

**CHAPTER 38-03-03**  
**HAZARDOUS MATERIALS - PETROLEUM PRODUCTS**

Section

38-03-03-01      Petroleum Products - Nonspecification Cargo Tanks

**38-03-03-01. Petroleum products - Nonspecification cargo tanks.**

1. Notwithstanding requirements for specification packagings in 49 CFR subpart F of part 173 and parts 178 and 180, a nonspecification cargo tank motor vehicle having a capacity of less than three thousand five hundred gallons [13250 liters] may be used by an intrastate motor carrier for transportation of a flammable liquid petroleum product in accordance with subsection 3.
2. Notwithstanding requirements for specification packagings in 49 CFR subpart F of part 173 and parts 178 and 180, a nonspecification metal tank permanently secured to a transport vehicle and protected against leakage or damage in the event of a turnover, having a capacity of less than one hundred nineteen gallons [450 liters], may be used by an intrastate motor carrier for transportation of a flammable liquid petroleum product in accordance with subsection 3.
3. Additional requirements. A packaging used under subsections 1 and 2 must:
  - a. Be operated by an intrastate motor carrier and in use as a packaging for hazardous material before July 1, 1998;
  - b. Be operated in conformance with all other requirements of this state;
  - c. Be offered for transportation and transported in conformance with all other applicable requirements of subchapter a of 49 CFR;
  - d. Not be used to transport a flammable cryogenic liquid, hazardous substance, hazardous waste, or marine pollutant; and
  - e. On and after July 1, 2000, a tank authorized under subsection 1 or 2 must conform to all requirements in part 180 (except for 180.405(g)) of 49 CFR in the same manner as required for a DOT specification MC306 cargo tank motor vehicle.

**History:** Effective September 23, 1998.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 39-21-44