

**SECOND ENGROSSMENT  
with Senate Amendments  
REENGROSSED HOUSE BILL NO. 1302**

Introduced by

Representatives K. Koppelman, Keiser, Kiefert, Klemin, Ruby, Delmore

Senators Hogue, Luick, Lyson, Dotzenrod, O'Connell

1 A BILL for an Act to create and enact a new subsection to sections 27-20-10, 27-20-31, and  
2 39-06.1-10 and a new section to chapter 39-20 of the North Dakota Century Code, relating to  
3 the twenty-four seven sobriety program; to amend and reenact subsection 3 of section  
4 29-06-15, subsection 7 of section 39-06.1-10, sections 39-06.1-11, 39-08-01, 39-08-01.2,  
5 39-08-01.4, 39-20-01, 39-20-03.1, 39-20-04, 39-20-04.1, and 39-20-05, subsections 6 and 10 of  
6 section 39-20-07, and section 39-20-14 of the North Dakota Century Code, relating to driving  
7 while under the influence; to provide for an underage drinking prevention program; to provide  
8 for a legislative management study; to provide a penalty; and to provide an appropriation.

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

10 **SECTION 1.** A new subsection to section 27-20-10 of the North Dakota Century Code is  
11 created and enacted as follows:

12 If a child is subject to informal adjustment for a violation of section 39-08-01 or  
13 equivalent ordinance, or if a child is found to have an alcohol concentration of at least  
14 two one-hundredths of one percent by weight at the time of performance of a test  
15 within two hours after driving or being in physical control of a motor vehicle, the  
16 juvenile court may require the child to participate in the twenty-four seven sobriety  
17 program under chapter 54-12 for up to nine months.

18 **SECTION 2.** A new subsection to section 27-20-31 of the North Dakota Century Code is  
19 created and enacted as follows:

20 If a child is adjudicated delinquent for a violation of section 39-08-01 or equivalent  
21 ordinance, or if a child is found to have an alcohol concentration of at least two  
22 one-hundredths of one percent by weight at the time of performance of a test within  
23 two hours after driving or being in physical control of a motor vehicle, the juvenile court

1           may require the child to participate in the twenty-four seven sobriety program under  
2           chapter 54-12.

3           **SECTION 3. AMENDMENT.** Subsection 3 of section 29-06-15 of the North Dakota Century  
4 Code is amended and reenacted as follows:

5           3. If a law enforcement officer has reasonable cause to believe an individual has violated  
6 a lawful order of a court of this state which requires the individual to participate in the  
7 twenty-four seven sobriety program authorized in sections 54-12-27 through 54-12-31,  
8 the law enforcement officer may immediately take the individual into custody without a  
9 warrant. An individual taken into custody under this subsection may not be released on  
10 bail or on the individual's personal recognizance unless the individual has made a  
11 personal appearance before a magistrate.

12           **SECTION 4. AMENDMENT.** Subsection 7 of section 39-06.1-10 of the North Dakota  
13 Century Code is amended and reenacted as follows:

14           7. The period of suspension imposed for a violation of section 39-08-01 or equivalent  
15 ordinance is:  
16           a. Ninety-one days if the operator's record shows the person has not violated  
17 section 39-08-01 or equivalent ordinance within the five~~seven~~ years preceding  
18 the last violation.  
19           b. One hundred eighty days if the operator's record shows the person has not  
20 violated section 39-08-01 or equivalent ordinance within ~~five~~the seven years  
21 preceding the last violation and the violation was for an alcohol concentration of  
22 at least eighteen one-hundredths of one percent by weight.  
23           c. Three hundred sixty-five days if the operator's record shows the person has once  
24 violated section 39-08-01 or equivalent ordinance within the five~~seven~~ years  
25 preceding the last violation.  
26           d. Two years if the operator's record shows the person has at least once violated  
27 section 39-08-01 or equivalent ordinance within the five~~seven~~ years preceding  
28 the last violation and the violation was for an alcohol concentration of at least  
29 eighteen one-hundredths of one percent by weight.

- 1 e. Two years if the operator's record shows the person has at least twice violated  
2 section 39-08-01 or equivalent ordinance within the five~~seven~~ years preceding  
3 the last violation.
- 4 f. Three years if the operator's record shows the person has at least twice violated  
5 section 39-08-01 or equivalent ordinance within the five~~seven~~ years preceding  
6 the last violation and the violation is for an alcohol concentration of at least  
7 eighteen one-hundredths of one percent by weight.

8 **SECTION 5.** A new subsection to section 39-06.1-10 of the North Dakota Century Code is  
9 created and enacted as follows:

10 An individual who has a temporary restricted driver's license with the restriction the  
11 individual participates in the twenty-four seven sobriety program under chapter 54-12  
12 is not subject to the suspension periods under this section.

13 **SECTION 6. AMENDMENT.** Section 39-06.1-11 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **39-06.1-11. Temporary restricted license - Ignition interlock device.**

- 16 1. Except as provided under subsection 2, if the director has suspended a license under  
17 section 39-06.1-10 or has extended a suspension or revocation under section  
18 39-06-43, upon receiving written application from the offender affected, the director  
19 may for good cause issue a temporary restricted operator's license valid for the  
20 remainder of the suspension period after seven days of the suspension period have  
21 passed.
- 22 2. If the director has suspended a license under chapter 39-20, or after a violation of  
23 section 39-08-01 or equivalent ordinance, upon written application of the offender the  
24 director may issue ~~for good cause~~ a temporary restricted license that takes effect after  
25 thirty days of the suspension have been served after a first offense under section  
26 39-08-01 or chapter 39-20, but if the offender is participating in the twenty-four seven  
27 sobriety program under chapter 54-12, the director may issue a temporary restricted  
28 license that takes effect after fifteen days of the suspension have been served. The  
29 director may not issue a temporary restricted license to any offender whose operator's  
30 license has been revoked under section 39-20-04 or suspended upon a second or  
31 subsequent offense under section 39-08-01 or chapter 39-20, except that a temporary

1 restricted license may be issued in accordance with subsection 5 if the offender is  
2 participating in the twenty-four seven sobriety program under chapter 54-12 or for  
3 good cause if the offender has not committed an offense for a period of two years  
4 before the date of the filing of a written application that must be accompanied by a  
5 report from an appropriate licensed addiction treatment program or if the offender is  
6 participating in the drug court program and has not committed an offense for a period  
7 of three hundred sixty-five days before the date of the filing of a written application that  
8 must be accompanied by a recommendation from the district court. The director may  
9 conduct a hearing for the purposes of obtaining information, reports, and evaluations  
10 from courts, law enforcement, and citizens to determine the offender's conduct and  
11 driving behavior during the prerequisite period of time. The director may also require  
12 that an ignition interlock device be installed in the offender's vehicle.

