

HOUSE BILL NO. 1072

Introduced by

Transportation Committee

(At the request of the Department of Transportation)

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 motor vehicle operator's licenses.

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

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

6 **Electronic operator's license.**

- 7 1. The department shall implement a computerized licensing system that allows a
8 licensed motor vehicle operator to provide electronic proof of valid licensing on an
9 electronic communications device.
- 10 2. The electronic proof of valid licensing may be used:
11 a. When being stopped by a law enforcement officer for the purpose of enforcing or
12 investigating the possible violation of an ordinance or state law; or
13 b. For identification purposes.
- 14 3. The electronic operator's license must be designed so that there is no need for the
15 credential holder to relinquish possession of the device in which the electronic
16 credential system is installed in order to present the credential, or for the individual to
17 whom the credential is presented to access the verification system to confirm the
18 validity of the credential.
- 19 4. A law enforcement officer may not scan, retrieve, or in any other manner request
20 electronic possession of any information contained on an electronic operator's license
21 without permission from the licensed motor vehicle operator.
- 22 5. If a law enforcement officer requests identification via electronic method, the
23 computerized licensing system must display to the licensed motor vehicle operator

- 1 whether the officer has reasonable suspicion the licensed motor vehicle operator is in
2 violation of the law.
- 3 6. In case of a discrepancy between a physical and electronic credential, the electronic
4 credential takes priority and is considered to provide the current information.
- 5 7. The electronic credential and verification systems must be designed to protect the
6 credential holder's privacy, including the use of privacy enhancing technology or other
7 appropriate methods. If the department enters an agreement with a third-party
8 electronic credential system provider, the agreement must require the third-party
9 electronic credential system provider to take appropriate measures to protect the
10 credential holder's privacy.
- 11 8. The director may adopt rules necessary for the effective implementation of an
12 electronic operator's licensing system.