

Administrative Rules Committee

March 14, 2016

North Dakota Department of Transportation
Glenn Jackson, Driver's License Division Director

N.D. ADMIN. Code Article 37-13: Commercial Driver Training School Requirements
N.D. ADMIN Code Article 37-14 Lifetime CDL Disqualification Reinstatement

Good morning Mr. Chairman and Administrative Rules Committee. Through the administrative rules process the NDDOT adopted a new Article to the N.D. Administrative Code establishing general requirements of commercial driver training schools and a new Article to N.D.

Administrative Code establishing reinstatement of lifetime CDL disqualifications. I will address the new Article pertaining to commercial driver training schools first. This new article specifically prescribes rules and regulations concerning the administration and enforcement of commercial driver training schools.

Specifically, the following rules were made:

- I. ADOPTED a new Article 37-13 to comply with the statutory change in NDCC 39-25 transferring the oversight of commercial driver training schools from the superintendent of the highway patrol to the director of the department of transportation.
 - a. A new chapter 37-13-01 prescribes ten definitions pertaining to Article 37-13. Pages 81-82.
 - b. A new chapter 37-13-02 prescribes eight requirements pertaining specifically to commercial driver training schools. Pages 83-87.
 - c. A new chapter 37-13-03 prescribes driver training vehicle requirements. Page 88.
 - d. A new chapter 37-13-04 prescribes commercial driver training instructor requirements. Pages 89-90.
 - e. A new chapter 37-13-05 prescribes three requirements pertaining to driver training instruction. Pages 91-93.
 - f. A new chapter 37-13-06 prescribes requirements for refusal, suspension, or revocation of driving school and driving instructor licenses. Page 94.

The new Article pertaining to lifetime CDL disqualification reinstatement is to prescribe rules and regulations concerning the reinstatement of driving privileges for drivers who have lifetime commercial driver's license disqualifications.

Specifically, the following rules were made:

- I. ADOPTED a new Article 37-14 to implement NDCC 39-06.2-10(4) that authorizes the director to establish guidelines, including conditions, under which a disqualification of CDL driving privileges for life may be reduced to a period of not less than ten years.
 - a. A new chapter 37-14-01 prescribes the state and federal authority for reinstatement of driving privileges after a lifetime disqualification. Page 95.
 - b. A new chapter 37-14-02 prescribes two requirements for qualifications for reinstatement. Pages 96-97.

In response to the February 24, 2016 letter from N.D. Legislative Council, the North Dakota Department of Transportation states:

1. The proposed new Article 37-13 and proposed new Article 37-14 to N.D. Admin. Code were a result of statutory changes made by the Legislative Assembly and existing state statute.
2. The Department of Transportation published notice in all county newspapers advising generally of the content of the rulemaking, where copies of the proposed rules may be obtained for review, and stating the location, date, and time of the public hearing. The rules were also published on the NDDOT website.

The department conducts public hearings on all substantive rulemaking. Oral comments are recorded. Oral comments, as well as any written comments that have been received, are summarized and presented to the Department's executive director, together with any response to the comments that may seem appropriate and a re-drafted rule incorporating any change occasioned by the comments.

4. One oral comment was received at the public hearing held in Bismarck on October 6, 2015. No written comments were received by 5:00 p.m. on October 16, 2015.
5. The approximate cost of giving public notice, holding the hearing, and the cost (not including staff time) of developing and adopting the rules was \$2,052.84.
6. The new articles and chapters were adopted to comply with statutory changes and to prescribe rules and regulations concerning the administration and enforcement of commercial driver training schools and rules for reinstatement of driving privileges after a lifetime commercial driver license disqualification.

The following specific changes to N.D. Admin. Code were made:

- Adopted a new Article 37-13 prescribing rules and regulations for commercial driver training schools with oversight by the director of the department of transportation.
- Chapter 37-13-01, defines “Commercial driver training school” or “school”, “Certificate of Training”, “Contract”, “Director”, “Instructor”, “Internet course”, “Lesson”, “Location”, “Owner”, and “Safe mechanical condition”.
- Chapter 37-13-02 prescribes specific commercial driver training school requirements including “duties of the director-regulations”, “school-license required-contents of application for license”, “expiration and renewal of licenses-fees”, “business records”, “advertising”, “agreements and contracts”, “insurance and safety”, and “bond required”.
- Chapter 37-13-03 prescribes driver training vehicle standards.
- Chapter 37-13-04 prescribes specific commercial driver training instructor requirements including “instructor-license required-contents of application”.
- Chapter 37-13-05 prescribes specific driver training instruction requirements including “training curriculum”, “certificate in lieu of skill test”, and “behind the wheel instruction”.

- Chapter 37-13-06 prescribes the conditions for refusal, suspension, or revocation of licenses for driver training schools and driver training instructors.
 - Adopted a new Article 37-14 pertaining to the reinstatement of driving privileges for drivers who have lifetime commercial driver's license disqualifications.
 - Chapter 37-14-01 prescribes the state and federal authority for reinstatement of driving privileges and eligibility requirements.
 - Chapter 37-14-02 prescribes specific qualifications for reinstatement including application for reinstatement and decision for reinstatement.
7. A regulatory analysis was not issued nor requested. The rules are not expected to have an impact on the regulated community in excess of \$50,000.
 8. A small entity regulatory analysis and economic impact statement were not prepared because the rules do not affect any entities as defined in N.D.C.C. 28-32-08.
 9. A constitutional takings assessment was not prepared. The rules will not result in the taking or limit the use of private real property.
 10. There is no fiscal effect on state revenues and expenditures, including any effect on funds controlled by the agency.
 11. These rules were not adopted as emergency (interim final) rules.

Thank you for the opportunity to present these changes to you today.