

HOUSE BILL NO. 1194

Introduced by

Representatives Adams, P. Anderson, Buffalo, Keiser, Schauer

Senators Bakke, Mathern

1 A BILL for an Act to create and enact sections 39-06-14.3 and 39-06-17.1 and two new
2 paragraphs to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century
3 Code, relating to graduated operator licensing, minor operator requirements, and entries
4 against driving record; to amend and reenact subsection 2 of section 39-06-01.1, subsection 1
5 of section 39-06-03, subsection 4 of section 39-06-04, subsection 1 of section 39-06-05,
6 sections 39-06-14 and 39-06-17, subsection 4 of section 39-06-42, subsection 2 of section
7 39-06-43, subdivision i of subsection 2 of section 39-06-49, subdivision a of subsection 2 of
8 section 39-06.1-06, subsection 1 of section 39-06.1-08, and section 39-06.1-09 of the North
9 Dakota Century Code, relating to driver's licenses issued to operators, restricted licenses, and
10 class D instruction permits; and to provide a penalty.

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

12 **SECTION 1. AMENDMENT.** Subsection 2 of section 39-06-01.1 of the North Dakota
13 Century Code is amended and reenacted as follows:

- 14 2. If an individual has had that individual's license to operate a motor vehicle canceled
15 under subsection 1, the ~~director shall deem that individual to have never have had any~~
16 ~~license to individual~~ may not operate a motor vehicle and may not ~~issue any~~ be issued
17 a license to operate a motor vehicle other than an instruction permit or a restricted
18 instruction permit after the completion of any period of suspension or revocation. After
19 the issuance of an instruction permit or restricted instruction permit, the director may
20 not issue any other operator's license to that individual until that individual:
- 21 a. Meets the requirements of section ~~39-06-17~~ 39-06-17.1. The driver education
22 requirement may be met through either an internet course or successfully
23 completing a course at an approved commercial driver training school meeting
24 the requirements of chapter 39-25; and

- 1 b. Satisfies all other requirements that apply to that individual for that operator's
2 license.

3 **SECTION 2. AMENDMENT.** Subsection 1 of section 39-06-03 of the North Dakota Century
4 Code is amended and reenacted as follows:

- 5 1. To an individual who is under ~~the age of sixteen~~eighteen years of age, except that the
6 director may issue an instructional permit under section 39-06-04, a restricted permit
7 under section 39-06-05, or ~~aan~~ intermediate license under section
8 ~~39-06-17~~39-06-17.1.

9 **SECTION 3. AMENDMENT.** Subsection 4 of section 39-06-04 of the North Dakota Century
10 Code is amended and reenacted as follows:

- 11 4. An individual ~~who is not yet~~under eighteen years of age is not eligible for a class D
12 license until that individual has had an instruction permit issued for at least ~~six~~twelve
13 months or ~~at least twelve months if under the age of sixteen~~upon turning eighteen
14 years of age. The director may recognize an instruction permit issued by another
15 jurisdiction in computing the ~~six-month or twelve-month~~ instructional period.

16 **SECTION 4. AMENDMENT.** Subsection 1 of section 39-06-05 of the North Dakota Century
17 Code is amended and reenacted as follows:

- 18 1. The director upon receiving proper application may issue a restricted instruction permit
19 effective for a school year or more restricted period to an applicant who is at least
20 fourteen years of age and enrolled in a commercial driver training course that includes
21 practice driving and which is approved by the director ~~of the highway patrol~~ under
22 chapter 39-25. The restricted instruction permit entitles the permittee when the
23 permittee has the permit in the permittee's immediate possession to operate a motor
24 vehicle with an approved instructor occupying a seat beside the permittee and on a
25 designated highway or within a designated area.

