

Sixty-third  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2046

Introduced by

Legislative Management  
(Transportation Committee)

1 A BILL for an Act to amend and reenact sections 39-06.2-02, 39-06.2-07, 39-06.2-09,  
2 39-06.2-09.1, 39-06.2-10, and 39-06.2-16 of the North Dakota Century Code, relating to  
3 commercial driver's licenses.

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

5 **SECTION 1. AMENDMENT.** Section 39-06.2-02 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **39-06.2-02. Definitions.**

8 As used in this chapter, unless the context or subject matter otherwise requires:

- 9 1. "Alcohol" means any substance containing any form of alcohol, including ethanol,  
10 methanol, propanol, and isopropanol.
- 11 2. "Alcohol concentration" means:
  - 12 a. The number of grams of alcohol per one hundred milliliters of blood;
  - 13 b. The number of grams of alcohol per two hundred ten liters of breath; or
  - 14 c. The number of grams of alcohol per sixty-seven milliliters of urine.
- 15 3. "Commercial driver's instruction permit" means a permit issued under subsection 4 of  
16 section 39-06.2-07.
- 17 4. "Commercial driver's license" means a license issued under this chapter which  
18 authorizes an individual to drive a class of commercial motor vehicle.
- 19 5. "Commercial driver's license information system" means the information system  
20 established under the Commercial Motor Vehicle Safety Act to serve as a  
21 clearinghouse for locating information related to the licensing and identification of  
22 commercial motor vehicle drivers.
- 23 6. "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles  
24 designed or used to transport passengers or property:

- 1           a. If the gross combination weight rating or gross combination weight is twenty-six  
2           thousand one pounds [~~11794~~11793.40 kilograms] or more, whichever is greater,  
3           provided the towed unit has a gross vehicle weight rating or gross combination  
4           weight of more than ten thousand pounds [4536 kilograms], whichever is greater;
- 5           b. If the vehicle has a gross vehicle weight rating or gross vehicle weight of more  
6           than twenty-six thousand pounds [11793.40 kilograms] ~~or such lesser rating as~~  
7           ~~determined by federal regulation~~, whichever is greater;
- 8           c. If the vehicle is designed to transport sixteen or more passengers, including the  
9           driver; or
- 10          d. If the vehicle is transporting hazardous materials and is required to be placarded  
11          in accordance with 49 CFR part 172, subpart F or any quantity of a material listed  
12          as a select agent or toxin in 42 CFR part 73.
- 13          7. "Controlled substance" means any substance so classified under section 802(6) of the  
14          Controlled Substances Act [21 U.S.C. 802(6)], and includes all substances listed on  
15          schedules I through V, of 21 CFR part 1308, as they may be revised from time to time.
- 16          8. "Conviction" means an unvacated adjudication of guilt, or a determination that a  
17          ~~person~~an individual has violated or failed to comply with the law in a court of original  
18          jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or  
19          collateral deposited to secure the ~~person's~~individual's appearance in court, the  
20          payment of a fine or court cost, or violation of a condition of release without bail,  
21          regardless of whether or not the penalty is rebated, suspended, or probated.
- 22          9. "Disqualification" means a withdrawal of the privilege to drive a commercial motor  
23          vehicle.
- 24          10. "Downgrade" means:
- 25               a. A state allows the driver to change the driver's self-certification to interstate, but  
26               operating exclusively in transportation or operation excepted from 49 CFR  
27               part 391, as provided in 390.3(f), 391.2, 391.68, or 398.3;
- 28               b. A state allows the driver to change the driver's self-certification to intrastate only,  
29               if the driver qualifies under the state's physical qualification requirements for  
30               intrastate only;

