

Sixty-ninth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1093**

Introduced by

Representatives K. Anderson, Beltz, Brandenburg, Hagert, Headland, Nehring, Schreiber-Beck

Senators Clemens, Conley, Lemm, Luick, Thomas

1 A BILL for an Act to amend and reenact section 39-06.2-06 of the North Dakota Century Code,  
2 relating to commercial driver's licenses; and to declare an emergency.

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

4 **SECTION 1. AMENDMENT.** Section 39-06.2-06 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **39-06.2-06. Commercial driver's license required.**

7 1. Except when driving under a commercial learner's permit and accompanied by the  
8 holder of a commercial driver's license valid for the vehicle being driven, an individual  
9 may not drive a commercial motor vehicle on the highways of this state unless the  
10 individual holds and is in immediate possession of a commercial driver's license with  
11 applicable endorsements valid for the vehicle the individual is driving. This subsection  
12 does not apply when the vehicle being driven:

- 13 a. ~~When the vehicle being driven is~~ a house car or a vehicle towing a travel trailer  
14 being used solely for personal rather than commercial purposes.  
15 b. ~~When the vehicle being driven constitutes~~ Constitutes emergency or firefighting  
16 equipment necessary to the preservation of life or property.  
17 c. ~~When the vehicle is~~ being driven for military purposes, subject to any limitations  
18 imposed by title 49 CFR, Code of Federal Regulations, part 383.3(c).  
19 d. ~~When the vehicle being driven is~~ a covered farm vehicle as defined in this  
20 chapter.

21 2. ~~No person~~ An individual may not drive a commercial motor vehicle on the highways of  
22 this state while the ~~person's~~ individual's driving privilege is suspended, revoked, or  
23 canceled, while subject to a disqualification.

- 1        3. The provisions of this chapter ~~are waived, as do not apply~~ to farm-to-market operations  
2        by farmers, but ~~limited~~only with respect to those operators of a farm vehicle that is:
  - 3        a. Controlled and operated by a farmer.
  - 4        b. Used to transport ~~either~~ agricultural products, including trees;<sup>1</sup> farm machines;<sup>2</sup> or  
5        farm supplies, ~~or both~~, to or from a farm.
  - 6        c. Not used in the operations of a common or contract carrier.
  - 7        d. Used within one hundred fifty miles [241.40 kilometers] of the ~~person's~~individual's  
8        farm.
- 9        4. The provisions of this chapter ~~are waived as do not apply~~ to an individual employed by  
10       and operating a vehicle at the request of and within a political subdivision, with a  
11       population of less than three thousand, during an emergency declared by that political  
12       subdivision for the removal of snow and ice. This waiver only applies when the  
13       regularly employed driver is unavailable or the employing political subdivision  
14       determines that additional assistance is required.
- 15       5. Pursuant to the limitations imposed by title 49 CFR, Code of Federal Regulations, part  
16       383.3, the required knowledge and skills tests may be waived and a restricted  
17       commercial driver's license issued for a single period of ~~one hundred eightytwo~~  
18       hundred ten days or two periods of ~~ninetyone hundred five~~ days within a ~~twelve-month~~  
19       ~~period~~calendar year to employees of agrichemical businesses, custom harvesters,  
20       farm retail outlets and suppliers, including retailers and suppliers of trees, and  
21       livestock feeders.
- 22       6. Pursuant to the limitations imposed by title 49, Code of Federal Regulations, part  
23       383.3, the holder of a class A commercial driver's license is exempt from the  
24       hazardous materials endorsement, if the licenseholder is:
  - 25       a. Acting within the scope of the licenseholder's employment, and within the state of  
26       domicile, or another state with a hazardous materials enforcement exemption, as  
27       an employee of a custom harvester operation, agrichemical business, farm retail  
28       outlet and supplier, or livestock feeder; and
  - 29       b. Operating a service vehicle that is transporting diesel in a quantity of one  
30       thousand gallons [3785 liters] or less which is clearly marked with "flammable" or  
31       "combustible" placard, as appropriate.

- 1           7.   In accordance with title 49, Code of Federal Regulations, part 384, section 230, the  
2               department may not issue a commercial driver's license to an individual who obtains a  
3               commercial learner's permit unless the individual complies with title 49, Code of  
4               Federal Regulations, part 380, subpart F.

5           **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.