

Sixty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1168

Introduced by

Representatives Toman, Bosch, Ertelt, Kading, Mock

Senator Schaible

1 A BILL for an Act to amend and reenact sections 39-06-13 and 39-06-19 and subsection 2 of  
2 section 39-06-49 of the North Dakota Century Code, relating to operator's license examinations,  
3 renewals, and fees.

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

5 **SECTION 1. AMENDMENT.** Section 39-06-13 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **39-06-13. Examination of applicants.**

- 8 1. Unless otherwise provided in this chapter, the director shall examine every applicant  
9 for an operator's license. The examination must include a test of the applicant's  
10 eyesight; ability to read and understand highway signs regulating, warning, and  
11 directing traffic; and knowledge of the traffic laws of this state. The director shall make  
12 any written portion of the examination, except writing on illustrations of signs, available  
13 to an applicant in any widely practiced language. The director may waive the written  
14 portion of the examination for an applicant who has successfully passed a written  
15 examination in another state and has an operator's license that is not or in the process  
16 of being revoked, suspended, or canceled.
- 17 2. The director shall establish a process to administer the written portion of an  
18 examination for an operator's license through an online electronic medium. The  
19 director shall charge an applicant a fee of ten dollars to access the online written  
20 examination. The online examination must:
- 21 a. Use personal questions about the applicant before the examination which the  
22 applicant is required to answer during the examination, to strengthen test security  
23 to deter fraud; and

1           **b.** Require the applicant's parent or legal guardian to certify to the department the  
2                   parent or legal guardian monitored the applicant during the online written  
3                   examination, before issuance by the department of a class D instruction permit to  
4                   an applicant who has passed the online examination.

5           **3.** The examination must include an actual demonstration of ability to exercise ordinary  
6                   and reasonable control in the operation of a motor vehicle unless waived for an  
7                   applicant who has successfully passed an actual ability test in this or another state  
8                   conducted by a state licensing authority or by a commercial driver training school  
9                   meeting the driver education requirements prescribed by the director under chapter  
10                  39-25. A minor may operate a motor vehicle no matter how owned for the actual ability  
11                  test.

12          ~~3.4.~~ In lieu of an eyesight test, the applicant may provide a statement of examination from  
13                  a licensed physician or an optometrist stating the corrected and uncorrected vision of  
14                  the applicant, if the examination was within six months of the application.

15          ~~4.5.~~ The director may require any other physical or mental examination.

16           **SECTION 2. AMENDMENT.** Section 39-06-19 of the North Dakota Century Code is  
17           amended and reenacted as follows:

18           **39-06-19. Expiration of license - Renewal.**

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

21           2. The expiration date of a noncommercial operator's license for an individual whose  
22                  birth occurred in a year ending in an odd numeral is twelve midnight on the  
23                  anniversary of the birthday in the third subsequent year ending in an odd numeral,  
24                  except for an individual who, at the time of renewal, is seventy-eight years of age or  
25                  older is twelve midnight on the anniversary of the birthday in the second subsequent  
26                  year ending in an odd numeral. The expiration date of a noncommercial operator's  
27                  license for an individual whose birth occurred in a year ending in an even numeral is  
28                  twelve midnight on the anniversary of the birthday in the third subsequent year ending  
29                  in an even numeral, except for an individual who, at the time of renewal, is  
30                  seventy-eight years of age or older is twelve midnight on the anniversary of the  
31                  birthday in the second subsequent year ending in an even numeral.

- 1       3.    The expiration date of a commercial operator's license for an individual whose birth  
2            occurred in a year ending in an odd numeral is twelve midnight on the anniversary of  
3            the birthday in the second subsequent year ending in an odd numeral. The expiration  
4            date of a commercial operator's license for an individual whose birth occurred in a  
5            year ending in an even numeral is twelve midnight on the anniversary of the birthday  
6            in the second subsequent year ending in an even numeral.
- 7       4.    An individual who has a valid, unexpired nonimmigrant visa or nonimmigrant visa  
8            status for entry into the United States, a pending application for asylum in the United  
9            States, a pending or approved application for temporary protected status in the United  
10           States, approved deferred action status, or a pending application for adjustment of  
11           status to that of an alien lawfully admitted for permanent residence or conditional  
12           permanent residence status in the United States will be issued a temporary operator's  
13           license or nondriver photo identification card. The temporary operator's license or  
14           identification card is valid only during the period of time of the applicant's authorized  
15           stay in the United States or, if there is no definite end to the period of authorized stay,  
16           a period of one year. The license or card may be renewed only upon presentation of  
17           valid documentary evidence that the status has been extended.
- 18      5.    An applicant for renewal must present the application with the fee for renewal of  
19           license to the director not before ten months prior to the expiration date of the  
20           operator's license. The director may require an examination of an applicant as upon  
21           an original application. The director may require an applicant for renewal or a  
22           substitute to provide documentation that confirms to the satisfaction of the director the  
23           true identity, date of birth, and legal presence of the applicant and provide a social  
24           security card or other satisfactory evidence of a social security number and proof of  
25           residence address, if not previously completed or if there are changes to the  
26           information already on file. The director may not issue a distinguishing number that is,  
27           contains, can be converted to, or is an encrypted version of the applicant's social  
28           security number.
- 29      6.    The director may not renew an operator's license if the license has been suspended  
30           under section 14-08.1-07. Upon the recommendation of the court, the director may  
31           issue a temporary permit to the licensee under section 39-06.1-11 if the temporary

1 permit is necessary for the licensee to work and the court has determined the licensee  
2 is making a good-faith effort to comply with the child support order.

3 7. An applicant for renewal of an operator's license must provide a certificate of  
4 examination from the driver licensing or examining authorities or a statement as to the  
5 corrected and uncorrected vision of the applicant from a licensed physician or an  
6 optometrist, except as required under subsection 9. The director shall provide visual  
7 examination equipment at each location where a license may be renewed.

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

12 9. A noncommercial applicant may apply by mail or electronically for renewal of a license  
13 during every other renewal cycle, except as otherwise provided by subsection 10. The  
14 director may use vision information provided by the applicant to meet vision  
15 requirements for applicants under sixty-five years of age and adopt procedures  
16 necessary to implement this subsection.

17 10. A noncommercial applicant for an operator's license may not renew by mail or  
18 electronically if the applicant is seeking a new photo or changes to the information on  
19 the face of the physical operator's license.

20 **SECTION 3. AMENDMENT.** Subsection 2 of section 39-06-49 of the North Dakota Century  
21 Code is amended and reenacted as follows:

22 2. The fee for:

23 a. An application for a nondriver photo identification card is eight dollars.

24 b. Written testing for an application for an operator's license is five dollars.

25 c. Online written testing for an application for an operator's license is ten dollars.

26 d. Actual ability testing for an application for an operator's license is five dollars.

27 d.e. An application for an operator's license is fifteen dollars.

28 e.f. An application for a motorized bicycle operator's permit is ten dollars.

29 f.g. A substitute operator's license is eight dollars unless the substitute is for  
30 erroneous information due to a change in name or address, then the fee is three  
31 dollars.

