

**Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019**

SENATE BILL NO. 2244
(Senators Dwyer, Bakke, G. Lee, Sorvaag)
(Representatives Nathe, Zubke)

AN ACT to amend and reenact section 39-06-49, subsection 1 of section 39-06.2-07, subsection 2 of section 39-06.2-08, subdivision c of subsection 3 of section 39-06.2-09, sections 39-06.2-09.1, 39-06.2-13.1, and 39-06.2-19, subsections 5 and 6 of section 39-08-13, and subsection 3 of section 39-16-03 of the North Dakota Century Code, relating to driver's license fees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-06-49 of the North Dakota Century Code is amended and reenacted as follows:

39-06-49. Fees - Deposit in state highway fund.

1. All money received under this chapter must be paid monthly into the highway fund in the state treasury.
2. The fee for:
 - a. An application for a nondriver photo identification card is ~~eighteen~~ dollars for applicants under the age of eighteen, otherwise there is no fee.
 - b. Written testing for an application for an operator's license is five dollars.
 - c. Initial, class change, and renewal permits is twenty dollars.
 - d. Actual ability testing for an application for ~~an~~ noncommercial operator's license is ~~five~~ ten dollars, and a commercial operator's license is ten dollars.
 - d-e. An application for ~~an~~ noncommercial operator's license is ~~fifteen~~ thirty dollars and a commercial operator's license is thirty dollars.
 - e-f. An application for a motorized bicycle operator's permit is ten dollars.
 - f-g. A substitute nondriver identification card or operator's license is ~~eighteen~~ dollars unless the substitute is for erroneous information due to a change in name or address, then the fee is ~~three~~ five dollars.
 - g- An
 - h. A noncommercial operator's license renewal is fifteen ~~thirty~~ dollars, and a commercial operator's license renewal is thirty dollars.
 - h-i. ~~Reinstatement after suspension is fiftyone hundred dollars unless the suspension was the result of a suspension under subsection 3, 4, or 6 of section 39-06-03 or subdivision b of subsection 1 of section 39-06-32, then the fee is twenty-five dollars, or unless the suspension was a result of a violation under section 39-08-01 or chapter 39-20, then the fee is one hundred dollars.~~
 - i-j. ~~Reinstatement after revocation is fiftyone hundred dollars, unless the revocation was imposed for a violation of subsection 6 of section 39-06-17 or section 39-06-31, 39-06-43, or 39-20-04, then the fee is one hundred dollars.~~

- k. A commercial license endorsement is five dollars for each endorsement.
 - l. The driving record for an employer of a commercial license holder is five dollars.
 - m. Operating record abstracts, records of clearance, or other record data are six dollars per record.
 - n. An accident report provided with the law enforcement officer's opinion is ten dollars and is five dollars without the opinion.
- 3. Any application for which there is a fee must be accompanied by the proper fee.
 - 4. The department shall provide a biennial report to the legislative assembly on the revenues collected, funds expended, and balance of the state highway fund.

SECTION 2. AMENDMENT. Subsection 1 of section 39-06.2-07 of the North Dakota Century Code is amended and reenacted as follows:

- 1. An individual may not be issued a commercial driver's license unless that individual is a resident of this state; has passed a knowledge and skills test that may include a skills test administered by another state or skills test results electronically submitted by another state, for driving a commercial motor vehicle which complies with minimum federal standards established by federal regulations enumerated in 49 CFR part 383, subparts G and H; and has satisfied all other requirements of state and federal law, including the Commercial Motor Vehicle Safety Act. The tests must be prescribed and conducted by the director. The applicant shall pay the fee listed in section ~~39-06.2-1939-06-49~~ for each of the tests.

SECTION 3. AMENDMENT. Subsection 2 of section 39-06.2-08 of the North Dakota Century Code is amended and reenacted as follows:

- 2. The application must be accompanied by an application fee listed in section ~~39-06.2-1939-06-49~~. The application must contain any other information as the director may require to improve identity security. The director shall require an applicant for a commercial license or commercial learner's permit to provide documentary evidence that confirms to the satisfaction of the director the true identity, date of birth, and legal presence of the applicant and provide a social security card or other satisfactory evidence of a social security number and proof of residence address, if not previously provided or if there are changes to the information already on file.

SECTION 4. AMENDMENT. Subdivision c of subsection 3 of section 39-06.2-09 of the North Dakota Century Code is amended and reenacted as follows:

- c. Other restrictions may be placed upon a commercial driver's license, under section 39-06-17. The applicant shall pay a fee listed in section ~~39-06.2-1939-06-49~~ for each endorsement.

