

2019 HOUSE TRANSPORTATION COMMITTEE

HB 1098

2019 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

HB 1098
1/11/2019
#30688

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk: Jeanette Cook

Explanation or reason for introduction of bill/resolution:

A bill relating to commercial driver's licenses.

Minutes:

Attachment 1

Chairman Ruby opened the hearing on HB 1098.

Glenn Jackson, Director of the Driver's License Division for the North Dakota Department of Transportation, introduced HB 1098 and provided written testimony. See attachment #1. (1:17)

Chairman Ruby: Don't we have it in law already that a test has to be taken?

Glenn Jackson: You will still have to take the rules of the road test, the actual knowledge test, to get a permit. Once you get the permit after Feb. 7, 2020, you will have to have driver's education of some sort to be licensed.

Chairman Ruby: Is that grandfathered for people who already have their license?

Glenn Jackson: Yes.

Chairman Ruby: In the future will they have to take courses. Is it an online course, or is it at Department of Transportation?

Glenn Jackson: The FMCSA is creating a process in which various organizations and schools can participate in a registry and be certified by FMCSA to deliver driver training. It is everything from a full driving school, up to 3-4 weeks in length, down to possibly an hour refresher on different topics. It depends on what an individual need to do to complete their certification and come to us to be licensed.

Representative Jones: Who will set the parameters for this driving course?

Glenn Jackson: The FMCSA, they have published a list of requirements and lists of training that a school or instructor has to complete. The curriculum is set by FMCSA. It doesn't

involve us, but we have to certify the schools. There are a lot of uncertainties now. They are also going to establish an online registry for people to use. It is not done yet. Our concern is that if we don't do this now, we will not be compliant by the 2020 date.

Representative Westlind: Do you think this will be a burden for small schools to get bus drivers, or will they be under this?

Glenn Jackson: Anyone with a commercial license will be under this. They will have to complete some form of formal education before they get a school bus endorsement.

Chairman Ruby: Is this because they don't have enough confidence in the current test to show the knowledge?

Glenn Jackson: I asked for imperial data that shows that the current process is not working. They don't have that data. They **have** estimated that if they do this, there is a savings of lives because of this training. We have to comply with it or face being noncompliant with their rules.

Vice Chairman Rick C. Becker: I don't hear you talk about the advantages of doing this. What are the consequences if we do not comply?

Glenn Jackson: We can lose access to federal highway dollars. We can have our commercial driver program decertified. If that happens, then we would not be able to have any North Dakota certified commercial drivers. That would be significant. There are positives in making sure that people get trained. I haven't seen anything wrong with what we are doing now, but there is nothing we can do at our level to stop this.

Representative Paur: What are the requirements currently under our state laws?

Glenn Jackson: Today you have to go through the normal commercial program: take the written test to get a permit, you have to spend time driving the vehicles, and you have to take endorsement tests for passenger or school buses. We have to do a road test with you.

Representative Paur: When we implement the new rules, will you be able to drop some of what we do now?

Glenn Jackson: No, we will still have to everything we are doing to test to issue the credential. This is adding another step in the middle in which people will need to take formal education in the middle to get certified by someone that the FMCSA has certified.

Representative Nelson: Are the instructors going to have to take more training to teach this?

Glenn Jackson: There are several pages of documents of what the curriculum has to include, how providers get on the registry, how they are removed, and who can be a certified instructor.

Representative Owens: Is there a time limit on this instruction? If I had training twenty-two years ago, that is still training.

Glen Jackson: You would have to ask the FMCSA if you want to be certified as an instructor.

Vice Chairman Rick C. Becker: What is the total that we get in Federal Funds?

Glenn Jackson: I have no idea. I don't deal with highway dollars.

Chairman Ruby: Does part F in the bill deal specifically with the school?

Glenn Jackson: Yes.

Chairman Ruby: Will the reference to the Federal Regulations in the bill, mean that we will comply with their regulations?

Glenn Jackson: Yes. We have to ask the legislature to change our code whenever there is a federal change so we comply.

Chairman Ruby: Is there any place that gives states the option of either/or?

Glenn Jackson: No.

Representative Kading: The federal government can withhold 5% if we don't comply with something like this. Would they really do this?

Glenn Jackson: The first thing they would do is send a letter to the governor to say that we are out of compliance and give a date to comply with a penalty. My expectation would be that if we don't comply, they will take steps.

Chairman Ruby: This will make it very hard to find drivers if they have to take three weeks of sit down training. It will really push the autonomous trucks. It is already hard to get a test scheduled with Department of Transportation. How will someone get an appointment to take the test?

