

Sixty-third
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1231

Introduced by

Representatives Streyle, Maragos, Ruby, Thoreson

Senator Larsen

1 A BILL for an Act to create and enact a new section to chapter 39-21 and a new section to
2 chapter 39-32 of the North Dakota Century Code, relating to federal motor carrier safety
3 regulations; and to amend and reenact section 39-32-02 of the North Dakota Century Code,
4 relating to hours of service.

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

6 **SECTION 1.** A new section to chapter 39-21 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Conflicts of law.**

9 A federal motor carrier safety regulation applicable to a commercial vehicle operated in
10 interstate commerce prevails over a conflicting provision of this chapter. A law under this
11 chapter or a rule adopted by the director under this chapter applicable to a commercial vehicle
12 operated in intrastate commerce prevails over a conflicting provision of a federal motor carrier
13 safety regulation.

14 **SECTION 2.** A new section to chapter 39-32 of the North Dakota Century Code is created
15 and enacted as follows:

16 **Conflicts of law.**

17 A federal motor carrier safety regulation applicable to a commercial vehicle operated in
18 interstate commerce prevails over a conflicting provision of this chapter. A law under this
19 chapter or a rule adopted by the director under this chapter applicable to a commercial vehicle
20 operated in intrastate commerce prevails over a conflicting provision of a federal motor carrier
21 safety regulation.

22 **SECTION 3. AMENDMENT.** Section 39-32-02 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **39-32-02. Intrastate exemptions from hours of service regulations.**

- 1 1. The following intrastate drivers are not subject to hours of service regulations:
 - 2 a. A driver of an authorized emergency vehicle;
 - 3 b. A driver who operates a motor vehicle in intrastate commerce if the gross vehicle
4 weight, gross vehicle weight rating, gross combination weight, and gross
5 combination weight rating are less than twenty-six thousand one pounds
6 [11797.18 kilograms] unless the vehicle is used to transport hazardous materials
7 requiring a placard or unless the vehicle is designed or used to transport sixteen
8 or more people, including the driver; or
 - 9 c. A driver of a tow truck operating at the request of a law enforcement officer.
- 10 2. Except for a driver included in subsection 1, a motor carrier may not permit or require
11 any intrastate driver to drive and an intrastate driver may not drive:
 - 12 a. More than twelve cumulative hours following ten consecutive hours off duty;
 - 13 b. For any period after the end of the sixteenth hour after coming on duty following
14 ten consecutive hours off duty; or
 - 15 c. After having been on duty for seventy hours in any period of seven consecutive
16 days.
- 17 3. Drivers of vehicles operating in intrastate commerce are permitted to accumulate the
18 equivalent of ten consecutive hours off duty by taking a combination of at least ten
19 consecutive hours off duty and sleeper berth time or by taking two periods of rest in
20 the sleeper berth, if:
 - 21 a. Neither rest period in the sleeper berth is shorter than two hours duration;
 - 22 b. The driving time in the period immediately before and after each rest period in the
23 sleeper berth, when added together, does not exceed twelve hours;
 - 24 c. The on-duty time in the period immediately before and after each rest period in
25 the sleeper berth, when added together, does not include any driving time after
26 the fifteenth hour; and
 - 27 d. The driver may not return to driving subject to the normal hours of service
28 requirements in this subsection without taking at least ten consecutive hours off
29 duty, at least ten consecutive hours in the sleeper berth, or a combination of at
30 least ten consecutive hours off duty and sleeper berth time.

- 1 4. Hours of service limitations do not apply to an intrastate driver operating a commercial
2 vehicle to provide emergency relief during an emergency declared by the governor.
3 Under this subsection, an emergency is the result of any natural activities, including a
4 tornado, windstorm, thunderstorm, snowstorm, ice storm, blizzard, drought, mudslide,
5 flood, high water, earthquake, forest fire, explosion, blackout, or other occurrence,
6 natural or manmade, which interrupts delivery of essential services, such as electricity,
7 medical care, sewer, water, telecommunications transmissions, or essential supplies,
8 such as food and fuels, or otherwise threatens human life or public welfare.
- 9 4.5. An intrastate driver is exempt from maintaining a record of duty status if:
- 10 a. The driver operates within a one hundred fifty air-mile radius from the driver's
11 normal work-reporting location or from the official worksite of the vehicle;
12 b. At least ten consecutive hours off duty separate each twelve hours on duty;
13 c. The driver, except for a driver salesperson, returns to the work-reporting location
14 and is released from work within twelve consecutive hours; and
15 d. The motor carrier maintains and retains for a period of six months accurate time
16 records showing the time the driver reports for duty and is released from duty
17 each day.