

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1224

Page 1, line 2, after "commodities" insert "; to amend and reenact section 39-21-44 of the North Dakota Century Code, relating to the transportation of hazardous materials; and to declare an emergency"

Page 1, underscore lines 6 through 12

Page 1, after line 12, insert:

"SECTION 2. AMENDMENT. Section 39-21-44 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

39-21-44. Vehicle transporting explosives or hazardous materials - Administrative procedure and judicial review. Any person operating any vehicle transporting any explosive or hazardous material as a cargo or part of a cargo upon a highway shall comply with this section.

1. The vehicle must be equipped with at least one fire extinguisher, filled and ready for immediate use, and placed at a convenient point on the vehicle.
2. The superintendent of the state highway patrol shall adopt rules for the safe transportation of hazardous materials. Rules must duplicate or be consistent with current hazardous materials regulations of the United States department of transportation ~~except that a fertilizer or agricultural chemical retailer, or a driver employed by a fertilizer or agricultural chemical retailer, is exempt from the provisions of title 49, Code of Federal Regulations, part 395, section 3, subsection b, relating to hours of service of drivers, and title 49, Code of Federal Regulations, part 395, section 8, requiring a driver's record of duty status, while exclusively engaged in the transportation of fertilizer or agricultural chemicals when the transportation is within a radius of fifty miles [80.47 kilometers] from the retailer's place of business and the employer maintains a daily record for each driver showing the time a driver reports for duty, the total number of hours a driver is on duty, and the time a driver is released from duty.~~ The superintendent of the state highway patrol may adopt the hazardous materials regulations by reference and any adoption must be construed to incorporate amendments as may be made from time to time.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly