

SENATE BILL NO. 2087

Introduced by

Transportation Committee

(At the request of the Highway Patrol)

1 A BILL for an Act to amend and reenact section 39-32-02 of the North Dakota Century Code,
2 relating to intrastate exemptions from federal hours of service provisions for intrastate drivers.

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

4 **SECTION 1. AMENDMENT.** Section 39-32-02 of the 1999 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **39-32-02. Intrastate exemptions from federal hours of service provisions.**

- 7 1. The following intrastate drivers are not subject to hours of service limitations:
- 8 a. A driver of an authorized emergency vehicle.
- 9 b. A driver who operates a motor vehicle that has a manufacturer's gross vehicle
10 weight rating equal to or less than twenty-six thousand pounds [11793.40
11 kilograms] and that is not transporting hazardous materials.
- 12 c. A driver of a tow truck operating at the request of a law enforcement officer.
- 13 2. Except for a driver included in subsection 1, a motor carrier may not permit or
14 require any intrastate driver to drive and an intrastate driver may not drive:
- 15 a. More than twelve hours following eight consecutive hours off duty.
- 16 b. For any period after having been on duty more than fifteen hours.
- 17 c. After having been on duty for seventy hours in any period of seven
18 consecutive days.
- 19 ~~3. Following twenty four consecutive hours off, an intrastate driver begins a new~~
20 ~~seven consecutive day period and on duty time is reset to zero.~~
- 21 ~~4.~~ Hours of service limitations do not apply to an intrastate driver when transporting
22 property or passengers during a declared emergency. The employer must declare
23 and document that the emergency is necessary to assure the protection of public
24 health and safety or to provide other essential assistance to the public. An

1 employer shall maintain documentation for one year and shall make it available
2 upon request of a law enforcement officer. Under this subsection, an emergency is
3 the result of any natural activities, including a tornado, windstorm, thunderstorm,
4 snowstorm, ice storm, blizzard, drought, mudslide, flood, high water, earthquake,
5 forest fire, explosion, blackout, or other occurrence, natural or manmade, which
6 interrupts delivery of essential services, such as electricity, medical care, sewer,
7 water, telecommunications transmissions, or essential supplies, such as food and
8 fuels, or otherwise threatens human life or public welfare.

9 ~~5.~~ 4. An intrastate driver is exempt from maintaining a record of duty status if:

- 10 a. The driver operates within a one hundred fifty air-mile radius from the driver's
11 normal work reporting location or from the official worksite of the vehicle;
12 b. At least eight consecutive hours off duty separate each twelve hours on duty;
13 c. The driver, except for a driver salesperson, returns to the work reporting
14 location and is released from work within twelve consecutive hours; and
15 d. The motor carrier maintains and retains for a period of six months accurate
16 time records showing the time the driver reports for duty and is released from
17 duty each day.