

FIRST ENGROSSMENT with  
House Amendments - Majority Report

ENGROSSED SENATE BILL NO. 2012

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions  
2 under the supervision of the director of the department of transportation; to provide for a  
3 legislative council study; to provide a contingent appropriation; and to amend and reenact  
4 section 39-06-19, subsection 1 of section 39-06.2-09, and section 39-09-02 of the North Dakota  
5 Century Code, relating to highways and operators' licenses.

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

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the  
8 funds as may be necessary, are appropriated from special funds derived from federal funds  
9 and other income, to the various divisions under the supervision of the director of the  
10 department of transportation for the purpose of defraying their expenses, for the biennium  
11 beginning July 1, 2001, and ending June 30, 2003, as follows:

12 Salaries and wages	\$99,859,596
13 Operating expenses	118,331,562
14 Equipment	28,251,600
15 Capital improvements	457,084,500
16 Grants	<u>32,839,085</u>
17 Total special funds appropriation	\$736,366,343

18 **SECTION 2. LEGISLATIVE COUNCIL STUDY - FLEET SERVICES.** The legislative  
19 council shall consider studying, during the 2001-02 interim, the efficiency and effectiveness of  
20 the operations of the state fleet services program of the department of transportation.

21 **SECTION 3. CONTINGENT APPROPRIATION - GENERAL LICENSE PLATE ISSUE.**

22 If the fifty-seventh legislative assembly approves additional revenues specifically identified for  
23 the purpose of providing funding for the additional cost of a general license plate issue, there is  
24 appropriated out of any moneys in the highway fund in the state treasury, not otherwise

1 appropriated, the sum of \$3,200,000, to the department of transportation for the purpose of  
2 defraying the expenses of a general license plate issue, for the biennium beginning July 1,  
3 2001, and ending June 30, 2003.

4 **SECTION 4. AMENDMENT.** Section 39-06-19 of the 1999 Supplement to the North  
5 Dakota Century Code is amended and reenacted as follows:

6 **39-06-19. Expiration of license - Renewal.**

- 7 1. Every operator's license issued under this chapter expires and is renewed  
8 according to this section. The expiration date of an operator's license for every a  
9 person whose birth occurred in a year ending in an odd numeral is twelve midnight  
10 on the anniversary of the birthday in the second subsequent year ending in an odd  
11 numeral. The expiration date of an operator's license for every a person whose  
12 birth occurred in a year ending in an even numeral is twelve midnight on the  
13 anniversary of the birthday in the second subsequent year ending in an even  
14 numeral.
- 15 2. If the licensee has reached the age of eighteen, and desires reissuance of a  
16 license with the distinctive background for licensees at least the age of eighteen  
17 and under the age of twenty-one, the applicant may apply at any time for a  
18 replacement license. If the licensee has reached the age of twenty-one and  
19 desires reissuance of a license without the distinctive color background required by  
20 section 39-06-14, the applicant may apply at any time for a replacement license.  
21 ~~In all other cases,~~
- 22 3. An applicant for renewal must present the application with fee for renewal of  
23 license ~~must be presented~~ to the director not ~~prior to~~ before ten months before the  
24 expiration date of the operator's license. The director may require an examination  
25 of an applicant as upon an original application. After the initial application for a  
26 license in this state, the director may not require an applicant for renewal,  
27 replacement, or a substitute to provide a social security card unless the applicant  
28 is changing the distinguishing number on the license to the applicant's social  
29 security number. The director may not renew an operator's license if the license  
30 has been suspended under section 14-08.1-07. Upon the recommendation of the  
31 court, the director may issue a temporary permit to the licensee under section

1 39-06.1-11 if the temporary permit is necessary for the licensee to work and the  
2 court has determined the licensee is making a good-faith effort to comply with the  
3 child support order.

4 4. Every application for renewal of a license by an applicant must be accompanied by  
5 a certificate of examination from either the driver licensing or examining authorities  
6 or a physician or an optometrist, licensed in this or another state, containing a  
7 statement as to the corrected and uncorrected vision of the applicant. The director  
8 shall provide visual examination equipment at each location where a license may  
9 be renewed. The initial application for a motor vehicle operator's license may be  
10 accompanied by a statement of examination from a licensed physician or an  
11 optometrist, stating the corrected and uncorrected vision of the applicant, in lieu of  
12 the department examination. ~~Such~~ This examination must be within six months of  
13 the driver license application.

14 5. Every person submitting an application and fee for renewal of license one year or  
15 more after the expiration of a license, except an applicant whose military service  
16 has terminated less than thirty days prior to such application, must be treated as a  
17 new driver.

18 6. The fee for renewal or replacement of an operator's license is ten dollars.

