10           hours must be served consecutively; a fine of at least ~~two hundred fifty five~~  
11           thousand dollars and an order for addiction evaluation by an appropriate licensed  
12           addiction treatment program.
- 13           b. For a second offense within five years, the sentence must include at least ~~five one~~  
14           hundred eighty days' imprisonment or placement in a minimum security facility, of  
15           which forty-eight hours must be served consecutively, or thirty days' community  
16           service; a fine of at least ~~five hundred~~ two thousand dollars; and an order for  
17           addiction evaluation by an appropriate licensed addiction treatment program.
- 18           c. For a third offense within five years, the sentence must include ~~at least sixty three~~  
19           hundred sixty-four days' imprisonment or placement in a minimum security  
20           facility, of which forty-eight hours must be served consecutively; a fine of one  
21           hundred thousand dollars; and an order for addiction evaluation by an  
22           appropriate licensed addiction treatment program.
- 23           d. For a fourth or subsequent offense within seven years, the sentence must include  
24           ~~one hundred eighty days'~~ five years' imprisonment or placement in a minimum  
25           security facility, of which forty-eight hours must be served consecutively; a fine of  
26           one hundred thousand dollars; and an order for addiction evaluation by an  
27           appropriate licensed treatment program.
- 28           e. The execution or imposition of sentence under this section may not be  
29           suspended or deferred under subsection 3 or 4 of section 12.1-32-02 for an  
30           offense subject to subdivision a or b. If the offense is subject to subdivision c or d,  
31           the district court may suspend a sentence, except for ten days' imprisonment,

1 under subsection 3 or 4 of section 12.1-32-02 on the condition that the defendant  
2 first undergo and complete an evaluation for alcohol and substance abuse  
3 treatment and rehabilitation. If the defendant is found to be in need of alcohol and  
4 substance abuse treatment and rehabilitation, the district court may order the  
5 defendant placed under the supervision and management of the department of  
6 corrections and rehabilitation and is subject to the conditions of probation under  
7 section 12.1-32-07. The district court shall require the defendant to complete  
8 alcohol and substance abuse treatment and rehabilitation under the direction of  
9 the drug court program as a condition of probation in accordance with rules  
10 adopted by the supreme court. If the district court finds that a defendant has  
11 failed to undergo an evaluation or complete treatment or has violated any  
12 condition of probation, the district court shall revoke the defendant's probation  
13 and shall sentence the defendant in accordance with this subsection.

14 f. For purposes of this section, conviction of an offense under a law or ordinance of  
15 another state which is equivalent to this section must be considered a prior  
16 offense if such offense was committed within the time limitations specified in this  
17 subsection.

18 g. If the penalty mandated by this section includes imprisonment or placement upon  
19 conviction of a violation of this section or equivalent ordinance, and if an  
20 addiction evaluation has indicated that the defendant needs treatment, the court  
21 may order the defendant to undergo treatment at an appropriate licensed  
22 addiction treatment program and the time spent by the defendant in the treatment  
23 must be credited as a portion of a sentence of imprisonment or placement under  
24 this section.

25 **SECTION 7. AMENDMENT.** Subsection 5 of section 39-08-01 of the North Dakota Century  
26 Code is amended and reenacted as follows:

27 5. As used in subdivision b of subsection 4, the term "imprisonment" includes house  
28 arrest. As a condition of house arrest, a defendant may not consume alcoholic  
29 beverages. The house arrest must include a program of electronic home detention in  
30 which the defendant is tested at least twice daily for the consumption of alcohol. The  
31 defendant shall defray all costs associated with the electronic home detention. This

1 subsection does not apply to individuals committed to or under the supervision and  
2 management of the department of corrections and rehabilitation.

