

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1280
(Representatives Roers Jones, Bahl, Ista, Klemin, Satrom, Schneider)
(Senators Hogue, Larson, Sickler)

AN ACT to create and enact a new subsection to section 39-06.1-11 and sections 39-06-36.1 and 54-12-27.1 of the North Dakota Century Code, relating to temporary restricted licenses, restoration of revoked or suspended licenses upon successful completion of drug court, and partial suspension of twenty-four seven sobriety program for drug court program participants; to amend and reenact subsections 3 and 7 of section 39-06.1-11 of the North Dakota Century Code, relating to temporary restricted licenses; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 39-06-36.1 of the North Dakota Century Code is created and enacted as follows:

39-06-36.1. Restoration of revoked or suspended licenses upon successful completion of drug court.

Upon an individual's successful completion of an approved adult drug court program, if ordered by the district court, the director shall reinstate the driving privileges of the individual for any noncommercial license suspension or revocation imposed under law. A reinstatement fee is not required for reinstatement of driving privileges under this section.

SECTION 2. AMENDMENT. Subsection 3 of section 39-06.1-11 of the North Dakota Century Code is amended and reenacted as follows:

3. ~~A~~For any suspension or revocation imposed under the law, the director shall issue a temporary restricted license ~~must be issued in accordance with subsection 7~~ if the offender is participating in and compliant with the twenty-four seven sobriety program under chapter 54-12 or if the offender has not committed an offense for a period of one year before the date of the filing of a written application. The application must be accompanied by:
 - a. Proof of financial responsibility and a report from an appropriate licensed addiction treatment program and, if prescribed, proof of compliance with attendance rules in an appropriate licensed addiction treatment program; or
 - b. ~~If the offender is participating in the drug court~~twenty-four seven sobriety program or other court ordered treatment or sobriety program, a recommendation from the district court, proof of program participation.

SECTION 3. AMENDMENT. Subsection 7 of section 39-06.1-11 of the North Dakota Century Code is amended and reenacted as follows:

7. If an offender has been charged with, or convicted of, a second or subsequent violation of section 39-08-01 or equivalent ordinance, or if the offender's license is subject to suspension under chapter 39-20 and the offender's operator's license is not subject to an unrelated suspension or revocation in this state, the director shall issue a temporary restricted license to the offender upon the restriction the offender participate in the twenty-four seven sobriety program under chapter 54-12. The offender shall submit an application to the director for a temporary restricted license along with submission of proof of financial responsibility and proof of participation in the twenty-four seven sobriety program to receive a temporary restricted license.

SECTION 4. A new subsection to section 39-06.1-11 of the North Dakota Century Code is created and enacted as follows:

If an offender is participating in an approved drug court program, the court may order issuance of a temporary restricted license. Upon application by the offender, the director shall issue a temporary restricted license to the participant subject to conditions specified by the court.

- a. The application must be accompanied by proof of financial responsibility, the court's order, and the designated reinstatement fee.
- b. For purposes of this subsection, "approved drug court program" means a district court-supervised treatment program approved by the supreme court.

SECTION 5. Section 54-12-27.1 of the North Dakota Century Code is created and enacted as follows:

54-12-27.1. Partial suspension of twenty-four seven sobriety program for drug court program participants.

1. For purposes of this section, "approved drug court program" means a district court-supervised treatment program approved by the supreme court.
2. A district court may suspend any ordered period of participation in the twenty-four seven sobriety program, including mandatory participation required by law, for an offender participating in an approved drug court program while under supervised probation with the department of corrections and rehabilitation.
3. A district court suspending participation in the twenty-four seven sobriety program shall issue a certificate of waiver of twenty-four seven sobriety program participation.
4. For purposes of issuance of a temporary restricted operator's license under section 39-06.1-11, the director of the department of transportation shall treat a court certificate of waiver of twenty-four seven sobriety program participation as if the offender was participating in the twenty-four seven sobriety program.

SECTION 6. EMERGENCY. Sections 1, 2, 3, and 4 of this Act are declared to be an emergency measure.

Dennis Johnson
Speaker of the House

Tammy Miller
President of the Senate

Bull J Reich
Chief Clerk of the House

Brandi Meyer
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1280 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 91 Nays 0 Absent 3

Dennis Johnson
Speaker of the House

Bull J Reich
Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 46 Nays 1 Absent 0

Tammy Miller
President of the Senate

Brandi Meyer
Secretary of the Senate

Received by the Governor at 10:08 AM on March 21, 2023.

Approved at 11:11 AM on March 22, 2023.

Doug Burgum
Governor

Filed in this office this 23rd day of March, 2023,
at 11:23 o'clock A. M.

Michael Howe
Secretary of State