- 1           c. A state allows the driver to change the driver's certification to intrastate, but  
2           operating exclusively in transportation or operations excepted from all or part of  
3           the state driver's qualification; or
- 4           d. A state removes the commercial driver's license privilege from the driver's  
5           license.
- 6       11. "Drive" means to drive, operate, or be in physical control of a motor vehicle.
- 7       12. "Driver" means ~~any person~~ an individual who drives, operates, or is in physical control  
8       of a commercial motor vehicle, or who is required to hold a commercial driver's  
9       license.
- 10      13. ~~"Driver's license" means a license issued by a state to an individual which authorizes~~  
11      ~~the individual to drive a motor vehicle.~~
- 12      14. "Drug" means any drug or substance or combination of drugs or substances which  
13      renders ~~a person~~ an individual incapable of safely driving, and includes any controlled  
14      substance.
- 15      15. ~~"Electronic device" includes a cellular telephone, personal digital assistant, pager,~~  
16      ~~computer, or any other device used to input, write, send, receive, or read text.~~
- 17      ~~16.~~14. "Employer" means any person, including the United States, a state, or a political  
18      subdivision of a state, who owns or leases a commercial motor vehicle, or assigns a  
19      ~~person~~ an individual to drive a commercial motor vehicle.
- 20      ~~17.~~15. "Fatality" means the death of ~~a person~~ an individual as a result of a motor vehicle  
21      accident.
- 22      ~~18.~~16. "Felony" means any offense under state or federal law which is punishable by death or  
23      imprisonment for a term exceeding one year.
- 24      ~~19.~~17. "Foreign jurisdiction" means any jurisdiction other than a state of the United States.
- 25      ~~20.~~18. "Gross vehicle weight rating" means the value specified by the manufacturer as the  
26      maximum loaded weight of a single or a combination (or articulated) vehicle. The  
27      gross vehicle weight rating of a combination (or articulated) vehicle, (commonly  
28      referred to as the "gross combination weight rating"), is the gross vehicle weight rating  
29      of the power unit plus the gross vehicle weight rating or actual weight of the towed unit  
30      or units.

Sixty-third  
Legislative Assembly

- 1 ~~21-19.~~ "Hazardous materials" means any material that has been designated as hazardous  
2 under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 CFR  
3 part 172 or any quantity of a material listed as a select agent or toxin in 42 CFR  
4 part 73.
- 5 ~~22-20.~~ "Imminent hazard" means the existence of a condition that presents a substantial  
6 likelihood that death, serious illness, severe personal injury, or a substantial  
7 endangerment to health, property, or the environment may occur before the  
8 reasonably foreseeable completion date of a formal proceeding begun to lessen the  
9 risk of that death, illness, injury, or endangerment.
- 10 ~~23-21.~~ "Mobile telephone" means a mobile communication device that falls under or uses any  
11 commercial mobile radio service, as defined in regulations of the federal  
12 communications commission in 47 CFR 20.3. The term does not include two-way  
13 and citizens band radio services.
- 14 ~~22.~~ "Motor vehicle" means every vehicle that is self-propelled, and every vehicle that is  
15 propelled by electric power obtained from overhead trolley wires but not operated  
16 upon rails, except vehicles moved solely by human power and motorized wheelchairs.
- 17 ~~24-23.~~ "Noncommercial motor vehicle" means a motor vehicle or combination of motor  
18 vehicles not defined by the term commercial motor vehicle.
- 19 ~~25-24.~~ ~~"Nonresident~~Nondomiciled commercial driver's license" means a commercial driver's  
20 license issued by a state to an individual domiciled in a foreign country meeting the  
21 requirements of 49 CFR 383.23(b)(1).
- 22 ~~26-25.~~ "Out-of-service order" means a temporary prohibition against driving a commercial  
23 motor vehicle.
- 24 ~~27-26.~~ "Serious traffic violation" means a conviction when operating a commercial motor  
25 vehicle of:
- 26 a. Excessive speeding, involving a single charge of any speed fifteen miles  
27 [24.14 kilometers] per hour or more, above the posted speed limit;
- 28 b. Reckless driving, as defined under section 39-08-03 or local ordinance, including  
29 charges of driving a commercial motor vehicle in willful or wanton disregard for  
30 the safety of ~~persons~~an individual or property, improper or erratic traffic lane  
31 changes, or following the vehicle ahead too closely;

