



# North Dakota Department of Transportation

Francis G. Ziegler, P.E.  
*Director*

John Hoeven  
*Governor*

September 15, 2008

SEP 17 2008

Mr. John Walstad  
Code Revisor  
North Dakota Legislative Council  
600 East Boulevard Avenue, Second Floor  
Bismarck, ND 58505-0360

Dear Mr. Walstad:

The Notice of Intent to Adopt and Amend Administrative Rules and a copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1). These changes are pursuant to federal regulations 49 CFR 383.51, 49 CFR 383.53, 49 CFR 383.141, and 49 CFR 1572.13.

Sincerely,

A handwritten signature in blue ink, appearing to read "Francis G. Ziegler".

Francis G. Ziegler, P.E.  
Director

01/sw/jam  
Enclosures

NOTICE OF INTENT TO  
ADOPT AND AMEND ADMINISTRATIVE RULES

TAKE NOTICE that the North Dakota Department of Transportation (NDDOT) will hold a public hearing to address proposed amendment to N.D. Admin. Code Chapter 37-10-01, Out-Of-Service Order Violations, and proposed new N.D. Admin. Code Chapter 37-10-03, Hazardous Material Endorsement, at 10 a.m. on Tuesday, December 30, 2008, in Room 330 of the Transportation Building, 608 East Boulevard Avenue, Bismarck, North Dakota. The hearing will begin at 10 a.m. and will continue until 11:30 a.m. or until no further testimony is offered, whichever occurs first.

The proposed amendments to Chapter 37-10-01, Out-Of-Service Order Violations, are to amend section 37-10-01-02 to increase the penalty for violating out of service orders for commercial drivers; amend section 37-10-01-05 to add canceled and major offenses under 49 CFR 383.51 (b); amend section 37-10-01-07 to increase the civil penalty for violating out of service orders; and amend section 37-10-01-08 to increase the employer civil penalty for violating out of service orders.

The proposed new Chapter 37-10-03, Hazardous Material Endorsement, is to add a new Section 37-10-03-01. This new section will require Transportation Security Administration approval of hazardous material endorsement issuances for commercial drivers.


The purpose of the proposed amendments to and new N.D. Admin. Code Chapters are to comply with federal law, and comply with federally mandated rules under the Motor Carrier Safety Improvement Act of 1999 and the USA PATRIOT Act.

The proposed amendments and new rules are not expected to have an impact on the regulated community in excess of \$50,000.

The proposed rules may be reviewed at the office of Drivers License and Traffic Safety, Room 230, Transportation Building, 608 East Boulevard Avenue, Bismarck, North Dakota. A copy of the proposed rules and/or regulatory analysis may be requested by writing the above address or calling 701-328-2601. A copy of the proposed amendments and new rules can be obtained on the NDDOT website [www.dot.nd.gov](http://www.dot.nd.gov). Written or oral comments on the proposed rules sent to the above address or telephone number and received by 5 p.m. Tuesday, December 16, 2008, will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the North Dakota Department of Transportation at the above telephone number or address at least 15 days prior to the public hearing.

Dated this 11 day of September 2008.

  
Francis G. Ziegler, P.E.  
Director, NDDOT