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Fifty-sixth
Legislative Assembly   **HOUSE BILL NO. 1343**
of North Dakota

Introduced by

   Representatives Delzer, Kempenich

   Senators Freborg, B. Stenehjem

1   A BILL for an Act to amend and reenact section 39-08-21 of the North Dakota Century Code,

2   relating to an exemption from medical regulations for certain drivers of commercial vehicles;

3   and to declare an emergency.

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

5   **SECTION 1. AMENDMENT.** Section 39-08-21 of the North Dakota Century Code is

6   amended and reenacted as follows:

7   **39-08-21. Medical qualifications exemption for intrastate drivers.** Notwithstanding

8   the adoption by the superintendent of the state highway patrol of federal motor carrier safety

9   regulations pursuant to subsection 2 of section 39-21-46, the provisions of 49 CFR

10   391.41(b)(1)-(11) do not apply to a person who:

11   1.   Is otherwise qualified to operate a commercial motor vehicle and who possesses,

12   on March 26, 1991, a class 1 license issued pursuant to section 39-06-14, as that

13   section existed on June 30, 1989, or a class A license issued pursuant to chapter

14   39-06.2;

15   2.   Operates a commercial motor vehicle only within the boundaries of this state; and

16   3.   ~~Does not operate a motor vehicle used in the transportation of hazardous materials~~

17   ~~in a quantity requiring placarding under regulations issued pursuant to the~~

18   ~~Hazardous Materials Transportation Act [49 U.S.C. App. 1801 et seq.]; and~~

19   ~~4.~~   Has a medical or physical condition ~~which~~ that:

20   a.   Would prevent such person from operating a commercial motor vehicle under

21   federal motor carrier safety regulations contained in 49 CFR, Chapter III,

22   subchapter B;

23   b.   Existed on March 26, 1991, or at the time of the first required physical

24   examination after that date; and

1   c.   An examining physician has determined has not substantially worsened since

2   March 26, 1991, or the time of the first required physical examination after

3   that date.

4   **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.