13 3. The director may not issue a temporary restricted license for a period of license  
14 revocation or suspension imposed under subsection 5 of section 39-06-17 or section  
15 39-06-31. A temporary restricted license may be issued for suspensions ordered under  
16 subsection 7 of section 39-06-32 if it could have been issued had the suspension  
17 resulted from in-state conduct.

18 4. A restricted license issued under this section is solely for the use of a motor vehicle  
19 during the licensee's normal working hours, or as provided under subsection 5, and  
20 may contain any other restrictions authorized by section 39-06-17. Violation of a  
21 restriction imposed according to this section is deemed a violation of section 39-06-17.

22 5. If an offender has been charged with, or convicted of, a second or subsequent  
23 violation of section 39-08-01 or equivalent ordinance, or if the offender's license is  
24 subject to suspension under chapter 39-20 and the offender's driver's license is not  
25 subject to an unrelated suspension or revocation, the director shall issue a temporary  
26 restricted driver's ~~permit~~license to the offender ~~only for the purpose of~~  
27 ~~participation upon the restriction the offender participate~~ in the twenty-four seven  
28 sobriety program ~~upon~~under chapter 54-12. The offender shall submit an application  
29 to the director for a temporary restricted license along with submission of proof of  
30 financial responsibility and proof of participation in the twenty-four seven sobriety  
31 program by the offender to receive a temporary restricted license. ~~If a court or the~~

1           ~~parole board finds that an offender has violated a condition of the twenty four seven-~~  
2           ~~sobriety program, the court or parole board may order the temporary restricted driver's-~~  
3           ~~permit be revoked and take possession of the temporary restricted driver's permit. The-~~  
4           ~~court or the parole board shall send a copy of the order to the director who shall record-~~  
5           ~~the revocation of the temporary restricted driver's permit. Revocation of a temporary-~~  
6           ~~restricted driver's permit for violation of a condition of the twenty four seven sobriety-~~  
7           ~~program does not preclude the offender's eligibility for a temporary restricted driver's-~~  
8           ~~license under any other provisions of this section.~~

9           **SECTION 7. AMENDMENT.** Section 39-08-01 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11           **39-08-01. Persons under the influence of intoxicating liquor or any other drugs or**  
12 **substances not to operate vehicle - Penalty.**

- 13           1. A person may not drive or be in actual physical control of any vehicle upon a highway  
14           or upon public or private areas to which the public has a right of access for vehicular  
15           use in this state if any of the following apply:
- 16           a. That person has an alcohol concentration of at least eight one-hundredths of one  
17           percent by weight at the time of the performance of a chemical test within two  
18           hours after the driving or being in actual physical control of a vehicle.
  - 19           b. That person is under the influence of intoxicating liquor.
  - 20           c. That person is under the influence of any drug or substance or combination of  
21           drugs or substances to a degree which renders that person incapable of safely  
22           driving.
  - 23           d. That person is under the combined influence of alcohol and any other drugs or  
24           substances to a degree which renders that person incapable of safely driving.
- 25           The fact that any person charged with violating this section is or has been legally  
26           entitled to use alcohol or other drugs or substances is not a defense against any  
27           charge for violating this section, unless a drug which predominately caused  
28           impairment was used only as directed or cautioned by a practitioner who legally  
29           prescribed or dispensed the drug to that person.
- 30           2. Unless as otherwise provided in section 39-08-01.2, an individual violating this section  
31           or equivalent ordinance is guilty of a class B misdemeanor for the first or second

1 offense in a ~~five-year~~seven-year period, of a class A misdemeanor for a third offense  
2 in a ~~five-year~~seven-year period, of a class A misdemeanor for the fourth offense in a  
3 ~~seven-year period, and of a class C felony for a fifth or subsequent offense in a~~  
4 ~~seven-year period~~C felony for any fourth or subsequent offense regardless of the  
5 length of time since the previous offense. The minimum penalty for violating this  
6 section is as provided in subsection 4. The court shall take judicial notice of the fact  
7 that an offense would be a subsequent offense if indicated by the records of the  
8 director or may make a subsequent offense finding based on other evidence.

9 3. Upon conviction of a second or subsequent offense within ~~five~~seven years under this  
10 section or equivalent ordinance, the court ~~must~~may order the motor vehicle number  
11 plates of all of the motor vehicles owned and operated by the offender at the time of  
12 the offense to be impounded for the duration of the period of suspension or revocation  
13 of the offender's driving privilege by the licensing authority. The impounded number  
14 plates must be sent to the director who must retain them for the period of suspension  
15 or revocation, subject to their disposition by the court. The court may make an  
16 exception to this subsection, on an individual basis, to avoid undue hardship to an  
17 individual who is completely dependent on the motor vehicle for the necessities of life,  
18 including a family member of the convicted individual and a coowner of the motor  
19 vehicle, ~~but not including~~or if the offender is participating in the twenty-four seven  
20 sobriety program.

21 4. A person convicted of violating this section, or an equivalent ordinance, must be  
22 sentenced in accordance with this subsection. For purposes of this subsection, unless  
23 the context otherwise requires, "drug court program" means a district court-supervised  
24 treatment program approved by the supreme court which combines judicial  
25 supervision with alcohol and drug testing and chemical addiction treatment in a  
26 licensed treatment program. The supreme court may adopt rules, including rules of  
27 procedure, for drug courts and the drug court program.

28 a. (1) For a first offense, the sentence must include both a fine of at least ~~two~~  
29 ~~hundred fifty~~five hundred dollars and an order for addiction evaluation by an  
30 appropriate licensed addiction treatment program.