3 **SECTION 8. AMENDMENT.** Section 39-08-01.3 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **39-08-01.3. Alcohol-related traffic offenses - Ignition interlock devices and the**  
6 **seizureSeizure, forfeiture, and sale of motor vehicles.**

7 A motor vehicle owned and operated by a person upon a highway or upon public or private  
8 areas to which the public has a right of access for vehicular use may be seized, forfeited, and  
9 sold or otherwise disposed of pursuant to an order of the court at the time of sentencing if the  
10 person is in violation of section 39-08-01 or an equivalent ordinance and has been convicted of  
11 violating section 39-08-01 or an equivalent ordinance at least one other time within the five  
12 years preceding the violation. ~~The court may also require that an ignition interlock device be~~  
13 ~~installed in the person's vehicle for a period of time that the court deems appropriate.~~

14 **SECTION 9.** Section 39-08-01.5 of the North Dakota Century Code is created and enacted  
15 as follows:

16 **39-08-01.5. Marked driver's license for driving while under the influence - Alcohol**  
17 **prohibited - Consumption prohibited - Penalties.**

18 1. A court shall order for an individual who violates section 39-08-01 that the director  
19 place a conspicuous mark on the operator's license or nondriver photo identification  
20 card of that individual for the amount of time as specified in this section. The court  
21 shall notify the department of the order. After the suspension of an operator's license  
22 for a violation of section 39-08-01, the mark must remain on the license or card for at  
23 least one year. If the individual who violated section 39-08-01 was involved in an  
24 accident resulting in bodily injury or property damage of another person, the mark  
25 must remain on the license or card for at least five years, and if the accident results in  
26 the death of another individual, the mark must remain on the license or card for the life  
27 of the individual. The mark may not be removed except by court order. A court may  
28 order the removal of the mark after the amount of time ordered if the individual  
29 provides proof to the court that the individual has attended and has complied with the  
30 recommendations of an appropriate licensed addiction treatment program and is no

1           longer a habitual user of alcohol in a degree that renders the individual incapable of  
2           safely driving a motor vehicle.

3           2. An individual may not consume alcoholic beverages for the term specified in the order  
4           for the marked license or card. A violation of this subsection is a class B misdemeanor  
5           for a first offense and a class A misdemeanor for a subsequent offense. The court  
6           shall order an extension of at least five years for the mark on the license of an  
7           individual for a violation of this subsection. If the violation is evidenced by a violation of  
8           section 39-08-01 which involves the death or serious bodily injury of another  
9           individual, however, the court shall order the license marked for an additional twenty  
10          years.

11          **SECTION 10.** A new section to chapter 39-08 of the North Dakota Century Code is created  
12 and enacted as follows:

13          **Ignition interlock temporary restricted license - Penalty.**

14          1. If the director has suspended or revoked a license under chapter 39-20, or after a  
15          violation of section 39-08-01 or equivalent ordinance, upon the written application of  
16          the offender or court order, the director shall issue an ignition interlock temporary  
17          restricted license after seven days of the suspension or revocation period have passed  
18          for the duration of the suspension or revocation. As a condition of this license, the  
19          offender must have installed an advanced technology ignition interlock device on any  
20          vehicle operated by the offender. In addition, this license must remain in effect  
21          regardless of the original duration of the restriction until the department receives a  
22          declaration from the offender's ignition interlock device vendor, certifying that there  
23          have been none of the following incidents in the four consecutive months before the  
24          date of release:

- 25          a. An attempt to start the vehicle with breath alcohol concentration of at least four  
26          one-hundredths of one percent by weight;  
27          b. Failure to take or pass any required retest; or  
28          c. Failure of the offender to appear at the ignition interlock device vendor if required  
29          for maintenance, repair, calibration, monitoring, inspection, or replacement of the  
30          device.