- 1 c. A violation of any state or local law related to motor vehicle traffic control, other  
2 than a parking violation, arising in connection with a fatal accident;
- 3 d. Driving a commercial motor vehicle without obtaining a commercial driver's  
4 license or commercial driver's instruction permit;
- 5 e. Driving a commercial motor vehicle without a commercial driver's license or  
6 commercial driver's instruction permit in the driver's possession. An individual  
7 who provides proof to the enforcement authority that issued the citation, by the  
8 date the individual must appear in court or pay a fine for such violation, that the  
9 individual held a valid commercial driver's license or commercial driver's  
10 instruction permit on the date the citation was issued, is not guilty of this offense;
- 11 f. Driving a commercial motor vehicle without the proper class of commercial  
12 driver's license or endorsement, or both commercial driver's instruction permit, for  
13 the specific vehicle group being operated or for the passengers or type of cargo  
14 being transported; or
- 15 g. Violating a state or local law or ordinance prohibiting texting while driving; or
- 16 h. Violating a state law on motor vehicle traffic control restricting or prohibiting the  
17 use of a hand-held mobile telephone while driving a commercial motor vehicle.
- 18 ~~28-27.~~ "State" means a state of the United States or the District of Columbia.
- 19 28. "Tank vehicle" means any commercial motor vehicle that is designed to transport any  
20 liquid or gaseous material within a tank having an individual rated capacity of more  
21 than one hundred nineteen gallons [450.46 liters] and an aggregate rated capacity of  
22 one thousand gallons [3785.41 liters] or more that is either permanently or temporarily  
23 attached to the vehicle or the chassis. A commercial motor vehicle transporting an  
24 empty storage container tank, not designed for transportation, with a rated capacity of  
25 one thousand gallons [3785.41 liters] or more that is temporarily attached to a flatbed  
26 trailer is not considered a tank vehicle.
- 27 29. "Texting" means manually entering alphanumeric text into, or reading text from, an  
28 electronic device. This action includes short message service, e-mailing, instant  
29 messaging, a command or request to access a worldwide web page, pressing more  
30 than a single button to initiate or terminate a voice communication using a mobile

1            telephone or engaging in any other form of electronic text retrieval or entry, for present  
2            or future communication. "Texting" does not include:

- 3            a.    ~~Reading, selecting, or entering a telephone number, an extension number, or~~  
4            ~~voice mail retrieval codes and commands into an electronic device for the~~  
5            ~~purpose of initiating or receiving a telephone call using voice commands to~~  
6            ~~initiate or receive a telephone call~~Pressing a single button to initiate or terminate  
7            a voice communication using a mobile telephone;  
8            b.    Inputting, selecting, or reading information on a global positioning system or  
9            navigation system; or  
10           c.    Using a device capable of performing multiple functions, including fleet  
11           management systems, dispatching devices, smartphones, citizens' band radios,  
12           or music players, for a purpose that is not otherwise prohibited in 49 CFR  
13           part 383.

14        30. "Third-party skills test examiner" means an individual employed by a third-party tester  
15        who is authorized by the state to administer the skills tests in 49 CFR part 383,  
16        subparts G and H.

17        31. "Third-party tester" means a person, including another state, a motor carrier, a private  
18        driver training facility or other private institution, or a political subdivision authorized by  
19        the state to employ skills test examiners to administer the skills tests in 49 CFR part  
20        383, subparts G and H.

21        ~~30-32.~~ "United States" means the fifty states and the District of Columbia.

