

HOUSE BILL NO. 1287

Introduced by

Representatives Keiser, K. Koppelman

1 A BILL for an Act to create and enact section 39-06-14.2 and a new paragraph to subdivision a
2 of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to graduated
3 driver licensing; to amend and reenact subsection 2 of section 39-06-01.1, subsection 1 of
4 section 39-06-03, section 39-06-04, subsection 1 of section 39-06-05, sections 39-06-14 and
5 39-06-17, subsection 4 of section 39-06-42, subsection 2 of section 39-06-43, subdivision i of
6 subsection 2 of section 39-06-49, and subsection 1 of section 39-06.1-08 of the North Dakota
7 Century Code, relating to drivers licenses issued to operators, restricted licenses, and class D
8 instruction permit; and to provide a penalty.

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

10 **SECTION 1. AMENDMENT.** Subsection 2 of section 39-06-01.1 of the North Dakota
11 Century Code is amended and reenacted as follows:

- 12 2. If an individual has had that individual's license to operate a motor vehicle canceled
13 under subsection 1, the director shall deem that individual to have never have had
14 anya license to operate a motor vehicle and may not issue anya license to operate a
15 motor vehicle other than an instruction permit or a restricted instruction permit after the
16 completion of any period of suspension or revocation. After the issuance of an
17 instruction permit or restricted instruction permit, the director may not issue any other
18 operator's license to that individual until that individual:
- 19 a. Meets the requirements of section ~~39-06-17~~39-06-17.1. The driver education
20 requirement may be met through either an internet course or successfully
21 completing a course at an approved commercial driver training school meeting
22 the requirements of chapter 39-25; and
- 23 b. Satisfies all other requirements that apply to that individual for that operator's
24 license.

1 **SECTION 2. AMENDMENT.** Subsection 1 of section 39-06-03 of the North Dakota Century
2 Code is amended and reenacted as follows:

- 3 1. To an individual who is under ~~the age of sixteen years~~ of age, except that the director
4 may issue an instructional permit under section 39-06-04, a restricted permit under
5 section 39-06-05, or ~~aan intermediate~~ license under section ~~39-06-17~~39-06-17.1.

6 **SECTION 3. AMENDMENT.** Section 39-06-04 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **39-06-04. Class D instruction permit.**

- 9 1. ~~Any~~A resident of this state who is at least fourteen years of age may apply to the
10 director for a class D instruction permit.
- 11 2. The director may issue a class D instruction permit that entitles the applicant while
12 having the permit in the permittee's immediate possession to drive a motor vehicle
13 upon the public highways, if the individual:
- 14 a. Has successfully passed a standard written rules of the road knowledge test
15 prescribed by the director;
- 16 b. Has successfully passed a vision examination; and
- 17 c. Has the written approval of the individual's parent or legal guardian.
- 18 3. The permittee must be accompanied by an individual with a class A, B, C, or D license
19 in a vehicle allowed to be operated with a class D license, who is at least
20 ~~eighteen~~twenty-one years of age, who has had at least three years of driving
21 experience, and who is occupying a seat beside the driver. An individual other than the
22 supervising driver and the permitholder may not be in the front seat unless the vehicle
23 has only a front seat, in which case, the supervising driver must be seated next to the
24 permitholder.
- 25 4. An individual ~~who is not yet~~under eighteen years of age is not eligible for a class D
26 license until that individual has had an instruction permit issued for at least ~~six~~twelve
27 months or ~~at least twelve months if under the age of sixteen~~upon turning eighteen
28 years of age. The director may recognize an instruction permit issued by another
29 jurisdiction in computing the six-month or twelve-month instructional period.
- 30 5. The permittee may not operate an electronic communication device to talk, compose,
31 read, or send an electronic message while operating a motor vehicle that is in motion

1 unless the sole purpose of operating the device is to obtain emergency assistance, to
2 prevent a crime about to be committed, or in the reasonable belief that an individual's
3 life or safety is in danger.

