

Fifty-ninth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2331

Introduced by

Senators Tallackson, Mathern, Thane

Representatives Maragos, Solberg

1 A BILL for an Act to amend and reenact sections 39-06-06, 39-06-17, and 39-08-03 of the  
2 North Dakota Century Code, relating to portable telecommunications devices in motor vehicles.

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

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

6 **39-06-06. Temporary operator's permit.** The director may issue a temporary  
7 operator's permit for the operation of a motor vehicle to an applicant for an operator's license  
8 pending an investigation and determination of facts relative to the applicant's right to receive an  
9 operator's license. The permit must be in the applicant's immediate possession while operating  
10 a motor vehicle and is invalid when the applicant's license has been issued or denied. The  
11 applicant may not use a portable telecommunications device to access commercial mobile  
12 service while operating a motor vehicle which requires the applicant to remove a digit on the  
13 hand of the applicant from the steering wheel for use of the device.

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

16 **39-06-17. Restricted licenses - Penalty for violation.**

17 1. The director, upon issuing an operator's license or a temporary restricted  
18 operator's license pursuant to section 39-06.1-11, has authority to impose  
19 restrictions suitable to the licensee's driving ability with respect to the type of or  
20 special mechanical control devices required on a motor vehicle which the licensee  
21 may operate or such other restrictions applicable to the licensee as the director  
22 may determine to be appropriate to assure the safe operation of a motor vehicle by  
23 the licensee. The director shall impose the restriction of prohibiting the use of a  
24 portable telecommunications device to access commercial mobile service which

1           requires the licensee to remove a digit on the hand of that individual from the  
2           steering wheel while the licensee is operating a motor vehicle for use of the device.

3           2. The director may either issue a special restricted license or may set forth such  
4           restrictions upon the usual license form. The director shall likewise restrict  
5           licenses pursuant to the requirements of section 39-16.1-09.

6           3. A restricted operator's license or permit to operate the parent's or guardian's  
7           automobile, or an automobile which is equipped with dual controls and while  
8           accompanied by a qualified instructor, may be issued to any child, who is at least  
9           fourteen years of age, and otherwise qualified, upon the written recommendation  
10          of the parent or guardian. ~~No~~ An operator's license may not be issued until the  
11          child, accompanied by the parent or guardian, appears in person and satisfies the  
12          director that:

- 13          a. The child is at least fourteen years of age.  
14          b. The child is qualified to operate an automobile safely.  
15          c. It is necessary for the child to drive the parent's or guardian's automobile  
16          without being accompanied by an adult.  
17          d. The child has:  
18                (1) Completed a course of classroom instruction and a course of  
19                behind-the-wheel instruction acceptable to the director; or  
20                (2) Successfully completed a course at an approved commercial driver  
21                training school.

22          The parent or guardian at all times is responsible for any and all damages growing  
23          out of the negligent operation of a motor vehicle by any such child. The provisions  
24          of this subsection do not authorize the child to drive a commercial truck, motorbus,  
25          or taxicab except the holder of a class D license, fourteen or fifteen years of age,  
26          may drive a farm motor vehicle having a gross weight of fifty thousand pounds  
27          [22679.62 kilograms] when used to transport agricultural products, farm  
28          machinery, or farm supplies to or from a farm when so operated within one  
29          hundred fifty miles [241.40 kilometers] of the driver's farm.

30          4. The director may suspend or revoke the license upon receiving satisfactory  
31          evidence of any violation of the restrictions ~~of such license suspend or revoke the~~

1 ~~same but the.~~ The licensee is entitled to a hearing as upon a suspension or  
2 revocation under this chapter.

3 5. It is a class B misdemeanor for any person to operate a motor vehicle in any  
4 manner in violation of the restrictions imposed in a restricted license issued to that  
5 person other than restrictions imposed under subsection 6. If the restricted license  
6 was issued under section 39-06.1-11 and the underlying suspension was imposed  
7 for a violation of section 39-08-01 or equivalent ordinance, or is governed by  
8 chapter 39-20, punishment is as provided in subsection 2 of section 39-06-42 and  
9 upon receiving notice of the conviction the director shall revoke, without  
10 opportunity for hearing, the licensee's restricted license and shall extend the  
11 underlying suspension for a like period of not more than one year. The director  
12 may not issue a restricted license for the extended period of suspension imposed  
13 under this subsection. If the conviction referred to in this section is reversed by an  
14 appellate court, the director shall restore the person to the status held by the  
15 person ~~prior to~~ before the conviction, including restoration of driving privileges if  
16 appropriate.

17 6. A restricted license issued under subsection 3 to a child at least fourteen years of  
18 age to operate a parent's or guardian's automobile authorizes the licenseholder to  
19 drive the type or class of motor vehicle specified on the restricted license only  
20 under the following conditions:

- 21 a. A restricted licenseholder must be in possession of the license while  
22 operating the motor vehicle.
- 23 b. An individual holding a restricted driver's license driving a motor vehicle may  
24 not carry more passengers than the vehicle manufacturer's suggested  
25 passenger capacity.
- 26 c. An individual holding a restricted driver's license may not use a portable  
27 telecommunications device to access commercial mobile service while  
28 operating the motor vehicle.

29 **SECTION 3. AMENDMENT.** Section 39-08-03 of the North Dakota Century Code is  
30 amended and reenacted as follows:

31 **39-08-03. Reckless driving - Aggravated reckless driving - Penalty.** Any person

- 1           1. An individual is guilty of reckless driving if the ~~person~~ individual drives a vehicle:
- 2           4. a. Recklessly in disregard of the rights or safety of others; ~~or~~
- 3           2. b. Without due caution and circumspection and at a speed or in a manner so as
- 4                     to endanger or be likely to endanger any person or the property of another; ~~or~~
- 5                     c. While using a portable telecommunications device to access commercial
- 6                     mobile service which requires the individual to remove a digit on the hand of
- 7                     that individual from the steering wheel for use of the device.

8 ~~Except as otherwise herein provided, any person~~

- 9           2. An individual violating ~~the provisions of~~ this section is guilty of a class B
- 10                     misdemeanor. ~~Any person who, unless~~ by reason of reckless driving ~~as herein~~
- 11                     ~~defined, the individual~~ causes and inflicts bodily injury upon ~~the person of~~ another
- 12                     individual, then the individual is guilty of aggravated reckless driving, and is guilty
- 13                     of a class A misdemeanor. In either case, the minimum fine is one hundred
- 14                     dollars.