

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

SENATE BILL NO. 2438
(Senator Mutch)
(Approved by the Delayed Bills Committee)

AN ACT to amend and reenact section 39-32-02 of the North Dakota Century Code, relating to interstate exemptions from federal hours of service provisions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

39-32-02. 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~~ is exempt from maintaining a record of duty each day, total hours on duty each day, and total time for the preceding seven days recordkeeping requirements status if:
 - (1) ~~a.~~ a. 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~~ the driver's normal work reporting location or from the official worksite of the vehicle;
 - (2) ~~b.~~ b. ~~The driver has~~ At least eight consecutive hours off duty ~~separating separate~~ each twelve hours on duty;
 - (3) ~~c.~~ c. The driver ~~does not exceed the,~~ except for a driver salesperson, returns to the work reporting location and is released from work within twelve hours maximum driving time following eight consecutive hours off duty; and
 - (4) ~~d.~~ d. The motor carrier maintains and retains for a period of six months accurate and true records of the time records showing the time the driver reports for duty and is released from 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.~~

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-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2438.

Senate Vote: Yeas 44 Nays 3 Absent 2

House Vote: Yeas 92 Nays 0 Absent 6

Secretary of the Senate

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,
at _____ o'clock _____ M.

Secretary of State