

**2015 SENATE TRANSPORTATION**

**SB 2112**

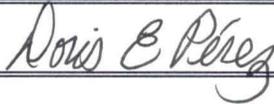
# 2015 SENATE STANDING COMMITTEE MINUTES

Transportation Committee  
Lewis and Clark Room, State Capitol

SB 2112  
1/15/2015  
Recording Job Number 22004

Subcommittee  Conference Committee

Committee Clerk Signature



**Explanation or reason for introduction of bill/resolution:** to create and enact a new subsection to section 39-06.1-10 of the North Dakota Century Code, relating to the disqualification of foreign commercial drivers; to amend and reenact section 39-06.2-02 and subsection 1 of section 39-06.2-06 of the North Dakota Century Code, relating to the definitions relating to commercial driver's licenses and to exceptions for commercial driver's licenses.

**Minutes:**

Attachments: 1

**Chairman Oehlke** opened the hearing on SB 2112, all committee members present except **Senator Rust**.

**Glen Jackson**, Director of the Driver's License Division as the North Dakota Department of Transportation (DOT) see attached testimony 1.

**Arik Spencer**, Executive Vice President, North Dakota Motor Carriers Association in favor of this bill, it is important to update for compliance with federal law.

No additional testimony in favor, against or neutral. **Chairman Oehlke** closed the hearing

**Senator Axness** moved do pass

**Vice Chairman Casper** seconded

Committee studied sample form (attachment 1-2). **Senator Sinner** and **Senator Campbell** asked if the form applies to the owner or the driver or the vehicle, Glen Jackson said it applies to the driver and there is a space that identifies the vehicle thru its VIN.

**Chairman Oehlke** can this form be electronic?

**Glen Jackson** eventually it might be, right now we are not ready for the technology.

**Senator Campbell** what happens if we do not take any action on this bill?

**Glen Jackson**: This is a federal rule compliance issue. We have to comply by July of 2015. If we don't it might jeopardize federal funding.

**Senator Sinner** Would this form cover all drivers of this type of vehicle?

**Glen Jackson**: Yes there is a line for "authorized representative". The driver takes the form out, signs it, gives it to the highway patrolman and it would be exempt under the covered farm vehicle exemption. The form needs to be signed at the time the vehicle is stopped otherwise it would be considered a commercial vehicle therefore not under the exemption.

**Vice Chairman Casper**: who wouldn't be exempt?

**Glen Jackson**: Right now we consider ranchers as farmers but this is not technically correct. This bill would cover ranchers too.

**Chairman Oehlke** would this change the violations on inspection?

**Glen Jackson**: No. Read from page 2 of the bill, lines 27 to 29. Currently farm vehicle limited to no more than 150 miles from the farm or ranch, under the covered farm vehicle exemption it can go beyond 150 miles of the farm or ranch in respect to which the vehicle is being operated.

**Roll call vote was taken: Yes 5 No 0 Absent 1**

Discussion held open pending Senator Rust's vote and floor assignment.

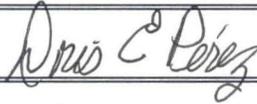
# 2015 SENATE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Lewis and Clark Room, State Capitol

SB 2112  
1/16/2015  
Recording job number 22066

Subcommittee       Conference Committee

Committee Clerk Signature



**Explanation or reason for introduction of bill/resolution:**

to create and enact a new subsection to section 39-06.1-10 of the North Dakota Century Code, relating to the disqualification of foreign commercial drivers; to amend and reenact section 39-06.2-02 and subsection 1 of section 39-06.2-06 of the North Dakota Century Code, relating to the definitions relating to commercial driver's licenses and to exceptions for commercial driver's licenses.

**Minutes:**

Attachments: 0

**Chairman Oehlke** asked **Senator Rust** if he wanted to vote on this bill (he was absent on 01/15/2015 and missed the vote).

**Senator Rust** said that since he had missed the testimony and the discussion he would abstain from voting.

**Chairman Oehlke** called for a volunteer to carry the bill.

**Vice Chairman Casper** volunteered.

Discussion closed.

