

1999 HOUSE TRANSPORTATION

HB 1343


1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1343

House Transportation Committee

Conference Committee

Hearing Date January 29, 1999

Tape Number	Side A	Side B	Meter #
2	x		43-50.0
Committee Clerk Signature 			

Minutes:

CHAIRMAN KEISER OPENED THE HEARING ON HB 1343; A BILL RELATING TO AN EXEMPTION FROM MEDICAL REGULATIONS FOR CERTAIN DRIVERS OF COMMERCIAL VEHICLES; AND TO DECLARE AN EMERGENCY.

REPRESENTATIVE JEFF DELZER, District 8, introduced HB 1343. (See written testimony).

DOYLE SCHULZ, Director, ND Motor Carriers, testified in support of HB 1343. He stood to

clarify the bill. When it came out, it was federal docket HM200 released by the Federal

Government giving them jurisdiction of intrastate transportation of hazardous material. There

was a misunderstanding as to if it applied to commercial licenses. When this bill came out, I

received a memo about it and I was informed that if this legislation would pass, that the state

would lose our motor carrier safety systems program and possibly lose some of our federal

highways too. We were operating under this and then they said no it did not apply. To make a long story short, this bill will not affect our federal highways.

REP. KEISER asked what this bill does.

DOYLE said that anyone who hauls anything required to be hazardous material, there are certain classes deciding how everything needs to be packed and shipped. There were exemptions for farmers and non specific tanks that don't need federal specification which are usually small delivery bulk tanks. They would have needed to come off the road immediately if we hadn't had an administrative rule saying that they could continue until July 1st, 2000 to give them time to make the transition. In order to haul this, you have to pass a specific drivers test. Under the way the law was initially written, we were not granting an exemption. If people could not meet the standards for hazardous material, they were being told when they received their license this. By taking this out of the section, these people that had these license prior to 1991 can continue to drive. Nobody wants to see anyone lose their job. Part of the law says that they have to get an exam if their condition worsens, then they could lose their position. As they were right now, they went and saw a physician, re-certified them, and they got right back up and running - hauling hazardous material. As it stands now - they will have to have that checkup.

CHAIRMAN KEISER CLOSED THE HEARING ON HB 1343.

COMMITTEE ACTION

REP. KEMPENICH moved a DO PASS on HB 1343. REP. MEYER seconded the motion. The motion carried.

REP. KEMPENICH noted that it is a very narrow and focused bill that is relative to intrastate.

ROLL CALL - 12 YEA, 0 NAE, 3 ABSENT AND NOT VOTING

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House Transportation Committee
Bill/Resolution Number Hb 1343
Hearing Date January 28, 1999

FLOOR ASSIGNMENT - REP. KEMPENICH.

Date: 1/28
Roll Call Vote #:

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1343

House Transportation Committee

- Subcommittee on _____
- or
- Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep Kempenich Seconded By Rep Meyer

Representatives	Yes	No	Representatives	Yes	No
Representative Keiser, Chair	✓		Representative Thorpe	✓	
Representative Mickelson, V. Ch.	✓				
Representative Belter	✓				
Representative Jensen	✓				
Representative Kelsch					
Representative Kempenich	✓				
Representative Price	✓				
Representative Sveen	✓				
Representative Weisz					
Representative Grumbo	✓				
Representative Lemieux	✓				
Representative Mahoney					
Representative Meyer	✓				
Representative Schmidt	✓				

Total (Yes) 12 No 0

Absent 3

Floor Assignment Kempenich

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 28, 1999 3:24 p.m.

Module No: HR-18-1400
Carrier: Kempenich
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1343: Transportation Committee (Rep. Keiser, Chairman) recommends DO PASS
(12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1343 was placed on the
Eleventh order on the calendar.

1999 SENATE EDUCATION

HB 1343

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1343

Senate Education Committee

Conference Committee

Hearing Date February 25, 1999

Tape Number	Side A	Side B	Meter #
1	x		1-1979
Committee Clerk Signature <i>Devi D. Schaeffbauer</i>			

Minutes:

SENATOR B. STENEHJEM opened the hearing on HB 1343. Committee members present included: Sens. Bob Stenehjem, R. Schobinger, D. Mutch, D. Cook, D. O'Connell, V. Thompson, and D. Bercier.

REPRESENTATIVE DELZER, DISTRICT 8 testified in support of HB 1343. This bill would address a commercial driver's license. In 1991, we adopted the federal regulations and put in the code of this chapter that would have medical qualification waivers for instate drivers. It currently does not allow Haz Mat materials. This would allow them to get a Haz Mat. If you have over 1,000 lbs you need a Haz Mat.

DOYLE SCHULTZ, DIRECTOR OF HIGHWAY PATROL testified in support of HB 1343. This will have no impact on our federal highway. This is a legitimate exemption allowed by the federal highway department and it has no impact on any funding. They still have to meet the

requirements and the problem that they had had to have been before March 26, 1991. Every two years they have a physical and if the problem gets worse they would not be able to have the CDL to drive intrastate. It's not just giving a broad exemption for someone to haul hazardous material in North Dakota.

SENATOR MUTCH You are deleting subsection 3. Are you exempting those people?

DOYLE SCHULTZ This would only apply to those who could not get a CDL prior to March 26, 1991. Anyone after would have to meet requirements. The ones driving now would be allowed to continue to operate.

SENATOR BERCIER This is a grandfathering clause.

DOYLE SCHULTZ Initially. The state said that anyone that had a reason such as vision prior to March 26, 1991 were grandfathered in and allowed to drive via North Dakota except for hazardous material. This would allow anybody to haul hazardous material or freight within North Dakota who was unable to meet the federal standards of 391 prior to March 26, 1991.

