

**FIRST ENGROSSMENT
with Senate Amendments**

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1224

Introduced by

Representative Belter

Senator G. Nelson

1 A BILL for an Act to create and enact a new section to chapter 39-06.2 of the North Dakota
2 Century Code, relating to commercial drivers transporting agricultural commodities; to amend
3 and reenact section 39-21-44 of the North Dakota Century Code, relating to the transportation
4 of hazardous materials; and to declare an emergency.

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

6 **SECTION 1.** A new section to chapter 39-06.2 of the 1995 Supplement to the North
7 Dakota Century Code is created and enacted as follows:

8 **Hours of service exemption - Transportation of agricultural commodities.** Federal
9 regulations governing maximum driving and on-duty time do not apply to a driver transporting
10 agricultural commodities or farm supplies, including farm equipment and machinery, for
11 agricultural purposes in this state during planting and harvesting seasons from February
12 fifteenth through December fifteenth, if the transportation is limited to an area within a one
13 hundred air-mile radius from the source of the commodities or the distribution point for the farm
14 supplies.

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

17 **39-21-44. Vehicle transporting explosives or hazardous materials -**

18 **Administrative procedure and judicial review.** Any person operating any vehicle
19 transporting any explosive or hazardous material as a cargo or part of a cargo upon a highway
20 shall comply with this section.

- 21 1. The vehicle must be equipped with at least one fire extinguisher, filled and ready
22 for immediate use, and placed at a convenient point on the vehicle.
- 23 2. The superintendent of the state highway patrol shall adopt rules for the safe
24 transportation of hazardous materials. Rules must duplicate or be consistent with

1 current hazardous materials regulations of the United States department of
2 transportation ~~except that a fertilizer or agricultural chemical retailer, or a driver~~
3 ~~employed by a fertilizer or agricultural chemical retailer, is exempt from the~~
4 ~~provisions of title 49, Code of Federal Regulations, part 395, section 3, subsection~~
5 ~~b, relating to hours of service of drivers, and title 49, Code of Federal Regulations,~~
6 ~~part 395, section 8, requiring a driver's record of duty status, while exclusively~~
7 ~~engaged in the transportation of fertilizer or agricultural chemicals when the~~
8 ~~transportation is within a radius of fifty miles [80.47 kilometers] from the retailer's~~
9 ~~place of business and the employer maintains a daily record for each driver~~
10 ~~showing the time a driver reports for duty, the total number of hours a driver is on~~
11 ~~duty, and the time a driver is released from duty.~~ The superintendent of the state
12 highway patrol may adopt the hazardous materials regulations by reference and
13 any adoption must be construed to incorporate amendments as may be made from
14 time to time.

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