

**Fifty-ninth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 4, 2005**

HOUSE BILL NO. 1136  
(Transportation Committee)  
(At the request of the Department of Transportation)

AN ACT to amend and reenact sections 39-06-08, 39-06-24, 39-06-37, 39-06.1-14, subsection 19 of section 39-06.2-02, and subsection 2 of section 39-06.2-10 of the North Dakota Century Code, relating to an application of a minor for an instruction permit or operator's license, failure to surrender a suspended license, definition of hazardous material, and disqualification of commercial driving privileges.

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

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

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

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

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

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

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

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

addition to, and run consecutive to, any other or existing suspension, revocation, cancellation, or denial of licensing ordered for a separate violation.

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

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

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

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

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

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

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Speaker of the House

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President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1136.

House Vote:      Yeas    91      Nays    1      Absent    2

Senate Vote:    Yeas    45      Nays    0      Absent    2

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2005.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2005.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2005,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State