- 1           (2) In addition, for a first offense when the convicted person has an alcohol  
2           concentration of at least eighteen one-hundredths of one percent by weight,  
3           the offense is an aggravated first offense and the sentence must include at  
4           least two days' imprisonment or twenty hours community service.
- 5           b. For a second offense within ~~five~~seven years, the sentence must include at least  
6           ~~five~~ten days' imprisonment ~~or placement in a minimum security facility, of which~~  
7           ~~forty-eight hours must be served consecutively, or thirty days' community service;~~  
8           a fine of at least ~~five hundred~~one thousand dollars; ~~and an order for addiction~~  
9           ~~evaluation by an appropriate licensed addiction treatment program; and at least~~  
10          twelve months' participation in the twenty-four seven sobriety program under  
11          chapter 54-12 as a mandatory condition of probation.
- 12          c. For a third offense within ~~five~~seven years, the sentence must include at least  
13          ~~sixty~~one hundred twenty days' imprisonment ~~or placement in a minimum security~~  
14          ~~facility, of which forty-eight hours must be served consecutively;~~ a fine of ~~one at~~  
15          least two thousand dollars; ~~and an order for addiction evaluation by an~~  
16          ~~appropriate licensed addiction treatment program; at least one year's supervised~~  
17          ~~probation; and participation in the twenty-four seven sobriety program under~~  
18          chapter 54-12 as a mandatory condition of probation.
- 19          d. For a fourth or subsequent offense ~~within seven years,~~ the sentence must include  
20          ~~at least one hundred eighty days' year and one day's~~ imprisonment ~~or placement~~  
21          ~~in a minimum security facility, of which forty-eight hours must be served~~  
22          ~~consecutively;~~ a fine of one thousand dollars; ~~and an order for addiction~~  
23          ~~evaluation by an appropriate licensed treatment program; at least two years'~~  
24          ~~supervised probation; and participation in the twenty-four seven sobriety program~~  
25          under chapter 54-12 as a mandatory condition of probation.
- 26          e. The ~~execution or~~ imposition of sentence under this section may not be  
27          ~~suspended or deferred under subsection 3 or 4 of section 12.1-32-02 for an~~  
28          ~~offense subject to this section.~~
- 29          f. If the offense is subject to subdivision a or b, a municipal court or district court  
30          may not suspend a sentence. If the offense is subject to subdivision c, the district  
31          court may suspend a sentence, except for sixty days' imprisonment, under

1            subsection 3 of section 12.1-32-02 on the condition that the defendant first  
2            undergo and complete an evaluation for alcohol and substance abuse treatment  
3            and rehabilitation and upon completion of the twenty-four seven sobriety  
4            program. If the offense is subject to subdivision d, the district court may suspend  
5            a sentence, except for one year's imprisonment, under subsection 3 of section  
6            12.1-32-02 on the condition that the defendant first undergo and complete an  
7            evaluation for alcohol and substance abuse treatment and rehabilitation. If the  
8            offense is subject to subdivision c or d, the district court may suspend a  
9            sentence, ~~except for ten days' imprisonment, under subsection 3 or 4 of section~~  
10           ~~12.1-32-02 on the condition that the defendant first undergo and complete an~~  
11           ~~evaluation for alcohol and substance abuse treatment and rehabilitation.~~ If the  
12           defendant is found to be in need of alcohol and substance abuse treatment and  
13           rehabilitation, the district court may order the defendant placed under the  
14           supervision and management of the department of corrections and rehabilitation  
15           and is subject to the conditions of probation under section 12.1-32-07. The district  
16           court shall require the defendant to complete alcohol and substance abuse  
17           treatment and rehabilitation under the direction of the drug court program as a  
18           condition of probation in accordance with rules adopted by the supreme court. If  
19           the district court finds that a defendant has failed to undergo an evaluation or  
20           complete treatment or has violated any condition of probation, the district court  
21           shall revoke the defendant's probation and shall sentence the defendant in  
22           accordance with this subsection.

23           f.g. For purposes of this section, conviction of an offense under a law or ordinance of  
24           another state which is equivalent to this section must be considered a prior  
25           offense if such offense was committed within the time limitations specified in this  
26           ~~subsection~~section.

27           g.h. If the penalty mandated by this section includes imprisonment or placement upon  
28           conviction of a violation of this section or equivalent ordinance, and if an  
29           addiction evaluation has indicated that the defendant needs treatment, the court  
30           may order the defendant to undergo treatment at an appropriate licensed  
31           addiction treatment program and the time spent by the defendant in the treatment



- 1       2. ~~If an individual is convicted of violating section 39-08-01, or section 39-08-03 based in-~~  
2       ~~part on the evidence of the individual's operation of a motor vehicle while under the~~  
3       ~~influence of alcohol or drugs, and the violation caused serious bodily injury, as defined~~  
4       ~~in section 12.1-01-04, to another individual, that individual is guilty of a class A~~  
5       ~~misdemeanor and the sentence must include at least ninety days' imprisonment if the~~  
6       ~~individual was an adult at the time of the offense.~~
- 7       3. ~~The sentence under this section may not be suspended unless the court finds that~~  
8       ~~manifest injustice would result from imposition of the sentence. Before a sentence~~  
9       ~~under this section applies, a defendant must be notified of the minimum mandatory~~  
10      ~~sentence. If the finding of guilt is by jury verdict, the verdict form must indicate that the~~  
11      ~~jury found the elements that create the minimum sentence.~~
- 12      1. An individual is guilty of criminal vehicular homicide if the individual commits an  
13      offense under section 39-08-01, or equivalent ordinance, and as a result the individual  
14      willfully causes a death of another individual to occur, including the death of an unborn  
15      child, unless the individual is the the mother of the unborn child. A violation of this  
16      subsection is a class A felony. If an individual commits a violation under this  
17      subsection, the court shall impose at least three years' imprisonment. If the individual  
18      violates this section after having been previously convicted of a violation of section  
19      39-08-01 or 39-08-03, or equivalent ordinance, the court shall impose at least ten  
20      years' imprisonment. An individual may not be prosecuted and found guilty of this and  
21      an offense under chapter 12.1-16 if the conduct arises out of the same incident.
- 22      2. An individual is guilty of criminal vehicular injury if the individual violates section  
23      39-08-01, or equivalent ordinance, and as a result that individual willfully causes  
24      substantial bodily or serious bodily injury to another individual. Violation of this  
25      subsection is a class C felony. If an individual violates this subsection, the court shall  
26      impose at least one year's imprisonment. If the individual violates this section after  
27      having been previously convicted of a violation of section 39-08-01 or 39-08-03, or  
28      equivalent ordinance, the court shall impose at least two years' imprisonment.
- 29      3. The sentence under this section may not be suspended unless the court finds that  
30      manifest injustice would result from the imposition of the sentence. Before a sentence  
31      under this section applies, a defendant must be notified of the minimum mandatory

1           sentence. The elements of an offense under this section are the elements of an  
2           offense for a violation of section 39-08-01 and the additional elements that create an  
3           offense in each subsection of this section.

4           **SECTION 9. AMENDMENT.** Section 39-08-01.4 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6           **39-08-01.4. Driving while under the influence of alcohol while being accompanied by**  
7 **a minor - Penalty.**

8           It is a class A misdemeanor for an individual who is at least twenty-one years of age to  
9 violate section 39-08-01 if the violation occurred while a minor was accompanying the individual  
10 in a motor vehicle. If an individual has a previous conviction for a violation of section  
11 39-08-01.4, a violation of this section is a class C felony.

