

HOUSE BILL NO. 1122

Introduced by

Transportation Committee

(At the request of the Department of Transportation)

1 A BILL for an Act to amend and reenact sections 39-06-14, 39-06-18, and 39-06-19 of the North
2 Dakota Century Code, relating to general operator's license requirements, substitute operator's
3 licenses, and license renewals.

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

5 **SECTION 1. AMENDMENT.** Section 39-06-14 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **39-06-14. Licenses issued to operators - General - Classified operator's license.**

- 8 1. Upon the payment of the application fee listed in section 39-06-49, the director shall
9 issue to every qualified applicant an operator's license. An application for an operator's
10 license must be made on a form furnished by the director. The operator's license must
11 bear the full name, date of birth, residence address, and a brief description of the
12 licensee.
- 13 2. The license must bear either a facsimile of the signature of the licensee or a space
14 upon which the licensee shall write the licensee's usual signature. An operator's
15 license is not valid unless signed by the licensee with the licensee's usual signature.
16 For purposes of verification, the director may require the licensee to write the
17 licensee's signature in the presence of the director.
- 18 3. The operator's license must bear a distinguishing number assigned to the licensee.
19 The director may not issue a distinguishing number that is, contains, can be converted
20 to, or is an encrypted version of the applicant's social security number.
- 21 4. The operator's license must bear a color photograph of the licensee. The director may
22 adopt rules relating to the manner in which photographs are to be obtained and placed
23 on an operator's license. The photograph may be produced by digital imaging or other
24 electronic means and is not a public record. If the licensee is under the age of

1 eighteen, the photograph must be against a color border or background that is
2 different from the color used for other licensees. If the licensee is at least the age of
3 eighteen and is under the age of twenty-one, the photograph must be against a color
4 border or background that is different from the color used for other licensees.

5 5. Upon request and with adequate documentation, the director shall place an indicator
6 on the face of an operator's license of a veteran. The veteran may make the request
7 through the department of veterans' affairs.

8 6. ~~An applicant holding a valid operator's license issued by this state and making~~
9 ~~application for renewal must be issued a class D license without being subjected to a~~
10 ~~written or actual ability examination. The director shall issue to any other applicant~~
11 ~~applying for issuance of an operator's license a classified license after a successful~~
12 ~~examination in the type of motor vehicle or combination of vehicles for the particular~~
13 ~~class of license and the particular license authorizes the holder to drive the particular~~
14 ~~class of vehicles as designated in section 39-06.2-09 or this chapter.~~

15 7. An individual with a class D license may operate:

16 a. A single vehicle with a gross vehicle weight rating of twenty-six thousand pounds
17 [11793.40 kilograms] or less or this vehicle towing a vehicle with a gross vehicle
18 weight rating not in excess of ten thousand pounds [4535.92 kilograms] or a
19 combination of vehicles with a gross combination weight or a gross combination
20 weight rating in excess of twenty-six thousand pounds [11793.40 kilograms] if the
21 individual is eighteen years of age or older, unless the individual is driving a farm
22 vehicle and meets the requirements of subdivision e of subsection 7 of this
23 section and subsection 3 of section 39-06.2-06.

24 b. A farm tractor towing another vehicle having a gross weight in excess of ten
25 thousand pounds [4535.92 kilograms].

26 c. A truck towing a trailer in excess of ten thousand pounds [4535.92 kilograms] if
27 the combined weight does not exceed twenty-six thousand pounds [11793.40
28 kilograms] gross combination weight rating.

29 d. A house car or a vehicle towing a travel trailer being used solely for personal
30 purposes.

1 e. A two-axle or tandem-axle motor vehicle, a triple-axle motor vehicle, and a truck
2 or truck tractor towing a trailer, semitrailer, or farm trailer if the individual is
3 exempted from a commercial driver's license under subsection 3 of section
4 39-06.2-06, except the individual may not operate a double trailer or triple trailer
5 and an individual under eighteen years of age may not operate a truck tractor or
6 a bus designed to carry sixteen or more passengers, including the driver.

7 ~~8-7.~~ Any holder of a classified license who drives a motor vehicle otherwise than as
8 permitted by the class of license issued to the holder is deemed to be driving a
9 motor vehicle without being duly licensed. The holder of a classified license who
10 desires to obtain a different class license must exchange or renew the license.
11 The director may adopt rules on renewals or exchanges for the proper
12 administration of this chapter.

