

Fifty-sixth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1031

Introduced by

Legislative Council

(Criminal Justice Committee)

1 A BILL for an Act to create and enact a new subsection to section 12.1-32-15 of the North  
2 Dakota Century Code, relating to the sentencing of sexual offenders and individuals who  
3 commit a crime against a child; and to amend and reenact section 39-06-14 of the North Dakota  
4 Century Code, relating to information on an operator's license and the qualifications for an  
5 operator's license.

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

7 **SECTION 1.** A new subsection to section 12.1-32-15 of the North Dakota Century Code  
8 is created and enacted as follows:

9 For a felony conviction after July 31, 1999, requiring registration under this section,  
10 the sentencing court shall take possession of the defendant's motor vehicle  
11 operator's license and shall send the license and a copy of the sentencing  
12 document to the department of transportation. If the defendant has valid operating  
13 privileges, the court shall issue a temporary operator's permit extending privileges  
14 for the next twenty-five days.

15 **SECTION 2. AMENDMENT.** Section 39-06-14 of the North Dakota Century Code is  
16 amended and reenacted as follows:

#### 17 **39-06-14. Licenses issued to operators - General - Classified driver's license.**

18 1. The director, upon payment of a ten dollar fee, shall issue to every qualified  
19 applicant an operator's license as applied for in the form prescribed by the director.  
20 The license must bear a distinguishing number assigned to the licensee, a color  
21 photograph of the licensee, the full name, date of birth, residence address, and a  
22 brief description of the licensee, and either a facsimile of the signature of the  
23 licensee or a space upon which the licensee shall write the licensee's usual  
24 signature. If the licensee is under the age of twenty-one, the photograph must be

1 against a color border or background that is different from the color used for other  
2 licensees. If requested on the license application, the license issued by the  
3 director must include a statement making an anatomical gift under chapter 23-06.2.  
4 No license is valid until it has been signed by the licensee with the licensee's usual  
5 signature. The department shall develop a system to require each applicant for an  
6 operator's license or renewal of an operator's license to determine whether or not  
7 the applicant wishes to be a donor under chapter 23-06.2. For purposes of  
8 verification, an officer may require the licensee to write the licensee's signature in  
9 the presence of the officer. The director may adopt rules, pursuant to chapter  
10 28-32, relating to the manner in which photographs are to be obtained and placed  
11 on operator's licenses. The photograph may be produced by digital imaging or  
12 other electronic means and is not a public record.

- 13 2. a. If an applicant convicted of a felony is required to register under section  
14 12.1-32-15 for that conviction, any license issued to the applicant must bear  
15 the letter Y to be valid. The bureau of criminal investigation shall provide to  
16 the department the name and address of every individual to whom this  
17 subsection applies and the date at which the individual no longer must  
18 register. The department shall notify every individual identified by the bureau  
19 who holds a license that the license will be canceled. The department shall  
20 cancel the license twenty-five days after notice. Mail sent to the address  
21 given by the bureau or to the last address given to the department by the  
22 individual is effective notice as of the date of the mailing. The director shall  
23 issue a substitute license for three dollars to an individual who requires a  
24 letter Y on the license. If an individual with a letter Y on that individual's  
25 license is no longer required to register under section 12.1-32-15, the director  
26 shall notify the individual that the individual is eligible for a substitute license  
27 without the letter Y. The director shall issue this license for three dollars.

- 28 3. All applicants holding a valid North Dakota operator's license making application  
29 for renewal must be issued a class D license without being subjected to an  
30 examination as herein provided.

1       ~~b-~~ 4. All applicants, except those holding a valid North Dakota operator's license who  
2           will be issued a class D license, applying for issuance of operator licenses must be  
3           issued a classified license after having been required to submit to an examination  
4           in the type of motor vehicle or combination of vehicles for which license is desired  
5           and which license shall authorize the holder to drive the vehicles as provided in  
6           section 39-06.2-09, or as follows:

7       ~~(4)~~ a. ~~Class D.~~ A holder of a class D license may operate:

8           (1) Any single vehicle with a gross vehicle weight rating of twenty-six  
9           thousand pounds [11793.40 kilograms] or less or ~~any such that~~ vehicle  
10          towing a vehicle with a gross vehicle weight rating not in excess of ten  
11          thousand pounds [4535.92 kilograms].