Glenn Jackson: There are a couple of things that we are already doing now. Williston State College and Dickinson have schools. We are working with the Harlow Bus Company and a company out east and allowing them to test. They are doing third party testing, and it will qualify. This will expedite their ability to test. That will make less coming to Department of Transportation to test; which should speed up the testing done by Department of Transportation. (17:25)

Chairman Ruby: 2020 is when the date for testing starts.

Representative Jones: Is there anything we can do to resist this requirement? Or get them to work with us to help us? This will be devastating for us in oil country. Somehow the Federal Government is out of touch with industry.

Glenn Jackson: That is going into the political realm. I don't operate in the political realm. It will need to be discussed in Washington. Congress passed these requirements, and we have to follow.

Vice Chairman Rick C. Becker: If we met every year, it would be good to wait a year. At the moment they still have a lot to decide. They may completely change things in a year. Do you think that taking this up in two years will have actual consequences?

Glenn Jackson: I can just tell you that the current rule says that we have to comply by Feb. 7, 2020. I have to recommend that we comply with this.

Representative Jones: Will the Department of Transportation not be able to issue any more commercial driver's licenses after Feb. 7, 2020?

Glenn Jackson: No.

Elroy Burkle, Executive Director of North Dakota Small Organized Schools, spoke in support of HB 1098.

This will have a major impact on all schools. We do not have clear direction about this. We use North Dakota Safety Council for training right now. We can use online or at the site. There are two requirements to this bill. One is the classroom component, of which the hours are not defined. Then there are curriculum and behind-the-wheel components. I am unaware of any behind-the-wheel bus driving schools in North Dakota.

I asked the Federal to give us names of schools, so I could start sharing with Superintendents so they can contact them. I did not get a response.

What are we doing now? Mr. Dave Stephan, Train North Dakota, Lake Region State College, has been doing research to see if Train North Dakota could assist us in providing behind-the-wheel training and classroom training. He said, "Do the added requirements to become newly licensed. That is critical." The planning for that will have to be WAY before Feb. 7th to get everything done. He also stated, "To become newly licensed, the current availability for a school bus driver will probably decline. It is likely that bus driver compensation will need to increase."

We already have a shortage in bus drivers. *This is an unfunded mandate with increased expenses.*

Discussion on vendors that probably will get their instructors and qualify their drivers.

If I am the Superintendent at Cando, North Dakota and hear that Harlow's or Hartley's has this service, are they required to provide that to me when I am looking for a driver? No, they are not. So, they vendors are likely to fulfill these requirements for themselves. The smaller schools will not. They may mix Suburban's into their fleet or have a fleet of pure Suburban's. I have told Superintendents to start recruiting now. Other possibilities may be to pay for family transportation or drop the transportation. That will cause many problems. We have to support the bill because we have to put safety first, even if I don't like it. It will be a challenge.

Chairman Ruby: The hearing on HB 1098 was closed.

There was no further testimony in support of HB 1098.
There was no testimony in opposition to HB 1098.

Representative Owens moved a DO PASS on HB 1098.
Representative Westlind seconded the motion.

Chairman Ruby called for further discussion.

Representative Kading: I am going to resist the DO PASS motion. I think the Federal government was lobbied by the trucking education companies who got this to happen. We have a lack of CDL drivers now, and I believe that this will compound the problem more. We don't have to jump every time the federal government tells us to. I don't believe that we will lose federal highway dollars. I would prefer to kill this bill.

Vice Chairman Rick C. Becker: I'm not trying to change minds; I think this will pass. I will vote no. I am hoping to convince people that it is not ludicrous to consider that we do not have to jump every time the federal government tells us to. The states are really losing their identity. It is important to try to keep our state sovereignty when we can. The amount of money we could lose from the federal government is far less than what we are being asked to spend on the Theodore Roosevelt Library. We don't need that money. Would this one thing be worth it? Maybe not, but this and other added regulations become very onerous. IF the consequences become burdensome then we can change it.

Representative Nelson: After the February date we will not be able to issue a commercial driver's license. That is important that we are able to do that. I will have to support the bill because of this.

Representative Westlind: I concur with Representative Nelson. We have to do this. It is already hard to find commercial drivers. I am going to vote yes.

Representative Paur: Can we just license school bus drivers for in state? But then the over-the-road drivers could not get a valid license.

Chairman Ruby: That is my concern as well. We do not know the ramifications for the out-of-state drivers. I wouldn't mind resisting this either, but without knowing the results of that situation, I will have to vote yes. The certification worries me.

