

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the  
Capitol in the City of Bismarck, on Monday, the sixth day of January,  
one thousand nine hundred and ninety-seven**

HOUSE BILL NO. 1224  
(Representative Belter)  
(Senator G. Nelson)

AN ACT to create and enact a new section to chapter 39-06.2 of the North Dakota Century Code, relating to commercial drivers transporting agricultural commodities; to amend and reenact section 39-21-44 of the North Dakota Century Code, relating to the transportation of hazardous materials; and to declare an emergency.

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

**SECTION 1.** A new section to chapter 39-06.2 of the 1995 Supplement to the North Dakota Century Code is created and enacted as follows:

**Hours of service exemption - Transportation of agricultural commodities.** Federal regulations governing maximum driving and on-duty time do not apply to a driver transporting agricultural commodities or farm supplies, including farm equipment and machinery, for agricultural purposes in this state during planting and harvesting seasons from February fifteenth through December fifteenth, if the transportation is limited to an area within a one hundred air-mile radius from the source of the commodities or the distribution point for the farm supplies.

**SECTION 2. AMENDMENT.** Section 39-21-44 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**39-21-44. Vehicle transporting explosives or hazardous materials - Administrative procedure and judicial review.** Any person operating any vehicle transporting any explosive or hazardous material as a cargo or part of a cargo upon a highway shall comply with this section.

1. The vehicle must be equipped with at least one fire extinguisher, filled and ready for immediate use, and placed at a convenient point on the vehicle.
2. The superintendent of the state highway patrol shall adopt rules for the safe transportation of hazardous materials. Rules must duplicate or be consistent with current hazardous materials regulations of the United States department of transportation ~~except that a fertilizer or agricultural chemical retailer, or a driver employed by a fertilizer or agricultural chemical retailer, is exempt from the provisions of title 49, Code of Federal Regulations, part 395, section 3, subsection b, relating to hours of service of drivers, and title 49, Code of Federal Regulations, part 395, section 8, requiring a driver's record of duty status, while exclusively engaged in the transportation of fertilizer or agricultural chemicals when the transportation is within a radius of fifty miles [80.47 kilometers] from the retailer's place of business and the employer maintains a daily record for each driver showing the time a driver reports for duty, the total number of hours a driver is on duty, and the time a driver is released from duty.~~ The superintendent of the state highway patrol may adopt the hazardous materials regulations by reference and any adoption must be construed to incorporate amendments as may be made from time to time.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

\_\_\_\_\_  
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 Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1224 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        6

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
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          47              Nays          0              Absent        2

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 1997,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State