

FIRST ENGROSSMENT

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2109

Introduced by

Senator B. Stenehjem

(At the request of the Department of Transportation)

1 A BILL for an Act to amend and reenact subsection 5 of section 39-06-02, sections 39-06-07.1,
2 39-06-08, subsection 1 of section 39-06-14, sections 39-06-18, 39-06-20, subsection 2 of
3 section 39-06.1-01, section 39-06.1-13, and subsection 6 of section 39-06.2-02 of the North
4 Dakota Century Code, relating to motor vehicle operator's licensing exemptions, proof of name
5 and date of birth, applications of minors, license color, change of address or name, definition of
6 equivalent ordinance, reduction of point total, and definition of commercial motor vehicle.

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

8 **SECTION 1. AMENDMENT.** Subsection 5 of section 39-06-02 of the 1995
9 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10 5. A person over sixteen years of age who becomes a resident of ~~the~~ this state of
11 ~~North Dakota~~ and who has in ~~his~~ that person's possession a valid operator's
12 license issued to ~~him~~ that person pursuant to the laws of some other state or
13 ~~province~~ country or by military authorities of the United States may operate a
14 motor vehicle for a period of not more than sixty days after becoming a resident of
15 this state, without being required to have a North Dakota operator's license.

16 **SECTION 2. AMENDMENT.** Section 39-06-07.1 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **39-06-07.1. Proof of name and date of birth for operator's license application.**

19 The name and date of birth on all applications must be verified by a birth certificate or other
20 satisfactory evidence. Applicants must produce documents which will be acceptable as listed
21 below:

- 22 1. ~~Birth~~ Certified birth certificate; or
- 23 2. Any other documentary evidence which confirms to the satisfaction of the
24 ~~commissioner~~ director the true identity and date of birth of the applicant.

1 **SECTION 3. AMENDMENT.** Section 39-06-08 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **39-06-08. Application of minors.** The application of any minor for an instruction
4 permit or operator's license must be signed and verified before a person authorized to
5 administer oaths or the ~~commissioner's~~ director's agent, by the father, mother, or legal
6 guardian, or, in the event there is no parent or legal guardian, then by another responsible adult
7 who is willing to assume the obligation imposed under this chapter upon a person signing the
8 application of a minor.

9 **SECTION 4. AMENDMENT.** Subsection 1 of section 39-06-14 of the 1995
10 Supplement to the North Dakota Century Code is amended and reenacted as follows:

11 1. The director, upon payment of a ten dollar fee, shall issue to every qualified
12 applicant an operator's license as applied for in the form prescribed by the director.
13 The license must bear a distinguishing number assigned to the licensee, a color
14 photograph of the licensee, the full name, date of birth, residence address, and a
15 brief description of the licensee, and either a facsimile of the signature of the
16 licensee or a space upon which the licensee shall write the licensee's usual
17 signature. If the licensee is under the age of twenty-one, the photograph must be
18 against a color border or background that is different from the color used for other
19 licensees. If requested on the license application, the license issued by the
20 director must include a statement making an anatomical gift under chapter
21 23-06.2. No license is valid until it has been signed by the licensee with the
22 licensee's usual signature. The department shall develop a system to require each
23 applicant for an operator's license or renewal of an operator's license to determine
24 whether or not the applicant wishes to be a donor under chapter 23-06.2. For
25 purposes of verification, an officer may require the licensee to write the licensee's
26 signature in the presence of the officer. The director may adopt rules, pursuant to
27 chapter 28-32, relating to the manner in which photographs are to be obtained and
28 placed on operator's licenses. The photograph may be produced by digital
29 imaging or other electronic means and is not a public record.

30 **SECTION 5. AMENDMENT.** Section 39-06-18 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **39-06-18. Duplicate certificates.** In the event that a permit or license issued under
2 ~~the provisions of~~ this chapter is lost, mutilated, or destroyed, or contains erroneous information
3 due to a change in name, address, or for any other reason, the person to whom the same was
4 issued may obtain a duplicate, or substitute ~~thereof~~, upon furnishing proof satisfactory to the
5 commissioner that ~~such~~ the permit or license has been lost, mutilated, or destroyed, or is
6 erroneous, and upon payment of ~~an eight dollar~~ a fee. The fee is eight dollars for a duplicate or
7 substitute permit or license for a license or permit that was lost, mutilated, or destroyed, or is
8 being replaced for any other reason, except the fee is three dollars for a duplicate or substitute
9 permit or license for a license or permit that contains erroneous information due to a change in
10 name or address.

