

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2406

Introduced by

Senators B. Stenehjem, Cook, Kringstad, Tomac

Representatives Drovdal, Lemieux

1 A BILL for an Act to amend and reenact sections 39-06-35, 39-06-36, and 39-08-20 of the
2 North Dakota Century Code, relating to revoked and suspended licenses and driving without
3 liability insurance.

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

5 **SECTION 1. AMENDMENT.** Section 39-06-35 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **39-06-35. Period of suspension.** When the period of suspension imposed under this
8 title ceases, the operator's license or driving privilege that has been suspended may not be
9 returned or reinstated, and remains under suspension, until the operator pays to the director a
10 reinstatement fee of ~~twenty-five~~ fifty dollars, or ~~fifty~~ one hundred dollars if the suspension was
11 the result of a violation under section 39-08-01 or chapter 39-20, and, if applicable, until ~~the~~
12 ~~provisions of compliance with~~ subsection 3.1 of section 39-06.1-10 ~~have been complied with~~.
13 Upon payment of the reinstatement fee the license must be returned to the operator. A
14 reinstatement fee is not required for a license to be returned to the operator if the return of the
15 license is due to the findings of a hearing, reexamination of hearing, or court or judicial review
16 under chapter 39-06, 39-06.1, or 39-20.

17 **SECTION 2. AMENDMENT.** Section 39-06-36 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **39-06-36. Restoration of revoked licenses.** Any person whose license or privilege to
20 drive a motor vehicle on the public highways has been revoked is not entitled to have such
21 license or privilege renewed or restored unless the revocation was for a cause which has been
22 removed, except that after the expiration of the revocation period such person may make
23 application for a new license as provided by law, but the director may not then issue a new
24 license unless and until the director is satisfied after investigation of the individual's driving

1 records, driving habits, and driving ability of such person that it will be safe to grant the privilege
2 of driving a motor vehicle on the public highways. A person whose license or privilege to drive
3 a motor vehicle has been revoked must pay to the director a revocation reinstatement fee of
4 ~~twenty-five~~ fifty dollars, or ~~fifty~~ one hundred dollars if the revocation was imposed for violation
5 of subsection 5 of section 39-06-17, section 39-06-31, 39-06-43, or 39-20-04, in addition to any
6 license renewal fee, for issuance of a new license. Until the reinstatement fee is paid the
7 license and privilege to drive a motor vehicle remain under revocation. A reinstatement fee is
8 not required if a revoked license is reinstated due to the findings of a hearing, reexamination of
9 hearing, or court or judicial review as provided under chapter 39-06, 39-06.1, or 39-20.

10 **SECTION 3. AMENDMENT.** Section 39-08-20 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **39-08-20. Driving without liability insurance prohibited - Penalty.**

13 1. A person may not drive, or the owner may not cause or knowingly permit to be
14 driven, a motor vehicle in this state without a valid policy of liability insurance in
15 effect in order to respond in damages for liability arising out of the ownership,
16 maintenance, or use of that motor vehicle in the amount required by chapter
17 39-16.1. Upon being stopped by a law enforcement officer for the purpose of
18 enforcing or investigating the possible violation of an ordinance or state law or
19 during the investigation of an accident, the person driving the motor vehicle shall
20 provide to the officer upon request satisfactory evidence of the policy required
21 under this section. If unable to comply with the request, that person may be
22 charged with a violation of this section if that person fails to submit ~~such~~
23 satisfactory evidence of the policy to the officer or the officer's agency within
24 twenty days of the date of the request. If that person produces a valid policy of
25 liability insurance in effect at the time of violation of this section to the officer,
26 officer's agency, or a court, that person may not be convicted or assessed any
27 court costs for violation of this section. If the driver is not an owner of the motor
28 vehicle, the driver does not violate this section if the driver provides the court with
29 evidence identifying the owner of the motor vehicle and describing circumstances
30 under which the owner caused or permitted the driver to drive the motor vehicle.
31 Violation of this section is a class B misdemeanor and the sentence imposed must

1 include a fine of at least one hundred fifty dollars which may not be suspended. A
2 person convicted for a second or subsequent violation of driving without liability
3 insurance within an eighteen-month period must be fined at least three hundred
4 dollars which may not be suspended.

5 2. Upon conviction for a violation of this section or equivalent ordinance, the person
6 who has been convicted shall provide proof of motor vehicle liability insurance to
7 the department in the form of a written or electronically transmitted certificate from
8 an insurance carrier authorized to do business in this state. This proof must be
9 provided for a period of three years and kept on file with the department. If the
10 person fails to provide this information, the department shall suspend that person's
11 driving privileges and may not issue or renew that person's operator's license
12 unless that person provides proof of insurance.

13 3. A person who has been convicted for violation of this section or equivalent
14 ordinance shall surrender that person's operator's license and purchase a
15 duplicate operator's license with a notation requiring that person to keep proof of
16 liability insurance on file with the department. The fee for this license is fifty dollars
17 and the fee to remove this notation is fifty dollars.

18 4. When an insurance carrier has certified a motor vehicle liability policy, the
19 insurance carrier shall notify the director no later than ten days after cancellation or
20 termination of the certified insurance policy by filing a notice of cancellation or
21 termination of the certified insurance policy; except that a policy subsequently
22 procured and certified shall, on the effective date of its certification, terminate the
23 insurance previously certified with respect to any motor vehicle designated in both
24 certificates.