22        33. "Use a hand-held mobile telephone" means using at least one hand to hold a mobile  
23        telephone to conduct a voice communication; dialing or answering a mobile telephone  
24        by pressing more than a single button; or reaching for a mobile telephone in a manner  
25        that requires a driver to maneuver so that the driver is no longer in a seated driving  
26        position, restrained by a seatbelt that is installed under 49 CFR 393.93 and adjusted in  
27        accordance with the vehicle manufacturer's instructions.

28        **SECTION 2. AMENDMENT.** Section 39-06.2-07 of the North Dakota Century Code is  
29        amended and reenacted as follows:

30        **39-06.2-07. Commercial driver's license qualification standards.**

- 31        1.    ~~Testing.~~

- 1           a. ~~General. No person~~An individual may not be issued a commercial driver's license  
2           unless that ~~person~~individual is a resident of this state and; has passed a  
3           knowledge and skills test, including a skills test administered by another state, for  
4           driving a commercial motor vehicle which complies with minimum federal  
5           standards established by federal regulations enumerated in 49 CFR part 383,  
6           subparts G and H; and has satisfied all other requirements of state and federal  
7           law, including the Commercial Motor Vehicle Safety Act ~~in addition to other~~  
8           ~~requirements imposed by state law or federal regulation~~. The tests must be  
9           prescribed and conducted by the director. The applicant ~~must~~shall pay a fee of  
10          five dollars for each of the tests.
- 11        ~~b.2. Third-party testing. The director may authorize a person, including an agency of this or~~  
12        ~~another state, an employer, a private driver's training facility, or other private~~  
13        ~~institution, or a department, agency, or instrumentality of local government, to~~  
14        ~~administer the skills test specified by this section, provided~~third-party testing, if:
- 15        ~~(1)~~a. The test is the same as that which would otherwise be administered by ~~the~~this  
16        state; and
- 17        ~~(2)~~b. The third party has entered ~~into~~ an agreement with this state which complies with  
18        requirements of 49 CFR part 383.75.
- 19        ~~2.3. Waiver of skills test. The director may waive the skills test specified in this section for a~~  
20        commercial driver's license applicant who meets the requirements of 49 CFR  
21        part 383.77.
- 22        ~~3.4. Limitations on issuance of license. A commercial driver's license, or commercial~~  
23        driver's instruction permit; may not be issued to a ~~person~~an individual while the  
24        ~~person~~individual is subject to a disqualification from driving a commercial motor  
25        vehicle; or while the ~~person's~~individual's driver's license is suspended, revoked, or  
26        canceled in any state; ~~nor may a.~~ A commercial driver's license may not be issued to a  
27        ~~person~~an individual who has a commercial driver's license issued by any other state  
28        unless the ~~person~~individual first surrenders ~~all such licenses~~that license. The director  
29        shall notify the issuing state of the surrender of the license.
- 30        4. ~~Commercial driver's instruction permit.~~

- 1           a. A commercial driver's instruction permit may be issued to an individual who holds  
2           a valid class D ~~driver's~~operator's license who has passed the vision and written  
3           tests required for an equivalent commercial driver's license.
- 4           b. The commercial driver's instruction permit may not be issued for a period to  
5           exceed ~~six months~~one hundred eighty days. Only one renewal or reissuance may  
6           be granted within a two-year period. The director may issue a letter of authority  
7           that authorizes the applicant to drive to a driver's license office, complete the  
8           road test, and return home. ~~The director may issue the letter of authority is used~~  
9           ~~after an if all~~ allowable ~~number of~~ permits have been issued. The holder of a  
10          ~~commercial driver's instruction permit may~~, unless otherwise disqualified, may  
11          drive a commercial motor vehicle only when accompanied by the holder of a  
12          commercial driver's license valid for the type of vehicle driven who occupies a  
13          seat beside the individual for the purpose of giving instruction in driving the  
14          commercial motor vehicle. A holder of a permit is not eligible for a license until  
15          that individual has had the permit issued for at least fourteen days.