11 **SECTION 6. AMENDMENT.** Section 39-06-20 of the 1995 Supplement to the North
12 Dakota Century Code is amended and reenacted as follows:

13 **39-06-20. Notice of change of address or name.** Whenever ~~any~~ a person after
14 applying for or receiving an operator's license or permit moves from the address named in ~~such~~
15 the application or in the license or permit issued to ~~such~~ that person or when the name of a
16 licensee is changed by marriage or otherwise, ~~such~~ that person shall within ten days thereafter
17 notify the director in writing or in person of ~~such~~ that person's old and new addresses or of such
18 former and new names and of the number of any license or permit then held by ~~such~~ that
19 person. ~~Such~~ A person may obtain a corrected license or permit by making application as
20 provided for in section 39-06-18. In the event of a name change, a corrected license must be
21 obtained. The department may change the address based on information received from any
22 authorized address correction service of the United States postal service.

23 **SECTION 7. AMENDMENT.** Subsection 2 of section 39-06.1-01 of the North Dakota
24 Century Code is amended and reenacted as follows:

25 2. "Equivalent ordinance" or "equivalent ordinances" means city, state, or other
26 jurisdiction ordinances which are comparable to the cited statute, and define
27 essentially the same offense, despite the fact that the language of the ordinance
28 may differ, or differing procedural points or methods of proof may be provided.

29 **SECTION 8. AMENDMENT.** Section 39-06.1-13 of the 1995 Supplement to the North
30 Dakota Century Code is amended and reenacted as follows:

31 **39-06.1-13. Reduction of point total - Other methods.**

- 1 1. The licensing authority shall reduce the point total shown on any licensee's driving
2 record by one point for each three-month period during which no points are
3 recorded against the licensee's driving record for a moving violation or a violation
4 listed in paragraphs 12 through 16 of subdivision a of subsection 3 of section
5 39-06.1-10. The three-month period must be calculated from the date of entry of
6 the last points against that licensee's driving record.
- 7 2. The point total shown on a licensee's driving record must, during any twelve-month
8 period, be reduced by three points when the licensee mails or delivers a certificate
9 to the licensing authority indicating successful completion of instruction in a driver
10 training course approved by the licensing authority. Successful completion of
11 instruction must be certified to by the sponsoring agency or organization of the
12 driver training course. The reduction in points authorized by this subsection must
13 only be from a point total accumulated prior to completion of the necessary hours
14 of driver training instruction, and may not exceed nine points during any three-year
15 period commencing on the date of entry of the last points against the person's
16 driving record. If on the date the licensing authority receives the certificate of
17 completion of the driver training course from the licensee that licensee's driving
18 record contains twelve or more points, the point reduction authorized by this
19 subsection must be applied only after the period of suspension required by the
20 number of points then on the driver's record has been served.
- 21 ~~3. The point total shown on a licensee's driving record must be reduced by seven
22 points for successful completion of an inpatient or outpatient alcoholism or
23 narcotics treatment program approved by the state department of human services.
24 No reduction of points may be made under this subsection, unless the licensee's
25 driving record included, at the time of suspension, points assigned for violation of
26 section 39-08-01, or an equivalent ordinance. The provisions of this subsection
27 shall not have application prior to the termination of the suspension period
28 imposed on the driver.~~

29 **SECTION 9. AMENDMENT.** Subsection 6 of section 39-06.2-02 of the 1995
30 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 1 6. "Commercial motor vehicle" means a motor vehicle or combination of motor
2 vehicles designed or used to transport passengers or property:
- 3 a. If the gross combination weight rating is twenty-six thousand one pounds
4 [11794 kilograms] or more provided the towed unit has a gross vehicle weight
5 rating of more than ten thousand pounds [4536 kilograms];
- 6 b. If the vehicle has a gross vehicle weight rating of more than twenty-six
7 thousand pounds [11793.40 kilograms] or such lesser rating as determined by
8 federal regulation;
- 9 ~~b.~~ c. If the vehicle is designed to transport sixteen or more passengers, including
10 the driver; or
- 11 ~~e.~~ d. If the vehicle is transporting hazardous materials and is required to be
12 placarded in accordance with 49 CFR part 172, subpart F.