

March 25, 1999

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1291

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 39-06 of the North Dakota Century Code, relating to an operator's license for a person under eighteen years of age; and to amend and reenact section 39-06-04 of the North Dakota Century Code, relating to instructional permits.

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

**SECTION 1. AMENDMENT.** Section 39-06-04 of the North Dakota Century Code is amended and reenacted as follows:

**39-06-04. Instruction permit.** Any person who is at least fourteen years of age may apply to the director for an instruction permit. The director may issue to the applicant an instruction permit ~~which~~ that entitles the applicant while having such permit in the permittee's immediate possession to drive a motor vehicle upon the public highways for a period of one year when accompanied by a licensed operator who holds a license corresponding to the vehicle the permittee operates ~~and, who~~ and, who has had at least ~~one year~~ three years of driving experience, and who is occupying a seat beside the driver. Persons holding an instruction permit for the operation of a motorcycle shall operate the motorcycle only during hours when the use of headlights is not required pursuant to section 39-21-01, and may not carry or transport any passenger. Any instruction permit may be renewed or a new permit issued for an additional period. A person who is not yet eighteen years of age is not eligible for a license until that person has had an instruction permit issued for at least three months. The director may recognize an instruction permit issued by another jurisdiction in computing the three-month instructional period.

**SECTION 2.** A new section to chapter 39-06 of the North Dakota Century Code is created and enacted as follows:

**Special provisions for minor operators.**

1. The director shall cancel the permit or license to operate a motor vehicle of an individual who has committed acts resulting in an accumulated point total in excess of five points as provided for a violation under section 39-06.1-10 or has committed an alcohol-related offense while operating a motor vehicle, if:
  - a. The acts or offenses were committed while the individual was a minor; and
  - b. The individual admitted the violation, was found to have committed the violation by the official having jurisdiction, or pled guilty to, was found guilty of, or adjudicated to have committed the offense.
2. If an individual has had that individual's license or permit canceled under subsection 1, the director shall deem that individual to have never have had any license or permit to operate a motor vehicle and may not issue any license or permit to drive other than an instruction permit or a restricted instruction permit after the completion of any period of suspension or revocation. After the issuance or an instruction permit or restricted instruction permit, the director may not issue any other license or permit to

that individual until, while using the permit issued under this section, that individual:

- a. (1) Completes a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director; or
- (2) Successfully completes a course at an approved commercial driver training school; and
- b. Satisfies all other requirements that apply to that individual for that license or permit."

Renumber accordingly