Representative Hanson: My concern would be that on Feb. 8th all parents would have to drive their children to school.

Chairman Ruby: There will still be drivers grandfathered in, so it won't be severe at that point. It will be a gradual decline in drivers.

Representative Owens: The federal government still has to come up with a lot of the details on how this is going to be done. We could resist, but I think it is important for our drivers in North Dakota to be able to obtain commercial licenses. I will vote for the bill.

Representative Nelson: This seems to be one of the things that will have implementation delayed. Does the language in this bill handle the situation if the federal delays implementation?

Glenn Jackson: It will, because what we are doing is complying with that rule. If they push the rule back for compliance, then we comply with the pushback. It will allow that.

Representative Paur: Isn't it odd that the Motor Carriers aren't here? This is going to affect them.

Chairman Ruby: They probably believe that we just have to comply with this.

**A roll call vote was taken on HB 1098: 8-4-2
The motion carried.**

Representative Owens will carry HB 1098.

1-11-19

Date:
Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1098**

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
 Other Actions: ☐ Reconsider ☐ _____

Motion Made By Owens Seconded By Westlind

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN RUBY	X		REP LAURIEBETH HAGER	X	
VICE CHAIR BECKER		X	REP KARLA ROSE HANSON	X	
REP JIM GRUENEICH	X		REP MARVIN NELSON	X	
REP TERRY JONES		X			
REP TOM KADING		X			
REP EMILY O'BRIEN	A				
REP MARK OWENS	X				
REP BOB PAULSON		X			
REP GARY PAUR	X				
REP ROBIN WEISZ	A				
REP GREG WESTLIND	X				

Total (Yes) 8 No 4

Absent 2

Floor Assignment Owens

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

REPORT OF STANDING COMMITTEE

HB 1098: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO PASS** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1098 was placed on the Eleventh order on the calendar.

2019 SENATE TRANSPORTATION COMMITTEE

HB 1098

2019 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Lewis and Clark Room, State Capitol

HB 1098
2/7/2019
32349

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk: Liz Stenehjem

Explanation or reason for introduction of bill/resolution:

A bill relating to commercial driver's licenses.

Minutes:

2 Attachment

Chairman Rust: Opened hearing on HB 1098.

Dr. Glenn Jackson, Director, Driver's License Division, North Dakota Department of Transportation: See **Attachment #1** for testimony. See **Attachment #2** for proposed amendment.

Chairman Rust: There really is no choice in this, is there?

Dr. Jackson: There's always a choice, however the commercial driver program is a federal program and these are changes they are making at the federal level so we really have no choice but to comply with it. I hate to always use the disclaimer, but failure to comply with these changes can equate to a loss of federal highway dollars and ultimately the loss of the certification of our commercial driver program. So we really have no choice but to comply with their requirements.

Chairman Rust: There really is no good reason not to.

Dr. Jackson: There is not.

Chairman Rust: For the most part these are designed for safety and better operation of these vehicles.

Dr. Jackson: That's correct. This will make sure that before someone gets a school bus endorsement or any other type of commercial endorsement or license they've had actual recognized training and we know that they have because they've been certified through their training program. So it does help to improve the knowledge and should improve the safety on the roads.

Chairman Rust: Closed Hearing on HB 1098

Senator Patten: I move a **DO PASS** on the **AMENDMENT**.

Senator Bakke: I **SECOND** the motion.

Roll Call Vote Taken: Amendment Passes 6-0-0

Senator Bakke: I move a **Do Pass**.

Senator Clemens: I **second** the motion.

Roll Call Vote Taken: DO PASS motion Passes 6-0-0

Carrier: Senator Fors

Chairman Rust: Adjourned committee.

February 7, 2019

SK
1861

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1098

Page 1, line 2, after "licenses" insert "; and to amend and reenact subdivision b of subsection 6 of section 39-06.2-07 of the North Dakota Century Code, relating to commercial learner's permits"

Page 1, after line 9, insert:

"SECTION 2. AMENDMENT. Subdivision b of subsection 6 of section 39-06.2-07 of the North Dakota Century Code is amended and reenacted as follows:

- b. The commercial learner's permit may not be issued for a period to exceed one hundred eighty days. ~~The commercial learner's permit may be renewed for an additional one hundred eighty days without requiring the individual to retake the knowledge test year.~~ After this initial period, the director may issue a letter of authority that authorizes the applicant to drive to a driver's license office, complete the road test, and return home, or the individual may retake the knowledge test and be issued another commercial learner's permit valid for one hundred eighty days ~~year~~. The holder of a permit, unless otherwise disqualified, may drive a commercial motor vehicle only when accompanied by the holder of a commercial driver's license valid for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle. A holder of a permit is not eligible for a license until that individual has had the permit issued for at least fourteen days."