13 **SECTION 2. AMENDMENT.** Section 39-06-18 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **39-06-18. Substitute operator's license.**

16 If an operator's license or nondriver photo identification card issued under this chapter is
17 lost, mutilated, or destroyed, or contains erroneous information due to a change in name,
18 address, or for any other reason, the individual to whom the operator's license or identification
19 card was issued may obtain a substitute, by furnishing proof satisfactory to the director that the
20 operator's license or identification card has been lost, mutilated, or destroyed, or is erroneous,
21 and upon payment of a fee listed in section 39-06-49. If an individual has a name change, the
22 individual shall obtain a substitute license or identification card with the correct name. If there
23 has not been any information contained on the operator's license or nondriver photo
24 identification card changed since issued, the individual may utilize online services provided by
25 the director to obtain a substitute operator's license or nondriver photo identification card. The
26 director may adopt procedures necessary to implement this section.

27 **SECTION 3. AMENDMENT.** Section 39-06-19 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **39-06-19. Expiration of license - Renewal.**

30 1. Every operator's license issued under this chapter or chapter 39-06.2 expires and is
31 renewed according to this section.

- 1 2. The expiration date of a noncommercial operator's license for an individual whose
2 birth occurred in a year ending in an odd numeral is twelve midnight on the
3 anniversary of the birthday in the third subsequent year ending in an odd numeral,
4 except for an individual who, at the time of renewal, is seventy-eight years of age or
5 older is twelve midnight on the anniversary of the birthday in the second subsequent
6 year ending in an odd numeral. The expiration date of a noncommercial operator's
7 license for an individual whose birth occurred in a year ending in an even numeral is
8 twelve midnight on the anniversary of the birthday in the third subsequent year ending
9 in an even numeral, except for an individual who, at the time of renewal, is
10 seventy-eight years of age or older is twelve midnight on the anniversary of the
11 birthday in the second subsequent year ending in an even numeral.
- 12 3. The expiration date of a commercial operator's license for an individual whose birth
13 occurred in a year ending in an odd numeral is twelve midnight on the anniversary of
14 the birthday in the second subsequent year ending in an odd numeral. The expiration
15 date of a commercial operator's license for an individual whose birth occurred in a
16 year ending in an even numeral is twelve midnight on the anniversary of the birthday
17 in the second subsequent year ending in an even numeral.
- 18 4. An individual who has a valid, unexpired nonimmigrant visa or nonimmigrant visa
19 status for entry into the United States, a pending application for asylum in the United
20 States, a pending or approved application for temporary protected status in the United
21 States, approved deferred action status, or a pending application for adjustment of
22 status to that of an alien lawfully admitted for permanent residence or conditional
23 permanent residence status in the United States will be issued a temporary operator's
24 license or nondriver photo identification card. The temporary operator's license or
25 identification card is valid only during the period of time of the applicant's authorized
26 stay in the United States or, if there is no definite end to the period of authorized stay,
27 a period of one year. The license or card may be renewed only upon presentation of
28 valid documentary evidence that the status has been extended.
- 29 5. An applicant for renewal must present the application with the fee for renewal of
30 license to the director not before ten months before the expiration date of the
31 operator's license. The director may require an examination of an applicant as upon

1 an original application. The director may require an applicant for renewal or a
2 substitute to provide a social security card and proof of residence address. The
3 director may not issue a distinguishing number that is, contains, can be converted to,
4 or is an encrypted version of the applicant's social security number.

5 6. If an otherwise eligible applicant holding a valid operator's license issued by this state
6 applies for renewal, the director shall issue the same class license to the applicant
7 without a knowledge or actual ability test.

8 7. The director may not renew an operator's license if the license has been suspended
9 under section 14-08.1-07. Upon the recommendation of the court, the director may
10 issue a temporary permit to the licensee under section 39-06.1-11 if the temporary
11 permit is necessary for the licensee to work and the court has determined the licensee
12 is making a good-faith effort to comply with the child support order.

13 ~~7-8.~~ An applicant for renewal of an operator's license must provide a certificate of
14 examination from the driver licensing or examining authorities or a statement as to the
15 corrected and uncorrected vision of the applicant from a licensed physician or an
16 optometrist, except as required under subsection 10 of this section. The director shall
17 provide visual examination equipment at each location where a license may be
18 renewed.

19 ~~8-9.~~ An individual submitting an application and the fee for renewal of license one year or
20 more after the expiration of a license, except an applicant whose military service has
21 terminated less than thirty days prior to the application, must be treated as an initial
22 applicant.

23 10. A noncommercial applicant may apply by mail or electronically for renewal of a license
24 during every other renewal cycle. The director may waive vision requirements for
25 applicants under the age of sixty-five and adopt procedures necessary to implement
26 this subsection.