4 **SECTION 4. AMENDMENT.** Subsection 1 of section 39-06-05 of the North Dakota Century
5 Code is amended and reenacted as follows:

6 1. The director upon receiving proper application may issue a restricted instruction permit
7 effective for a school year or more restricted period to an applicant who is at least
8 fourteen years of age and enrolled in a commercial driver training course that includes
9 practice driving and which is approved by the director of the highway patrol under
10 chapter 39-25. The restricted instruction permit entitles the permittee when the
11 permittee has the permit in the permittee's immediate possession to operate a motor
12 vehicle with an approved instructor occupying a seat beside the permittee and on a
13 designated highway or within a designated area.

14 **SECTION 5. AMENDMENT.** Section 39-06-14 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **39-06-14. Licenses issued to operators - General - Classified operator's license.**

17 1. Upon the payment of the application fee listed in section 39-06-49, the director shall
18 issue to every qualified applicant an operator's license. An application for an operator's
19 license must be made on a form furnished by the director. The operator's license must
20 bear the full name, date of birth, residence address, and a brief description of the
21 licensee.
22 2. The license must bear either a facsimile of the signature of the licensee or a space
23 upon which the licensee shall write the licensee's usual signature. An operator's
24 license is not valid unless signed by the licensee with the licensee's usual signature.
25 For purposes of verification, the director may require the licensee to write the
26 licensee's signature in the presence of the director.
27 3. The operator's license must bear a distinguishing number assigned to the licensee.
28 The director may not issue a distinguishing number that is, contains, can be converted
29 to, or is an encrypted version of the applicant's social security number.
30 4. The operator's license must bear a color photograph of the licensee. The director may
31 adopt rules relating to the manner in which photographs are to be obtained and placed

1 on an operator's license. The photograph may be produced by digital imaging or other
2 electronic means and is not a public record. If the licensee is under ~~the age of~~
3 eighteen years of age, the photograph must be against a color border or background
4 that is different from the color used for other licensees. If the licensee is at least ~~the~~
5 ~~age of~~ eighteen and years of age but is under ~~the age of~~ twenty-one years of age, the
6 photograph must be against a color border or background that is different from the
7 color used for other licensees.

8 5. The director may issue an intermediate class D operator's license as provided in
9 section 39-06-14.2.

10 5.6. Upon request and with adequate documentation, the director shall place an indicator
11 on the face of an operator's license of a veteran. The veteran may make the request
12 through the department of veterans' affairs.

13 6.7. An applicant holding a valid operator's license issued by this state and making
14 application for renewal must be issued a class D license without being subjected to a
15 written or actual ability examination. The director shall issue to any other applicant
16 applying for issuance of an operator's license a classified license after a successful
17 examination in the type of motor vehicle or combination of vehicles for the particular
18 class of license and the particular license authorizes the holder to drive the particular
19 class of vehicles as designated in section 39-06.2-09 or this chapter.

20 7.8. An individual with a class D license may operate:

- 21 a. A single vehicle with a gross vehicle weight rating of twenty-six thousand pounds
22 [11793.40 kilograms] or less or this vehicle towing a vehicle with a gross vehicle
23 weight rating not in excess of ten thousand pounds [4535.92 kilograms] or a
24 combination of vehicles with a gross combination weight or a gross combination
25 weight rating in excess of twenty-six thousand pounds [11793.40 kilograms] if the
26 individual is eighteen years of age or older, unless the individual is driving a farm
27 vehicle and meets the requirements of subdivision e of subsection 7 of this
28 section and subsection 3 of section 39-06.2-06.
- 29 b. A farm tractor towing another vehicle having a gross weight in excess of ten
30 thousand pounds [4535.92 kilograms].

