Introduced by

A BILL for an Act to create and enact section 39-06.2-19 of the North Dakota Century Code, relating to fees for commercial driver's licenses; and to amend and reenact sections 39-06.2-07, 39-06.2-08, 39-06.2-09, 39-06.2-09.1, and 39-06.2-13.1 of the North Dakota Century Code, relating to commercial driver's licenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-06.2-07 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-07. Commercial driver's license qualification standards.

1. ~~Testing.~~

   ~~a.~~ ~~General. No person~~An individual may not be issued a commercial driver's license unless that ~~person~~individual is a resident of this state ~~and~~; has passed a knowledge and skills test for driving a commercial motor vehicle which complies with minimum federal standards established by federal regulations enumerated in 49 CFR part 383, subparts G and H~~,~~; and has satisfied all other requirements of state law and federal law, including the Commercial Motor Vehicle Safety Act ~~in addition to other requirements imposed by state law or federal regulation~~. The tests must be prescribed and conducted by the director. The applicant must pay ~~a~~the fee ~~of five dollars~~listed in section 39-06.2-19 for each of the tests.

~~b.~~2. ~~Third-party testing.~~ The director may authorize a person, including an agency of ~~this or another~~a state, an employer, a private driver's training facility, or other private institution, or a department, agency, or instrumentality of local government, to administer the skills test specified by this section~~, provided~~ if:

   ~~(1)~~a. The test is the same as that which would otherwise be administered by ~~the~~this state; and

~~(2)~~b. The third party has entered into an agreement with this state which complies with requirements of 49 CFR part 383.75.

~~2.~~3. ~~Waiver of skills test.~~ The director may waive the skills test specified in this section for a commercial driver's license applicant who meets the requirements of 49 CFR part 383.77.

~~3.~~4. ~~Limitations on issuance of license.~~ A commercial driver's license~~,~~ or commercial driver's instruction permit~~,~~ may not be issued to ~~a person~~an individual while the ~~person~~individual is subject to a disqualification from driving a commercial motor vehicle, or while the ~~person's~~individual's driver's license is suspended, revoked, or canceled in any state~~; nor may a~~. A commercial driver's license may not be issued to ~~a person~~an individual who has a commercial driver's license issued by any other state unless the ~~person~~individual first surrenders all ~~such~~ licenses from other states. The director shall notify the issuing state of the surrender of the license.

~~4.~~5. ~~Commercial driver's instruction permit.~~An individual who has been a resident of this state for thirty days may not drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.

6. ~~a.~~ A commercial driver's instruction permit may be issued to an individual who holds a valid class D driver's license who has passed the vision and written tests required for an equivalent commercial driver's license.

~~b.~~ The ~~commercial driver's instruction~~ permit may not be issued for a period to exceed ~~six months~~one hundred eighty days. Only one renewal or reissuance may be granted within a two-year period. The director may issue a letter of authority that authorizes the applicant to drive to a driver's license office, complete the road test, and return home. The director may issue the letter of authority ~~is used after an~~if all allowable ~~number of~~ permits have been issued. The holder of a ~~commercial driver's instruction~~ permit may, unless otherwise disqualified, drive a commercial motor vehicle only when accompanied by the holder of a commercial driver's license valid for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle.

SECTION 2. AMENDMENT. Section 39-06.2-08 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-08. Application for commercial driver's license.

1. The application for a commercial driver's license or commercial driver's instruction permit must include the following:
   a. The full name and current mailing address of the applicant;
   b. A physical description of the applicant, including sex, height, weight, and eye and hair color;
   c. Date of birth;
   d. The applicant's social security number, unless the application is for a nonresident commercial driver's license and the applicant is a resident of a foreign jurisdiction;
   e. The applicant's signature;
   f. The certifications including those required by 49 CFR part 383.71;
   g. Any other information required by the director; and
   h. A consent to release driving record information.
2. The application must be accompanied by an application fee ~~of fifteen dollars~~listed in section 39-06.2-19. The application must contain any other information as the director may require to improve identity security. The director may require an applicant for a commercial license or commercial instruction permit to provide a social security card and proof of residence address.
3. When the holder of a commercial driver's license changes the holder's name or mailing address, an application for a duplicate license must be made ~~as provided in~~under section 39-06-18.
4. ~~An individual who has been a resident of this state for thirty days may not drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.~~

~~5.~~ Any individual who knowingly falsifies information or certifications required under subsection 1 is subject to suspension, revocation, cancellation, or disqualification of the individual's commercial driver's license or pending application for a period of at least sixty consecutive days.

SECTION 3. AMENDMENT. Section 39-06.2-09 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-09. Commercial driver's license.