Note: this segment of the recording was not audible.





**REPORT OF STANDING COMMITTEE**

**SB 2112: Transportation Committee (Sen. Oehlke, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2112 was placed on the Eleventh order on the calendar.

**2015 HOUSE TRANSPORTATION**

**SB 2112**

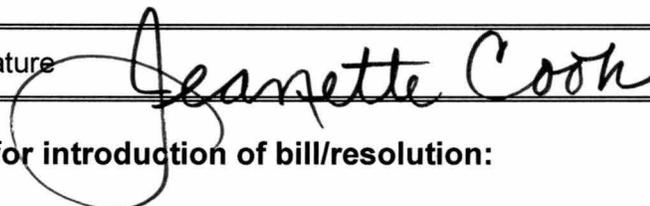
# 2015 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee  
Fort Totten Room, State Capitol

SB 2112  
3/5/2015  
#24385

Subcommittee  
Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A bill relating to the disqualification of foreign commercial drivers; relating to the definitions relating commercial driver's licenses and to exceptions for commercial driver's licenses.

Minutes:

Attachment #1

**Chairman Dan Ruby** opened the hearing on SB 2112.

**Glenn Jackson, Director, Driver's License Division, North Dakota Department of Transportation**, spoke to introduce and support SB 2112. Written testimony was provided. See attachment #1.

**Representative Ben Hanson:** Did you say what a straight truck is?

**Glenn Jackson:** Anything that is not a tractor/trailer.

**Representative Robin Weisz:** This mentions hazardous materials. What is the situation with anhydrous ammonia? Is that covered under the farm exemption? So, this doesn't change that?

**Glenn Jackson:** When this first came out there was confusion as to whether this did change that. We got clarification from Federal Motor Carriers Safety Administration that this covered farm vehicle exemption does not change the current exemption to anhydrous ammonia. This does not change the current rules.

**Chairman Dan Ruby:** What is the articulated vehicle? Is that a semi?

**Glenn Jackson:** I will let Eric answer the questions about the specific vehicles.

**Chairman Dan Ruby:** Is Section 3 the section that is dealing with the ability to carry hazardous materials?

**Glenn Jackson:** On page 4 line 16, we have added the definition of foreign commercial driver.

**Chairman Dan Ruby:** I understand that, but I was wondering to which Section you are applying the term, "foreign commercial driver". Is that dealing with the transport of hazardous or flammable material?

**Glenn Jackson:** No, that deals with all violations.

**Representative Robin Weisz:** What are we really doing here besides adding ranchers? What is the benefit?

**Glenn Jackson:** Currently, a permissive CDL exemption is for farmers only, including family members and employees. This adds ranchers. Currently, the exemption says, "transporting agricultural products, farm machinery, or farm supplies". This definition includes livestock or supplies from the farm or ranch. It just expands it slightly. It doesn't change what we are currently doing; it just adds a little bit more.

**Representative Robin Weisz:** The radius is still the same, right?

**Glenn Jackson:** Yes, it is still 150 miles, but with this exemption you are able to exceed that under certain circumstances as a covered farm vehicle. If you are less than 26,001 pounds, you can drive more than 150 miles out-of-state for the purposes of acquiring some agriculture commodities, livestock, or supplies and bring it back, and still claim these exemptions. Currently, under the farm exemption, you cannot go out of the 150 miles.

**Chairman Dan Ruby:** Would everyone have to get the form all of the time now, or only if you are going to go outside of the 150 miles?

**Glenn Jackson:** Only if you intend to use the **covered farm exemption**, inside or outside the 150 miles. If you intend to use the exemption you would have to have the forms inside the vehicle. If you are going to operate as you do today, using the current farm exemption, you don't need to make any changes. We are just adding the ability to be a bit more flexible. This exemption is only certain specific things. It is not a big change.

