

Introduced by

Legislative Management

(Transportation Committee)

1 A BILL for an Act to amend and reenact sections 39-25-01, 39-25-02, 39-25-03, 39-25-04,
2 39-25-05, 39-25-06, and 39-25-07 of the North Dakota Century Code, relating to commercial
3 driver training schools.

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

5 **SECTION 1. AMENDMENT.** Section 39-25-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **39-25-01. Definitions.**

- 8 1. "Commercial driver training school" or "school" means a business enterprise
9 conducted by ~~an individual, association, partnership, corporation, or limited liability-~~
10 ~~company~~ a person for the education and training of ~~persons~~ individuals, either
11 practically or theoretically, or both, to operate or drive ~~a motor vehicles~~ vehicle, and
12 ~~charging afor which accepts~~ consideration or ~~charges~~ tuition for such ~~services~~ the
13 service.
- 14 2. "Instructor" means ~~any person~~ an individual, whether acting on that ~~person's~~ individual's
15 own behalf as an operator of a commercial driver training school or for such a school
16 for compensation, who teaches, conducts ~~classes of a class for~~, gives demonstrations
17 to, or supervises practice of, ~~persons~~ an individual learning to operate or drive a motor
18 ~~vehicles~~ vehicle.

19 **SECTION 2. AMENDMENT.** Section 39-25-02 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **39-25-02. Duties of ~~superintendent~~ director - Regulations.**

- 22 1. The ~~superintendent of the state highway patrol~~ director shall adopt and prescribe such
23 regulations concerning the administration and enforcement of this chapter ~~as~~ which are
24 necessary to protect the public. The ~~superintendent~~ director shall inspect the school

1 facilities and, equipment of applicants and licensees, and examine applicants for
2 instructor's and examiner's licenses or certifications.

3 2. The ~~superintendent~~director shall administer and enforce this chapter and shall
4 ~~formulate and promulgate the~~adopt regulations for ~~its~~the administration and
5 enforcement of this chapter.

6 **SECTION 3. AMENDMENT.** Section 39-25-03 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **39-25-03. School - License required - Contents of application for license.**

9 1. ~~No~~A commercial driver training school may not be established nor may any existing
10 school continue to operate ~~on or after July 1, 1969,~~ unless ~~such~~the school applies for
11 and obtains from the ~~superintendent~~director a license in the manner and form
12 prescribed by the ~~superintendent~~director.

13 2. The application for license must include a statement of the location of the school, the
14 equipment, courses of instruction, instructors, previous records of the school and
15 instructors, financial statements, schedule of fees and charges, character and
16 reputation of the operators, insurance, and ~~such~~any other ~~matters~~matter as the
17 ~~superintendent~~director may prescribe for the protection of the public.

18 **SECTION 4. AMENDMENT.** Section 39-25-04 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **39-25-04. Instructor - License required - Contents of application for license.**

21 1. ~~No person~~An individual may not act as an instructor ~~on or after July 1, 1969,~~ unless
22 ~~such person~~the individual applies for and obtains a license in the manner and form
23 prescribed by this chapter.

24 2. The regulations must state the requirements for an instructor's license, including
25 requirements concerning moral character, physical condition, knowledge of the
26 courses of instruction, motor vehicle laws and safety principles, previous personal and
27 employment records, and ~~such~~any other ~~matters~~matter as the ~~superintendent~~director
28 may prescribe for the protection of the public.

29 **SECTION 5. AMENDMENT.** Section 39-25-05 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **39-25-05. Expiration and renewal of licenses - Fees.**

2 ~~All licenses expire~~A license expires on the last day of the calendar year and may be
3 renewed upon application to the ~~superintendent~~director as prescribed by the
4 ~~superintendent's~~director's regulations. Each application for an original or renewal school license
5 must be accompanied by a fee of twenty-five dollars, and each application for an original or
6 renewal instructor's license must be accompanied by a fee of ten dollars. ~~Such~~These fees must
7 be deposited in the state treasury in the state highway fund. ~~No license~~License fees may not be
8 refunded in the event any license is rejected, suspended, or revoked.

9 **SECTION 6. AMENDMENT.** Section 39-25-06 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **39-25-06. Refusal, suspension, or revocation of license.**

12 The ~~superintendent~~director may refuse to issue, or may suspend or revoke a license in any
13 case when the ~~superintendent~~director finds the applicant or licensee has violated any of the
14 provisions of this chapter or the regulations adopted by the ~~superintendent~~director. A suspended
15 or revoked license must be returned to the ~~superintendent~~director by the licensee.

16 **SECTION 7. AMENDMENT.** Section 39-25-07 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **39-25-07. Exclusions - Free instruction - Colleges, universities, and high schools.**

19 This chapter does not apply to any person giving driver training lessons without charge, to
20 employers maintaining driver training schools without charge solely for their~~that~~ employer's
21 employees only, nor to ~~schools~~a school or ~~classes~~a class conducted by ~~colleges~~a college,
22 universitiesa university, and ~~high schools~~or a high school for a regularly enrolled full-time or
23 part-time ~~students~~student as a part of a normal program ~~for such institutions~~of the institution.