- 1 c. A truck towing a trailer in excess of ten thousand pounds [4535.92 kilograms] if
2 the combined weight does not exceed twenty-six thousand pounds [11793.40
3 kilograms] gross combination weight rating.
- 4 d. A house car or a vehicle towing a travel trailer being used solely for personal
5 purposes.
- 6 e. A two-axle or tandem-axle motor vehicle, a triple-axle motor vehicle, and a truck
7 or truck tractor towing a trailer, semitrailer, or farm trailer if the individual is
8 exempted from a commercial driver's license under subsection 3 of section
9 39-06.2-06, except the individual may not operate a double trailer or triple trailer
10 and an individual under eighteen years of age may not operate a truck tractor or
11 a bus designed to carry sixteen or more passengers, including the driver.

12 ~~8-9.~~ Any holder of a classified license who drives a motor vehicle otherwise than as
13 permitted by the class of license issued to the holder is deemed to be driving a motor
14 vehicle without being duly licensed. The holder of a classified license who desires to
15 obtain a different class license must exchange or renew the license. The director may
16 adopt rules on renewals or exchanges for the proper administration of this chapter.

17 **SECTION 6.** Section 39-06-14.2 of the North Dakota Century Code is created and enacted
18 as follows:

19 **39-06-14.2. Intermediate class D license.**

- 20 1. The director may issue an intermediate class D operators license to a minor if the
21 minor appears in person and satisfies the director that the minor:
- 22 a. Is at least fifteen years of age, qualified to operate an automobile safely, and
23 meets the requirements of section 39-06-04;
- 24 b. If under sixteen years of age, has successfully completed an approved driver's
25 education course, including a course of classroom instruction and a course of
26 behind-the-wheel instruction acceptable to the director or has successfully
27 completed a course at an approved commercial driver training school; and
- 28 c. Has accumulated a minimum of fifty hours of supervised, behind-the-wheel
29 driving experience in various driving conditions and situations, including driving at
30 night; driving on a gravel, dirt, or aggregate surface road; driving in both rural and
31 urban conditions; and driving in winter conditions.

- 1 2. Subsection 1 does not authorize a minor to drive a commercial truck, motorbus, or
2 taxicab, except the holder of an intermediate class D license may drive a farm motor
3 vehicle having a gross weight of fifty thousand pounds [22679.62 kilograms] while
4 used to transport agricultural products, farm machinery, or farm supplies to or from a
5 farm and within one hundred fifty miles [241.40 kilometers] of the driver's farm.
- 6 3. A minor with an intermediate class D license issued under subsection 1 may operate
7 the type or class of motor vehicle specified on the license under the following
8 conditions:
- 9 a. The minor must be in possession of the license while operating the motor vehicle.
10 b. The minor may not operate the vehicle carrying more than one nonadult
11 passenger, except for siblings being transported to or from work, an official
12 school activity, or a religious activity.
- 13 c. The minor may not operate an electronic communication device to talk, compose,
14 read, or send an electronic message while operating a motor vehicle that is in
15 motion unless the purpose of operating the device is to obtain emergency
16 assistance or prevent a crime about to be committed or is in the reasonable belief
17 an individual's life or safety is in danger.
- 18 d. The minor may not operate a motor vehicle between the later of sunset or nine
19 p.m. and five a.m., unless a parent, legal guardian, or an individual twenty-one
20 years of age or older is in the front seat of the motor vehicle or the motor vehicle
21 is being driven directly to or from work, an official school activity, or a religious
22 activity.
- 23 e. The minor wears a safety belt.
- 24 4. The director may upgrade an intermediate class D license to a class D license upon
25 completion of six months of driving without license cancellation or conviction of a traffic
26 offense carrying a penalty of more than one point, or upon the individual reaching
27 eighteen years of age.