**Representative Chris Olson:** Does the exemption mean they have to travel out-of-state?

**Glenn Jackson:** They can go anywhere if they are using the exemption.

**Representative Lois Delmore:** Is there an additional charge if I want to have this form and claim the exemption?

**Glenn Jackson:** There is no charge.

**Vice Chairman Lisa Meier:** If you don't have the required form, is there a fine?

**Glenn Jackson:** I think it would fall under the same provisions of possibly being out of service, and law enforcement possibly taking some action based on that because you are not complying with the requirements. I don't know what the fine might be.

**Arik Spencer, North Dakota Motor Carriers Association**, spoke to support 2112. He explained that every quarter the Federal Motor Carriers Association publishes a new safety regulations book. As a result, they get petitions, fairly often, for exemptions and role changes, and things like that. This bill is really to update our law to comply with the ongoing evolution of federal regulations. It may have been as simple as a ranching group petitioning FMCSA for this exemption, and now we have to add it into our statute.

In this bill I would interpret an articulated vehicle to be a tractor/trailer combination.

I don't know what the fine is for an out of service fee.

I would urge you to pass this, so we can maintain compliance with federal regulation.

**Representative Rick C. Becker:** I have a concern that this is just another form to fill out. Could you go over this a little bit more? Why this paper is needed, and under what circumstances?

**Arik Spencer:** It is my understanding that to claim this covered farm vehicle exemption; you would need to demonstrate this form. Why the form is required, I can't speak to that.

**Glenn Jackson:** There are vehicles that people may use for hire over the road. They may not have farm plates. They may not be identifiable by law enforcement as a farm vehicle. They could be, at this time, doing something that is related to the farm exemption, but not be identified as a vehicle that meets the requirement. If they get stopped, and they are actually working to haul something back and forth to the farm, they then have this form that they can sign and give to the law enforcement officer. He will see that they are claiming the covered farm vehicle exemption. So, the officer will look at the vehicle and what they are doing differently, than if it wasn't claiming a farm exemption.

**Representative Chris Olson:** It sounds like we deregulating a bit, to expand the distance that can be traveled for farm purposes. Could a farmer go to Texas, haul back a load of cattle to North Dakota, and not have to be subject to any of the rules and regulations that a normal semi driver would be subject to?

**Glenn Jackson:** The requirement is that it has to be less than 26,001 pounds.

**Glenn Jackson:** The verbiage is exactly as it is in the Federal Regulations. This keeps us in compliance with Federal Regulations which our program requires.

There was no further support for SB 2112.  
There was no opposition to SB 2112.

**Representative Kathy Hawken moved a DO PASS on SB 2112.**  
**Representative Ben Hanson seconded the motion.**

**A roll call vote was taken: Aye 11 Nay 0 Absent 3**  
**The motion passed.**  
**Representative Kathy Hawken will carry SB 2112.**

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB 2112**

House Transportation Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Representative Kathy Hawken    Seconded By Representative Ben Hanson

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Rep. Delmore	X	
Vice Chairman Meier	X		Rep. Hanson	X	
Rep. Rick Becker	X		Rep. Nelson	A	
Rep. Frantzvog	A				
Rep. Hawken	X				
Rep. Olson	X				
Rep. Owens	A				
Rep. Paur	X				
Rep. Schatz	X				
Rep. Sukut	X				
Rep. Weisz	X				

Total (Yes) 11 No 0

Absent 3

Floor Assignment Representative Kathy Hawken

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2112: Transportation Committee (Rep. Ruby, Chairman) recommends DO PASS**  
(11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2112 was placed on the  
Fourteenth order on the calendar.

**2015 TESTIMONY**

**SB 2112**

**SENATE TRANSPORTATION COMMITTEE**  
**January 15, 2015; 9:00 AM, Lewis & Clark Room**

**North Dakota Department of Transportation**  
**Glenn Jackson, Director, Driver's License Division**  
**SB 2112**

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Good Morning Mr. Chairman, members of the committee, I am Glenn Jackson, Director of the Driver's License Division at the North Dakota Department of Transportation (DOT). Thank you for giving me the opportunity to address you today.

