

REPORT AND NOTICE UNDER CHAPTER 39-20 OR 39-06.2 NDCC

North Dakota Department of Transportation, Drivers License Division
 SFN 9362 (Rev. 08-2013)

Date of Occurrence	Time of Driving/Physical Control/Crash <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	Time of Arrest/Lawfully Detained <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	Citation Number
County of Occurrence	City of Occurrence	Enforcement Agency	
Location of Arrest or Where Detained			
Last Name	First Name	Middle Name	ICN
Residence Address	City	State	Zip Code
DLN	State	Date of Birth	
Class	Endorsement	Rest Code	Sex
Area Code & Phone Number			

On the above date, there existed reasonable grounds to believe that the above-named person was operating:

- Non-Commercial motor vehicle
- Commercial motor vehicle (CMV)
- CMV transporting hazardous materials in violation of NDCC Section 39-08-01 or 39-06.2-10.2

The above named person:

- Was advised by law enforcement of the implied consent advisory contained on this form:
NON-COMMERCIAL: Refusal to submit to onsite screening or chemical test(s) requested by a law enforcement officer will result in revocation of your driving privileges for up to three years.
COMMERCIAL: Refusal to submit to onsite screening chemical test(s) requested by a law enforcement officer will result in being immediately placed out of service for a period of 24 hours and being disqualified from operating a commercial motor vehicle for a period of not less than one year under NDCC 39-06.2-10.
 Refused onsite screening test (NDCC Section 39-20-14 or 39-06.2-10.2)

- Was lawfully arrested and informed that he or she will be charged with the offense of driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or drugs.
- Was lawfully detained and officer has probable cause to believe that the driver was operating a CMV, while having alcohol or drugs in his or her system.
- Was lawfully detained and officer has probable cause to believe that the driver was under twenty-one (21) years of age, while having alcohol in his or her system.

- Refused under NDCC, Section 39-20-01 or 39-06.2-10.2 a chemical test or tests of BLOOD BREATH URINE
- Provided specimen of BLOOD BREATH URINE Time Obtained _____ AM PM Test Results _____
for testing under NDCC Chapter 39-20 or 39-06.2-10.2
- Additional specimen of BLOOD BREATH URINE REFUSAL Time Obtained _____ AM PM Test Results _____

TEMPORARY OPERATOR'S PERMIT: (To be issued to driver. Mark valid or not valid.)

ND License/Permit attached? Yes No Lost

- This permit is: **VALID** as a Temporary Operator's Permit for 25 days from date of issue (unless terminated earlier by hearing officer) **NOT VALID** as a Temporary Operator's Permit because:
- Non-Licensed Driver
 - License Suspended/Revoked
 - Current permit under NDCC 39-20 or 39-06.2

- THIS PERMIT IS VOID UNLESS ACCOMPANIED BY THE NUMBERED CITATION SHOWN ABOVE
- THIS PERMIT IS NOT VALID FOR OPERATING A CMV UNTIL _____ AM PM ON (MM/DD/CCYY) _____

I certify that I personally Issued Mailed this Temporary Operator's Permit to the driver on MM/DD/CCYY _____
Check One

Name of Officer/Badge or ID Number (PLEASE PRINT) _____

Signature of Officer _____

OFFICER'S STATEMENT OF PROBABLE CAUSE: (Check appropriate boxes and explain.)

- | | |
|---|--|
| Reasonable suspicion to stop or reason lawfully detained: | Probable cause to arrest/lawfully detain: |
| <input type="checkbox"/> erratic driving Explain: _____ | <input type="checkbox"/> odor of alcoholic beverage Explain: _____ |
| <input type="checkbox"/> traffic violation _____ | <input type="checkbox"/> poor balance _____ |
| <input type="checkbox"/> crash _____ | <input type="checkbox"/> failed field sobriety test(s) _____ |
| <input type="checkbox"/> already stopped _____ | <input type="checkbox"/> failed screening test _____ |

I personally certify as a law enforcement officer that this written report is true and correct to the best of my knowledge at the time of completing this report.
 Dated this _____ day of (MM/CCYY) _____

Name of Officer/Badge or ID Number (PLEASE PRINT) _____

Signature of Officer/Badge or ID Number _____

DUI Implied Consent Advisory

As a condition of operating a motor vehicle on a highway or on public or private area to which the public has a right of access to, you have consented to taking a test to determine whether you are under the influence of alcohol or drugs. **I must inform you that:**

a. North Dakota law requires you to take the breath screening test to determine if you are under the influence of alcohol

b. North Dakota law requires you to submit to a chemical test to determine whether you are under the influence of alcohol or drugs

Refusal to take the test as directed by a law enforcement officer is a crime punishable in the same manner as DUI and includes being arrested. I must also inform you that: Refusal to take the test as directed by law enforcement officer may result in a revocation of your driver's license for a minimum 180 days and potentially up to 3 years.

