

Fifty-fifth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Monday, the sixth day of January, one thousand nine hundred and ninety-seven

SENATE BILL NO. 2264
(Senators Mutch, Thompson)

AN ACT to provide for exemptions from hours of service provisions for intrastate commercial drivers; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Definition of intrastate driver. As used in this Act, "intrastate driver" means a driver who will be operating a commercial motor vehicle within this state for a seven-consecutive-day period.

SECTION 2. Intrastate exemptions from federal hours of service provisions.

1. The following intrastate drivers are not subject to hours of service limitations:
 - a. A driver of an authorized emergency vehicle.
 - b. A driver who operates a motor vehicle that has a manufacturer's gross vehicle weight rating equal to or less than twenty-six thousand pounds [11793.40 kilograms] and that is not transporting hazardous materials.
 - 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 hours following eight consecutive hours off duty.
 - b. For any period after having been on duty more than fifteen hours.
 - c. After having been on duty for seventy hours in any period of seven consecutive days unless operating within an area having a one hundred fifty air mile radius from the driver's home post office or a one hundred fifty air mile radius from the official worksite of the vehicle if:
 - (1) The driver returns to the work reporting location and is released within twelve consecutive hours.
 - (2) At least eight consecutive hours off duty separate each twelve hours on duty.
 - (3) The driver does not exceed twelve hours maximum driving time following eight consecutive hours off duty.
 - (4) The person that employs the driver maintains and retains for a period of six months accurate time records showing the time the driver reports for duty each day, the total number of hours the driver is on duty each day, and the time the driver is released from duty each day.
3. Following twenty-four consecutive hours off, an intrastate driver begins a new seven-consecutive-day period and on-duty time is reset to zero.
4. Hours of service limitations do not apply to an intrastate driver when transporting property or passengers during a declared emergency. The employer must declare and document that the emergency is necessary to assure the protection of public health and safety or to

provide other essential assistance to the public. An employer shall maintain documentation for one year and shall make it available upon request of a law enforcement officer. Under this subsection, an emergency is the result of any natural activities, including a tornado, windstorm, thunderstorm, snowstorm, ice storm, blizzard, drought, mudslide, flood, high water, earthquake, forest fire, explosion, blackout, or other occurrence, natural or manmade, which interrupts delivery of essential services, such as electricity, medical care, sewer, water, telecommunications transmissions, or essential supplies, such as food and fuels, or otherwise threatens human life or public welfare.

5. a. An intrastate driver, except for a driver salesperson, is released from duty each day, total hours on duty each day, and total time for the preceding seven days recordkeeping requirements if:
 - (1) The driver operates within a one hundred fifty air mile radius of the normal work reporting location, returns to the work reporting location, and is released from work within twelve consecutive hours;
 - (2) The driver has eight consecutive hours off duty separating each twelve hours on duty;
 - (3) The driver does not exceed the twelve hours maximum driving time following eight consecutive hours off duty; and
 - (4) The motor carrier maintains accurate and true records of the time the driver reports for duty each day.
- b. An intrastate driver under subdivision a shall comply with the seventy hour per seven day limit and shall keep track of the total time for the preceding seven days.

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

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2264 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 48 Nays 0 Absent 1

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 90 Nays 0 Absent 7

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1997.

Approved at _____ M. on _____, 1997.

Governor

Filed in this office this _____ day of _____, 1997,
at ____ o'clock _____ M.

Secretary of State