- 1       2. If an offender has been charged with, or convicted of, a second or subsequent  
2       violation of section 39-08-01 or equivalent ordinance and the offender driver's license  
3       is not subject to an unrelated suspension or revocation, the director shall issue an  
4       ignition interlock temporary restricted license to the offender upon submission of proof  
5       of financial responsibility and proof of participation in the drug court, twenty-four seven  
6       sobriety program, or an appropriate licensed addiction treatment program approved by  
7       the director. If an offender has violated a condition of the drug court, the twenty-four  
8       seven sobriety program, or a licensed addiction treatment program, the department  
9       may order the ignition interlock temporary restricted license to be revoked and take  
10      possession of this license.
- 11      3. The duration of an ignition interlock temporary restricted license must be extended a  
12      minimum of six additional months by court order or six months upon application for an  
13      individual who violates section 39-08-01.4.
- 14      4. The use of an ignition interlock temporary restricted license issued upon application  
15      must be counted against any subsequent duration of an order by a court for the use of  
16      a device. The minimum fine under section 39-08-01 is fifty percent of the amount listed  
17      for an offender who has had an ignition interlock temporary restricted license issued  
18      upon application.
- 19      5. The court shall order and the offender agrees upon application to pay the cost to  
20      comply with the ignition interlock requirements unless the offender is indigent. The  
21      department shall pay for the installation, maintenance, and removal of interlock  
22      devices of offenders who are indigent on a sliding scale. An offender is indigent if the  
23      offender has a household income that is at or below one hundred fifty percent of the  
24      nonfarm federal poverty line for the continental United States. An indigent defendant  
25      may not pay more than one-half of the cost of equipping each motor vehicle and  
26      one-half the cost of maintaining and removing the ignition interlock device.  
27      Nonindigent offenders shall pay the department an additional fee of one hundred  
28      dollars upon removal of the ignition interlock device for deposit in the state highway  
29      fund.

- 1        6. An individual with an ignition interlock temporary restricted license who operates a  
2        motor vehicle on a highway in violation of the restriction or who tampers with,  
3        defrauds, or alters the ignition interlock device in any way is guilty of a class C felony.

4        **SECTION 11. AMENDMENT.** Subsection 1 of section 39-20-04 of the North Dakota Century  
5 Code is amended and reenacted as follows:

- 6        1. If a person refuses to submit to testing under section 39-20-01 or 39-20-14, none may  
7        be given, but the law enforcement officer shall immediately take possession of the  
8        person's operator's license if it is then available and shall immediately issue to that  
9        person a temporary operator's permit, if the person then has valid operating privileges,  
10       extending driving privileges for the next twenty-five days or until earlier terminated by a  
11       decision of a hearing officer under section 39-20-05. The law enforcement officer shall  
12       sign and note the date on the temporary operator's permit. The temporary operator's  
13       permit serves as the director's official notification to the person of the director's intent  
14       to revoke driving privileges in this state and of the hearing procedures under this  
15       chapter. The director, upon the receipt of that person's operator's license and a  
16       certified written report of the law enforcement officer in the form required by the  
17       director, forwarded by the officer within five days after issuing the temporary operator's  
18       permit, showing that the officer had reasonable grounds to believe the person had  
19       been driving or was in actual physical control of a motor vehicle while in violation of  
20       section 39-08-01 or equivalent ordinance or, for purposes of section 39-20-14, had  
21       reason to believe that the person committed a moving traffic violation or was involved  
22       in a traffic accident as a driver, and in conjunction with the violation or accident the  
23       officer has, through the officer's observations, formulated an opinion that the person's  
24       body contains alcohol, that the person was lawfully arrested if applicable, and that the  
25       person had refused to submit to the test or tests under section 39-20-01 or 39-20-14,  
26       shall revoke that person's license or permit to drive and any nonresident operating  
27       privilege for the appropriate period under this section, or if the person is a resident  
28       without a license or a permit to operate a motor vehicle in this state, the director shall  
29       deny to the person the issuance of a license or permit for the appropriate period under  
30       this section after the date of the alleged violation, subject to the opportunity for a  
31       prerovocation hearing and postrevocation review as provided in this chapter. In the

1 revocation of the person's operator's license the director shall give credit for time in  
2 which the person was without an operator's license after the day of the person's  
3 refusal to submit to the test except that the director may not give credit for time in  
4 which the person retained driving privileges through a temporary operator's permit  
5 issued under this section or section 39-20-03.2. The period of revocation or denial of  
6 issuance of a license or permit under this section is:

- 7 a. ~~One year~~Five years if the person's driving record shows that within the five years  
8 preceding the most recent violation of this section, the person's operator's license  
9 has not previously been suspended, revoked, or issuance denied for a violation  
10 of this chapter or section 39-08-01 or equivalent ordinance.
- 11 b. ~~Three~~Ten years if the person's driving record shows that within the five years  
12 preceding the most recent violation of this section, the person's operator's license  
13 has been once previously suspended, revoked, or issuance denied for a violation  
14 of this chapter or section 39-08-01 or equivalent ordinance.
- 15 c. ~~Four years~~Lifetime if the person's driving record shows that within the five years  
16 preceding the most recent violation of this section, the person's operator's license  
17 has at least twice previously been suspended, revoked, or issuance denied under  
18 this chapter, or for a violation of section 39-08-01 or equivalent ordinance, or any  
19 combination of the same, and the suspensions, revocations, or denials resulted  
20 from at least two separate arrests.

