

**HOUSE BILL NO. 1136**

Introduced by

Transportation Committee

(At the request of the Department of Transportation)

1 A BILL for an Act to amend and reenact sections 39-06-08, 39-06-24, 39-06-37, and 39-06.1-14  
2 of the North Dakota Century Code, relating to an application of a minor for an instruction permit  
3 or operator's license and failure to surrender a suspended license.

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

5 **SECTION 1. AMENDMENT.** Section 39-06-08 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **39-06-08. Application of minors.** The application of any minor for an initial instruction  
8 permit or operator's license must be signed and verified before a person authorized to  
9 administer oaths or the director's agent, by the father, mother, or legal guardian, or, in the event  
10 there is no parent or legal guardian, then by another responsible adult who is willing to assume  
11 the obligation imposed under this chapter upon a person signing the application of a minor.

12 **SECTION 2. AMENDMENT.** Section 39-06-24 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **39-06-24. Authority to cancel licenses.** The director ~~may~~ shall cancel any operator's  
15 license, permit, or nondriver photo identification card upon determining that the person is not  
16 entitled to the issuance of the document under the laws of this state or that said person failed to  
17 give the required or correct information on the application or the fee was in the form of an  
18 insufficient fund or no-account check. The making of a false statement in any application for an  
19 operator's license, permit, or nondriver photo identification card, concerning the applicant's age  
20 or the prior loss of driving privileges through a cancellation, suspension, revocation, or similar  
21 sanction in any state, is grounds for the director to cancel any document or privilege issued on  
22 the basis of the application.

23 **SECTION 3. AMENDMENT.** Section 39-06-37 of the North Dakota Century Code is  
24 amended and reenacted as follows:

1           **39-06-37. Surrender and return of license - Duration of multiple suspensions and**  
2 **revocations for separate violations.**

- 3           1. The director upon canceling, ~~suspending~~, or revoking a license shall require that  
4           such license must be surrendered to and be retained by the director.
- 5           2. If any person fails immediately to return to the director any license or permit which  
6           has been canceled, ~~suspended~~, or revoked, the order of the director shall  
7           authorize any peace officer or the director's designated agent to secure possession  
8           thereof and return the same to the director. A suspension, revocation, or  
9           cancellation ordered under this title must be deemed to have commenced when  
10          the order is delivered to the licensee at the address of record in the department  
11          pursuant to section 39-06-20. Constructive delivery under this section must be  
12          considered as occurring forty-eight hours after the order is mailed to the person by  
13          regular mail.
- 14          3. Unless otherwise specifically provided in this title, any suspension, revocation,  
15          cancellation, or denial of licensing ordered under any provision of this title must be  
16          in addition to, and run consecutive to, any other or existing suspension, revocation,  
17          cancellation, or denial of licensing ordered for a separate violation.

18           **SECTION 4. AMENDMENT.** Section 39-06.1-14 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20           **39-06.1-14. Failure to surrender license.** The director shall extend the period of  
21 ~~suspension or~~ revocation in all cases that involve a time period, within this title, when the  
22 person whose license or permit has been ~~suspended or~~ revoked fails to surrender such license  
23 or permit within forty-eight hours after delivery of the order of ~~suspension or~~ revocation. Such  
24 period of ~~suspension or~~ revocation must be extended by one day for each day such person fails  
25 to surrender such license. Delivery of the order must be deemed to have occurred seventy-two  
26 hours after the order is mailed by regular mail to the address of record in the department under  
27 section 39-06-20.