

Introduced by

Senators G. Lee, Nodland

Representatives Gruchalla, Owens, Weisz

1 A BILL for an Act to amend and reenact subdivisions a and b of subsection 3 of section
2 39-06-14 and section 39-32-02 of the North Dakota Century Code, relating to operator's
3 licenses and intrastate exemptions for drivers of commercial motor vehicles.

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

5 **SECTION 1. AMENDMENT.** Subdivisions a and b of subsection 3 of section 39-06-14 of the
6 North Dakota Century Code are amended and reenacted as follows:

- 7 a. A driver with a class D license may operate any single vehicle with a gross
8 vehicle weight rating of twenty-six thousand pounds [11793.40 kilograms] or less
9 or any such vehicle towing a vehicle with a gross vehicle weight rating not in
10 excess of ten thousand pounds [4535.92 kilograms]. A driver with a class D
11 license must be eighteen years of age or older to operate a combination of
12 vehicles with a gross combination weight or a gross combination weight rating in
13 excess of twenty-six thousand pounds [11793.40 kilograms]. A driver with a
14 class D license may operate a farm tractor towing another vehicle having a gross
15 weight in excess of ten thousand pounds [4535.92 kilograms], and a truck towing
16 a trailer, semitrailer, or farm trailer when the gross weight of the trailer, semitrailer,
17 or farm trailer, not including the weight of the towing vehicle, does not exceed
18 sixteen thousand pounds [7257.48 kilograms]. A driver with a class D license may
19 operate a house car or a vehicle towing a travel trailer being used solely for
20 personal purposes.
- 21 b. A driver with a class D license may operate any two-axle or tandem-axle motor
22 vehicle, a triple-axle motor vehicle, a farm tractor towing another vehicle having a
23 gross weight in excess of six thousand pounds [2721.55 kilograms], and a truck
24 or truck tractor towing a trailer, semitrailer, or farm trailer if the driver is exempted

1 from a commercial driver's license under subsection 3 of section 39-06.2-06,
2 except the driver may not operate a double trailer, triple trailer, or, if under
3 eighteen years of age, a truck tractor as defined in section 39-01-01 or a bus
4 designed to carry sixteen or more passengers, including the driver.

5 **SECTION 2. AMENDMENT.** Section 39-32-02 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **39-32-02. Intrastate exemptions from federal hours of service ~~provisions~~regulations.**

- 8 1. The following intrastate drivers are not subject to hours of service limitations:
- 9 a. A driver of an authorized emergency vehicle.;
- 10 b. A driver who operates a motor vehicle ~~that has a manufacturer's~~ intrastate
11 commerce if the gross vehicle weight rating equal to or less than twenty-six
12 thousand pounds [11793.40 kilograms] and that is not transportingis less than
13 eleven thousand eight hundred one kilograms unless the vehicle is used to
14 transport hazardous materials; requiring a placard or unless the vehicle is
15 designed or used to transport sixteen or more people, including the driver; or
- 16 c. A driver of a tow truck operating at the request of a law enforcement officer.
- 17 2. Except for a driver included in subsection 1, a motor carrier may not permit or require
18 any intrastate driver to drive and an intrastate driver may not drive:
- 19 a. More than twelve cumulative hours following ~~eight~~ten consecutive hours off duty.;
- 20 b. For any period after ~~having been~~ the end of the sixteenth hour after coming on
21 duty more than fifteen hours; following ten consecutive hours off duty; or
- 22 c. After having been on duty for seventy hours in any period of seven consecutive
23 days.
- 24 3. Hours of service limitations do not apply to an intrastate driver ~~when transporting~~
25 property or passengersoperating a commercial vehicle to provide emergency relief
26 during a declaredan emergency declared by the governor. The employer must declare-
27 and document that the emergency is necessary to assure the protection of public-
28 health and safety or to provide other essential assistance to the public. An employer-
29 shall maintain documentation for one year and shall make it available upon request of
30 a law enforcement officer. Under this subsection, an emergency is the result of any
31 natural activities, including a tornado, windstorm, thunderstorm, snowstorm, ice storm,

- 1 blizzard, drought, mudslide, flood, high water, earthquake, forest fire, explosion,
2 blackout, or other occurrence, natural or manmade, which interrupts delivery of
3 essential services, such as electricity, medical care, sewer, water, telecommunications
4 transmissions, or essential supplies, such as food and fuels, or otherwise threatens
5 human life or public welfare.
- 6 4. An intrastate driver is exempt from maintaining a record of duty status if:
- 7 a. The driver operates within a one hundred fifty air-mile radius from the driver's
8 normal work-reporting location or from the official worksite of the vehicle;
- 9 b. At least ~~eight~~^{ten} consecutive hours off duty separate each twelve hours on duty;
- 10 c. The driver, except for a driver salesperson, returns to the work-reporting location
11 and is released from work within twelve consecutive hours; and
- 12 d. The motor carrier maintains and retains for a period of six months accurate time
13 records showing the time the driver reports for duty and is released from duty
14 each day.