

**Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011**

SENATE BILL NO. 2244
(Senators G. Lee, Nodland)
(Representatives Gruchalla, Owens, Weisz)

AN ACT to amend and reenact subdivisions a and b of subsection 3 of section 39-06-14 and section 39-32-02 of the North Dakota Century Code, relating to operator's licenses and intrastate exemptions for drivers of commercial motor vehicles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivisions a and b of subsection 3 of section 39-06-14 of the North Dakota Century Code are amended and reenacted as follows:

- a. A driver with a class D license may operate any single vehicle with a gross vehicle weight rating of twenty-six thousand pounds [11793.40 kilograms] or less or any such vehicle towing a vehicle with a gross vehicle weight rating not in excess of ten thousand pounds [4535.92 kilograms]. A driver with a class D license may operate a farm tractor towing another vehicle having a gross weight in excess of ten thousand pounds [4535.92 kilograms], and may operate a truck towing a trailer, semitrailer, or farm trailer when the gross weight of the trailer, semitrailer, or farm trailer, not including the weight of the towing vehicle, does not exceed sixteen thousand pounds [7257.48 kilograms] in excess of ten thousand pounds [4535.92 kilograms] provided the combined weight does not exceed twenty-six thousand pounds [11793.40 kilograms] gross combination weight rating. A driver with a class D license may operate a house car or a vehicle towing a travel trailer being used solely for personal purposes. A driver with a class D license must be eighteen years of age or older to operate a combination of vehicles with a gross combination weight or a gross combination weight rating in excess of twenty-six thousand pounds [11793.40 kilograms], unless the driver is driving a farm vehicle and meets the requirements of subdivision b of subsection 3 of section 39-06-14 and subsection 3 of section 39-06.2-06.
- b. A driver with a class D license may operate any two-axle or tandem-axle motor vehicle, a triple-axle motor vehicle, a farm tractor towing another vehicle having a gross weight in excess of six thousand pounds [2721.55 kilograms], and a truck or truck tractor towing a trailer, semitrailer, or farm trailer if the driver is exempted from a commercial driver's license under subsection 3 of section 39-06.2-06, except the driver may not operate a double trailer, triple trailer, or, if under eighteen years of age, a truck tractor as defined in section 39-01-01 or a bus designed to carry sixteen or more passengers, including the driver.

SECTION 2. AMENDMENT. Section 39-32-02 of the North Dakota Century Code is amended and reenacted as follows:

39-32-02. Intrastate exemptions from federal hours of service ~~provisions~~regulations.

1. The following intrastate drivers are not subject to hours of service ~~limitations~~regulations:
 - a. A driver of an authorized emergency vehicle;
 - b. A driver who operates a motor vehicle that has a manufacturer's in intrastate commerce if the gross vehicle weight, gross vehicle weight rating, gross combination weight, and gross combination weight rating equal to or are less than twenty-six thousand one pounds [11793.4011797.18 kilograms] and that is not transporting unless the vehicle is used to

transport hazardous materials; requiring a placard or unless the vehicle is designed or used to transport sixteen or more people, including the driver; or

- c. A driver of a tow truck operating at the request of a law enforcement officer.
2. Except for a driver included in subsection 1, a motor carrier may not permit or require any intrastate driver to drive and an intrastate driver may not drive:
 - a. More than twelve cumulative hours following ~~eight~~ten consecutive hours off duty;
 - b. For any period after ~~having been the end of the sixteenth hour after coming on duty more than fifteen hours following ten consecutive hours off duty; or~~
 - c. After having been on duty for seventy hours in any period of seven consecutive days.
3. Hours of service limitations do not apply to an intrastate driver ~~when transporting property or passengers operating a commercial vehicle to provide emergency relief during a declared an~~ emergency declared by the governor. The employer must declare and document that the emergency is necessary to assure the protection of public health and safety or to provide other essential assistance to the public. An employer shall maintain documentation for one year and shall make it available upon request of a law enforcement officer. Under this subsection, an emergency is the result of any natural activities, including a tornado, windstorm, thunderstorm, snowstorm, ice storm, blizzard, drought, mudslide, flood, high water, earthquake, forest fire, explosion, blackout, or other occurrence, natural or manmade, which interrupts delivery of essential services, such as electricity, medical care, sewer, water, telecommunications transmissions, or essential supplies, such as food and fuels, or otherwise threatens human life or public welfare.
4. An intrastate driver is exempt from maintaining a record of duty status if:
 - a. The driver operates within a one hundred fifty air-mile radius from the driver's normal work-reporting location or from the official worksite of the vehicle;
 - b. At least ~~eight~~ten consecutive hours off duty separate each twelve hours on duty;
 - c. The driver, except for a driver salesperson, returns to the work-reporting location and is released from work within twelve consecutive hours; and
 - d. The motor carrier maintains and retains for a period of six months accurate time records showing the time the driver reports for duty and is released from duty each day.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2244.

Senate Vote: Yeas 47 Nays 0 Absent 0

House Vote: Yeas 91 Nays 3 Absent 0

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2011.

Approved at _____ M. on _____, 2011.

Governor

Filed in this office this _____ day of _____, 2011,

at _____ o'clock _____ M.

Secretary of State