12           **SECTION 10. AMENDMENT.** Section 39-20-01 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14           **39-20-01. Implied consent to determine alcohol concentration and presence of drugs.**

15           1. Any individual who operates a motor vehicle on a highway or on public or private  
16 areas to which the public has a right of access for vehicular use in this state is deemed  
17 to have given consent, ~~and shall consent~~, subject to the provisions of this chapter, to a  
18 chemical test, or tests, of the blood, breath, or urine for the purpose of determining the  
19 alcohol concentration or presence of other drugs, or combination thereof, in the  
20 individual's blood, breath, or urine. As used in this chapter, the word "drug" means any  
21 drug or substance or combination of drugs or substances which renders an individual  
22 incapable of safely driving, and the words "chemical test" or "chemical analysis" mean  
23 any test to determine the alcohol concentration or presence of other drugs, or  
24 combination thereof, in the individual's blood, breath, or urine, approved by the  
25 director of the state crime laboratory or the director's designee under this chapter.

26           2. The test or tests must be administered at the direction of a law enforcement officer  
27 only after placing the individual, except individuals mentioned in section 39-20-03,  
28 under arrest and informing that individual that the individual is or will be charged with  
29 the offense of driving or being in actual physical control of a vehicle upon the public  
30 highways while under the influence of intoxicating liquor, drugs, or a combination  
31 thereof. For the purposes of this chapter, the taking into custody of a child under

1 section 27-20-13 or an individual under twenty-one years of age satisfies the  
2 requirement of an arrest.

3 3. The law enforcement officer shall ~~also~~ inform the individual charged that North Dakota  
4 law requires the individual to take the test to determine whether the individual is under  
5 the influence of alcohol or drugs; that refusal to take the test directed by the law  
6 enforcement officer is a crime punishable in the same manner as driving under the  
7 influence; and that refusal of the individual to submit to the test ~~determined appropriate~~  
8 ~~will~~directed by the law enforcement officer may result in a revocation for a minimum of  
9 one hundred eighty days and up to fourthree years of the individual's driving  
10 privileges. The law enforcement officer shall determine which of the tests is to be  
11 used.

12 4. When an individual under the age of eighteen years is taken into custody for violating  
13 section 39-08-01 or an equivalent ordinance, the law enforcement officer shall attempt  
14 to contact the individual's parent or legal guardian to explain the cause for the custody.  
15 Neither the law enforcement officer's efforts to contact, nor any consultation with, a  
16 parent or legal guardian may be permitted to interfere with the administration of  
17 chemical testing requirements under this chapter. The law enforcement officer shall  
18 mail a notice to the parent or legal guardian of the minor within ten days after the test  
19 results are received or within ten days after the minor is taken into custody if the minor  
20 refuses to submit to testing. The notice must contain a statement of the test performed  
21 and the results of that test; or if the minor refuses to submit to the testing, a statement  
22 notifying of that fact. The attempt to contact or the contacting or notification of a parent  
23 or legal guardian is not a precondition to the admissibility of chemical test results or  
24 the finding of a consent to, or refusal of, chemical testing by the individual in custody.

25 **SECTION 11. AMENDMENT.** Section 39-20-03.1 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27 **39-20-03.1. Action following test result for a resident operator.**

28 If a person submits to a test under section 39-20-01, 39-20-02, or 39-20-03 and the test  
29 shows that person to have an alcohol concentration of at least eight one-hundredths of one  
30 percent by weight or, with respect to a person under twenty-one years of age, an alcohol  
31 concentration of at least two one-hundredths of one percent by weight at the time of the

1 performance of a chemical test within two hours after the driving or being in actual physical  
2 control of a vehicle, the following procedures apply:

- 3 1. The law enforcement officer shall immediately issue to that person a temporary  
4 operator's permit if the person then has valid operating privileges, extending driving  
5 privileges for the next twenty-five days, or until earlier terminated by the decision of a  
6 hearing officer under section 39-20-05. The law enforcement officer shall sign and  
7 note the date on the temporary operator's permit. The temporary operator's permit  
8 serves as the director's official notification to the person of the director's intent to  
9 revoke, suspend, or deny driving privileges in this state.
- 10 2. If a test administered under section 39-20-01 or 39-20-03 was by urine sample or by  
11 drawing blood as provided in section 39-20-02 and the individual tested is not a  
12 resident of an area in which the law enforcement officer has jurisdiction, the law  
13 enforcement officer shall, on receiving the analysis of the urine or blood from the  
14 director of the state crime laboratory or the director's designee and if the analysis  
15 shows that individual had an alcohol concentration of at least eight one-hundredths of  
16 one percent by weight or, with respect to an individual under twenty-one years of age,  
17 an alcohol concentration of at least two one-hundredths of one percent by weight,  
18 either proceed in accordance with subsection 1 during that individual's reappearance  
19 within the officer's jurisdiction, proceed in accordance with subsection 3, or notify a law  
20 enforcement agency having jurisdiction where the individual lives. On that notification,  
21 that law enforcement agency shall, within twenty-four hours, forward a copy of the  
22 temporary operator's permit to the law enforcement agency making the arrest or to the  
23 director. The law enforcement agency shall issue to that individual a temporary  
24 operator's permit as provided in this section, and shall sign and date the permit as  
25 provided in subsection 1.
- 26 3. If the test results indicate an alcohol concentration at or above the legal limit, the law  
27 enforcement agency making the arrest may mail a temporary operator's permit to the  
28 individual who submitted to the blood or urine test, whether or not the individual is a  
29 resident of the area in which the law enforcement officer has jurisdiction. The third day  
30 after the mailing of the temporary operator's permit is considered the date of issuance.  
31 Actual notice of the opportunity for a hearing under this section is deemed to have

1 occurred seventy-two hours after the notice is mailed by regular mail to the address  
2 submitted by the individual to the law enforcement officer. The temporary operator's  
3 permit serves as the director's official notification to the individual of the director's  
4 intent to revoke, suspend, or deny driving privileges in this state.