16          **SECTION 3. AMENDMENT.** Section 39-06.2-09 of the North Dakota Century Code is  
17          amended and reenacted as follows:

18          **39-06.2-09. Commercial driver's license.**

- 19          1. The commercial driver's license must be marked "commercial driver's license", and  
20          must be, to the maximum extent practicable, tamper proof. ~~#~~The license must include  
21          the following information:
- 22               a. The name and residential address of the ~~person~~individual;
- 23               b. The ~~person's~~individual's color photograph;
- 24               c. A physical description of the ~~person~~individual, including sex, height, and eye  
25               color;
- 26               d. Date of birth;
- 27               e. A distinguishing number assigned to the ~~person~~individual;
- 28               f. The ~~person's~~individual's signature;
- 29               g. The class or type of commercial motor vehicle or vehicles which the  
30               ~~person~~individual is authorized to drive together with any endorsements or  
31               restrictions;



- 1           h. The name of this state; and
- 2           i. The dates between which the license is valid.
- 3        2. The director may issue a ~~nonresident~~nondomiciled commercial driver's license
- 4           pursuant to the limitations of 49 CFR 383 including waiving the social security number
- 5           requirement. The face of the license must be marked "nonresident" in accordance with
- 6           ~~49 CFR 383.153(b)~~49 CFR 383.153(c).
- 7        3. Commercial driver's licenses may be issued with the following classifications,
- 8           endorsements, and restrictions;~~the~~The holder of a valid commercial driver's license
- 9           may drive all vehicles in the class for which that license is issued and all lesser
- 10          classes of vehicles except motorcycles. Vehicles for which an endorsement is required
- 11          may not be driven unless the proper endorsement appears on the license. The
- 12          requirements of placarding vehicles transporting hazardous materials under
- 13          subparagraph b of paragraph 3 of subdivision a and the endorsement required under
- 14          paragraph 1 of subdivision b do not apply to ~~a person who is~~ the operator of a farm
- 15          vehicle,~~provided such~~ if the vehicle is controlled and operated by a farmer and used
- 16          to transport hazardous materials in the form of farm supplies within one hundred fifty
- 17          miles [241.40 kilometers] of the farm; and is not used in the operations of a common
- 18          or contract carrier.
- 19        a. ~~Classifications~~The classifications of commercial driver's licenses are:
- 20           (1) ~~ClassA class A license. Any~~This license allows the operation of any
- 21                  combination of vehicles with a gross vehicle weight rating of more than
- 22                  twenty-six thousand pounds [11793.40 kilograms], ~~providedif~~ if the gross
- 23                  vehicle weight rating of the vehicles being towed is in excess of ten
- 24                  thousand pounds [4535.92 kilograms].
- 25           (2) ~~ClassA class B license. Any~~This license allows the operation of a single
- 26                  vehicle with a gross vehicle weight rating of more than twenty-six thousand
- 27                  pounds [11793.40 kilograms], and ~~any such~~this vehicle towing a vehicle not
- 28                  in excess of ten thousand pounds [4535.92 kilograms].
- 29           (3) ~~ClassA class C license. Any~~This license allows the operation of a single
- 30                  vehicle with a gross vehicle weight rating of twenty-six thousand pounds
- 31                  [11793.40 kilograms] or less or ~~any such~~this vehicle towing a vehicle with a