1. The commercial driver's license must be marked "commercial driver's license", and must be, to the maximum extent practicable, tamper proof. It must include the following information:
   a. The name and residential address of the ~~person~~individual;
   b. The ~~person's~~individual's color photograph;
   c. A physical description of the ~~person~~individual, including sex, height, and eye color;
   d. Date of birth;
   e. A distinguishing number assigned to the ~~person~~individual;
   f. The ~~person's~~individual's signature;
   g. The class or type of commercial motor vehicle or vehicles which the ~~person~~individual is authorized to drive together with any endorsements or restrictions;
   h. The name of this state; and
   i. The dates between which the license is valid.
2. The director may issue a nonresident commercial driver's license ~~pursuant to~~under the limitations of 49 CFR 383 including waiving the social security number requirement. The face of the license must be marked "nonresident" in accordance with 49 CFR 383.153(b).
3. Commercial driver's licenses may be issued with the following classifications, endorsements, and restrictions~~; the~~. The holder of a valid commercial driver's license may drive all vehicles in the class for which that license is issued and all lesser classes of vehicles except motorcycles. Vehicles for which an endorsement is required may not be driven unless the proper endorsement appears on the license. The requirements of placarding vehicles transporting hazardous materials under subparagraph b of paragraph 3 of subdivision a and the endorsement required under paragraph 1 of subdivision b do not apply to ~~a person who is~~ the operator of a farm vehicle, ~~provided such~~if the vehicle is controlled and operated by a farmer and used to

transport hazardous materials in the form of farm supplies within one hundred fifty miles [241.40 kilometers] of the farm, and not used in the operations of a common or contract carrier.

a. ~~Classifications~~The classifications of commercial driver's licenses are:

(1) ~~Class~~A class A license. ~~Any~~This license allows the operation of any combination of vehicles with a gross vehicle weight rating of more than twenty-six thousand pounds [11793.40 kilograms], ~~provided~~if the gross vehicle weight rating of the vehicles being towed is in excess of ten thousand pounds [4535.92 kilograms].

(2) ~~Class~~A class B license. ~~Any~~This license allows the operation of a single vehicle with a gross vehicle weight rating of more than twenty-six thousand pounds [11793.40 kilograms], and ~~any such~~this vehicle towing a vehicle not in excess of ten thousand pounds [4535.92 kilograms].

(3) ~~Class~~A class C license. ~~Any~~This license allows the operation of a single vehicle with a gross vehicle weight rating of twenty-six thousand pounds [11793.40 kilograms] or less or ~~any such~~this vehicle towing a vehicle with a gross vehicle weight rating not in excess of ten thousand pounds [4535.92 kilograms] comprising:

(a) Vehicles designed to transport sixteen or more passengers, including the driver; and

(b) Vehicles used in the transportation of hazardous materials which requires the vehicle to be placarded under 49 CFR part 172, subpart F.

b. Endorsements and restrictions include:

(1) "H" -that authorizes the driver to drive a vehicle transporting hazardous materials.

(2) "T" -that authorizes driving double and triple trailers.

(3) "P" -that authorizes driving vehicles carrying passengers.

(4) "N" -that authorizes driving tank vehicles.

(5) "X" -that authorizes driving combinations of tank vehicles and hazardous material vehicles.

(6) "S" -that authorizes driving a schoolbus.

c. Other restrictions may be placed upon a commercial driver's license~~, as provided in~~ under section 39-06-17. The applicant shall pay a fee ~~of three dollars~~listed in section 39-06.2-19 for each endorsement.

4. Before issuing a commercial driver's license, the director shall obtain driving record information through the commercial driver's license information system, the national driver's register, and from each state in which the ~~person~~individual has been licensed.

5. Within ten days after issuing a commercial driver's license, the director shall notify the commercial driver's license information system of that fact, providing all information required to ensure identification of the ~~person~~individual.

6. A commercial driver's license issued under this chapter expires in the manner provided for operator's licenses under section 39-06-19.

7. ~~Every person~~An individual applying for renewal of a commercial driver's license must complete the application form required by subsection 1 of section 39-06.2-08~~, providing~~ and provide updated information and required certifications. ~~If the~~For an applicant ~~wishes~~ to retain a hazardous materials endorsement, the applicant must take and pass the written test for a hazardous materials endorsement ~~must be taken and passed~~.

SECTION 4. AMENDMENT. Section 39-06.2-09.1 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-09.1. Nonresident commercial license.

1. The department may issue a nonresident commercial driver's license to an applicant who does not present a social security card as required by section 39-06.2-08 but who otherwise meets the requirements for a nonresident commercial driver's license. A license issued under this subsection is valid only during the period of time of the applicant's authorized stay in the United States. The license may be renewed only upon presentation of valid documentary evidence that the status has been extended. The department shall renew without a skills or knowledge test a nonresident commercial license that has been expired for a duration not longer than one year.

2. The fee for a nonresident commercial driver's license is ~~twenty dollars~~listed in section 39-06.2-19.

SECTION 5. AMENDMENT. Section 39-06.2-13.1 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-13.1. Driving record information to be furnished.

Notwithstanding any other provision of law~~, the director shall furnish,~~ and upon ~~request and~~ payment of a fee ~~of three dollars~~listed in section 39-06.2-19, the director shall provide full information regarding the driving record of ~~a person~~an individual who has been issued a commercial driver's license to an employer or to a prospective employer if the ~~person~~individual has given written consent to the prospective employer for this information.

SECTION 6. Section 39-06.2-19 of the North Dakota Century Code is created and enacted as follows:

39-06.2-19. Fees - Deposit in highway fund.

1. All money received under this chapter must be paid monthly to the highway fund in the state treasury.
2. The fee for:
   a. A commercial driver's license test is five dollars.
   b. An application for a commercial driver's license or permit is fifteen dollars.
   c. Each endorsement is three dollars.
   d. A nonresident commercial driver's license is twenty dollars.
   e. The driving record for an employer or prospective employer is three dollars.