19 **SECTION 5. AMENDMENT.** Subsection 1 of section 39-06.2-09 of the North Dakota  
20 Century Code is amended and reenacted as follows:

21 1. Content of license. The commercial driver's license must be marked "commercial  
22 driver's license", and must be, to the maximum extent practicable, tamper proof. It  
23 must include the following information:

24 a. The name and residential address of the person;

25 b. The person's color photograph;

26 c. A physical description of the person, including sex, height, weight, and eye  
27 and hair color;

28 d. Date of birth;

29 e. ~~The~~ A distinguishing number assigned to the person which upon request may  
30 be a number different from the person's social security number;

31 f. The person's signature;

- 1           g. The class or type of commercial motor vehicle or vehicles which the person is  
2           authorized to drive together with any endorsements or restrictions;  
3           h. The name of this state; and  
4           i. The dates between which the license is valid.

5           **SECTION 6. AMENDMENT.** Section 39-09-02 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7           **39-09-02. Speed limitations.**

- 8           1. Subject to the provisions of section 39-09-01 and except in those instances where  
9           a lower speed is specified in this chapter, it presumably is lawful for the driver of a  
10          vehicle to drive the same at a speed not exceeding:  
11          a. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet  
12             [15.24 meters] of a grade crossing of any steam, electric, or street railway  
13             when the driver's view is obstructed. A driver's view is deemed to be  
14             obstructed when at any time during the last two hundred feet [60.96 meters]  
15             of the driver's approach to such crossing, the driver does not have a clear and  
16             uninterrupted view of such railway crossing and of any traffic on such railway  
17             for a distance of four hundred feet [121.92 meters] in each direction from such  
18             crossing.  
19          b. Twenty miles [32.19 kilometers] an hour when passing a school during school  
20             recess or while children are going to or leaving school during opening or  
21             closing hours.  
22          c. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet  
23             [15.24 meters] and in traversing an intersection of highways when the driver's  
24             view is obstructed. A driver's view is deemed to be obstructed when at any  
25             time during the last fifty feet [15.24 meters] of the driver's approach to such  
26             intersection, the driver does not have a clear and uninterrupted view of such  
27             intersection and of the traffic upon all of the highways entering such  
28             intersection for a distance of two hundred feet [60.96 meters] from such  
29             intersection.  
30          d. Twenty miles [32.19 kilometers] an hour when the driver's view of the highway  
31             ahead is obstructed within a distance of one hundred feet [30.48 meters].

- 1 e. Twenty-five miles [40.23 kilometers] an hour on any highway in a business  
2 district or in a residence district or in a public park, unless a different speed is  
3 designated and posted by local authorities.
- 4 f. Fifty-five miles [88.51 kilometers] an hour on gravel, dirt, or loose surface  
5 highways, ~~and on paved two-lane highways if there is no speed limit posted~~  
6 ~~or if within the time period of one-half hour after sunset to one-half hour~~  
7 ~~before sunrise~~, unless otherwise permitted, restricted, or required by  
8 conditions.
- 9 g. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways if  
10 ~~within the time period of one-half hour before sunrise to one-half hour after~~  
11 ~~sunset and if posted for that speed, and on paved and divided multilane~~  
12 ~~highways~~, unless otherwise permitted, restricted, or required by conditions.
- 13 h. ~~Seventy~~ Seventy-five miles [~~112.65~~ 120.70 kilometers] an hour on  
14 access-controlled, paved and divided, multilane interstate highways, unless  
15 otherwise permitted, restricted, or required by conditions.
- 16 2. The director may designate and post special areas of state highways where lower  
17 speed limits apply. If there is a violation of a highway construction zone speed  
18 limit, where within that zone individuals engaged in construction were present at  
19 the time of the violation, then the fees required for a noncriminal disposition are  
20 forty dollars for one through ten miles per hour over the posted speed; and forty  
21 dollars, plus one dollar for each additional mile per hour over ten miles per hour  
22 over the limit. However, if a greater fee would be applicable under section  
23 39-06.1-06, then that fee is required for the noncriminal disposition. The highway  
24 construction zone speed limit posted sign must state "Minimum Fee \$40".
- 25 3. Except as provided by law, it is unlawful for any person to drive a vehicle upon a  
26 highway at a speed that is unsafe or at a speed exceeding the speed limit  
27 prescribed by law or established pursuant to law.
- 28 4. In charging a violation of the provisions of this section, the complaint must specify  
29 the speed at which the defendant is alleged to have driven and the speed which  
30 this section prescribes is prima facie lawful at the time and place of the alleged  
31 offense.

1            5. ~~Repealed by S.L. 1975, ch. 346, § 3.~~