

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2264

Introduced by

Senators Mutch, Thompson

1 A BILL for an Act to provide for exemptions from hours of service provisions for intrastate
2 commercial drivers; and to declare an emergency.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. Definition of intrastate driver.** As used in this Act, "intrastate driver"
5 means a driver who will be operating a commercial motor vehicle within this state for a
6 seven-consecutive-day period.

7 **SECTION 2. Intrastate exemptions from federal hours of service provisions.**

- 8 1. The following intrastate drivers are not subject to hours of service limitations:
- 9 a. A driver of an authorized emergency vehicle.
- 10 b. A driver who operates a motor vehicle that has a manufacturer's gross vehicle
- 11 weight rating equal to or less than twenty-six thousand pounds [11793.40
- 12 kilograms] and that is not transporting hazardous materials.
- 13 c. A driver of a tow truck operating at the request of a law enforcement officer.
- 14 2. Except for a driver included in subsection 1, a motor carrier may not permit or
- 15 require any intrastate driver to drive and an intrastate driver may not drive:
- 16 a. More than twelve hours following eight consecutive hours off duty.
- 17 b. For any period after having been on duty more than fifteen hours.
- 18 c. After having been on duty for seventy hours in any period of seven
- 19 consecutive days unless operating within an area having a one hundred fifty
- 20 air mile radius from the driver's home post office or a one hundred fifty air mile
- 21 radius from the official worksite of the vehicle if:
- 22 (1) The driver returns to the work reporting location and is released within
- 23 twelve consecutive hours.

- 1 (2) At least eight consecutive hours off duty separate each twelve hours on
2 duty.
- 3 (3) The driver does not exceed twelve hours maximum driving time
4 following eight consecutive hours off duty.
- 5 (4) The person that employs the driver maintains and retains for a period of
6 six months accurate time records showing the time the driver reports
7 for duty each day, the total number of hours the driver is on duty each
8 day, and the time the driver is released from duty each day.
- 9 3. Following twenty-four consecutive hours off, an intrastate driver begins a new
10 seven-consecutive-day period and on-duty time is reset to zero.
- 11 4. Hours of service limitations do not apply to an intrastate driver when transporting
12 property or passengers during a declared emergency. The employer must declare
13 and document that the emergency is necessary to assure the protection of public
14 health and safety or to provide other essential assistance to the public. An
15 employer shall maintain documentation for one year and shall make it available
16 upon request of a law enforcement officer. Under this subsection, an emergency
17 is the result of any natural activities, including a tornado, windstorm, thunderstorm,
18 snowstorm, ice storm, blizzard, drought, mudslide, flood, high water, earthquake,
19 forest fire, explosion, blackout, or other occurrence, natural or manmade, which
20 interrupts delivery of essential services, such as electricity, medical care, sewer,
21 water, telecommunications transmissions, or essential supplies, such as food and
22 fuels, or otherwise threatens human life or public welfare.
- 23 5. a. An intrastate driver, except for a driver salesperson, is released from duty
24 each day, total hours on duty each day, and total time for the preceding seven
25 days recordkeeping requirements if:
26 (1) The driver operates within a one hundred fifty air mile radius of the
27 normal work reporting location, returns to the work reporting location,
28 and is released from work within twelve consecutive hours;
29 (2) The driver has eight consecutive hours off duty separating each twelve
30 hours on duty;

- 1 (3) The driver does not exceed the twelve hours maximum driving time
2 following eight consecutive hours off duty; and
3 (4) The motor carrier maintains accurate and true records of the time the
4 driver reports for duty each day.
- 5 b. An intrastate driver under subdivision a shall comply with the seventy hour
6 per seven day limit and shall keep track of the total time for the preceding
7 seven days.

8 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.