

HOUSE BILL NO. 1136
with Senate Amendments

Fifty-ninth
Legislative Assembly
of North Dakota

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, 39-06.1-14,
2 subsection 19 of section 39-06.2-02, and subsection 2 of section 39-06.2-10 of the North
3 Dakota Century Code, relating to an application of a minor for an instruction permit or
4 operator's license, failure to surrender a suspended license, definition of hazardous material,
5 and disqualification of commercial driving privileges.

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

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

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

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

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

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

3 **39-06-37. Surrender and return of license - Duration of multiple suspensions and**
4 **revocations for separate violations.**

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

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

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

30 **SECTION 5. AMENDMENT.** Subsection 19 of section 39-06.2-02 of the North Dakota
31 Century Code is amended and reenacted as follows:

1 19. "Hazardous materials" ~~has the meaning as that found in section 103 of the~~
2 ~~Hazardous Materials Transportation Act [49 App. U.S.C. 1801 et seq.]~~ means any
3 material that has been designated as hazardous under 49 U.S.C. 5103 and is
4 required to be placarded under subpart F of 49 CFR part 172 or any quantity of a
5 material listed as a select agent or toxin in 42 CFR part 73.

6 **SECTION 6. AMENDMENT.** Subsection 2 of section 39-06.2-10 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 2. A person is disqualified for life if convicted of two or more violations of any of the
9 offenses specified in subsection 1, 7, 9, or 11, or any combination of those
10 offenses, arising from two or more separate incidents. Only offenses committed
11 after July 1, 1989, may be considered in applying this subsection.