

Sixty-sixth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1544

Introduced by

Representatives Ertelt, D. Ruby, M. Ruby, Toman

Senators Kannianen, Meyer

1 A BILL for an Act to create and enact a new section to chapter 39-06 of the North Dakota  
2 Century Code, relating to electronic operator's licenses; and to amend and reenact section  
3 39-06-19 of the North Dakota Century Code, relating to the renewal of operator's licenses.

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

5 **SECTION 1.** A new section to chapter 39-06 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Electronic operator's license.**

- 8 1. The department shall implement a computerized licensing system that allows a  
9 licensed motor vehicle operator to provide electronic proof of valid licensing on an  
10 electronic communications device.
- 11 2. The electronic proof of valid licensing may be used:  
12 a. Upon being stopped by a law enforcement officer for the purpose of enforcing or  
13 investigating the possible violation of an ordinance or state law; or  
14 b. For identification purposes.
- 15 3. A law enforcement officer may not scan, retrieve, or in any other manner request  
16 electronic possession of any information contained on a electronic operator's license  
17 without permission from the licensed motor vehicle operator.
- 18 4. If a law enforcement officer requests identification via electronic method, the  
19 computerized licensing system must display to the licensed motor vehicle operator  
20 whether the officer has reasonable suspicion the licensed motor vehicle operator is in  
21 violation of the law.
- 22 5. The director may adopt rules necessary for the effective implementation of an  
23 electronic operator's licensing system.

1       **SECTION 2. AMENDMENT.** Section 39-06-19 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **39-06-19. Expiration of license - Renewal.**

- 4       1. Every operator's license issued under this chapter or chapter 39-06.2 expires and is  
5 renewed according to this section.
- 6       2. The expiration date of a noncommercial operator's license for an individual whose  
7 birth occurred in a year ending in an odd numeral is twelve midnight on the  
8 anniversary of the birthday in the third subsequent year ending in an odd numeral,  
9 except for an individual who, at the time of renewal, is seventy-eight years of age or  
10 older is twelve midnight on the anniversary of the birthday in the second subsequent  
11 year ending in an odd numeral. The expiration date of a noncommercial operator's  
12 license for an individual whose birth occurred in a year ending in an even numeral is  
13 twelve midnight on the anniversary of the birthday in the third subsequent year ending  
14 in an even numeral, except for an individual who, at the time of renewal, is  
15 seventy-eight years of age or older is twelve midnight on the anniversary of the  
16 birthday in the second subsequent year ending in an even numeral.
- 17       3. The expiration date of a commercial operator's license for an individual whose birth  
18 occurred in a year ending in an odd numeral is twelve midnight on the anniversary of  
19 the birthday in the second subsequent year ending in an odd numeral. The expiration  
20 date of a commercial operator's license for an individual whose birth occurred in a  
21 year ending in an even numeral is twelve midnight on the anniversary of the birthday  
22 in the second subsequent year ending in an even numeral.
- 23       4. An individual who has a valid, unexpired nonimmigrant visa or nonimmigrant visa  
24 status for entry into the United States, a pending application for asylum in the United  
25 States, a pending or approved application for temporary protected status in the United  
26 States, approved deferred action status, or a pending application for adjustment of  
27 status to that of an alien lawfully admitted for permanent residence or conditional  
28 permanent residence status in the United States will be issued a temporary operator's  
29 license or nondriver photo identification card. The temporary operator's license or  
30 identification card is valid only during the period of time of the applicant's authorized  
31 stay in the United States or, if there is no definite end to the period of authorized stay,

- 1 a period of one year. The license or card may be renewed only upon presentation of  
2 valid documentary evidence that the status has been extended.
- 3 5. An applicant for renewal must present the application with the fee for renewal of  
4 license to the director not before ten months prior to the expiration date of the  
5 operator's license. The director may require an examination of an applicant as upon  
6 an original application. The director may require an applicant for renewal or a  
7 substitute to provide documentation that confirms to the satisfaction of the director the  
8 true identity, date of birth, and legal presence of the applicant and provide a social  
9 security card or other satisfactory evidence of a social security number and proof of  
10 residence address, if not previously completed or if there are changes to the  
11 information already on file. The director may not issue a distinguishing number that is,  
12 contains, can be converted to, or is an encrypted version of the applicant's social  
13 security number.
- 14 6. The director may not renew an operator's license if the license has been suspended  
15 under section 14-08.1-07. Upon the recommendation of the court, the director may  
16 issue a temporary permit to the licensee under section 39-06.1-11 if the temporary  
17 permit is necessary for the licensee to work and the court has determined the licensee  
18 is making a good-faith effort to comply with the child support order.
- 19 7. An applicant for renewal of an operator's license must provide a certificate of  
20 examination from the driver licensing or examining authorities or a statement as to the  
21 corrected and uncorrected vision of the applicant from a licensed physician or an  
22 optometrist, except as required under subsection 9. The director shall provide visual  
23 examination equipment at each location where a license may be renewed.
- 24 8. An individual submitting an application and the fee for renewal of license one year or  
25 more after the expiration of a license, except an applicant whose military service has  
26 terminated less than thirty days prior to the application, must be treated as an initial  
27 applicant.
- 28 9. A noncommercial applicant may apply by mail or electronically for renewal of a license  
29 during every other renewal cycle except as otherwise provided by subsection 10. The  
30 director may use vision information provided by the applicant to meet vision

- 1 requirements for applicants under sixty-five years of age and adopt procedures  
2 necessary to implement this subsection.
- 3 10. A noncommercial applicant for an operator's license may not renew by mail or  
4 electronically if the applicant is seeking a new photo or changes to the information on  
5 the face of the physical operator's license.