ARTICLE 38-04
MOTOR CARRIER SAFETY REGULATIONS

Chapter
38-04-01 Motor Carrier Safety Regulations - General

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Section
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38-04-01-01. Regulatory intent.

1. The motor carrier safety regulations adopted in this chapter are designed to improve the safety and welfare of the general public by providing a framework of safe operating practices for motor carriers.

2. These regulations are adopted without substantial modification so as to provide for the greatest flexibility and uniformity in both interstate and intrastate commerce.

3. These regulations are binding upon all motor carriers and their employees while operating within or through the state of North Dakota and shall be enforced by the North Dakota highway patrol.

History: Effective October 1, 1983.
General Authority: NDCC 28-32-02
Law Implemented: NDCC 39-21-46

38-04-01-02. Adoption of regulations.

The following parts of title 49, Code of Federal Regulations, including amendments are adopted by reference:

1. Part 382 - Controlled Substances and Alcohol Use and Testing.

2. Part 385 - Subpart A - General.

3. Part 385 - Subpart B - Safety Monitoring System for Mexico-Domiciled Carriers.

4. Part 385 - Subpart C - Certification of Safety Auditors, Safety Investigators, and Safety Inspectors.

5. Part 385 - Subpart D - New Entrant Safety Assurance Program.

6. Part 385 - Subpart E - Hazardous Materials Safety Permits.

7. Part 386 - Subpart F - Injunctions and Imminent Hazards.

8. Part 386 - Subpart G - Penalities.

9. Part 387 - Minimum Levels of Financial Responsibility for Motor Carriers.

10. Part 390 - Federal Motor Carrier Safety Regulations: General.

11. Part 391 - Qualifications of Drivers.

12. Part 392 - Driving of Motor Vehicles.

13. Part 393 - Parts and Accessories Necessary for Safe Operation.

14. Part 395 - Hours of Service of Drivers.

15. Part 396 - Inspection, Repair and Maintenance.

16. Part 397 - Transportation of Hazardous Materials; Driving.

Intrastate commercial motor vehicles with a gross vehicle weight, gross vehicle weight rating, gross combination weight, and gross combination weight rating of twenty-six thousand pounds [11793.52 kilograms] or less are exempt from all federal motor carrier safety regulations unless the vehicle is used to transport hazardous materials requiring a placard, the vehicle is designed to transport more than eight passengers, including the driver, for compensation, or unless the vehicle is designed to transport more than fifteen people, including the driver not for compensation.

History: Effective October 1, 1983; amended effective February 1, 1999; February 1, 2000; April 1, 2008; July 1, 2013; January 1, 2022.
General Authority: NDCC 28-32-02, 39-32-02
Law Implemented: NDCC 39-21-46

38-04-01-03. Amendments.

These regulations include such amendments as may be promulgated by the United States department of transportation.

History: Effective October 1, 1983.
General Authority: NDCC 28-32-02
Law Implemented: NDCC 39-21-46