



# North Dakota Department of Transportation Drivers License and Traffic Safety Division

Francis G. Ziegler, P.E.  
Director

John Hoeven  
Governor

December 22, 2008

Mr. John Walstad  
Code Revisor  
North Dakota Legislative Council  
State Capitol  
600 East Boulevard Avenue, 2<sup>nd</sup> Floor  
Bismarck, ND 58505-0360

DEC 23 2008

Dear Mr. Walstad:

The North Dakota Department of Transportation has amended the Notice of Intent to Adopt and Amend Administrative Rules dated September 11, 2008, regarding proposed amendments to N.D. Admin. Code Chapter 37-10-01 and new N.D. Admin. Code Chapter 37-10-03. A copy of the Amended 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,

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

09/hs  
Enclosures



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## AMENDED NOTICE OF INTENT TO ADOPT, AND AMEND ADMINISTRATIVE RULES

TAKE NOTICE that the North Dakota Department of Transportation (NDDOT) will hold a second (2<sup>nd</sup>) public hearing to address proposed amendments 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 10:00 a.m. on Tuesday, February 24, 2009, in Room 330, of the Department of Transportation Building, 608 East Boulevard Avenue, Bismarck, North Dakota. The original hearing scheduled for Tuesday, December 30, 2008, will still be held as scheduled at 10:00 a.m. in Room 330 of the North Dakota Department of Transportation Building, 608 East Boulevard Avenue, Bismarck, ND, 58505. Both hearings will begin at 10:00 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 is 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 Driver's License and Traffic Safety, Room 230, Department of 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 5:00 p.m. Friday, March 6, 2009, will be fully considered.

If you plan to attend the public hearing to be held on February 24, 2009, and will need special facilities or assistance relating to a disability, please contact the NDDOT at least 15 days prior to the public hearing.

Dated this 22 day of December, 2008.

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

608 East Boulevard Avenue • Bismarck, North Dakota 58505-0700

Information: (701) 328-2600 • FAX: (701) 328-2435 • TTY: (701) 328-4156 • [www.dot.nd.gov](http://www.dot.nd.gov)

**Please Drive Sober and Always Buckle Up**