

Fifty-sixth  
Legislative Assembly  
of North Dakota

**ENGROSSED SENATE BILL NO. 2438**

Introduced by

Senator Mutch

(Approved by the Delayed Bills Committee)

1 A BILL for an Act to amend and reenact section 39-32-02 of the North Dakota Century Code,  
2 relating to interstate exemptions from federal hours of service provisions.

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

4 **SECTION 1. AMENDMENT.** Section 39-32-02 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **39-32-02. Intrastate exemptions from federal hours of service provisions.**

7 1. The following intrastate drivers are not subject to hours of service limitations:

- 8 a. A driver of an authorized emergency vehicle.
- 9 b. A driver who operates a motor vehicle that has a manufacturer's gross vehicle  
10 weight rating equal to or less than twenty-six thousand pounds [11793.40  
11 kilograms] and that is not transporting hazardous materials.
- 12 c. A driver of a tow truck operating at the request of a law enforcement officer.

13 2. Except for a driver included in subsection 1, a motor carrier may not permit or  
14 require any intrastate driver to drive and an intrastate driver may not drive:

- 15 a. More than twelve hours following eight consecutive hours off duty.
- 16 b. For any period after having been on duty more than fifteen hours.
- 17 c. After having been on duty for seventy hours in any period of seven  
18 consecutive days ~~unless operating within an area having a one hundred fifty~~  
19 ~~air mile radius from the driver's home post office or a one hundred fifty~~  
20 ~~air mile radius from the official worksite of the vehicle if:~~
- 21 ~~(1) The driver returns to the work reporting location and is released within~~  
22 ~~twelve consecutive hours.~~
- 23 ~~(2) At least eight consecutive hours off duty separate each twelve hours on~~  
24 ~~duty.~~

- 1                   (3) ~~The driver does not exceed twelve hours maximum driving time~~  
2                   ~~following eight consecutive hours off duty.~~
- 3                   (4) ~~The person that employs the driver maintains and retains for a period of~~  
4                   ~~six months accurate time records showing the time the driver reports~~  
5                   ~~for duty each day, the total number of hours the driver is on duty each~~  
6                   ~~day, and the time the driver is released from duty each day.~~
- 7                   3. Following twenty-four consecutive hours off, an intrastate driver begins a new  
8                   seven-consecutive-day period and on-duty time is reset to zero.
- 9                   4. Hours of service limitations do not apply to an intrastate driver when transporting  
10                  property or passengers during a declared emergency. The employer must declare  
11                  and document that the emergency is necessary to assure the protection of public  
12                  health and safety or to provide other essential assistance to the public. An  
13                  employer shall maintain documentation for one year and shall make it available  
14                  upon request of a law enforcement officer. Under this subsection, an emergency  
15                  is the result of any natural activities, including a tornado, windstorm, thunderstorm,  
16                  snowstorm, ice storm, blizzard, drought, mudslide, flood, high water, earthquake,  
17                  forest fire, explosion, blackout, or other occurrence, natural or manmade, which  
18                  interrupts delivery of essential services, such as electricity, medical care, sewer,  
19                  water, telecommunications transmissions, or essential supplies, such as food and  
20                  fuels, or otherwise threatens human life or public welfare.
- 21                  5. a. An intrastate driver, ~~except for a driver salesperson, is released from is~~  
22                  exempt from maintaining a record of duty each day, total hours on duty each  
23                  ~~day, and total time for the preceding seven days recordkeeping requirements~~  
24                  status if:
- 25                  (4) a. The driver operates within a one hundred fifty air-mile radius ~~of the~~  
26                  ~~normal work reporting location, returns to the work reporting location,~~  
27                  ~~and is released from work within twelve consecutive hours~~ the driver's  
28                  normal work reporting location or from the official worksite of the  
29                  vehicle;
- 30                  (2) b. ~~The driver has~~ At least eight consecutive hours off duty ~~separating~~  
31                  separate each twelve hours on duty;