26 **SECTION 5. AMENDMENT.** Section 39-06-14 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **39-06-14. Licenses issued to operators - General - Classified operator's license.**

- 29 1. Upon the payment of the application fee listed in section 39-06-49, the director shall
30 issue to every qualified applicant an operator's license. An application for an operator's
31 license must be made on a form furnished by the director. The operator's license must

- 1 bear the full name, date of birth, residence address, and a brief description of the
2 licensee.
- 3 2. The license must bear either a facsimile of the signature of the licensee or a space
4 upon which the licensee shall write the licensee's usual signature. An operator's
5 license is not valid unless signed by the licensee with the licensee's usual signature.
6 For purposes of verification, the director may require the licensee to write the
7 licensee's signature in the presence of the director.
- 8 3. The operator's license must bear a distinguishing number assigned to the licensee.
9 The director may not issue a distinguishing number that is, contains, can be converted
10 to, or is an encrypted version of the applicant's social security number.
- 11 4. The operator's license must bear a color photograph of the licensee. The director may
12 adopt rules relating to the manner in which photographs are to be obtained and placed
13 on an operator's license. The photograph may be produced by digital imaging or other
14 electronic means and is not a public record. If the licensee is under ~~the age of~~
15 eighteen years of age, the photograph must be against a color border or background
16 that is different from the color used for other licensees. If the licensee is at least ~~the~~
17 age of eighteen and years of age but is under the age of twenty-one years of age, the
18 photograph must be against a color border or background that is different from the
19 color used for other licensees.
- 20 5. The director may issue an intermediate class D operator's license as designated in
21 section 39-06-14.3 or 39-06-17.1.
- 22 6. The director shall issue an operator's license to any resident who at the time of
23 application is not a citizen of the United States and who fulfills the requirements of this
24 section. The license must be designed in a manner to distinguish the license clearly
25 from a similar license issued to a citizen of the United States and resident of this state.
26 The license issued under this subsection may be replaced with a card issued to a
27 citizen of this country and resident of this state only when proof of United States
28 citizenship is provided by the individual and the replacement fee listed in section
29 39-06-49 is paid.

1 ~~6-7.~~ Upon request and with adequate documentation, the director shall place an indicator
2 on the face of an operator's license of a veteran. The veteran may make the request
3 through the department of veterans' affairs.

4 ~~7-8.~~ An applicant holding a valid operator's license issued by this state and making
5 application for renewal must be issued a class D license without being subjected to a
6 written or actual ability examination. The director shall issue to any other applicant
7 applying for issuance of an operator's license a classified license after a successful
8 examination in the type of motor vehicle or combination of vehicles for the particular
9 class of license and the particular license authorizes the holder to drive the particular
10 class of vehicles as designated in section 39-06.2-09 or this chapter.

11 ~~8-9.~~ An individual with a class D license may operate:

12 a. A single vehicle with a gross vehicle weight rating of twenty-six thousand pounds
13 [11793.40 kilograms] or less or this vehicle towing a vehicle with a gross vehicle
14 weight rating not in excess of ten thousand pounds [4535.92 kilograms] or a
15 combination of vehicles with a gross combination weight or a gross combination
16 weight rating in excess of twenty-six thousand pounds [11793.40 kilograms] if the
17 individual is eighteen years of age or older, unless the individual is driving a farm
18 vehicle and meets the requirements of subdivision e of subsection 7 of this
19 section and subsection 3 of section 39-06.2-06.

20 b. A farm tractor towing another vehicle having a gross weight in excess of ten
21 thousand pounds [4535.92 kilograms].

22 c. A truck towing a trailer in excess of ten thousand pounds [4535.92 kilograms] if
23 the combined weight does not exceed twenty-six thousand pounds [11793.40
24 kilograms] gross combination weight rating.

25 d. A house car or a vehicle towing a travel trailer being used solely for personal
26 purposes.

27 e. A two-axle or tandem-axle motor vehicle, a triple-axle motor vehicle, and a truck
28 or truck tractor towing a trailer, semitrailer, or farm trailer if the individual is
29 exempted from a commercial driver's license under subsection 3 of section
30 39-06.2-06, except the individual may not operate a double trailer or triple trailer

1 and an individual under eighteen years of age may not operate a truck tractor or
2 a bus designed to carry sixteen or more passengers, including the driver.

3 ~~9-10.~~ AnyA holder of a classified license who drives a motor vehicle otherwise than as
4 permitted by the class of license issued to the holder is deemed to be driving a motor
5 vehicle without being duly licensed. The holder of a classified license who desires to
6 obtain a different class license must exchange or renew the license. The director may
7 adopt rules on renewals or exchanges for the proper administration of this chapter.