SB2112 brings state statute into alignment with federal rules for commercial licensed drivers and updates definitions. The major definition update is regarding the "Covered Farm Vehicle."

The addition of the definition of the "Covered Farm Vehicle" does not change any existing statute or regulation. The farm vehicle and means to apply the farm exemption does not change. Instead, an additional area of use is covered by this change. The exception for "Covered Farm Vehicles" is broader than the current exceptions, as the new exception clearly includes both farmers and ranchers.

In order to demonstrate compliance with the requirement, a driver would need a form, issued by the department, in their possession. In review, the department intends to pursue the process utilized by Minnesota, in which the form is a standard form the driver can download, complete, and carry in the vehicle. Upon request, we would also mail a form to a requestor. Attached is a sample of the form.

In addition, a new definition is added, "Foreign Commercial Driver," to clarify specifically who a foreign driver is relating to commercial driver rules. Also, the definition of "Imminent Hazard" is updated.

Thank you Mr. Chairman, I would be happy to answer any questions.

1-2

1/15/2015



# DESIGNATION AS A MINNESOTA COVERED FARM VEHICLE

The undersigned designates the following vehicle as a "covered farm vehicle", as defined in Section 32934 of Pub.L. 112-141, Moving Ahead for Progress in the 21st Century Act (MAP-21) and 49 CFR 390.5.

Vehicle 2014 Sample Truck 1234FTA0987654321  
Year Make Model Vehicle Identification Number

Owner Name: Joe's Family Farm

Owner Address: 1234 CR6 Dudley MN 56258  
Street City State ZIP

08/01/14 Joseph A. Farmer, Sr.  
Date Signature- Owner / Authorized Representative Printed Name  
Owner  
Title (if applicable)

NOTE: This designation is effective only when the vehicle is being operated within the scope of Section 32934 of Pub. L. 112-141 and 49 CFR 390.5. Designation must be carried in the power unit of the vehicle during all covered operations. Before operating in states other than Minnesota, consult those states to determine whether they will recognize the covered farm vehicle exemptions.

Covered farm vehicles and drivers are exempt from federal regulations regarding:

- Controlled Substances and Alcohol Use and Testing (49 CFR § 382)
- Commercial Driver's License Standards; Requirements and Penalties (49 CFR § 383)
- Physical Qualifications and Examinations (49 CFR § 391, Subpart E)
- Hours of Service regulations (49 CFR § 395)
- Inspection, Repair and Maintenance regulations (49 CFR § 396)

Covered farm vehicles and drivers must comply with federal regulations and state laws regarding:

- Federal Motor Carrier Safety Regulations; General (49 CFR § 390)
- Driving of Commercial Motor Vehicles (49 CFR § 392)
- Parts and Accessories Necessary for Safe Operation (49 CFR § 393)
- All state motor vehicle size and weight, safety, and operation laws.

A covered farm vehicle is a commercial motor vehicle that:

- Is operated by a farm or ranch owner or operator, or an employee or family member of the farm or ranch owner or operator;
- Is being used to transport to or from a farm or ranch:
  - Agricultural commodities
  - Livestock
  - Machinery or supplies;
- Displays a special license plate or other designation which helps enforcement personnel identify it as a covered farm vehicle; and
- Has a gross vehicle weight of:
  - 26,001 pounds or less and is traveling anywhere in the United States; or
  - greater than 26,001 pounds and traveling anywhere within the state in which it is registered; or
  - when crossing state lines, is greater than 26,001 pounds and operated within 150 air miles of the farm or ranch.

A covered farm vehicle does not include a vehicle that is operated by a for-hire carrier or a vehicle transporting hazardous materials in a quantity that requires the vehicle to display placards.

If you need information regarding the FMCSRs or Minnesota law governing the operation of CMVs, call the Minnesota State Patrol Information Line at 651-405-6196, or check our Website at [msp.dps.mn.gov](http://msp.dps.mn.gov).

