

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1189

Introduced by

Transportation Committee

(At the request of the Department of Transportation)

1 A BILL for an Act to amend and reenact section 39-06-20, subsection 6 of section 39-06-32,
2 subsection 1 of section 39-06-33, section 39-06.1-04, subsection 2 of section 39-06.1-13,
3 section 39-16.1-01, subsection 2 of section 39-20-03.2, and subsection 1 of section 39-20-05 of
4 the North Dakota Century Code, relating to notice of change of address for an operator's
5 license or permit, suspension for failure to appear in court or post and forfeit bond, means to
6 request a hearing, reduction of point total, proof of financial responsibility, serving results of a
7 blood test on a nonresident operator, and extension of a temporary operator's permit.

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

9 **SECTION 1. AMENDMENT.** Section 39-06-20 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **39-06-20. Notice of change of address or name.** Whenever a person after applying
12 for or receiving an operator's license or permit moves from the address named in the
13 application or in the license or permit issued to that person or when the name of a licensee is
14 changed by marriage or otherwise, that person shall within ten days thereafter notify the
15 director in writing or in person of that person's old and new addresses or of such former and
16 new names and of the number of any license or permit then held by that person. A person may
17 obtain a corrected license or permit by making application as provided for in section 39-06-18.
18 In the event of a name change, a corrected license must be obtained. The department may
19 change the address based on information received from any authorized address correction
20 service of the United States postal service. The department may also develop procedures for
21 receiving notification of address changes by telephone or electronic means.

22 **SECTION 2. AMENDMENT.** Subsection 6 of section 39-06-32 of the 1999
23 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1 6. Failure, as shown by the certificate of the court, to appear in court or post and
2 forfeit bond after signing a promise to appear, if signing is required by law, in
3 violation of section 39-06.1-04, willful violation of a written promise to appear in
4 court, in violation of section 39-07-08, or violation of equivalent ordinances or laws
5 in another jurisdiction. Upon resolution by the operator of the underlying cause for
6 a suspension under this subsection, as shown by the certificate of the court, the
7 director shall record the suspension separately on the driving record. This
8 separate record is not available to the public.

9 **SECTION 3. AMENDMENT.** Subsection 1 of section 39-06-33 of the North Dakota
10 Century Code is amended and reenacted as follows:

11 1. In matters of driver's license suspension or revocation arising under sections
12 39-06-32 and 39-06.1-10, and chapters 39-16 and 39-16.1, the director shall give
13 notice of intention to suspend to the licensee by mailing the notice to the licensee
14 at the address of record in the department under section 39-06-20. Actual notice
15 of the opportunity for a hearing under this section must be deemed to have
16 occurred seventy-two hours after the notice is mailed by regular mail. The
17 licensee has ten days after the date of mailing of the notice to request, in writing or
18 by other means authorized by the director, a hearing on the intended suspension
19 or revocation.

20 **SECTION 4. AMENDMENT.** Section 39-06.1-04 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **39-06.1-04. Failure to appear, pay statutory fee, post bond - Procedure - Penalty.**

23 If a person fails to choose one of the methods of proceeding set forth in section 39-06.1-02 or
24 39-06.1-03, the person must be deemed to have admitted to commission of the violation
25 charged, and the official having jurisdiction shall report such fact to the licensing authority within
26 ten days after the date set for the hearing. Failure to appear at the time designated, after
27 signing a promise to appear, if signing is required by law, or failure to appear without paying the
28 statutory fee or posting and forfeiting bond is a class B misdemeanor. Failure to appear without
29 just cause at the hearing must also be deemed an admission of commission of the violation
30 charged.

1 **SECTION 5. AMENDMENT.** Subsection 2 of section 39-06.1-13 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 2. The point total shown on a licensee's driving record must, during any twelve-month
4 period, be reduced by three points when the licensee mails or delivers a certificate
5 to the licensing authority indicating successful completion of instruction in a driver
6 training course approved by the licensing authority. Successful completion of
7 instruction must be certified to by the sponsoring agency or organization of the
8 driver training course. The reduction in points authorized by this subsection must
9 only be from a point total accumulated prior to completion of the necessary hours
10 of driver training instruction, and may not exceed nine points during any three-year
11 period commencing on the date of entry of the last points against the person's
12 driving record. If on the date the licensing authority receives the certificate of
13 completion of the driver training course from the licensee, that licensee's driving
14 record contains twelve or more points or, as a minor, the licensee's driving record
15 contains six points or more, the point reduction authorized by this subsection must
16 be applied only after the period of suspension or cancellation required by the
17 number of points then on the driver's record has been served.

18 **SECTION 6. AMENDMENT.** Section 39-16.1-01 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **39-16.1-01. Application.** The provisions of this chapter requiring the deposit of proof
21 of financial responsibility for the future, subject to certain exemptions, apply with respect to any
22 person who has been convicted of or forfeited bail for certain offenses under motor vehicle
23 laws, ~~whose operator's license has been revoked or suspended or issuance has been denied~~
24 ~~as an administrative sanction under chapter 39-20~~, or who has failed to pay judgments upon
25 claims for relief arising out of ownership, maintenance, or use of vehicles of a type subject to
26 registration under the laws of this state.

27 **SECTION 7. AMENDMENT.** Subsection 2 of section 39-20-03.2 of the North Dakota
28 Century Code is amended and reenacted as follows:

29 2. If the test was administered by saliva or urine sample or by drawing blood, the law
30 enforcement officer, on reviewing the alcohol concentration analysis showing the
31 person had an alcohol concentration of at least ten one-hundredths of one percent

1 by weight or, with respect to a person under twenty-one years of age, an alcohol
2 concentration of at least two one-hundredths of one percent by weight, shall mail
3 or issue to the person a notification of the test results, a temporary operator's
4 permit extending nonresident operating privileges in this state for twenty-five days
5 from the date of mailing or issuance or until earlier terminated by the decision of a
6 hearing officer under section 39-20-05, and notice of the intent to revoke, suspend,
7 or deny driving privileges in this state, together with the notice provided under
8 section 39-06.1-07 of the procedures available under this chapter. The temporary
9 operator's permit must be signed and dated by the officer.

10 **SECTION 8. AMENDMENT.** Subsection 1 of section 39-20-05 of the 1999
11 Supplement to the North Dakota Century Code is amended and reenacted as follows:

12 1. Before issuing an order of suspension, revocation, or denial under section
13 39-20-04 or 39-20-04.1, the director shall afford that person an opportunity for a
14 hearing if the person mails or communicates by other means authorized by the
15 director a request for the hearing to the director within ten days after the date of
16 issuance of the temporary operator's permit. The hearing must be held within thirty
17 days after the date of issuance of the temporary operator's permit. ~~If the hearing~~
18 ~~date is extended beyond thirty days from the issuance of the temporary operator's~~
19 ~~permit, the director shall provide extended temporary operator's privileges to the~~
20 ~~date of the hearing.~~ If no hearing is requested within the time limits in this section,
21 and no affidavit is submitted within the time limits under subsection 2 of section
22 39-20-04, the expiration of the temporary operator's permit serves as the director's
23 official notification to the person of the revocation, suspension, or denial of driving
24 privileges in this state.