21 **SECTION 12. AMENDMENT.** Section 39-20-04.1 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **39-20-04.1. Administrative sanction for driving or being in physical control of a**  
24 **vehicle while having certain alcohol concentration.**

- 25 1. After the receipt of the certified report of a law enforcement officer and if no written  
26 request for hearing has been received from the arrested person under section  
27 39-20-05, or if that hearing is requested and the findings, conclusion, and decision  
28 from the hearing confirm that the law enforcement officer had reasonable grounds to  
29 arrest the person and test results show that the arrested person was driving or in  
30 physical control of a vehicle while having an alcohol concentration of at least eight  
31 one-hundredths of one percent by weight or, with respect to a person under

1 twenty-one years of age, an alcohol concentration of at least two one-hundredths of  
2 one percent by weight at the time of the performance of a test within two hours after  
3 driving or being in physical control of a motor vehicle, the director shall suspend the  
4 person's driving privileges as follows:

- 5 a. For ~~ninety-one~~three hundred sixty-five days if the person's driving record shows  
6 that, within the five years preceding the date of the arrest, the person has not  
7 previously violated section 39-08-01 or equivalent ordinance or the person's  
8 operator's license has not previously been suspended or revoked under this  
9 chapter and the violation was for an alcohol concentration of at least eight  
10 one-hundredths of one percent by weight or, with respect to a person under  
11 twenty-one years of age, an alcohol concentration of at least two one-hundredths  
12 of one percent by weight, and under eighteen one-hundredths of one percent by  
13 weight.
- 14 b. For ~~one hundred eighty days~~two years if the operator's record shows the person  
15 has not violated section 39-08-01 or equivalent ordinance within five years  
16 preceding the last violation and the last violation was for an alcohol concentration  
17 of at least eighteen one-hundredths of one percent by weight.
- 18 c. For ~~three hundred sixty-five days~~five years if the person's driving record shows  
19 that, within the five years preceding the date of the arrest, the person has once  
20 previously violated section 39-08-01 or equivalent ordinance or the person's  
21 operator's license has once previously been suspended or revoked under this  
22 chapter with the last violation or suspension for an alcohol concentration under  
23 eighteen one-hundredths of one percent by weight.
- 24 d. For ~~two~~ten years if the person's driving record shows that within the five years  
25 preceding the date of the arrest, the person's operator's license has once been  
26 suspended, revoked, or issuance denied under this chapter, or for a violation of  
27 section 39-08-01 or equivalent ordinance, with the last violation or suspension for  
28 an alcohol concentration of at least eighteen one-hundredths of one percent by  
29 weight or if the person's driving record shows that within the five years preceding  
30 the date of arrest, the person's operator's license has at least twice previously  
31 been suspended, revoked, or issuance denied under this chapter, or for a

- 1 violation of section 39-08-01 or equivalent ordinance, or any combination thereof,  
2 and the suspensions, revocations, or denials resulted from at least two separate  
3 arrests with the last violation or suspension for an alcohol concentration of under  
4 eighteen one-hundredths of one percent by weight.
- 5 e. For ~~three years~~lifetime if the operator's record shows that within five years  
6 preceding the date of the arrest, the person's operator's license has at least twice  
7 previously been suspended, revoked, or issuance denied under this chapter, or  
8 for a violation of section 39-08-01 or equivalent ordinance, or any combination  
9 thereof, and the suspensions, revocations, or denials resulted from at least two  
10 separate arrests and the last violation or suspension was for an alcohol  
11 concentration of at least eighteen one-hundredths of one percent by weight.
- 12 2. In the suspension of the person's operator's license the director shall give credit for the  
13 time the person was without an operator's license after the day of the offense, except  
14 that the director may not give credit for the time the person retained driving privileges  
15 through a temporary operator's permit issued under section 39-20-03.1 or 39-20-03.2.