Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

HOUSE BILL NO. 1123
(Transportation Committee)
(At the request of the Department of Transportation)

AN ACT to create and enact a new section to chapter 39-25 and subsection 3 to section 39-25-01 of the North Dakota Century Code, relating to driver training schools and to the definition of a certificate of course completion; and to amend and reenact subsection 2 of section 39-06-01.1, subsection 2 of section 39-06-13, subsection 2 of section 39-25-04, and section 39-25-07 of the North Dakota Century Code, relating to driver education requirements, driver's license examinations, instructors at commercial driver training schools, and driver education schools.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 39-06-01.1 of the North Dakota Century Code is amended and reenacted as follows:

2. If an individual has had that individual's license to operate a motor vehicle canceled under subsection 1, the director shall deem that individual to have never have had any license to operate a motor vehicle and may not issue any license to operate a motor vehicle other than an instruction permit or a restricted instruction permit after the completion of any period of suspension or revocation. After the issuance of an instruction permit or restricted instruction permit, the director may not issue any other operator's license to that individual until that individual:

   a. ~~(1) Completes a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director;~~Meets the requirements of section 39-06-17. The driver education requirement may be met through either

      ~~(2) Completes~~ an internet course ~~through a licensee under chapter 39-25 and completes thirty hours of driving with that individual's parent or guardian in compliance with department rules designed for experience in various driving conditions;~~ or

      ~~(3) Successfully completes~~ successfully completing a course at an approved commercial driver training school meeting the requirements of chapter 39-25; and

   b. Satisfies all other requirements that apply to that individual for that operator's license.

SECTION 2. AMENDMENT. Subsection 2 of section 39-06-13 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 3. Subsection 3 to section 39-25-01 of the North Dakota Century Code is created and enacted as follows:

3. "Certificate of course completion" means documentation signed by one or more driver education programs indicating the driver has met the classroom instruction and behind-the-wheel instruction requirements prescribed by the director.

SECTION 4. A new section to chapter 39-25 of the North Dakota Century Code is created and enacted as follows:

Waiver of skill test.

The director may waive the skill portion of the driver's license examination if the applicant has successfully completed the classroom instruction and behind-the-wheel instruction requirements prescribed by the director. The director shall adopt and prescribe regulations concerning criteria for the classroom instruction and behind-the-wheel instruction requirements. A certificate of course completion must accompany the driver's application as evidence that the applicant for a class D license has satisfactorily completed the classroom instruction and behind-the-wheel instruction requirements prescribed by the director.

SECTION 5. AMENDMENT. Subsection 2 of section 39-25-04 of the North Dakota Century Code is amended and reenacted as follows:

2. The regulations must state the requirements for an instructor's license, including requirements concerning residency, language, moral character, physical condition, knowledge of the courses of instruction, motor vehicle laws and safety principles, previous personal and employment records, and any other matter as the director may prescribe for the protection of the public.

SECTION 6. AMENDMENT. Section 39-25-07 of the North Dakota Century Code is amended and reenacted as follows:

39-25-07. Exclusions - Free instruction - Colleges, universities, and high schools.

This chapter does not apply to any person giving driver training lessons without charge, to employers maintaining driver training schools without charge solely for that employer's employees, nor to a school or a class conducted by a college, a university, or a high school for a regularly enrolled full-time or part-time student as a part of a normal program of the institution, except that a public driver education program may provide a certificate of course completion to be used by a driver to waive the skill portion of the driver's license examination under section 2 of this Act.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1123.

House Vote:	Yeas 92	Nays 0	Absent 2
Senate Vote:	Yeas 47	Nays 0	Absent 0

Chief Clerk of the House

Received by the Governor at 8:25 A M. on March 25, 2015.

Approved at 1:14 P. M. on March 26, 2015.

Governor

Filed in this office this 26th day of March, 2015,

at 3:04 o'clock P M.

Secretary of State