- 1 gross vehicle weight rating not in excess of ten thousand pounds [4535.92  
2 kilograms] comprising:
- 3 (a) Vehicles designed to transport sixteen or more passengers, including  
4 the driver; and
- 5 (b) Vehicles used in the transportation of hazardous materials which  
6 requires the vehicle to be placarded under 49 CFR part 172,  
7 subpart F.
- 8 b. Endorsements and restrictions include:
- 9 (1) "H" ~~-that~~ authorizes the driver to drive a vehicle transporting hazardous  
10 materials.
- 11 (2) "T" ~~-that~~ authorizes driving double and triple trailers.
- 12 (3) "P" ~~-that~~ authorizes driving vehicles carrying passengers.
- 13 (4) "N" ~~-that~~ authorizes driving tank vehicles.
- 14 (5) "X" ~~-that~~ authorizes driving combinations of tank vehicles and hazardous  
15 material vehicles.
- 16 (6) "S" ~~-that~~ authorizes driving a schoolbus.
- 17 c. Other restrictions may be placed upon a commercial driver's license, ~~as provided~~  
18 ~~in~~under section 39-06-17. The applicant shall pay a fee of three dollars for each  
19 endorsement.
- 20 4. Before issuing a commercial driver's license, the director shall obtain driving record  
21 information through the commercial driver's license information system, the national  
22 driver's register, and from each state in which the ~~person~~individual has been licensed.
- 23 5. Within ten days after issuing a commercial driver's license, the director shall notify the  
24 commercial driver's license information system of that fact, providing all information  
25 required to ensure identification of the ~~person~~individual.
- 26 6. A commercial driver's license issued under this chapter expires in the manner  
27 provided for operator's licenses under section 39-06-19.
- 28 7. ~~Every person~~An individual applying for renewal of a commercial driver's license must  
29 complete the application form required by subsection 1 of section 39-06.2-08,  
30 ~~providing~~and provide updated information and required certifications. ~~If the~~For an  
31 applicant ~~wishes~~ to retain a hazardous materials endorsement, the applicant must take

1           ~~and pass~~ the written test for a hazardous materials endorsement ~~must be taken and~~  
2           ~~passed.~~

3           **SECTION 4. AMENDMENT.** Section 39-06.2-09.1 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5           **39-06.2-09.1. ~~Nonresident~~Nondomiciled commercial license.**

6           1. The department may issue a ~~nonresident~~nondomiciled commercial driver's license to  
7           an applicant who does not present a social security card as required by section  
8           39-06.2-08 but who otherwise meets the requirements for a ~~nonresident~~nondomiciled  
9           commercial driver's license. A license issued under this subsection is valid only during  
10          the period of time of the applicant's authorized stay in the United States. The license  
11          may be renewed only upon presentation of valid documentary evidence that the status  
12          has been extended. The department shall renew without a skills or knowledge test a  
13          ~~nonresident~~nondomiciled commercial license that has been expired for a duration not  
14          longer than one year.

15          2. The fee for a ~~nonresident~~nondomiciled commercial driver's license is twenty dollars.

16          **SECTION 5. AMENDMENT.** Section 39-06.2-10 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18          **39-06.2-10. ~~Disqualification offenses.~~Disqualification and cancellation.**

19          1. ~~Disqualification offenses.~~ An individual is disqualified from driving a  
20          commercial motor vehicle for a period of not less than one year if convicted of a first  
21          violation of:  
22          a. Driving a commercial motor vehicle under the influence of alcohol or drugs;  
23          b. Leaving the scene of an accident involving a commercial motor vehicle driven by  
24          the ~~person~~individual in violation of section 39-08-04, 39-08-05, 39-08-07, or  
25          39-08-09;  
26          c. Using a commercial motor vehicle in the commission of any felony as defined in  
27          this chapter;  
28          d. Refusal to submit to a test to determine the driver's alcohol concentration while  
29          driving a commercial motor vehicle; or

1 e. Driving or being in actual physical control of a commercial motor vehicle while the  
2 alcohol concentration of the ~~person~~individual's blood, breath, or urine is four  
3 one-hundredths of one percent or more by weight.

4 If any of the above violations occurred while transporting a hazardous material  
5 required to be placarded, the ~~person~~individual is disqualified for a period of not less  
6 than three years.

7 2. An individual is disqualified for a period of not less than one year if convicted of fraud  
8 related to the issuance of a commercial driver's permit or license.

