

HOUSE BILL NO. 1349

Introduced by

Representatives Wall, D. Johnson, Vigesaa, Gruchalla

Senators Luick, Oehlke

1 A BILL for an Act to create and enact a new section to chapter 39-06 of the North Dakota
2 Century Code, relating to requirements to operate a motor vehicle to transport agricultural
3 products; and to provide a penalty.

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

5 **SECTION 1.** A new section to chapter 39-06 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Agricultural products - Driver with class D license - Penalty.**

8 ~~1. Notwithstanding any other provision of law, a driver with a class D license who for hire~~
9 ~~operates a truck or truck-tractor to transport agricultural products shall sign, before~~
10 ~~being hired, a form in which the driver certifies that the driver is at least eighteen years~~
11 ~~of age; has not had more than one violation of section 39-08-01, or equivalent~~
12 ~~ordinance, in the last three years and does not have a pending action for violation of~~
13 ~~that section; has not had a revocation, suspension, or cancellation of driving privileges~~
14 ~~within the last three years and does not have a pending action that will result in a~~
15 ~~revocation, suspension, or cancellation of driving privileges; and has not had a~~
16 ~~drug-related offense within the last three years and does not have a pending action~~
17 ~~the subject of which is a drug-related offense.~~

18 1. Notwithstanding any other provision of law, a driver with a class D license who for hire
19 operates a truck or truck-tractor to transport agricultural products shall sign, before
20 being hired, a form in which the driver certifies that the driver:
21 a. Is at least eighteen years of age; and
22 b. Excluding an action or pending action for one violation of section 39-08-01, or
23 equivalent ordinance, within three years from the time of arrest:

- 1 (1) Has not had a revocation, suspension, or cancellation of driving privileges
2 within the last three years;
- 3 (2) Does not have a pending action that will result in a revocation, suspension,
4 or cancellation of driving privileges;
- 5 (3) Has not had a drug-related offense within the last three years; and
6 (4) Does not have a pending action the subject of which is a drug-related
7 offense.
- 8 2. A person that hires a driver who uses a class D license to operate a truck or
9 truck-tractor to transport agricultural products shall provide to the driver and receive
10 from the driver a signed form as required by this section, obtain the driving record
11 abstract of the driver from the department, and verify the information provided by the
12 driver on the form with the driving record abstract before hiring the driver.
- 13 3. The department shall develop the form with appropriate questions that may be
14 answered in the affirmative or negative. The form must contain a statement of
15 potential penalties that could result from violating this section.
- 16 4. This section does not apply to a driver or a person hiring a driver if the driver is hired
17 by a grandparent, aunt, uncle, or immediate family member.
- 18 5. A person knowingly hiring a driver in violation of this section is guilty of a class B
19 misdemeanor. A driver who knowingly violates this section is guilty of a class A
20 misdemeanor.