5 4. The law enforcement officer, within five days of the issuance of the temporary  
6 operator's permit, shall forward to the director a certified written report in the form  
7 required by the director. If the individual was issued a temporary operator's permit  
8 because of the results of a test, the report must show that the officer had reasonable  
9 grounds to believe the individual had been driving or was in actual physical control of a  
10 motor vehicle while in violation of section 39-08-01, or equivalent ordinance, that the  
11 individual was lawfully arrested, that the individual was tested for alcohol concentration  
12 under this chapter, and that the results of the test show that the individual had an  
13 alcohol concentration of at least eight one-hundredths of one percent by weight or,  
14 with respect to an individual under twenty-one years of age, an alcohol concentration  
15 of at least two one-hundredths of one percent by weight. In addition to the operator's  
16 license and report, the law enforcement officer shall forward to the director a certified  
17 copy of the operational checklist and test records of a breath test and a copy of the  
18 certified copy of the analytical report for a blood or urine test for all tests administered  
19 at the direction of the officer.

20 5. An individual charged with a violation of section 39-08-01 or equivalent ordinance may  
21 elect to participate in the twenty-four seven sobriety program under chapter 54-12 in  
22 lieu of the administrative hearing under this chapter if the individual's driver's license is  
23 not subject to an unrelated suspension or revocation. Notwithstanding any other  
24 provision of law, an individual may not receive a temporary restricted operator's  
25 license unless the individual has exhausted administrative procedures. The director  
26 shall issue a temporary restricted driver's license with the restriction the individual  
27 participate in the twenty-four seven sobriety program upon application by the individual  
28 with submission of proof of financial responsibility and proof of participation in the  
29 twenty-four seven sobriety program under chapter 54-12.

30 **SECTION 12. AMENDMENT.** Section 39-20-04 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1           **39-20-04. Revocation of privilege to drive motor vehicle upon refusal to submit to**  
2 **testing.**

3           1. If a person refuses to submit to testing under section 39-20-01 or 39-20-14, none may  
4 be given, but the law enforcement officer shall immediately take possession of the  
5 person's operator's license if it is then available and shall immediately issue to that  
6 person a temporary operator's permit, if the person then has valid operating privileges,  
7 extending driving privileges for the next twenty-five days or until earlier terminated by a  
8 decision of a hearing officer under section 39-20-05. The law enforcement officer shall  
9 sign and note the date on the temporary operator's permit. The temporary operator's  
10 permit serves as the director's official notification to the person of the director's intent  
11 to revoke driving privileges in this state and of the hearing procedures under this  
12 chapter. The director, upon the receipt of that person's operator's license and a  
13 certified written report of the law enforcement officer in the form required by the  
14 director, forwarded by the officer within five days after issuing the temporary operator's  
15 permit, showing that the officer had reasonable grounds to believe the person had  
16 been driving or was in actual physical control of a motor vehicle while in violation of  
17 section 39-08-01 or equivalent ordinance or, for purposes of section 39-20-14, had  
18 reason to believe that the person committed a moving traffic violation or was involved  
19 in a traffic accident as a driver, and in conjunction with the violation or accident the  
20 officer has, through the officer's observations, formulated an opinion that the person's  
21 body contains alcohol, that the person was lawfully arrested if applicable, and that the  
22 person had refused to submit to the test or tests under section 39-20-01 or 39-20-14,  
23 shall revoke that person's license or permit to drive and any nonresident operating  
24 privilege for the appropriate period under this section, or if the person is a resident  
25 without a license or a permit to operate a motor vehicle in this state, the director shall  
26 deny to the person the issuance of a license or permit for the appropriate period under  
27 this section after the date of the alleged violation, subject to the opportunity for a  
28 prerevocation hearing and postrevocation review as provided in this chapter. In the  
29 revocation of the person's operator's license the director shall give credit for time in  
30 which the person was without an operator's license after the day of the person's  
31 refusal to submit to the test except that the director may not give credit for time in

1 which the person retained driving privileges through a temporary operator's permit  
2 issued under this section or section 39-20-03.2. The period of revocation or denial of  
3 issuance of a license or permit under this section is:

- 4 a. ~~One year~~hundred eighty days if the person's driving record shows that within the  
5 ~~five~~seven years preceding the most recent violation of this section, the person's  
6 operator's license has not previously been suspended, revoked, or issuance  
7 denied for a violation of this chapter or section 39-08-01 or equivalent ordinance.  
8 b. ~~Three~~Two years if the person's driving record shows that within the ~~five~~seven  
9 years preceding the most recent violation of this section, the person's operator's  
10 license has been once previously suspended, revoked, or issuance denied for a  
11 violation of this chapter or section 39-08-01 or equivalent ordinance.  
12 c. ~~Four~~Three years if the person's driving record shows that within the ~~five~~seven  
13 years preceding the most recent violation of this section, the person's operator's  
14 license has at least twice previously been suspended, revoked, or issuance  
15 denied under this chapter, or for a violation of section 39-08-01 or equivalent  
16 ordinance, or any combination of the same, and the suspensions, revocations, or  
17 denials resulted from at least two separate arrests.

18 2. A person's driving privileges are not subject to revocation under subdivision a of  
19 subsection 1 if all of the following criteria are met:

- 20 a. An administrative hearing is not held under section 39-20-05;  
21 b. The person mails an affidavit to the director within twenty-five days after the  
22 temporary operator's permit is issued. The affidavit must state that the person:  
23 (1) Intends to voluntarily plead guilty to violating section 39-08-01 or equivalent  
24 ordinance within twenty-five days after the temporary operator's permit is  
25 issued;  
26 (2) Agrees that the person's driving privileges must be suspended as provided  
27 under section 39-06.1-10;  
28 (3) Acknowledges the right to a section 39-20-05 administrative hearing and  
29 section 39-20-06 judicial review and voluntarily and knowingly waives these  
30 rights; and

- 1                   (4) Agrees that the person's driving privileges must be revoked as provided  
2                   under this section without an administrative hearing or judicial review, if the  
3                   person does not plead guilty within twenty-five days after the temporary  
4                   operator's permit is issued, or the court does not accept the guilty plea, or  
5                   the guilty plea is withdrawn;
- 6                   c. The person pleads guilty to violating section 39-08-01 or equivalent ordinance  
7                   within twenty-five days after the temporary operator's permit is issued;
- 8                   d. The court accepts the person's guilty plea and a notice of that fact is mailed to  
9                   the director within twenty-five days after the temporary operator's permit is  
10                  issued; and
- 11                  e. A copy of the final order or judgment of conviction evidencing the acceptance of  
12                  the person's guilty plea is received by the director prior to the return or  
13                  reinstatement of the person's driving privileges; ~~and,~~
- 14                  f. ~~The person has never been convicted under section 39-08-01 or equivalent~~  
15                  ~~ordinance.~~
- 16                  3. The court must mail a copy of an order granting a withdrawal of a guilty plea to  
17                  violating section 39-08-01, or equivalent ordinance, to the director within ten days after  
18                  it is ordered. Upon receipt of the order, the director shall immediately revoke the  
19                  person's driving privileges as provided under this section without providing an  
20                  administrative hearing.

