

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.~~ for an Act to provide for a legislative management study of federal
5 motor carrier safety regulations.

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

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

9 ~~— **Conflicts of law.**~~

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

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

17 ~~— **Conflicts of law.**~~

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

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

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

~~1. The following intrastate drivers are not subject to hours of service regulations:~~

~~a. A driver of an authorized emergency vehicle;~~

~~b. A driver who operates a motor vehicle in intrastate commerce if the gross vehicle weight, gross vehicle weight rating, gross combination weight, and gross combination weight rating are less than twenty-six thousand one pounds [11797.18 kilograms] 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 ten consecutive hours off duty;~~

~~b. For any period after the end of the sixteenth hour after coming on duty following ten consecutive hours off duty; or~~

~~c. After having been on duty for seventy hours in any period of seven consecutive days.~~

~~3. Drivers of vehicles operating in intrastate commerce are permitted to accumulate the equivalent of ten consecutive hours off duty by taking a combination of at least ten consecutive hours off duty and sleeper berth time or by taking two periods of rest in the sleeper berth, if:~~

~~a. Neither rest period in the sleeper berth is shorter than two hours duration;~~

~~b. The driving time in the period immediately before and after each rest period in the sleeper berth, when added together, does not exceed twelve hours;~~

~~c. The on-duty time in the period immediately before and after each rest period in the sleeper berth, when added together, does not include any driving time after the fifteenth hour; and~~

~~d. The driver may not return to driving subject to the normal hours of service requirements in this subsection without taking at least ten consecutive hours off duty, at least ten consecutive hours in the sleeper berth, or a combination of at 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.

18 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - FEDERAL MOTOR CARRIER**
19 **SAFETY REGULATIONS.** During the 2013-14 interim, the legislative management shall
20 consider studying federal motor carrier safety regulations and the feasibility and desirability of
21 adopting state regulations that are not in compliance with federal regulations, especially relating
22 to an intrastate exemption from hours of service for oilfield drivers. The study must include a
23 cost-benefit analysis of the cost to the state in funding and the benefit to the industry. The
24 legislative management shall report its findings and recommendations, together with any
25 legislation required to implement the recommendations, to the sixty-fourth legislative assembly.