8 **SECTION 6.** Section 39-06-14.3 of the North Dakota Century Code is created and enacted
9 as follows:

10 **39-06-14.3. Graduated operator's license.**

11 1. The director may issue an intermediate class D operator's license designated in
12 section 39-06-14 to a minor if the minor meets the following qualifications:

13 a. The minor meets the requirements of section 39-06-04;

14 b. If under eighteen years of age, the minor has successfully completed an
15 approved driver's education course, including a course of classroom instruction
16 and a course of behind-the-wheel instruction acceptable to the director, or has
17 successfully completed a course at an approved commercial driver training
18 school; and

19 c. The minor has accumulated a minimum of fifty hours of supervised, behind-the-
20 wheel driving experience in various driving conditions and situations, including
21 night driving; driving on a gravel, dirt, or aggregate surface road; driving in both
22 rural and urban conditions; and driving in winter conditions.

23 2. Subsection 1 does not authorize a minor to drive a commercial truck, motorbus, or
24 taxicab, except the holder of an intermediate class D license may drive a farm motor
25 vehicle having a gross weight of fifty thousand pounds [22679.62 kilograms] while
26 used to transport agricultural products, farm machinery, or farm supplies to or from a
27 farm and within one hundred fifty miles [241.40 kilometers] of the driver's farm.

28 3. A minor with an intermediate class D license issued under subsection 1 or section
29 39-06-17.1 may operate the type or class of motor vehicle specified on the license
30 under the following conditions:

31 a. The minor must be in possession of the license while operating the motor vehicle.

- 1 b. The minor may not operate the vehicle carrying more than one nonadult
2 passenger, except for siblings being transported to or from work, an official
3 school activity, or a religious activity.
- 4 c. The minor may not operate an electronic communication device to talk, compose,
5 read, or send an electronic message while operating a motor vehicle that is in
6 motion unless the purpose of operating the device is to obtain emergency
7 assistance or prevent a crime about to be committed or unless the minor
8 reasonably believes an individual's life or safety is in danger.
- 9 d. The minor may not operate a motor vehicle between the later of sunset or
10 nine p.m. and five a.m., unless a parent, legal guardian, or an individual
11 twenty-one years of age or older is in the front seat of the motor vehicle or the
12 motor vehicle is being driven directly to or from work, an official school activity, or
13 a religious activity.
- 14 e. The minor wears a safety belt pursuant to section 39-21-41.4.
- 15 4. The director may upgrade an intermediate class D license to a class D license upon
16 completion of six months of driving without license cancellation or upon the individual
17 reaching eighteen years of age.

18 **SECTION 7. AMENDMENT.** Section 39-06-17 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **39-06-17. Restricted licenses - Penalty for violation.**

- 21 1. Upon issuing an operator's license or a temporary restricted operator's license under
22 section 39-06.1-11, the director may impose restrictions suitable to a licensee's driving
23 ability with respect to the type of motor vehicle, special mechanical control devices
24 required on a motor vehicle that the licensee may operate, or any other restrictions
25 applicable to the licensee as the director may determine to be appropriate to assure
26 the safe operation of a motor vehicle by the licensee. The director may either issue a
27 special restricted class D license or may state the restrictions upon the usual license
28 form. In the same manner, the director shall restrict licenses under section 39-16.1-09.
- 29 2. ~~The director may issue a restricted class D license to operate the parent's, guardian's,~~
30 ~~grandparent's, sibling's, aunt's, or uncle's automobile to a minor, who is at least fifteen~~
31 ~~years of age, and otherwise qualified, upon the written recommendation of the parent~~

1 ~~or guardian. A minor may operate a motor vehicle that is not the parent's or guardian's~~
2 ~~to take the actual ability test. The parent, guardian, grandparent, sibling, aunt, or uncle~~
3 ~~at all times is responsible for any and all damages growing out of the negligent~~
4 ~~operation of a motor vehicle by a minor. A restricted class D license may not be issued~~
5 ~~to a minor unless the minor, accompanied by the parent or guardian, appears in~~
6 ~~person and satisfies the director that:~~