21                  **SECTION 13. AMENDMENT.** Section 39-20-04.1 of the North Dakota Century Code is  
22                  amended and reenacted as follows:

23                  **39-20-04.1. Administrative sanction for driving or being in physical control of a**  
24                  **vehicle while having certain alcohol concentration.**

- 25                  1. After the receipt of the certified report of a law enforcement officer and if no written  
26                  request for hearing has been received from the arrested person under section  
27                  39-20-05, or if that hearing is requested and the findings, conclusion, and decision  
28                  from the hearing confirm that the law enforcement officer had reasonable grounds to  
29                  arrest the person and test results show that the arrested person was driving or in  
30                  physical control of a vehicle while having an alcohol concentration of at least eight  
31                  one-hundredths of one percent by weight or, with respect to a person under

1 twenty-one years of age, an alcohol concentration of at least two one-hundredths of  
2 one percent by weight at the time of the performance of a test within two hours after  
3 driving or being in physical control of a motor vehicle, the director shall suspend the  
4 person's driving privileges as follows:

- 5 a. For ninety-one days if the person's driving record shows that, within the five~~seven~~  
6 years preceding the date of the arrest, the person has not previously violated  
7 section 39-08-01 or equivalent ordinance or the person's operator's license has  
8 not previously been suspended or revoked under this chapter and the violation  
9 was for an alcohol concentration of at least eight one-hundredths of one percent  
10 by weight or, with respect to a person under twenty-one years of age, an alcohol  
11 concentration of at least two one-hundredths of one percent by weight, and under  
12 eighteen one-hundredths of one percent by weight.
- 13 b. For one hundred eighty days if the operator's record shows the person has not  
14 violated section 39-08-01 or equivalent ordinance within ~~five~~the seven years  
15 preceding the last violation and the last violation was for an alcohol concentration  
16 of at least eighteen one-hundredths of one percent by weight.
- 17 c. For three hundred sixty-five days if the person's driving record shows that, within  
18 the five~~seven~~ years preceding the date of the arrest, the person has once  
19 previously violated section 39-08-01 or equivalent ordinance or the person's  
20 operator's license has once previously been suspended or revoked under this  
21 chapter with the last violation or suspension for an alcohol concentration under  
22 eighteen one-hundredths of one percent by weight.
- 23 d. For two years if the person's driving record shows that within the five~~seven~~ years  
24 preceding the date of the arrest, the person's operator's license has once been  
25 suspended, revoked, or issuance denied under this chapter, or for a violation of  
26 section 39-08-01 or equivalent ordinance, with the last violation or suspension for  
27 an alcohol concentration of at least eighteen one-hundredths of one percent by  
28 weight or if the person's driving record shows that within the five~~seven~~ years  
29 preceding the date of arrest, the person's operator's license has at least twice  
30 previously been suspended, revoked, or issuance denied under this chapter, or  
31 for a violation of section 39-08-01 or equivalent ordinance, or any combination

1           thereof, and the suspensions, revocations, or denials resulted from at least two  
2           separate arrests with the last violation or suspension for an alcohol concentration  
3           of under eighteen one-hundredths of one percent by weight.

4           e. For three years if the operator's record shows that within ~~five~~the seven years  
5           preceding the date of the arrest, the person's operator's license has at least twice  
6           previously been suspended, revoked, or issuance denied under this chapter, or  
7           for a violation of section 39-08-01 or equivalent ordinance, or any combination  
8           thereof, and the suspensions, revocations, or denials resulted from at least two  
9           separate arrests and the last violation or suspension was for an alcohol  
10          concentration of at least eighteen one-hundredths of one percent by weight.

11          2. In the suspension of the person's operator's license the director shall give credit for the  
12          time the person was without an operator's license after the day of the offense, except  
13          that the director may not give credit for the time the person retained driving privileges  
14          through a temporary operator's permit issued under section 39-20-03.1 or 39-20-03.2.

15          **SECTION 14. AMENDMENT.** Section 39-20-05 of the North Dakota Century Code is  
16          amended and reenacted as follows:

17          **39-20-05. Administrative hearing on request - Election to participate in the**  
18          **twenty-four seven sobriety program.**

19          1. Before issuing an order of suspension, revocation, or denial under section 39-20-04 or  
20          39-20-04.1, the director shall afford that person an opportunity for a hearing if the  
21          person mails or communicates by other means authorized by the director a request for  
22          the hearing to the director within ten days after the date of issuance of the temporary  
23          operator's permit. Upon completion of the hearing, an individual may elect to  
24          participate in the twenty-four seven sobriety program under chapter 54-12. The  
25          hearing must be held within thirty days after the date of issuance of the temporary  
26          operator's permit. If no hearing is requested within the time limits in this section, and  
27          no affidavit is submitted within the time limits under subsection 2 of section 39-20-04,  
28          and if the individual has not provided the director with written notice of election to  
29          participate in the twenty-four seven sobriety program under chapter 54-12, the  
30          expiration of the temporary operator's permit serves as the director's official

1 notification to the person of the revocation, suspension, or denial of driving privileges  
2 in this state.

- 3 2. If the issue to be determined by the hearing concerns license suspension for operating  
4 a motor vehicle while having an alcohol concentration of at least eight one-hundredths  
5 of one percent by weight or, with respect to an individual under twenty-one years of  
6 age, an alcohol concentration of at least two one-hundredths of one percent by weight,  
7 the hearing must be before a hearing officer assigned by the director and at a time and  
8 place designated by the director. The hearing must be recorded and its scope may  
9 cover only the issues of whether the arresting officer had reasonable grounds to  
10 believe the individual had been driving or was in actual physical control of a vehicle in  
11 violation of section 39-08-01 or equivalent ordinance or, with respect to an individual  
12 under twenty-one years of age, the individual had been driving or was in actual  
13 physical control of a vehicle while having an alcohol concentration of at least two  
14 one-hundredths of one percent by weight; whether the individual was placed under  
15 arrest, unless the individual was under twenty-one years of age and the alcohol  
16 concentration was less than eight one-hundredths of one percent by weight, then  
17 arrest is not required and is not an issue under any provision of this chapter; whether  
18 the individual was tested in accordance with section 39-20-01 or 39-20-03 and, if  
19 applicable, section 39-20-02; and whether the test results show the individual had an  
20 alcohol concentration of at least eight one-hundredths of one percent by weight or,  
21 with respect to an individual under twenty-one years of age, an alcohol concentration  
22 of at least two one-hundredths of one percent by weight. For purposes of this section,  
23 a copy of a certified copy of an analytical report of a blood or urine sample  
24 ~~from~~ electronically posted by the director of the state crime laboratory or the director's  
25 designee on the crime laboratory information management system and certified by a  
26 law enforcement officer or individual who has authorized access to the crime  
27 laboratory management system through the criminal justice data information sharing  
28 system or a certified copy of the checklist and test records from a certified breath test  
29 operator and a copy of a certified copy of a certificate of the director of the state crime  
30 laboratory designating the director's designee, establish prima facie the alcohol  
31 concentration or the presence of drugs, or a combination thereof, shown therein.