Renumber accordingly

**2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO: HB 1098**

Senate Transportation Committee

☐ Subcommittee

Amendment LC# or Description: Change 180 days to 1 year

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Senator Patten Seconded By Senator Bakke

Senators	Yes	No	Senators	Yes	No
Senator Rust - Chairman	X		Senator Bakke	X	
Senator Clemens - Vice Chairman	X				
Senator Dwyer	X				
Senator Fors	X				
Senator Patten	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

**2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO:**

Senate Transportation Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Senator Bakke Seconded By Senator Clemens

Senators	Yes	No	Senators	Yes	No
Senator Rust - Chairman	X		Senator Bakke	X	
Senator Clemens - Vice Chairman	X				
Senator Dwyer	X				
Senator Fors	X				
Senator Patten	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Fors

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

REPORT OF STANDING COMMITTEE

HB 1098: Transportation Committee (Sen. Rust, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1098 was placed on the Sixth order on the calendar.

Page 1, line 2, after "licenses" insert "; and to amend and reenact subdivision b of subsection 6 of section 39-06.2-07 of the North Dakota Century Code, relating to commercial learner's permits"

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Renumber accordingly

2019 TESTIMONY

HB 1098

HOUSE TRANSPORTATION COMMITTEE
January 11, 2019; 9:00 AM; Ft Totten Room

North Dakota Department of Transportation
Dr. Glenn Jackson, Director, Driver's License Division
HB1098

HB1098
1-11-19
#1

Mr. Chairman and members of the Committee, good morning, my name is Glenn Jackson, Director of the Driver's License Division for the North Dakota Department of Transportation (DOT).

HB1098 brings North Dakota commercial licensing program into alignment with the Federal Motor Carrier Safety Administration commercial licensing rules regarding required training before licensing. These changes include the requirement for completion of driver training prior to issuance of a commercial license. These changes must be implemented no later than February 7, 2020.

Mr. Chairman, that concludes my testimony, I would be happy to answer any questions you may have.

SENATE TRANSPORTATION COMMITTEE
February 7, 2019; 9:30 AM; Lewis & Clark Room

North Dakota Department of Transportation
Dr. Glenn Jackson, Director, Driver's License Division
HB1098

Mr. Chairman and members of the Committee, good morning, my name is Glenn Jackson, Director of the Driver's License Division for the North Dakota Department of Transportation (DOT).

HB1098 brings North Dakota commercial licensing program into alignment with the Federal Motor Carrier Safety Administration (FMCSA) commercial licensing rules regarding required training before licensing. These changes include the requirement for completion of driver training prior to issuance of a commercial license. These changes must be implemented no later than February 7, 2020.

A rule change in the Federal Motor Carrier Safety Regulations, 49 CFR Part 384.230, and effective February 7, 2020 requires entry-level driver training for certain individuals prior to obtaining their commercial driver's license.

Individuals applying for a Class A or B Commercial Driver's License (CDL) for the first time or adding the passenger and/or school bus endorsements for the first time or knowledge testing for the hazardous materials endorsement for the first time must complete training provided by an entity listed on FMCSA's Training Provider Registry.

FMCSA will submit training certification information to State Driver Licensing Agencies. States may only administer CDL skills tests to applicants for the Class A and B CDL, and/or the passenger or school endorsements, or knowledge test for the H endorsement, after verifying the certification information is present in the driver's record.

Mr. Chairman, that concludes my testimony, I would be happy to answer any questions you may have.

39-06.2-07. Commercial driver's license qualification standards.

6. b. The commercial learner's permit may not be issued for a period to exceed one ~~hundred~~ eighty days~~year~~. ~~The commercial learner's permit may be renewed for an additional one hundred eighty days without requiring the individual to retake the knowledge test.~~ After this initial period, the director may issue a letter of authority that authorizes the applicant to drive to a driver's license office, complete the road test, and return home, or the individual may retake the knowledge test and be issued another commercial learner's permit valid for one ~~hundred eighty~~ days~~year~~. The holder of a permit, unless otherwise disqualified, may drive a commercial motor vehicle only when accompanied by the holder of a commercial driver's license valid for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle. A holder of a permit is not eligible for a license until that individual has had the permit issued for at least fourteen days.

February 7, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1098

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Renumber accordingly