SENATOR BERCIER What parts of the regulation didn't they meet?

DOYLE SCHULTZ It may have been a vision test or missing limb. This would allow them to continue to drive as long as it is strictly within the state of North Dakota.

SENATOR BERCIER What is prompting us for the emergency? How many are affected?

DOYLE SCHULTZ Someone must have been going to lose their privileges to operate and they must have contacted Representative Delzer to have this put in. It impacts 359 people.

REPRESENTATIVE KEMPENICH, DISTRICT 39 testified in support of HB 1343. Everyone has someone in their district that is affected by this. The majority of cases is usually vision. We adopted this in 1991 and it eliminated some of their jobs. They still have to have a hazardous

endorsement on their license. It isn't getting rid of any endorsements; it is waiving the medical requirement on that and it is up to the Highway Patrol to waive that.

REPRESENTATIVE DELZER The federal government changed their CDL and told all the states they had to adopt rules and regulations if they wanted to continue receiving funds on April 1, 1991. These waivers were put in.

SYNDI WORREL, CHIEF EXAMINER FOR DRIVER'S LICENSE DIVISION testified in support of HB 1343. We feel there is no safety concern in this. Drivers that had a commercial license prior to March 26, 1991 and had a vision or medical condition prior to that date could continue to keep driving as long as they stayed within the state of North Dakota. At that time, they couldn't haul the Haz Mat and now we are catching it and taking it away from them. They had been doing it and doing it safely. Why can't they continue to do it? By removing this paragraph, it will allow these drivers to continue doing what they had been doing for many years. They still have to test for the Haz Mat.

SENATOR BERCIER These 359 people that are impacted primarily it is vision?

SYNDI WORREL Yes.

SENATOR B. STENEHJEM Do they have to have at least 20/40 with both eyes together?

SYNDI WORREL They have to have at least a 20/40 both eyes together before 1991.

LEROY ERNST, ND MOTOR CARRIER'S ASSOCIATION testified in support of HB 1343. I brought a young gentleman that this directly affects. Derek Deslauriers is out of Sherwood and his father is a member of our association. He had a license since 1980 and have driven a million plus miles without an accident and as a result of what has happened with the state adopting the federal rules, he was no longer able to operate and haul Haz Mat.

SENATOR B. STENEHJEM He would still be restricted in ND with this bill but this would help him get a Haz Mat.

SENATOR BERCIER If it doesn't impact federal funds, why would it make the difference whether it was interstate or intrastate?

LEROY ERNST That's the way the federal standards were set. Each state has some leeway in order to grant exemptions.

SENATOR B. STENEHJEM The federal government allows them to be more lenient within the state but if you go interstate then they've got the stricter standards but you can be more lenient for your own resident state.

SENATOR BERCIER There is no reciprocity if standards are the same in Minnesota and North Dakota?

LEROY ERNST No, we're looking at a need for truck drivers.

DEREK DESLAURIERS testified in support of HB 1343.

SENATOR BERCIER Is yours related to vision?

DEREK DESLAURIERS Yes. I have 20/20 in my right eye and 8/300 in my left.

SENATOR BERCIER How long have you been unemployed?

DEREK DESLAURIERS Six years. (He gave a history of his employment).

SENATOR BERCIER Your license was pulled two years after this went into effect?

DEREK DESLAURIERS That is when they caught up with the Haz Mat of it and then they issued me a intrastate license only.

SENATOR B. STENEHJEM We will close the hearing on HB 1343.

SENATOR O'CONNELL I motion for a Do Pass.

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Senate Education Committee

Bill/Resolution Number Hb 1343

Hearing Date February 25, 1999

SENATOR BERCIER I second it.

A roll call vote was taken (7 Yeas, 0 Nays and 0 Absent and Not Voting).

Senator Bercier will carry HB 1343.

Date: Feb. 25, 1999

Roll Call Vote #: /

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1343

Senate Transportation Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass

Motion Made By Sen. O'Connell Seconded By Sen. Bercier

Senators	Yes	No	Senators	Yes	No
Sen. B. Stenehjem-Chairman	X				
Sen. R. Schobinger-V. Chair	X				
Sen. Duane Mutch	X				
Sen. Dwight Cook	X				
Sen. David O'Connell	X				
Sen. Vern Thompson	X				
Sen. Dennis Bercier	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Bercier

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 25, 1999 12:55 p.m.

Module No: SR-34-3551
Carrier: Bercier
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1343: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1343 was placed on the Fourteenth order on the calendar.

1999 TESTIMONY

HB 1343

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Mr Chairman and member of the transportation committee. For the record my name is Jeff Delzer, state Representative from district 8, which is part of Mclean and part of Burliegh counties. It is a pleasure to appear before you today introducing and supporting house bill 1343.

This bill was introduced to bring forward the question of weather or not an individual who has some sight problems, but has been grandfathered into our intrastate commercial license system should be able to get a hazmat endorsement. The situation which brought it to my attention is that an individual who was originally grandfathered in during the federal change in 1991, and had been recertified once was refused this last summer when he reapplied. When we did some checking we found out that our current law indeed does not allow for this, however the research which was done for me pointed out that the surrounding states allow for this. I believe the department of transportation will be testifying also and will better be able to make you understand all the details and history of this.

What 1343 does is remove the language in 39-08-21 which prohibits a hazmat endorsement for these medical wavered individuals. The person that brought this to my attention was driving a bulk gas delivery truck in Mclean co. The law states that any gasoline in excess of 1000 gallons requires a hazmat endorsement.

Mr Chairman, I will gladly try to answer any questions you may have.