1           Whether the individual was informed that the privilege to drive might be suspended  
2           based on the results of the test is not an issue.

3           3. If the issue to be determined by the hearing concerns license revocation for refusing to  
4           submit to a test under section 39-20-01 or 39-20-14, the hearing must be before a  
5           hearing officer assigned by the director at a time and place designated by the director.  
6           The hearing must be recorded. The scope of a hearing for refusing to submit to a test  
7           under section 39-20-01 may cover only the issues of whether a law enforcement  
8           officer had reasonable grounds to believe the person had been driving or was in actual  
9           physical control of a vehicle in violation of section 39-08-01 or equivalent ordinance or,  
10          with respect to a person under twenty-one years of age, the person had been driving  
11          or was in actual physical control of a vehicle while having an alcohol concentration of  
12          at least two one-hundredths of one percent by weight; whether the person was placed  
13          under arrest; and whether that person refused to submit to the test or tests. The scope  
14          of a hearing for refusing to submit to a test under section 39-20-14 may cover only the  
15          issues of whether the law enforcement officer had reason to believe the person  
16          committed a moving traffic violation or was involved in a traffic accident as a driver,  
17          whether in conjunction with the violation or the accident the officer has, through the  
18          officer's observations, formulated an opinion that the person's body contains alcohol  
19          and, whether the person refused to submit to the onsite screening test. Whether the  
20          person was informed that the privilege to drive would be revoked or denied for refusal  
21          to submit to the test or tests is not an issue.

22          4. At a hearing under this section, the regularly kept records of the director and state  
23          crime laboratory may be introduced. Those records establish prima facie their contents  
24          without further foundation. For purposes of this chapter, the following are deemed  
25          regularly kept records of the director and state crime laboratory:

26          a. Any copy of a certified copy of an analytical report of a blood or urine sample  
27          electronically posted by the director of the state crime laboratory or the director's  
28          designee on the crime laboratory information management system which is  
29          received by the director ~~from the director of the state crime laboratory or the~~  
30          ~~director's designee or,~~ a law enforcement officer, or an individual who has  
31          authorized access to the crime laboratory management system through the

- 1            criminal justice data information sharing system or a certified copy of the  
2            checklist and test records received by the director from a certified breath test  
3            operator; ~~and~~
- 4            b. Any copy of a certified copy of a certificate of the director of the state crime  
5            laboratory or the director's designee relating to approved methods, devices,  
6            operators, materials, and checklists used for testing for alcohol concentration or  
7            the presence of drugs received by the director from the director of the state crime  
8            laboratory or the director's designee, or that have been electronically posted with  
9            the state crime laboratory division of the attorney general at the attorney general  
10           website; and
- 11           c. Any copy of a certified copy of a certificate of the director of the state crime  
12           laboratory designating the director's designees.
- 13           5. At the close of the hearing, the hearing officer shall notify the person of the hearing  
14           officer's findings of fact, conclusions of law, and decision based on the findings and  
15           conclusions and shall immediately deliver to the person a copy of the decision. If the  
16           hearing officer does not find in favor of the person, the copy of the decision serves as  
17           the director's official notification to the person of the revocation, suspension, or denial  
18           of driving privileges in this state. If the hearing officer finds, based on a preponderance  
19           of the evidence, that the person refused a test under section 39-20-01 or 39-20-14 or  
20           that the person had an alcohol concentration of at least eight one-hundredths of one  
21           percent by weight or, with respect to a person under twenty-one years of age, an  
22           alcohol concentration of at least two one-hundredths of one percent by weight, the  
23           hearing officer shall immediately take possession of the person's temporary operator's  
24           permit issued under this chapter. If the hearing officer does not find against the  
25           person, the hearing officer shall sign, date, and mark on the person's permit an  
26           extension of driving privileges for the next twenty days and shall return the permit to  
27           the person. The hearing officer shall report the findings, conclusions, and decisions to  
28           the director within ten days of the conclusion of the hearing. If the hearing officer has  
29           determined in favor of the person, the director shall return the person's operator's  
30           license by regular mail to the address on file with the director under section 39-06-20.

1           6. If the person who requested a hearing under this section fails to appear at the hearing  
2           without justification, the right to the hearing is waived, and the hearing officer's  
3           determination on license revocation, suspension, or denial will be based on the written  
4           request for hearing, law enforcement officer's report, and other evidence as may be  
5           available. The hearing officer shall, on the date for which the hearing is scheduled,  
6           mail to the person, by regular mail, at the address on file with the director under  
7           section 39-06-20, or at any other address for the person or the person's legal  
8           representative supplied in the request for hearing, a copy of the decision which serves  
9           as the director's official notification to the person of the revocation, suspension, or  
10          denial of driving privileges in this state. Even if the person for whom the hearing is  
11          scheduled fails to appear at the hearing, the hearing is deemed to have been held on  
12          the date for which it is scheduled for purposes of appeal under section 39-20-06.

13           **SECTION 15. AMENDMENT.** Subsection 6 of section 39-20-07 of the North Dakota  
14 Century Code is amended and reenacted as follows:

- 15          6. The director of the state crime laboratory or the director's designee may appoint, train,  
16          certify, and supervise field inspectors of breath testing equipment and its operation,  
17          and the inspectors shall report the findings of any inspection to the director of the state  
18          crime laboratory or the director's designee for appropriate action. Upon approval of the  
19          methods or devices, or both, required to perform the tests and the individuals qualified  
20          to administer them, the director of the state crime laboratory or the director's designee  
21          shall prepare, certify, and electronically post a written record of the approval with the  
22          state crime laboratory division of the attorney general at the attorney general website,  
23          and shall include in the record:
- 24          a. An annual register of the specific testing devices currently approved, including  
25             serial number, location, and the date and results of last inspection.
  - 26          b. An annual register of currently qualified and certified operators of the devices,  
27             stating the date of certification and its expiration.
  - 28          c. The operational checklist and forms prescribing the methods currently approved  
29             by the director of the state crime laboratory or the director's designee in using the  
30             devices during the administration of the tests.