28 **SECTION 7. AMENDMENT.** Section 39-06-17 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **39-06-17. Restricted licenses - Penalty for violation.**

- 2 1. Upon issuing an operator's license or a temporary restricted operator's license under
3 section 39-06.1-11, the director may impose restrictions suitable to a licensee's driving
4 ability with respect to the type of motor vehicle, special mechanical control devices
5 required on a motor vehicle that the licensee may operate, or any other restrictions
6 applicable to the licensee as the director may determine to be appropriate to assure
7 the safe operation of a motor vehicle by the licensee. The director may either issue a
8 special restricted class D license or may state the restrictions upon the usual license
9 form. In the same manner, the director shall restrict licenses under section 39-16.1-09.
- 10 2. ~~The director may issue a restricted class D license to operate the parent's, guardian's,~~
11 ~~grandparent's, sibling's, aunt's, or uncle's automobile to a minor, who is at least fifteen~~
12 ~~years of age, and otherwise qualified, upon the written recommendation of the parent~~
13 ~~or guardian. A minor may operate a motor vehicle that is not the parent's or guardian's~~
14 ~~to take the actual ability test. The parent, guardian, grandparent, sibling, aunt, or uncle~~
15 ~~at all times is responsible for any and all damages growing out of the negligent~~
16 ~~operation of a motor vehicle by a minor. A restricted class D license may not be issued~~
17 ~~to a minor unless the minor, accompanied by the parent or guardian, appears in~~
18 ~~person and satisfies the director that:~~
- 19 a. The minor is at least fifteen years of age;
- 20 b. The minor is qualified to operate an automobile safely;
- 21 c. It is necessary for the child to drive the parent's, guardian's, grandparent's,
22 sibling's, aunt's, or uncle's automobile without being accompanied by an adult;
- 23 d. The minor has successfully completed an approved driver's education course
24 that includes a course of classroom instruction and a course of behind the wheel
25 instruction acceptable to the director or has successfully completed a course at
26 an approved commercial driver training school; and
- 27 e. The minor has accumulated a minimum of fifty hours of supervised,
28 behind the wheel driving experience in various driving conditions and situations
29 that include night driving; driving on gravel, dirt, or aggregate surface road;
30 driving in both rural and urban conditions; and winter driving conditions.

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- 1 3. ~~The provisions of subsection 2 do not authorize a minor to drive a commercial truck,~~
2 ~~motorbus, or taxicab except the holder of a restricted class D license may drive a farm~~
3 ~~motor vehicle having a gross weight of fifty thousand pounds [22679.62 kilograms]~~
4 ~~while used to transport agricultural products, farm machinery, or farm supplies to or~~
5 ~~from a farm when so operated within one hundred fifty miles [241.40 kilometers] of the~~
6 ~~driver's farm.~~
- 7 4. ~~A minor with a restricted class D license issued under subsection 2 may operate the~~
8 ~~type or class of motor vehicle specified on the restricted license under the following~~
9 ~~conditions:~~
- 10 a. ~~A restricted licenseholder must be in possession of the license while operating~~
11 ~~the motor vehicle.~~
- 12 b. ~~An individual holding a restricted class D license driving a motor vehicle may not~~
13 ~~carry more passengers than the vehicle manufacturer's suggested passenger~~
14 ~~capacity.~~
- 15 c. ~~An individual holding a restricted class D license driving a motor vehicle may not~~
16 ~~operate an electronic communication device to talk, compose, read, or send an~~
17 ~~electronic message while operating a motor vehicle that is in motion unless the~~
18 ~~sole purpose of operating the device is to obtain emergency assistance, to~~
19 ~~prevent a crime about to be committed, or in the reasonable belief that an~~
20 ~~individual's life or safety is in danger.~~
- 21 d. ~~An individual holding a restricted class D license may not operate a motor vehicle~~
22 ~~between the later of sunset or nine p.m. and five a.m. unless a parent, legal~~
23 ~~guardian, or an individual eighteen years of age or older is in the front seat of the~~
24 ~~motor vehicle or the motor vehicle is being driven directly to or from work, an~~
25 ~~official school activity, or a religious activity.~~
- 26 5.2. ~~Upon receiving satisfactory evidence of any~~a ~~violation of the restrictions of a license,~~
27 ~~the director may suspend or revoke the license but the licensee is entitled to a hearing~~
28 ~~as upon a suspension or revocation under this chapter.~~
- 29 6.3. ~~It is a class B misdemeanor for an individual to operate a motor vehicle in any manner~~
30 ~~in violation of the restrictions imposed under this section except for the restrictions in~~
31 ~~subsection 4.~~