- 7 ~~a. The minor is at least fifteen years of age;~~
8 ~~b. The minor is qualified to operate an automobile safely;~~
9 ~~c. It is necessary for the child to drive the parent's, guardian's, grandparent's,~~
10 ~~sibling's, aunt's, or uncle's automobile without being accompanied by an adult;~~
11 ~~d. The minor has successfully completed an approved driver's education course~~
12 ~~that includes a course of classroom instruction and a course of behind-the-wheel~~
13 ~~instruction acceptable to the director or has successfully completed a course at~~
14 ~~an approved commercial driver training school; and~~
15 ~~e. The minor has accumulated a minimum of fifty hours of supervised,~~
16 ~~behind-the-wheel driving experience in various driving conditions and situations~~
17 ~~that include night driving; driving on gravel, dirt, or aggregate surface road;~~
18 ~~driving in both rural and urban conditions; and winter driving conditions.~~

19 3. ~~The provisions of subsection 2 do not authorize a minor to drive a commercial truck,~~
20 ~~motorbus, or taxicab except the holder of a restricted class D license may drive a farm~~
21 ~~motor vehicle having a gross weight of fifty thousand pounds [22679.62 kilograms]~~
22 ~~while used to transport agricultural products, farm machinery, or farm supplies to or~~
23 ~~from a farm when so operated within one hundred fifty miles [241.40 kilometers] of the~~
24 ~~driver's farm.~~

25 4. ~~A minor with a restricted class D license issued under subsection 2 may operate the~~
26 ~~type or class of motor vehicle specified on the restricted license under the following~~
27 ~~conditions:~~

- 28 ~~a. A restricted licenseholder must be in possession of the license while operating~~
29 ~~the motor vehicle.~~

- 1 b. ~~An individual holding a restricted class D license driving a motor vehicle may not~~
2 ~~carry more passengers than the vehicle manufacturer's suggested passenger~~
3 ~~capacity.~~
- 4 c. ~~An individual holding a restricted class D license driving a motor vehicle may not~~
5 ~~operate an electronic communication device to talk, compose, read, or send an~~
6 ~~electronic message while operating a motor vehicle that is in motion unless the~~
7 ~~sole purpose of operating the device is to obtain emergency assistance, to~~
8 ~~prevent a crime about to be committed, or in the reasonable belief that an~~
9 ~~individual's life or safety is in danger.~~
- 10 d. ~~An individual holding a restricted class D license may not operate a motor vehicle~~
11 ~~between the later of sunset or nine p.m. and five a.m. unless a parent, legal~~
12 ~~guardian, or an individual eighteen years of age or older is in the front seat of the~~
13 ~~motor vehicle or the motor vehicle is being driven directly to or from work, an~~
14 ~~official school activity, or a religious activity.~~
- 15 5. Upon receiving satisfactory evidence of any violation of the restrictions of a license,
16 the director may suspend or revoke the license but the licensee is entitled to a hearing
17 as upon a suspension or revocation under this chapter.
- 18 ~~6.3.~~ It is a class B misdemeanor for an individual to operate a motor vehicle in any manner
19 in violation of the restrictions imposed under this section ~~except for the restrictions in~~
20 ~~subsection 4.~~
- 21 ~~7.4.~~ If a temporary restricted license is issued under section 39-06.1-11 and the underlying
22 suspension was imposed for a violation of section 39-08-01 or equivalent ordinance,
23 or is governed by chapter 39-20, punishment is as provided in subsection 2 of section
24 39-06-42. Upon receiving notice of the conviction the director shall revoke, without
25 opportunity for hearing, the licensee's temporary restricted license and shall extend
26 the underlying suspension for a like period of not more than one year.
- 27 ~~8.5.~~ If the conviction referred to in this section is reversed by an appellate court, the
28 director shall restore the individual to the status held by the individual before the
29 conviction, including restoration of driving privileges if appropriate.

30 **SECTION 8.** Section 39-06-17.1 of the North Dakota Century Code is created and enacted
31 as follows:

1 **39-06-17.1. Minor operator requirements.**

2 1. The director may issue an intermediate class D license to a minor. A minor may
3 operate a motor vehicle that is not the parent's or guardian's to take the actual ability
4 test. An intermediate class D license may not be issued to a minor unless the minor,
5 accompanied by the parent or guardian, appears in person and satisfies the director
6 that:

7 a. The minor is at least fifteen years of age;

8 b. The minor is qualified to operate a motor vehicle safely; and

9 c. The minor has successfully completed an approved driver's education course,
10 including a course of classroom instruction and a course of behind-the-wheel
11 instruction acceptable to the director, or has successfully completed a course at
12 an approved commercial driver training school.