9 3. ~~A person~~An individual is disqualified for life if convicted of two or more violations of any  
10 of the offenses specified in subsection 1, ~~7~~8, ~~9~~10, or ~~11~~12, or any combination of those  
11 offenses, arising from two or more separate incidents. Only offenses committed while  
12 operating a commercial motor vehicle after July 1, 1989, may be considered in  
13 applying this subsection. Only offenses committed while operating a noncommercial  
14 motor vehicle after August 1, 2003, may be considered in applying this subsection.

15 ~~3.4.~~ The director may adopt rules under section 39-06.2-14, establishing guidelines,  
16 including conditions, under which a disqualification for life under subsections ~~2~~3, ~~8~~9,  
17 ~~10~~11, and ~~12~~13 may be reduced to a period of not less than ten years.

18 ~~4.5.~~ ~~A person~~An individual is disqualified from driving a commercial motor vehicle for life  
19 who uses a commercial motor vehicle in the commission of any felony involving the  
20 manufacture, distribution, or dispensing of a controlled substance, or possession with  
21 intent to manufacture, distribute, or dispense a controlled substance.

22 ~~5.6.~~ ~~A person~~An individual is disqualified from driving a commercial motor vehicle for a  
23 period of not less than sixty days if convicted of two serious traffic violations, or one  
24 hundred twenty days if convicted of three serious traffic violations, committed in a  
25 commercial motor vehicle arising from separate incidents occurring within a three-year  
26 period.

27 ~~6.7.~~ Disqualification for railroad-highway grade crossing violation:

28 a. A driver who is convicted of driving a commercial motor vehicle in violation of a  
29 federal, state, or local law or regulation pertaining to any one of the following six  
30 offenses at a railroad-highway grade crossing is disqualified for the period of time  
31 specified in subdivision b:

- 1 (1) For drivers who are not required to always stop, failing to slow down and  
2 check that the tracks are clear of an approaching train;
- 3 (2) For drivers who are not required to always stop, failing to stop before  
4 reaching the crossing, if the tracks are not clear;
- 5 (3) For drivers who are always required to stop, failing to stop before driving  
6 onto the crossing;
- 7 (4) For all drivers, failing to have sufficient space to drive completely through  
8 the crossing without stopping;
- 9 (5) For all drivers, failing to obey a traffic control device or the directions of an  
10 enforcement official at the crossing; and
- 11 (6) For all drivers, failing to negotiate a crossing because of insufficient  
12 undercarriage clearance.
- 13 b. Duration of disqualification for a railroad-highway grade crossing violation:
- 14 (1) ~~First violation~~: A driver is disqualified for not less than sixty days if the driver  
15 is convicted of a first violation of a railroad-highway grade crossing violation.
- 16 (2) ~~Second violation~~: A driver is disqualified for not less than one hundred  
17 twenty days if, during any three-year period, the driver is convicted of a  
18 second railroad-highway grade crossing violation in separate incidents.
- 19 (3) ~~Third or subsequent violation~~: A driver is disqualified for not less than one  
20 year if, during any three-year period, the driver is convicted of a third or  
21 subsequent railroad-highway grade crossing violation in separate incidents.
- 22 7-8. For a first conviction of driving while under the influence of alcohol or being under the  
23 influence of a controlled substance or refusal to be tested while operating a  
24 noncommercial motor vehicle, a holder of a commercial driver's licenseholderlicense  
25 or instruction permit must be disqualified from operating a commercial motor vehicle  
26 for one year.
- 27 8-9. For a second or subsequent conviction of driving while under the influence or being  
28 under the influence of a controlled substance or refusal to be tested while operating a  
29 noncommercial motor vehicle, a holder of a commercial driver's licenseholderlicense  
30 or instruction permit must be disqualified from operating a commercial motor vehicle  
31 for life.