Do you understand these consequences? Do you consent to take the test I am requesting?

SURRENDER OF LICENSE(S) OR PERMIT(S) FOR REFUSAL ONLY

The law requires that you surrender your North Dakota license or permit if you refused a chemical test. If the law enforcement officer did not take your license, you must surrender it to the Drivers License Division immediately. Failure to surrender the license or permit will increase the length of the revocation of your driving privileges. If you lost your license, you must send written notice to the Drivers License Division immediately.

REVOCAION FOR REFUSAL TO SUBMIT TO TESTING

Refusal to submit to an onsite screening test or a test to determine alcohol concentration will result in revocation of your driving privileges as follows:

First offense within 7 years - 180-days; **Second offense within 7 years** - two years; **Third or subsequent offense within 7 years** - three years;

If you refused to submit to testing, you may be able to meet the requirements of NDCC 39-20-04(2) to avoid revocation. If so, your driving privileges can be suspended instead of being revoked. All of the requirements must be completed within 25 days after this Report and Notice is issued. The requirements include sending the required affidavit to the Drivers License Division within 25 days, pleading guilty to DUI/APC within 25 days and the Court accepting the guilty plea, and giving up your right to an administrative hearing. The Affidavit to Cure a Refusal form can be printed from <http://www.dot.nd.gov/forms/sfn58485.pdf>

SUSPENSION OF DRIVING PRIVILEGES AFTER TESTING FOR ALCOHOL CONCENTRATION

First offense within 7 years - suspension for 91 days alcohol concentration at least .08% but less than .18%; alcohol concentration at least .18%, suspension for 180 days. **Second offense within 7 years** - suspension for 365 days alcohol concentration of at least .08% but less than .18%; alcohol concentration at least .18%, suspension for 2 years. **Third or subsequent offense within 7 years** - suspension for 2 years alcohol concentration at least .08% but less than .18%; suspension for 3 years alcohol concentration at least .18%.

TEMPORARY RESTRICTED LICENSE (NON-COMMERCIAL ONLY)

A temporary restricted license (work permit) may be issued to you if this is your first alcohol offense within seven years and you have completed the first 30 days of your suspension period or complete the first 14 days of suspension time if participating in the 24/7 Sobriety Program. The application form can be printed online from <http://www.dot.nd.gov/forms/sfn02254.pdf> and submitted to the Drivers License Division. (See NDCC 39-06.1-11(5) for more information regarding the 24/7 Sobriety program). A temporary restricted license will not be issued on a refusal to submit to testing.

NOTICE TO COMMERCIAL (CDL) DRIVERS

You will have a 1-year disqualification of your commercial driving privileges if, within two hours of operating a commercial vehicle, you have an alcohol concentration of .04% or greater, or if you refuse to submit to testing.

You will have a 3-year disqualification of your commercial driving privileges if, within two hours of operating a commercial vehicle transporting hazardous material required to be placarded, you have an alcohol concentration of .04% or greater.

You will be disqualified for a lifetime, if within two hours of operating a commercial vehicle, you have an alcohol concentration of .04% or greater, or if you refuse to submit to testing, and you have ever had a prior DUI/APC offense, in a commercial or non-commercial motor vehicle.

If your driving privileges are suspended or revoked based on a non-commercial DUI/APC offense, your commercial driving privileges will be subject to disqualification for either 1-year or a lifetime.

If your commercial driving privileges are revoked based on a refusal to submit to an onsite screening test or a test to determine alcohol concentration in a commercial motor vehicle, your non-commercial driving privileges may be subject to revocation for up to three years under 39-20.

REINSTATEMENT INFORMATION

You may not drive in North Dakota after your suspension or revocation period ends until you have provided the Drivers License Division with the following:

1. A \$100 reinstatement fee;
2. If your driving privilege was revoked for refusal to submit to testing, you must complete a new license application and pass a written test and road test for a license.
3. If your privilege was revoked for refusing an alcohol test, you must file proof of financial responsibility (SR-22) when required in accordance with NDCC 39-16.1.
4. If this offense is a third or subsequent alcohol related offense within 5 years, the written certificate of an appropriate licensed addiction treatment program stating you do not require addiction treatment or that you have completed the treatment program prescribed as a result of your evaluation NDCC 39-06-03(3).

ADDRESS ALL DRIVERS LICENSE DIVISION
INQUIRIES TO: 608 E. BOULEVARD AVENUE
BISMARCK, ND 58505-0750

TO CONTACT A Telephone (701) 328-2600
DRS CLERK: TTY 1(800) 366-6888

Website <http://www.dot.nd.gov/public/licensing.htm>