



OCT 19 2012

North Dakota Highway Patrol



Colonel James J. Prochniak, Superintendent
State Capitol, 600 E Boulevard Ave. Dept. 504
Bismarck, ND 58505-0240
Telephone: 701-328-2455

Jack Dalrymple
Governor
State of North Dakota

October 19, 2012

Mr. John Walstad
Code Revisor
North Dakota Legislative Council
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360

Dear Mr. Walstad:

The Notice of Intent to Amend and Adopt Administrative Rules and a copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1).

Sincerely,

JAMES J. PROCHNIAK
Colonel, NDHP
Superintendent

jjp/kcg

Enclosures

NOTICE OF INTENT TO AMEND AND ADOPT ADMINISTRATIVE RULES

TAKE NOTICE that the North Dakota Highway Patrol (“NDHP”) will hold a public hearing to address proposed rules and amendments to the North Dakota Administrative Code, Articles 38-04, 38-05, 38-06, and 38-07, at 1:00 p.m. on Monday, November 26, 2012, at the Law Enforcement Training Academy, Classroom 3, 1320 Schafer Street, Bismarck, North Dakota.

The purposes of the proposed rules and amendments are to implement changes in federal motor carrier safety regulations, to address flagging, sign, mirror, and lighting requirements for exempt vehicles and loads and overdimensional vehicles and loads, to address travel permit requirements for overwidth movements, to address ton-mile permit fees and workover service rig fees, address portable scales for law enforcement purposes, and address requirements for commercial driving schools.

The proposed rules and amendments implement exemptions from federal motor carrier safety regulations; add mirror requirements for vehicles and loads exempt from width limitations; amend flagging, sign, and mirror requirements for overdimensional vehicles and loads and add lighting requirements; amend travel permit requirements for overwidth movements; add ton-mile permit fees for spring thaw and highways with load limits and fees for workover service rigs; add certification and recertification of portable scales utilized for law enforcement purposes; add the definitions for a commercial driver’s license, owner of a commercial driving school, and safe mechanical condition; amend surety requirements for commercial driving school owners and operators; amend commercial driver training school vehicle inspection requirements; and change commercial driver training school instructor requirements.

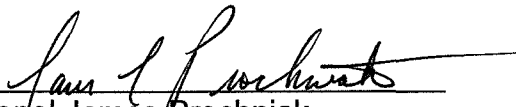
The proposed amendments and adoptions are expected to have an impact on the regulated community in excess of \$50,000.

The proposed rules and amendments may be reviewed at the office of the NDHP, 600 East Boulevard Avenue Dept 504, Bismarck, North Dakota or on their website at www.nd.gov/ndhp. A copy of the NDHP’s proposed rules and/or a regulatory analysis may be

requested by writing the above address or calling 701-328-2455. Written or oral comments on the proposed rules sent to the above address or telephone number and received by 1:00 p.m., Friday, December 7, 2012, 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 NDHP at the above telephone number or address at least one week prior to the public hearing.

Dated this 19th day of October, 2012.



Colonel James Prochniak
Superintendent, NDHP