Sixty-third  
Legislative Assembly

- 1    ~~9-10.~~   For a first conviction for leaving the scene of an accident while operating a  
2            noncommercial motor vehicle, a holder of a commercial driver's licenseholderlicense  
3            or instruction permit must be disqualified from operating a commercial motor vehicle  
4            for one year.
- 5    ~~10-11.~~ For a second or subsequent conviction for leaving the scene of an accident while  
6            operating a noncommercial motor vehicle, a holder of a commercial driver's  
7            licenseholderlicense or instruction permit must be disqualified from operating a  
8            commercial motor vehicle for life.
- 9    ~~11-12.~~ For a first conviction for using a vehicle to commit a felony while operating a  
10           noncommercial motor vehicle, a holder of a commercial driver's licenseholderlicense  
11           or instruction permit must be disqualified from operating a commercial motor vehicle  
12           for one year.
- 13   ~~12-13.~~ For a second or subsequent conviction for using a vehicle to commit a felony while  
14           operating a noncommercial motor vehicle, a holder of a commercial driver's  
15           licenseholderlicense or instruction permit must be disqualified from operating a  
16           commercial motor vehicle for life.
- 17   ~~13-14.~~ For a conviction for using a vehicle in the commission of a felony involving  
18           manufacturing, distributing, or dispensing a controlled substance while operating a  
19           commercial motor vehicle or a noncommercial motor vehicle, a holder of a commercial  
20           driver's licenseholderlicense or instruction permit must be disqualified from operating a  
21           commercial motor vehicle for life.
- 22   ~~14-15.~~ ~~A person~~An individual is disqualified from driving a commercial motor vehicle for a  
23           period of not less than sixty days if convicted of any combination of two serious traffic  
24           violations within a three-year period while operating a noncommercial motor vehicle,  
25           and either conviction results in the revocation, cancellation, or suspension of an  
26           operator's license, including a commercial driver's license.
- 27   ~~15-16.~~ ~~A person~~An individual is disqualified from driving a commercial motor vehicle for a  
28           period of not less than one hundred twenty days if convicted of any combination of  
29           three or more serious traffic violations within a three-year period while operating a  
30           noncommercial motor vehicle, and any of the convictions results in the revocation,

1 cancellation, or suspension of an operator's license, including a commercial driver's  
2 license.

3 ~~16-17.~~ ~~Notice and hearing. Prior to~~Before suspending, revoking, or disqualifying a driver  
4 under this section, the director must provide the driver with notice of opportunity for  
5 hearing, in accordance with section 39-06-33, and the hearing requested must be held  
6 in accordance with section 39-06-33.

7 ~~17-18.~~ After suspending, revoking, disqualifying, or canceling a commercial driver's license,  
8 the director shall update the director's records to reflect that action within ten days.  
9 After suspending, revoking, or canceling a nonresident commercial driver's privileges,  
10 the director shall notify the licensing authority of the state that issued the commercial  
11 driver's license or commercial driver's instruction permit within ten days.

12 **SECTION 6. AMENDMENT.** Section 39-06.2-16 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **39-06.2-16. Reciprocity.**

- 15 1. Notwithstanding any other provision of law, ~~a person~~an individual may drive a  
16 commercial motor vehicle in this state if the ~~person~~individual has a valid commercial  
17 driver's license or commercial driver's license instruction permit issued by any state, ~~or~~  
18 province or territory of Canada, or licencia federal de conductor issued by Mexico in  
19 accordance with the minimum federal standards for the issuance of a commercial  
20 motor vehicle driver's license, if the ~~person's~~individual's license or permit is not  
21 suspended, revoked, or canceled, and if the ~~person~~individual is not disqualified from  
22 driving a commercial motor vehicle.
- 23 2. The director must give all out-of-state convictions full faith and credit if the driver is  
24 licensed by this state at the time of the conviction or becomes licensed by this state at  
25 a later time and treat them for sanctioning purposes under this chapter as if they  
26 occurred in this state. For purposes of this section, originals, photostatic copies, or  
27 electronic transmissions of the records of the driver's licensing or other authority of the  
28 other jurisdiction are sufficient evidence whether or not they are certified copies.