13 2. Upon successful completion and licensing, the minor shall operate a motor vehicle in
14 accordance with section 39-06-14.3.

15 **SECTION 9. AMENDMENT.** Subsection 4 of section 39-06-42 of the North Dakota Century
16 Code is amended and reenacted as follows:

17 4. In addition to any other punishment imposed, the court may order the number plates of
18 the motor vehicle owned and operated by the offender at the time of the offense to be
19 destroyed by the sheriff. If a period of suspension has been extended under
20 subsection 63 of section 39-06-17, the court may order the number plates to be
21 destroyed under this subsection. The offender shall deliver the number plates to the
22 court without delay at a time certain as ordered by the court following the conviction.
23 The court shall deliver the number plates to the sheriff and notify the department of the
24 order. An offender who does not provide the number plates to the court at the
25 appropriate time is subject to revocation of probation.

26 **SECTION 10. AMENDMENT.** Subsection 2 of section 39-06-43 of the North Dakota
27 Century Code is amended and reenacted as follows:

28 2. If the original suspension was imposed for violation of section 39-08-01 or equivalent
29 ordinance, the director shall extend the period of that suspension for at least six
30 months. If the suspension of the operator's license resulted solely from failure to
31 appear in court or to post and forfeit bond on noncriminal traffic violations, there may

1 be no additional period of suspension. Suspension periods for failure to appear or to
2 post and forfeit bond on noncriminal traffic violations may be for an indefinite duration.
3 If the conviction was upon a charge of driving while an operator's license was revoked,
4 the director may not issue a new operator's license for an additional period of one year
5 from and after the date the individual would otherwise have been entitled to apply for a
6 new license. Upon a conviction of an individual for violating a restricted license issued
7 under section 39-06.1-11 and in which the underlying suspension was imposed for
8 violating section 39-08-01 or equivalent ordinance or is governed by chapter 39-20,
9 the director shall extend the period of the underlying suspension in accordance with
10 subsection ~~6~~3 of section 39-06-17.

11 **SECTION 11. AMENDMENT.** Subdivision i of subsection 2 of section 39-06-49 of the North
12 Dakota Century Code is amended and reenacted as follows:

- 13 i. Reinstatement after revocation is fifty dollars, unless the revocation was imposed
14 for a violation of subsection ~~6~~3 of section 39-06-17 or section 39-06-31,
15 39-06-43, or 39-20-04, then the fee is one hundred dollars.

16 **SECTION 12. AMENDMENT.** Subdivision a of subsection 2 of section 39-06.1-06 of the
17 North Dakota Century Code is amended and reenacted as follows:

- 18 a. A violation of section 39-06-01.1, 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a
19 fee of fifty dollars.

20 **SECTION 13. AMENDMENT.** Subsection 1 of section 39-06.1-08 of the North Dakota
21 Century Code is amended and reenacted as follows:

- 22 1. A violation of section 39-04-11, subsection 1 of section 39-04-37 by an individual by
23 becoming a resident of this state, ~~subsection 4 of section 39-06-17~~, and section
24 39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50, 39-10-54.1, 39-21-08, 39-21-10,
25 39-21-11, or 39-21-14, or a violation of any municipal ordinance equivalent to the
26 foregoing sections.

27 **SECTION 14. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **39-06.1-09. Moving violation defined.**

30 For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a
31 violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01,

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1 39-06-14, 39-06-14.1, 39-06-14.3, 39-06-16, 39-06-17.1, 39-08-20, 39-08-23, 39-08-24,
2 39-08-25, 39-09-01, 39-09-01.1, 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02,
3 section 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-21-45.1, 39-24-02, or 39-24-09, except
4 subdivisions b and c of subsection 5 of section 39-24-09, or equivalent ordinances; or a
5 violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except
6 subsection 5 of section 39-10-26, section 39-21-44, and subsections 2 and 3 of section
7 39-21-46, and those sections within those chapters which are specifically listed in subsection 1
8 of section 39-06.1-08.

9 **SECTION 15.** Two new paragraphs to subdivision a of subsection 3 of section 39-06.1-10 of
10 the North Dakota Century Code are created and enacted as follows:

11 Operating a motor vehicle in violation of 2 points
12 section 39-06-14.3 or 39-06-17.1

13

14 Operating a motor vehicle after license 4 points
15 cancellation in violation of section 39-06-01.1