

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2244

Introduced by

Senators G. Lee, Nodland

Representatives Gruchalla, Owens, Weisz

1 A BILL for an Act to amend and reenact subdivisions a and b of subsection 3 of section
2 39-06-14 and section 39-32-02 of the North Dakota Century Code, relating to operator's
3 licenses and intrastate exemptions for drivers of commercial motor vehicles.

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

5 **SECTION 1. AMENDMENT.** Subdivisions a and b of subsection 3 of section 39-06-14 of the
6 North Dakota Century Code are amended and reenacted as follows:

7 a. A driver with a class D license may operate any single vehicle with a gross
8 vehicle weight rating of twenty-six thousand pounds [11793.40 kilograms] or less
9 or any such vehicle towing a vehicle with a gross vehicle weight rating not in
10 excess of ten thousand pounds [4535.92 kilograms]. A driver with a class D
11 license may operate a farm tractor towing another vehicle having a gross weight
12 in excess of ten thousand pounds [4535.92 kilograms], and may operate a truck
13 towing a trailer, ~~semitrailer, or farm trailer when the gross weight of the trailer,~~
14 ~~semitrailer, or farm trailer, not including the weight of the towing vehicle, does not~~
15 ~~exceed sixteen thousand pounds [7257.48 kilograms]~~ in excess of ten thousand
16 pounds [4535.92 kilograms] provided the combined weight does not exceed
17 twenty-six thousand pounds [11793.40 kilograms] gross combination weight rating.

18 A driver with a class D license may operate a house car or a vehicle towing a
19 travel trailer being used solely for personal purposes. A driver with a class D
20 license must be eighteen years of age or older to operate a combination of
21 vehicles with a gross combination weight or a gross combination weight rating in
22 excess of twenty-six thousand pounds [11793.40 kilograms], unless the driver is
23 driving a farm vehicle and meets the requirements of subdivision b of subsection
24 3 of section 39-06-14 and subsection 3 of section 39-06.2-06.

- b. A driver with a class D license may operate any two-axle or tandem-axle motor vehicle, a triple-axle motor vehicle, a farm tractor towing another vehicle having a gross weight in excess of six thousand pounds [2721.55 kilograms], and a truck or truck tractor towing a trailer, semitrailer, or farm trailer if the driver is exempted from a commercial driver's license under subsection 3 of section 39-06.2-06, except the driver may not operate a double trailer, triple trailer, or, if under eighteen years of age, a truck tractor as defined in section 39-01-01 or a bus designed to carry sixteen or more passengers, including the driver.

SECTION 2. AMENDMENT. Section 39-32-02 of the North Dakota Century Code is amended and reenacted as follows:

39-32-02. Intrastate exemptions from federal hours of service ~~provisions~~regulations.

1. The following intrastate drivers are not subject to hours of service ~~limitations~~regulations:
 - a. A driver of an authorized emergency vehicle;
 - b. A driver who operates a motor vehicle ~~that has a manufacturer's~~in intrastate commerce if the gross vehicle weight, gross vehicle weight rating, gross combination weight, and gross combination weight rating equal to or are less than twenty-six thousand one pounds [11793.4011797.18 kilograms] and that is not transporting unless the vehicle is used to transport hazardous materials requiring a placard or unless the vehicle is designed or used to transport sixteen or more people, including the driver; or
 - c. A driver of a tow truck operating at the request of a law enforcement officer.
2. Except for a driver included in subsection 1, a motor carrier may not permit or require any intrastate driver to drive and an intrastate driver may not drive:
 - a. More than twelve cumulative hours following ~~eight~~ten consecutive hours off duty;
 - b. For any period after ~~having been~~the end of the sixteenth hour after coming on duty more than fifteen hours following ten consecutive hours off duty; or
 - c. After having been on duty for seventy hours in any period of seven consecutive days.
3. Hours of service limitations do not apply to an intrastate driver ~~when transporting property or passengers~~operating a commercial vehicle to provide emergency relief

1 during a declared ~~an~~ emergency declared by the governor. The employer must declare
2 and document that the emergency is necessary to assure the protection of public
3 health and safety or to provide other essential assistance to the public. An employer
4 shall maintain documentation for one year and shall make it available upon request of
5 a law enforcement officer. Under this subsection, an emergency is the result of any
6 natural activities, including a tornado, windstorm, thunderstorm, snowstorm, ice storm,
7 blizzard, drought, mudslide, flood, high water, earthquake, forest fire, explosion,
8 blackout, or other occurrence, natural or manmade, which interrupts delivery of
9 essential services, such as electricity, medical care, sewer, water, telecommunications
10 transmissions, or essential supplies, such as food and fuels, or otherwise threatens
11 human life or public welfare.

- 12 4. An intrastate driver is exempt from maintaining a record of duty status if:
- 13 a. The driver operates within a one hundred fifty air-mile radius from the driver's
14 normal work-reporting location or from the official worksite of the vehicle;
- 15 b. At least ~~eight~~ten consecutive hours off duty separate each twelve hours on duty;
- 16 c. The driver, except for a driver salesperson, returns to the work-reporting location
17 and is released from work within twelve consecutive hours; and
- 18 d. The motor carrier maintains and retains for a period of six months accurate time
19 records showing the time the driver reports for duty and is released from duty
20 each day.