

Good afternoon, Mr. Chairman and members of the committee. I'm Brad Schaffer, Director of Driver License for the North Dakota Department of Transportation (NDDOT). I'm here to provide information related to HB 1208.

House Bill 1208 will exempt an individual from having a North Dakota Commercial Driver License to perform agricultural labor here on a H-2A visa.

According to 49 CFR Part 383 – Commercial Driver's License Standards; Requirements and Penalties, no person shall operate a Commercial Motor Vehicle (CMV) unless such person has taken and passed knowledge and driving skills tests for a Commercial Learners Permit (CLP) or Commercial Driver License (CDL). Federal Motor Carrier Safety Administration (FMCSA) cannot determine that the knowledge and skills tests taken in a foreign country meet federal standards. A person must obtain a non-domiciled CLP or CDL if the applicant is domiciled in a foreign jurisdiction.

Under 39-06.2-06 North Dakota has a Farm exemption that is allowed by 49 CFR 383.3. This will exempt an individual who operates a farm vehicle controlled by the farmer, including employees or family members; used to transport either agricultural products, farm machinery, farm supplies, or both to and from a farm; not used in the operations of a for-hire motor carrier, and used within 150 miles of the farmer's farm. The individual would need to have a North Dakota Class D license and cannot go across state lines.

If this bill passes, the penalty could be withholding of federal-aid highway funds of up to 4% for the first year and up to 8% for subsequent years. Also, FMCSA could disqualify the state from performing all CDL transactions.

Mr. Chairman, that concludes my testimony. I would be happy to answer any questions you may have.