

HOUSE BILL NO. 1093

Introduced by

Representatives K. Anderson, Beltz, Brandenburg, Hagert, Headland, Nehring, Schreiber-Beck

Senators Clemens, Conley, Lemm, Luick, Thomas

1 A BILL for an Act to amend and reenact section 39-06.2-06 of the North Dakota Century Code,
2 relating to commercial driver's licenses; and to declare an emergency.

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

4 **SECTION 1. AMENDMENT.** Section 39-06.2-06 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **39-06.2-06. Commercial driver's license required.**

- 7 1. Except when driving under a commercial learner's permit and accompanied by the
8 holder of a commercial driver's license valid for the vehicle being driven, an individual
9 may not drive a commercial motor vehicle on the highways of this state unless the
10 individual holds and is in immediate possession of a commercial driver's license with
11 applicable endorsements valid for the vehicle the individual is driving. This subsection
12 does not apply when the vehicle being driven:
- 13 a. ~~When the vehicle being driven is~~ a house car or a vehicle towing a travel trailer
14 being used solely for personal rather than commercial purposes.
 - 15 b. ~~When the vehicle being driven constitutes~~ Constitutes emergency or firefighting
16 equipment necessary to the preservation of life or property.
 - 17 c. ~~When the vehicle is~~ being driven for military purposes, subject to any limitations
18 imposed by title 49 CFR, Code of Federal Regulations, part 383.3(c).
 - 19 d. ~~When the vehicle being driven is~~ a covered farm vehicle as defined in this
20 chapter.
- 21 2. ~~No person~~ An individual may not drive a commercial motor vehicle on the highways of
22 this state while the ~~person's~~ individual's driving privilege is suspended, revoked, or
23 canceled, while subject to a disqualification.

- 1 3. The provisions of this chapter ~~are waived, as do not apply~~ to farm-to-market operations
2 by farmers, but ~~limited~~only with respect to those operators of a farm vehicle that is:
3 a. Controlled and operated by a farmer.
4 b. Used to transport ~~either~~ agricultural products, including trees;; farm machines;; or
5 farm supplies, ~~or both~~, to or from a farm.
6 c. Not used in the operations of a common or contract carrier.
7 d. Used within one hundred fifty miles [241.40 kilometers] of the ~~person's~~individual's
8 farm.
- 9 4. The provisions of this chapter ~~are waived as do not apply~~ to an individual employed by
10 and operating a vehicle at the request of and within a political subdivision, with a
11 population of less than three thousand, during an emergency declared by that political
12 subdivision for the removal of snow and ice. This waiver only applies when the
13 regularly employed driver is unavailable or the employing political subdivision
14 determines ~~that~~ additional assistance is required.
- 15 5. Pursuant to the limitations imposed by title 49 CFR, Code of Federal Regulations, part
16 383.3, the required knowledge and skills tests may be waived and a restricted
17 commercial driver's license issued for a single period of ~~one hundred eightytwo~~
18 hundred ten days or two periods of ~~ninetyone hundred five~~ days within a ~~twelve-month~~
19 period calendar year to employees of agrichemical businesses, custom harvesters,
20 farm retail outlets and suppliers, including retailers and suppliers of trees, and
21 livestock feeders.
- 22 6. Pursuant to the limitations imposed by title 49, Code of Federal Regulations, part
23 383.3, the holder of a class A commercial driver's license is exempt from the
24 hazardous materials endorsement, if the licenseholder is:
25 a. Acting within the scope of the licenseholder's employment, and within the state of
26 domicile, or another state with a hazardous materials enforcement exemption, as
27 an employee of a custom harvester operation, agrichemical business, farm retail
28 outlet and supplier, or livestock feeder; and
29 b. Operating a service vehicle that is transporting diesel in a quantity of one
30 thousand gallons [3785 liters] or less which is clearly marked with "flammable" or
31 "combustible" placard, as appropriate.

1 7. In accordance with title 49, Code of Federal Regulations, part 384, section 230, the
2 department may not issue a commercial driver's license to an individual who obtains a
3 commercial learner's permit unless the individual complies with title 49, Code of
4 Federal Regulations, part 380, subpart F.

5 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.