SECTION 5. AMENDMENT. Section 39-06.2-09.1 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-09.1. Nondomiciled commercial license.

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

2. The fee for a nondomiciled commercial driver's license is listed in section ~~39-06.2-19~~39-06-49.

SECTION 6. AMENDMENT. Section 39-06.2-13.1 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-13.1. Driving record information to be provided.

Notwithstanding any other provision of law and upon payment of a fee listed in section ~~39-06.2-19~~39-06-49, the director shall provide full information regarding the driving record of an individual who has been issued a commercial driver's license to an employer or to a prospective employer if the individual has given written consent to the prospective employer for this information.

SECTION 7. AMENDMENT. Section 39-06.2-19 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-19. Fees - Deposit in highway fund.

1. All money received under this chapter must be paid monthly to the highway fund in the state treasury.
2. The fee for:
 - a. ~~A commercial driver's license test is five dollars.~~
 - b. ~~An application for a commercial driver's license or permit is fifteen dollars.~~
 - c. ~~Each endorsement is three dollars.~~
 - d. ~~A nonresident commercial driver's license is twenty dollars.~~
 - e. ~~The driving record for an employer or prospective employer is three dollars.~~Fees must be assessed in accordance with section 39-06-49.

SECTION 8. AMENDMENT. Subsections 5 and 6 of section 39-08-13 of the North Dakota Century Code are amended and reenacted as follows:

5. Upon affirmation by a party to the accident, a party's legal representative, or the insurer of any party to the accident that the investigating officer's opinion is material to a determination of liability and upon payment of ~~at the fee of five dollars listed in section 39-06-49~~, the director or investigating agency shall release a completed copy of the investigating officer's opinion to the entity requesting the information. The request must be made on an appropriate form approved by the director.
6. Upon request of any person and upon payment of ~~at the fee of two dollars listed in section 39-06-49~~, the director or the law enforcement agency may furnish to a requester a copy of that portion of an investigating officer's accident report which does not disclose the opinion of the reporting officer or contain any exempt information that may not be disclosed, if the report shows that the accident is one for which a driver is required to file a report under section 39-08-09.

SECTION 9. AMENDMENT. Subsection 3 of section 39-16-03 of the North Dakota Century Code is amended and reenacted as follows:

3. ~~A~~The fee of three dollars listed under section 39-06-49 must be paid for each abstract of any operating record, ~~operating record~~, complete operating record, or record of clearance. A reasonable fee must be paid for each source document. The director may not assess a fee to a law enforcement agency, a judicial officer, or another licensing jurisdiction. The director shall send an additional copy of the abstract, source document if requested in aggregate form, or record of clearance to the driver whose record was requested, accompanied by a statement

identifying the person making the request, identifying the person for whom or which the request is made, identifying the intended recipient of the record, and providing the reason for the request. An additional copy of the abstract or record of clearance may not be sent to a driver if the request for the record was made by the federal bureau of investigation or the United States central intelligence agency, or agents, or by any law enforcement agency or judicial officer.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2244.

Senate Vote: Yeas 40 Nays 6 Absent 1

House Vote: Yeas 65 Nays 25 Absent 4

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2019.

Approved at _____ M. on _____, 2019.

Governor

Filed in this office this _____ day of _____, 2019,

at _____ o'clock _____ M.

Secretary of State

Honorable Al Jaeger
Secretary of State
Bismarck, North Dakota

I certify this Act, Senate Bill No. 2244, together with the objections of Governor Burgum, was returned to the Senate, being the body in which it originated, on March 21, 2019; that the objections of the Governor were read at length on March 22, 2019, and entered upon the Journal; that the Bill was taken up for reconsideration; that the motion for reconsideration prevailed on March 28, 2019, at 2:21 p.m.; and the roll was called and the Bill did pass, with more than two-thirds of the members-elect voting in the affirmative.

Vote:	Yeas	41
	Nays	4
	Absent and not voting	2

President of the Senate

Secretary of the Senate

Honorable Al Jaeger
Secretary of State
Bismarck, North Dakota

I certify this Act, Senate Bill No. 2244, together with the objections of Governor Burgum, was received from the Senate, being the body in which it originated, on March 21, 2019; that the objections of the Governor were read at length on April 2, 2019, and entered upon the Journal; that the Bill was taken up for reconsideration; that the motion for reconsideration prevailed on April 2, 2019, at 1:46 p.m.; and the roll was called and the Bill failed to pass, with less than two-thirds of the members-elect voting in the affirmative.

Vote:	Yeas	47
	Nays	44
	Absent and not voting	3

Speaker of the House

Chief Clerk of the House