

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1189

2007 HOUSE TRANSPORTATION

HB 1189

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1189

House Transportation Committee

☐ Check here for Conference Committee

Hearing Date: 01-19-2007

Recorder Job Number: 1439

Committee Clerk Signature

*Brian M Thomas*

Minutes:

**Chairman Weisz opened the hearing on HB 1189. All Representatives were present.**

**HB 1189 relates to commercial driver's license waivers.**

**Rep. Carlisle** introduced the bill.

**Rep. Carlisle:** This is a constituent bill. What we are looking at, I have a CDL, and my understanding of this desire is for example, if you take a loaded product to Minot, eighty thousand pounds and Rep. Thorpe takes the load back and doesn't have a CDL, I'm running on the road under .04 alcohol because of my CDL and he runs under .08. My constituent would like to see under CDL rules all of these semis, the alcohol rules should apply. I am trying to put the law in there and obviously I'm not an attorney and my understanding is that the intent is .04 for all running on the road.

**Chairman Weisz:** Just to clear your intent, is that only when they are running the semi they are under the .04?

**Rep. Carlisle:** Yes.

**Basilus Blotsky**, spoke in support of the bill on his own behalf.

**Blotsky:** I am a retired Army Sergeant Major. I've had a commercial driver's license before it became a CDL. I want to express my dissatisfaction with the commercial driver's license rules.

It states that farmers exempt from CDL requirement and operating a vehicle within one hundred and fifty miles from your farm. I have no problem with that. Like Rep. Carlisle said, a farmer can operate a truck or commercial vehicle with .08 of alcohol in their system and a commercial licensed driver can only have .04. If that eighty thousand pound rig going down the highway, if .04 is too much for me to be driving it down the highway, .08 is twice as much. I think everybody should be governed by the same rules when it comes to alcohol and drugs. I would just like to see the rules changed so that the alcohol and drug rules apply equally to anybody that drives a vehicle or equipment that requires a CDL.

**Chairman Weisz:** I'm still trying to get my arms around how we would make this work. As far as not having a CDL, it's private. Class B license, you don't fall under the CDL's .04. It is your intent that again, only when you are driving that commercial vehicle that they should fall under .04?

**Blotsky:** Yes sir. Any equipment that requires a CDL.

**There were no further questions from the committee. There was no further support for the bill. There was no opposition to the bill.**

**The hearing was closed. No action was taken at this time.**

Date: 2-1-07  
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB-1189

House Transportation Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do NOT Pass

Motion Made By Kelsch Seconded By Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz	✓		Rep. Delmore	✓	
Vice Chairman Ruby	✓		Rep. Gruchalla	✓	
Rep. Dosch	✓		Rep. Myxter	✓	
Rep. Kelsch	✓		Rep. Schmidt	✓	
Rep. Owens	✓		Rep. Thorpe	✓	
Rep. Price	A				
Rep. Sukut	✓				
Rep. Vigesaa	✓				

Total Yes 12 No 0

Absent 1

Floor Assignment Schmidt

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

**REPORT OF STANDING COMMITTEE (410)**  
February 1, 2007 1:30 p.m.

**Module No: HR-22-1822**  
**Carrier: Schmidt**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1189: Transportation Committee (Rep. Welsz, Chairman) recommends DO NOT PASS**  
(12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1189 was placed on the  
Eleventh order on the calendar.

2007 TESTIMONY

HB 1189

Submitted on HB1189 by Rep Wisz

Practical Implementation of HB 1189 – CDL Farm Waiver for .04 BAC

After much thought and discussion, the only practical implementation of HB 1189 would be:

Create a second status for the driver that would suspend their commercial driving privileges according to state statute. (1 year for 1<sup>st</sup> offense, lifetime for 2<sup>nd</sup> offense)

Issue a duplicate Class D driver license with a restriction not allowing the driver to operate a vehicle under the class D farm exemption, for above listed time frames.

An Order of Cancellation would be required to be developed to make sure the driver comes in and gets the duplicate.

An Order of Suspension for the suspension of their CDL privileges would also be required to be sent to the driver.

There would be additional programming involved. Estimated cost \$10,000.

Class D definition





# North Dakota Legislative Council

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January 2, 2007

Honorable Ron Carlisle  
State Representative  
House Chamber  
Bismarck, ND 58505


Dear Representative Carlisle:

This letter is in response to your request for a description of a bill drafted for you relating to commercial driver's license waivers.

The bill draft provides that the offenses that disqualify an individual from driving a commercial vehicle are not waived for farm-to-market operations by farmers under the provision generally waiving the commercial driver's license provisions as they apply to farm vehicles. These disqualifications are contained in North Dakota Century Code Section 39-06.2-10 and are for the offenses of driving under the influence of alcohol or drugs, refusing to submit to an alcohol test, leaving the scene of an accident, using the vehicle for the commission of a felony or drug crime, and for railroad-highway grade crossing violations. Section 39-06.2-10.1 applies the .04 percent by weight standard to driving under the influence under this waiver. In addition, driving under the influence, leaving the scene of an accident, or committing a felony or drug crime with a noncommercial motor vehicle will affect driving under this waiver. The individual's regular driver's license will be affected to the extent it would be affected if driving a noncommercial vehicle.

Please contact this office with any questions.

Sincerely,

  
Timothy J. Dawson  
Counsel

TJD/JFB