

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. A driver with a class D license must be eighteen years of age  
21 or older to operate a combination of vehicles with a gross combination weight or  
22 a gross combination weight rating in excess of twenty-six thousand pounds  
23 [11793.40 kilograms], unless the driver is driving a farm vehicle and meets the

1 requirements of subdivision b of subsection 3 of section 39-06-14 and  
2 subsection 3 of section 39-06.2-06.

- 3 b. A driver with a class D license may operate any two-axle or tandem-axle motor  
4 vehicle, a triple-axle motor vehicle, a farm tractor towing another vehicle having a  
5 gross weight in excess of six thousand pounds [2721.55 kilograms], and a truck  
6 or truck tractor towing a trailer, semitrailer, or farm trailer if the driver is exempted  
7 from a commercial driver's license under subsection 3 of section 39-06.2-06,  
8 except the driver may not operate a double trailer, triple trailer, or, if under  
9 eighteen years of age, a truck tractor as defined in section 39-01-01 or a bus  
10 designed to carry sixteen or more passengers, including the driver.

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

13 **39-32-02. Intrastate exemptions from federal hours of service ~~provisions~~regulations.**

- 14 1. The following intrastate drivers are not subject to hours of service  
15 ~~limitations~~regulations:
- 16 a. A driver of an authorized emergency vehicle;
- 17 b. A driver who operates a motor vehicle ~~that has a manufacturer's~~intrastate  
18 commerce if the gross vehicle weight, ~~gross vehicle weight rating, gross~~  
19 combination weight, and gross combination weight rating equal to or are less  
20 than twenty-six-thousand ~~one~~ pounds [11793.40~~11797.18~~ kilograms] and that is  
21 ~~not transporting~~is less than eleven thousand eight hundred one kilograms unless  
22 the vehicle is used to transport hazardous materials; requiring a placard or unless  
23 the vehicle is designed or used to transport sixteen or more people, including the  
24 driver; or
- 25 c. A driver of a tow truck operating at the request of a law enforcement officer.
- 26 2. Except for a driver included in subsection 1, a motor carrier may not permit or require  
27 any intrastate driver to drive and an intrastate driver may not drive:
- 28 a. More than twelve cumulative hours following ~~eight~~ten consecutive hours off duty;
- 29 b. For any period after ~~having been~~the end of the sixteenth hour after coming on  
30 duty more than fifteen hours; following ten consecutive hours off duty; or

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