SB 2112  
3/5/15  
#1

HOUSE TRANSPORTATION COMMITTEE  
March 5, 2015; 9:30 AM, Ft. Totten Room

1 of 3

North Dakota Department of Transportation  
Glenn Jackson, Director, Driver's License Division  
SB 2112

Good Morning Mr. Chairman, members of the committee, I am Glenn Jackson, Director of the Driver's License Division at the North Dakota Department of Transportation (DOT). Thank you for giving me the opportunity to address you today.

SB2112 brings state statute into alignment with federal rules for commercial licensed drivers and updates definitions. The major definition update is regarding the "Covered Farm Vehicle."

The addition of the definition of the "Covered Farm Vehicle" does not change any existing statute or regulation. The farm vehicle and means to apply the current farm exemption does not change. Instead, an additional area of use is covered by this change.

- The exception for "Covered Farm Vehicles" is broader than the current exceptions, as the new exception clearly includes both farmers and ranchers.
- Does not replace current exceptions to Federal Motor Carrier Safety Regulations.
- Operators may continue to transport placardable quantities of hazardous materials, such as anhydrous ammonia.
- Enables a driver to exceed the 150 miles of the current farm exemption under certain circumstances.

In order to demonstrate compliance with the requirement, a driver would need a form, issued by the department, in their possession. The department intends to pursue the process utilized by Minnesota, Iowa and several other states in which the form is a standard form the driver can download, complete, and carry in the vehicle. Upon request, we would also mail a form to a requestor. Attached is a sample of the form.

In addition, a new definition is added, "Foreign Commercial Driver," to clarify specifically who a foreign driver is relating to commercial driver rules. Also, the definition of "Imminent Hazard" is updated.

Thank you Mr. Chairman, I would be happy to answer any questions.

### **Farm Exemption (NDCC 39-06.2-06; 39-06.2-09)**

A Class D license holder age 15 may operate a farm truck within 150 miles of the driver's farm, having a gross weight of not more than 50,000 pounds, when transporting agricultural products or farm supplies.

A Class D license holder age 16 and older may operate a two-axle, tandem axle, or triple-axle truck towing a trailer (but not double or triple trailers) and if age 18 and older may operate a truck-tractor towing a trailer (but not double or triple trailers) transporting agricultural products, farm machines, or farm supplies to or from a farm within 150 miles of the person's farm.

A Class D license holder may operate a farm vehicle if the vehicle is controlled and operated by a farmer and used to transport hazardous materials in the form of farm supplies within 150 miles of the farm and is not used in the operations of a common or contract carrier.

### **Covered Farm Vehicle Exemption (49 CFR 390.5)**

A Class D license holder may operate a covered farm vehicle defined in 49 CFR 390.5. This is a vehicle operated by an owner or operator of a farm or ranch, or by a family member or employee of the owner or operator used to transport agricultural commodities, livestock, machinery, or supplies to or from a farm or a ranch, is not used in for-hire motor carrier operations, and is **not** transporting hazardous materials that require placarding. **The vehicle must have a license plate or other designation specified by the State that clearly identifies it as a farm vehicle.**

A covered farm vehicle and its operator are exempt from the following federal regulations:

- Part 382 (Controlled Substances and Alcohol Use and Testing)
- Part 383 (Commercial Driver's License Standard; Requirements and Penalties)
- Part 391 (Subpart E- Physical Qualifications and Examinations)
- Part 395 (Hours of Service of Drivers)
- Part 396 (Inspection, Repair, and Maintenance)

A covered farm vehicle with a Gross Vehicle Weight (GVW) or Gross Vehicle Weight Rating (GVWR), whichever is greater, of 26,001 pounds or less may be operated anywhere in the United States.

A covered farm vehicle with a GVW or GVWR, whichever is greater, of more than 26,001 pounds may be operated within the state where it is registered, or if travelling outside of the state, within 150 air miles of the owner or operator's farm or ranch.