1 ~~7.4.~~ If a temporary restricted license is issued under section 39-06.1-11 and the underlying
2 suspension was imposed for a violation of section 39-08-01 or equivalent ordinance,
3 or is governed by chapter 39-20, punishment is as provided in subsection 2 of section
4 39-06-42. Upon receiving notice of the conviction the director shall revoke, without
5 opportunity for hearing, the licensee's temporary restricted license and shall extend
6 the underlying suspension for a like period of not more than one year. An individual
7 who violates the restrictions of a temporary restricted license is disqualified for a
8 temporary restricted license under the twenty-four seven sobriety program until the
9 suspension, revocation, or cancellation time is complete.

10 ~~8.5.~~ If the conviction referred to in this section is reversed by an appellate court, the
11 director shall restore the individual to the status held by the individual before the
12 conviction, including restoration of driving privileges if appropriate.

13 **SECTION 8. AMENDMENT.** Subsection 4 of section 39-06-42 of the North Dakota Century
14 Code is amended and reenacted as follows:

15 4. In addition to any other punishment imposed, the court may order the number plates of
16 the motor vehicle owned and operated by the offender at the time of the offense to be
17 destroyed by the sheriff. If a period of suspension has been extended under
18 subsection ~~6~~3 of section 39-06-17, the court may order the number plates to be
19 destroyed under this subsection. The offender shall deliver the number plates to the
20 court without delay at a time certain as ordered by the court following the conviction.
21 The court shall deliver the number plates to the sheriff and notify the department of the
22 order. An offender who does not provide the number plates to the court at the
23 appropriate time is subject to revocation of probation.

24 **SECTION 9. AMENDMENT.** Subsection 2 of section 39-06-43 of the North Dakota Century
25 Code is amended and reenacted as follows:

26 2. If the original suspension was imposed for violation of section 39-08-01 or equivalent
27 ordinance, the director shall extend the period of that suspension for at least six
28 months. If the suspension of the operator's license resulted solely from failure to
29 appear in court or to post and forfeit bond on noncriminal traffic violations, there may
30 be no additional period of suspension. Suspension periods for failure to appear or to
31 post and forfeit bond on noncriminal traffic violations may be for an indefinite duration.

1 If the conviction was upon a charge of driving while an operator's license was revoked,
2 the director may not issue a new operator's license for an additional period of one year
3 from and after the date the individual would otherwise have been entitled to apply for a
4 new license. Upon a conviction of an individual for violating a restricted license issued
5 under section 39-06.1-11 and in which the underlying suspension was imposed for
6 violating section 39-08-01 or equivalent ordinance or is governed by chapter 39-20,
7 the director shall extend the period of the underlying suspension in accordance with
8 subsection 63 of section 39-06-17.

9 **SECTION 10. AMENDMENT.** Subdivision i of subsection 2 of section 39-06-49 of the North
10 Dakota Century Code is amended and reenacted as follows:

11 i. Reinstatement after revocation is fifty dollars, unless the revocation was imposed
12 for a violation of subsection 63 of section 39-06-17 or section 39-06-31,
13 39-06-43, or 39-20-04, then the fee is one hundred dollars.

14 **SECTION 11. AMENDMENT.** Subsection 1 of section 39-06.1-08 of the North Dakota
15 Century Code is amended and reenacted as follows:

16 1. A violation of section 39-04-11, subsection 1 of section 39-04-37 by an individual by
17 becoming a resident of this state, ~~subsection 4 of section 39-06-17~~, and section
18 39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50, 39-10-51, 39-10-54.1, 39-21-08,
19 39-21-10, 39-21-11, or 39-21-14, or a violation of any municipal ordinance equivalent
20 to the foregoing sections.

21 **SECTION 12.** A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the
22 North Dakota Century Code is created and enacted as follows:

23 Violating a restriction of the intermediate operators license 4 points
24 under section 39-06-14.2