- 1           d. The certificate of the director of the state crime laboratory designating the  
2           director's designees.
- 3           e. The certified records electronically posted under this section may be  
4           supplemented when the director of the state crime laboratory or the director's  
5           designee determines it to be necessary, and any certified supplemental records  
6           have the same force and effect as the records that are supplemented.
- 7           e-f. The state crime laboratory shall make the certified records required by this  
8           section available for download in a printable format on the attorney general  
9           website.

10           **SECTION 16. AMENDMENT.** Subsection 10 of section 39-20-07 of the North Dakota  
11 Century Code is amended and reenacted as follows:

- 12           10. ~~A signed statement from the individual medically qualified to draw the blood sample for~~  
13           ~~testing as set forth in subsection 5 is prima facie evidence that the blood sample was~~  
14           ~~properly drawn and no further foundation for the admission of this evidence may be~~  
15           ~~required.~~A law enforcement officer who has witnessed an individual who is medically  
16           qualified to draw the blood sample for testing may sign a verified statement that the  
17           law enforcement officer witnessed the individual draw the blood sample and the  
18           individual followed the approved methods of the state toxicologist. Further foundation  
19           is not required to establish that the blood sample was drawn according to the  
20           approved method of the state toxicologist.

21           **SECTION 17. AMENDMENT.** Section 39-20-14 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23           **39-20-14. Screening tests.**

- 24           1. Any individual who operates a motor vehicle upon the public highways of this state is  
25           deemed to have given consent to submit to an onsite screening test or tests of the  
26           individual's breath for the purpose of estimating the alcohol concentration in the  
27           individual's breath upon the request of a law enforcement officer who has reason to  
28           believe that the individual committed a moving traffic violation or was involved in a  
29           traffic accident as a driver, and in conjunction with the violation or the accident the  
30           officer has, through the officer's observations, formulated an opinion that the  
31           individual's body contains alcohol.

1       2. An individual may not be required to submit to a screening test or tests of breath while  
2       at a hospital as a patient if the medical practitioner in immediate charge of the  
3       individual's case is not first notified of the proposal to make the requirement, or objects  
4       to the test or tests on the ground that such would be prejudicial to the proper care or  
5       treatment of the patient.

6       3. The screening test or tests must be performed by an enforcement officer certified as a  
7       chemical test operator by the director of the state crime laboratory or the director's  
8       designee and according to methods and with devices approved by the director of the  
9       state crime laboratory or the director's designee. The results of such screening test  
10      must be used only for determining whether or not a further test shall be given under  
11      the provisions of section 39-20-01. The officer shall inform the individual that North  
12      Dakota law requires the individual to take the screening test to determine whether the  
13      individual is under the influence of alcohol, that refusal to take the screening test is a  
14      crime, and that refusal of the individual to submit to a screening test ~~will~~may result in a  
15      revocation for at least one hundred eighty days and up to four~~three~~ years of that  
16      individual's driving privileges. If such individual refuses to submit to such screening  
17      test or tests, none may be given, but such refusal is sufficient cause to revoke such  
18      individual's license or permit to drive in the same manner as provided in section  
19      39-20-04, and a hearing as provided in section 39-20-05 and a judicial review as  
20      provided in section 39-20-06 must be available. ~~However, the~~

21      4. The director must not revoke an individual's driving privileges for refusing to submit to  
22      a screening test requested under this section if the individual provides a sufficient  
23      breath, blood, or urine sample for a chemical test requested under section 39-20-01  
24      for the same incident.

25      5. No provisions of this section may supersede any provisions of chapter 39-20, nor may  
26      any provision of chapter 39-20 be construed to supersede this section except as  
27      provided herein.

28      6. For the purposes of this section, "chemical test operator" means an individual certified  
29      by the director of the state crime laboratory or the director's designee as qualified to  
30      perform analysis for alcohol in an individual's blood, breath, or urine.

1       **SECTION 18.** A new section to chapter 39-20 of the North Dakota Century Code is created  
2 and enacted as follows:

3       **Restricted license upon twenty-four seven sobriety program participation.**

4       Any driver suspended under this chapter may elect to participate in the twenty-four seven  
5 sobriety program under chapter 54-12. The director may issue a temporary restricted license  
6 that takes effect after fifteen days of the suspension have been served provided that the driver  
7 is not subject to any unrelated suspension. Notwithstanding any other provision of law, an  
8 individual may not receive a temporary restricted operator's license unless the individual has  
9 exhausted administrative procedures.

10       **SECTION 19. LEGISLATIVE MANAGEMENT STUDY - ADMINISTRATIVE PROCEDURE**

11 **FOR DRIVING UNDER THE INFLUENCE.** During the 2013-14 interim, the legislative  
12 management shall consider studying the administrative procedure for driving under the  
13 influence of alcohol and drugs. The study must include a review of the use of ignition interlock  
14 devices and of the effect of an individual refusing to submit to chemical testing. The legislative  
15 management shall report its findings and recommendations, together with any legislation  
16 required to implement the recommendations, to the sixty-fourth legislative assembly.

17       **SECTION 20. DEPARTMENT OF HUMAN SERVICES - UNDERAGE DRINKING**

18 **PREVENTION PROGRAM.** The department of human services shall facilitate the continuation  
19 of the parents listen, educate, ask, discuss program, a multiagency collaboration between the  
20 department of human services, department of transportation, North Dakota state university  
21 extension service, and North Dakota university system which has the goal of reducing the  
22 consumption of alcohol by minors by providing developmentally appropriate strategies and  
23 evidence-based underage drinking prevention services to parents and professionals throughout  
24 the state. Through this program the department of human services shall collaborate with the  
25 governor's prevention advisory council on drugs and alcohol in pursuing prevention activities.

26       **SECTION 21. APPROPRIATION.** There is appropriated out of any moneys in the general  
27 fund in the state treasury, not otherwise appropriated, the sum of \$360,000, or so much of the  
28 sum as may be necessary, to the department of human services for the purpose of funding the  
29 underage drinking prevention program provided for under section 20 of this Act, for the  
30 biennium beginning July 1, 2013, and ending June 30, 2015.

1       **SECTION 22. APPROPRIATION.** There is appropriated out of any moneys in the general  
2 fund in the state treasury, not otherwise appropriated, the sum of \$1,200,000, or so much of the  
3 sum as may be necessary, to the attorney general for the purpose of purchasing secure  
4 continuous remote alcohol monitors for individuals in the twenty-four seven sobriety program,  
5 for the biennium beginning July 1, 2013, and ending June 30, 2015.