

HOUSE TRANSPORTATION COMMITTEE
March 4, 2021 - 9:45 a.m. – Room 327E

North Dakota Department of Transportation
Robin Rehborg, Deputy Director for Driver Safety

SB 2109

Good morning Chairman Ruby and members of the committee. I'm Robin Rehborg, Deputy Director for Driver Safety for the North Dakota Department of Transportation (NDDOT). Thank you for your time today.

Senate Bill 2109 is a NDDOT agency bill which provides for the implementation of 49 CFR Parts 383 and 384 Lifetime Disqualification for Human Trafficking. The reason for this change is due to the federal register rule change that was effective September 23, 2019. This final rule revises the list of offenses permanently disqualifying individuals from operating a commercial motor vehicle for which a commercial drivers' license or a commercial learner's permit is required. This final rule reflects a change made by Congress in the "No Human Trafficking on Our Roads Act." This makes a felony conviction involving a severe form of human trafficking an offense that leads to a lifetime disqualification of commercial driving privileges without the possibility of reinstatement. Prior to this rule change, a felony conviction involving a severe form of human trafficking did not result in a lifetime disqualification of commercial driving privileges.

During the NDDOT's 2020 Annual Program Review by Federal Motor Carrier Safety Administration (FMCSA), they recommended this requirement be implemented to ensure the State remains in substantial compliance with 49 CFR 383 and 384. A State must come into substantial compliance with this requirement as soon as possible, but no later than September 23, 2022. The penalty for non-compliance is a withholding of Federal-aid highway funds of up to 4% for the first year and up to 8% for subsequent years. Also, FMCSA could disqualify the state from performing CDL transactions.

This concludes my testimony. Thank You.