

Sixty-eighth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1280

Introduced by

Representatives Roers Jones, Bahl, Ista, Klemin, Satrom, Schneider

Senators Hogue, Larson, Sickler

1 A BILL for an Act to create and enact a new subsection to section 39-06.1-11 and sections  
2 39-06-36.1 and 54-12-27.1 of the North Dakota Century Code, relating to temporary restricted  
3 licenses, restoration of revoked or suspended licenses upon successful completion of drug  
4 court, and partial suspension of twenty-four seven sobriety program for drug court program  
5 participants; to amend and reenact subsections 3 and 7 of section 39-06.1-11 of the North  
6 Dakota Century Code, relating to temporary restricted licenses; and to declare an emergency.

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

8 **SECTION 1.** Section 39-06-36.1 of the North Dakota Century Code is created and enacted  
9 as follows:

10 **39-06-36.1. Restoration of revoked or suspended licenses upon successful**  
11 **completion of drug court.**

12 Upon an individual's successful completion of an approved adult drug court program, if  
13 ordered by the district court, the director shall reinstate the driving privileges of the individual for  
14 any noncommercial license suspension or revocation imposed under law. A reinstatement fee is  
15 not required for reinstatement of driving privileges under this section.

16 **SECTION 2. AMENDMENT.** Subsection 3 of section 39-06.1-11 of the North Dakota  
17 Century Code is amended and reenacted as follows:

18 3. AFor any suspension or revocation imposed under the law, the director shall issue a  
19 temporary restricted license ~~must be issued in accordance with subsection 7~~ if the  
20 offender is participating in and compliant with the twenty-four seven sobriety program  
21 under chapter 54-12 or if the offender has not committed an offense for a period of  
22 one year before the date of the filing of a written application. The application must be  
23 accompanied by:

- 1           a. Proof of financial responsibility and a report from an appropriate licensed  
2           addiction treatment program and, if prescribed, proof of compliance with  
3           attendance rules in an appropriate licensed addiction treatment program; or  
4           b. If the offender is participating in the ~~drug court~~ twenty-four seven sobriety program  
5           or other court-ordered treatment or sobriety program, a recommendation from the  
6           ~~district court~~, proof of program participation.

7           **SECTION 3. AMENDMENT.** Subsection 7 of section 39-06.1-11 of the North Dakota  
8 Century Code is amended and reenacted as follows:

- 9           7. If an offender has been charged with, or convicted of, a second or subsequent  
10          violation of section 39-08-01 or equivalent ordinance, or if the offender's license is  
11          subject to suspension under chapter 39-20 and the offender's operator's license is not  
12          subject to an unrelated suspension or revocation in this state, the director shall issue a  
13          temporary restricted license to the offender upon the restriction the offender participate  
14          in the twenty-four seven sobriety program under chapter 54-12. The offender shall  
15          submit an application to the director for a temporary restricted license along with  
16          submission of proof of financial responsibility and proof of participation in the twenty-  
17          four seven sobriety program to receive a temporary restricted license.

18          **SECTION 4.** A new subsection to section 39-06.1-11 of the North Dakota Century Code is  
19 created and enacted as follows:

20           If an offender is participating in an approved drug court program, the court may order  
21           issuance of a temporary restricted license. Upon application by the offender, the  
22           director shall issue a temporary restricted license to the participant subject to  
23           conditions specified by the court.

- 24           a. The application must be accompanied by proof of financial responsibility, the  
25           court's order, and the designated reinstatement fee.  
26           b. For purposes of this subsection, "approved drug court program" means a district  
27           court-supervised treatment program approved by the supreme court.

28          **SECTION 5.** Section 54-12-27.1 of the North Dakota Century Code is created and enacted  
29 as follows:

1        **54-12-27.1. Partial suspension of twenty-four seven sobriety program for drug court**  
2 **program participants.**

3        1. For purposes of this section, "approved drug court program" means a district court-  
4 supervised treatment program approved by the supreme court.

5        2. A district court may suspend any ordered period of participation in the twenty-four  
6 seven sobriety program, including mandatory participation required by law, for an  
7 offender participating in an approved drug court program while under supervised  
8 probation with the department of corrections and rehabilitation.

9        3. A district court suspending participation in the twenty-four seven sobriety program  
10 shall issue a certificate of waiver of twenty-four seven sobriety program participation.

11       4. For purposes of issuance of a temporary restricted operator's license under section  
12 39-06.1-11, the director of the department of transportation shall treat a court  
13 certificate of waiver of twenty-four seven sobriety program participation as if the  
14 offender was participating in the twenty-four seven sobriety program.

15       **SECTION 6. EMERGENCY.** Sections 1, 2, 3, and 4 of this Act are declared to be an  
16 emergency measure.