

Fifty-seventh  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1175

Introduced by

Transportation Committee

(At the request of the Department of Transportation)

1 A BILL for an Act to amend and reenact section 39-06.2-01, subdivision b of subsection 2 of  
2 section 39-06.2-09, and section 39-06.2-10 of the North Dakota Century Code, relating to  
3 driving a commercial motor vehicle; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Section 39-06.2-01 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **39-06.2-01. Uniform Commercial Driver's License Act.** The purpose of this chapter  
8 is to implement the federal Commercial Motor Vehicle Safety Act of 1986 [Title XII of  
9 Pub. L. 99-570, 49 U.S.C. 2701, repealed] and Motor Carrier Safety Improvement Act of 1999  
10 [Pub. L. 106-159; 113 Stat. 1748; 49 U.S.C. 113 et seq.] and reduce or prevent commercial  
11 motor vehicle accidents, fatalities, and injuries by:

- 12 1. Permitting commercial drivers to hold only one license;
- 13 2. Disqualifying commercial drivers who have committed certain serious traffic  
14 violations, or other specified offenses; and
- 15 3. Strengthening commercial driver's licensing and testing standards.

16 This chapter is a remedial law which should be liberally construed to promote the public health,  
17 safety, and welfare. To the extent that this chapter conflicts with general driver's licensing  
18 provisions, this chapter prevails. Where this chapter is silent, the general driver's licensing  
19 provisions apply.

20 **SECTION 2. AMENDMENT.** Subdivision b of subsection 2 of section 39-06.2-09 of the  
21 North Dakota Century Code is amended and reenacted as follows:

- 22 b. Endorsements and restrictions.
  - 23 (1) "H" - authorizes the driver to drive a vehicle transporting hazardous  
24 materials.

- (2) "T" - authorizes driving double and triple trailers.
- (3) "P" - authorizes driving vehicles carrying passengers.
- (4) "N" - authorizes driving tank vehicles.
- (5) "X" - combinations of tank vehicles and hazardous material vehicles.
- (6) "S" - authorizes driving a school bus.

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

**SECTION 3. AMENDMENT.** Section 39-06.2-10 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.2-10. Disqualification and cancellation - Penalty.**

1. Disqualification offenses. Any person is disqualified from driving a commercial motor vehicle for a period of not less than one year if convicted of a first violation of:
  - a. Driving a commercial motor vehicle under the influence of alcohol or drugs;
  - b. Leaving the scene of an accident involving a commercial motor vehicle driven by the person in violation of section 39-08-04, 39-08-05, 39-08-07, or 39-08-09;
  - c. Using a commercial motor vehicle in the commission of any felony as defined in this chapter;
  - d. Refusal to submit to a test to determine the driver's alcohol concentration while driving a commercial motor vehicle; or
  - e. Driving or being in actual physical control of a commercial motor vehicle while the alcohol concentration of the person's blood, breath, or urine is four one-hundredths of one percent or more by weight.If any of the above violations occurred while transporting a hazardous material required to be placarded, the person is disqualified for a period of not less than three years.
2. A person is disqualified for life if convicted of two or more violations of any of the offenses specified in subsection 1, or any combination of those offenses, arising

1 from two or more separate incidents. Only offenses committed after July 1, 1989,  
2 may be considered in applying this subsection.

3 3. The director may adopt rules under section 39-06.2-14, establishing guidelines,  
4 including conditions, under which a disqualification for life under subsection 2 may  
5 be reduced to a period of not less than ten years.

6 4. A person is disqualified from driving a commercial motor vehicle for life who uses a  
7 commercial motor vehicle in the commission of any felony involving the  
8 manufacture, distribution, or dispensing of a controlled substance, or possession  
9 with intent to manufacture, distribute, or dispense a controlled substance.

10 5. A person is disqualified from driving a commercial motor vehicle for a period of not  
11 less than sixty days if convicted of two serious traffic violations, or one hundred  
12 twenty days if convicted of three serious traffic violations, committed in a  
13 commercial motor vehicle arising from separate incidents occurring within a  
14 three-year period.

15 6. Disqualification for railroad-highway grade crossing violation:

16 a. A driver who is convicted of driving a commercial motor vehicle in violation of  
17 a federal, state, or local law or regulation pertaining to any one of the following  
18 six offenses at a railroad-highway grade crossing is disqualified for the period  
19 of time specified in subdivision b:

20 (1) For drivers who are not required to always stop, failing to slow down  
21 and check that the tracks are clear of an approaching train;

22 (2) For drivers who are not required to always stop, failing to stop before  
23 reaching the crossing, if the tracks are not clear;

24 (3) For drivers who are always required to stop, failing to stop before  
25 driving onto the crossing;

26 (4) For all drivers, to have sufficient space to drive completely through the  
27 crossing without stopping;

28 (5) For all drivers, failing to obey a traffic control device or the directions of  
29 an enforcement official at the crossing; and

30 (6) For all drivers, failing to negotiate a crossing because of insufficient  
31 undercarriage clearance.

b. Duration of disqualification for a railroad-highway grade crossing violation:

(1) First violation. A driver is disqualified for not less than sixty days if the driver is convicted of a first violation of a railroad-highway grade crossing violation.

(2) Second violation. A driver is disqualified for not less than one hundred twenty days if, during any three-year period, the driver is convicted of a second railroad-highway grade crossing violation in separate incidents.

(3) Third or subsequent violation. A driver is disqualified for not less than one year if, during any three-year period, the driver is convicted of a third or subsequent railroad-highway grade crossing violation in separate incidents.

7. Notice and hearing. Prior to suspending, revoking, or disqualifying a driver under this section, the director must provide the driver with notice of opportunity for hearing, in accordance with section 39-06-33, and the hearing requested must be held in accordance with section 39-06-33.

~~7.~~ 8. After suspending, revoking, or canceling a commercial driver's license, the director shall update the director's records to reflect that action within ten days. After suspending, revoking, or canceling a nonresident commercial driver's privileges, the director shall notify the licensing authority of the state that issued the commercial driver's license or commercial driver's instruction permit within ten days.