12          ~~(2)~~ A ~~driver with a class D license may operate~~ a farm tractor towing  
13          another vehicle having a gross weight in excess of ten thousand  
14          pounds [4535.92 kilograms], and a truck towing a trailer, semitrailer, or  
15          farm trailer when the gross weight of the trailer, semitrailer, or farm  
16          trailer, not including the weight of the towing vehicle, does not exceed  
17          sixteen thousand pounds [7257.48 kilograms].

18          ~~(2)~~ (3) A house car or a vehicle towing a travel trailer being used solely for  
19          personal purposes ~~may be driven with a class D license.~~

20          ~~(3)~~ (4) ~~Farm exemption. The holder of a class D license may operate any~~ Any  
21          two-axle or tandem-axle motor vehicle, a farm tractor towing another  
22          vehicle having a gross weight in excess of six thousand pounds  
23          [2721.55 kilograms], and a truck or truck tractor towing a trailer,  
24          semitrailer, or farm trailer exempted under subsection 3 of section  
25          39-06.2-06, except:

26           (a) A double trailer, triple trailer, or, if under eighteen years of age, a  
27           truck tractor as defined in subsection 85 of section 39-01-01.

28           (b) A bus designed to carry sixteen or more passengers, including  
29           the driver.

30       ~~(4)~~ b. ~~Class M. Any~~ The holder of a class M license may operate any motor vehicle  
31          having a seat or saddle for the use of the rider and designed to travel on not

more than three wheels in contact with the ground, but excluding motorized bicycles, tractors, and vehicles on which the operator or passengers, or both, ride within an enclosed cab. A class M vehicle may not be operated under a class A, B, C, or D license.

~~e.~~ The holder of a class A, B, C, or D license may receive a class M endorsement upon successful completion of an examination.

~~d.~~ c. The holder of a class A, B, or C license may ~~drive~~ operate any vehicle in that classification, or lesser classification, except a class M vehicle.

~~e.~~ 5. An applicant sixteen years of age and older, who does not hold a current valid operator's license may be issued a class M learner's permit after successful completion of a written examination. The class M license will be issued after the applicant has successfully completed a driver's examination.

~~f.~~ 6. Applicants fourteen or fifteen years of age may be issued a motorcycle learner's permit if the applicant is enrolled in or has completed an approved motorcycle safety course. Applicants for a motorcycle operator's license who are under sixteen years of age shall hold an initial learner's permit for at least two months before applying for a class M operator's license, shall have completed an approved motorcycle safety course, and shall hold a valid motorcycle learner's permit at the time of application. Any person under sixteen years of age who holds a permit or license is restricted to the operation of a motorcycle powered with an engine of two hundred fifty cubic centimeters, or less, displacement. Evidence that the applicant has satisfactorily completed a motorcycle safety course which meets the minimum requirements of the motorcycle safety foundation must accompany the application.

~~g.~~ 7. Any holder of a classified license who drives a motor vehicle otherwise than as permitted by the class of license issued to the holder is deemed to be driving a motor vehicle without being duly licensed under this chapter. The holder of a classified license who desires to obtain a different class license in one of the classes provided by this chapter must exchange or renew the license. The director may adopt rules the director determines are necessary with respect to such renewals or exchanges for the proper administration of this chapter. No class A, B, or C license may be issued to any person under eighteen years of age, except a

1 class A, B, or C type license specially restricted to use for custom harvest  
2 purposes must be issued to a person at least sixteen years of age who  
3 satisfactorily completes the appropriate examinations.

4 ~~4.~~ 8. If any holder of a license issued pursuant to this chapter suffers permanent loss of  
5 use of a hand, arm, foot, leg, or eye, the person shall, before operating any motor  
6 vehicle or motorcycle, make a report thereof to the director who shall take such  
7 reasonable action as may be proper under the provisions of this chapter as to  
8 reexamination to determine if the licensee is capable of operating vehicles for  
9 which the individual is licensed.

10 ~~5.~~ 9. The director may issue a motorized bicycle operator's permit to an applicant who is  
11 at least fourteen years of age. To obtain a permit, the applicant shall pay a fee of  
12 ten dollars and take a written examination of the applicant's knowledge of traffic  
13 laws and general rules of the road. If the applicant passes the written examination  
14 and the director is satisfied that the applicant has adequate eyesight, the director  
15 may issue the applicant a motorized bicycle operator's permit, even if the applicant  
16 does not have an operator's license. The permit expires in the same manner as an  
17 operator's license. A person who has an operator's license, a temporary permit, an  
18 instruction permit, or a motorcycle permit is not required to obtain a motorized  
19 bicycle operator's permit.