

SENATE TRANSPORTATION COMMITTEE
January 14, 2021 - 9:00 a.m. - Fort Totten Room

North Dakota Department of Transportation
Brad Schaffer, Director for Driver License

SB 2109

Good morning Mr. Chairman members of the committee. I'm Brad Schaffer, Director of Driver License for the North Dakota Department of Transportation (DOT). I'm here to provide information related to SB 2109.

Senate Bill 2109 provides for the implementation of 49 CFR Parts 383 and 384 Lifetime Disqualification for Human Trafficking. The reason for this change is due to the federal register rule change that was effective September 23, 2019. This final rule revises the list of offenses permanently disqualifying individuals from operating a commercial motor vehicle for which a commercial drivers' license or a commercial learner's permit is required. This final rule reflects a change made by Congress in the "No Human Trafficking on Our Roads Act." This makes a felony conviction involving a severe form of human trafficking an offense that leads to a lifetime disqualification of commercial driving privileges without the possibility of reinstatement. Prior to this rule change, a felony conviction involving a severe form of human trafficking did not result in a lifetime disqualification of commercial driving privileges.

During the NDDOT's 2020 Annual Program Review by FMCSA, they recommended this requirement be implemented to ensure the State remains in substantial compliance with 49 CRF 383 and 384. A State must come into substantial compliance with this requirement as soon as possible, but no later than September 23, 2023. If we do not come into compliance with this rule, the penalty is a withholding of Federal-aid highway funds of up to 4% for the first year and up to 8% for subsequent years. Also, FMCSA could disqualify the state from performing CDL transactions.

This concludes my testimony. Thank You.