

CHAPTER 39-32
INTRASTATE COMMERCIAL DRIVER HOURS OF SERVICE

39-32-01. Definition of intrastate driver.

As used in this chapter, "intrastate driver" means a driver who will be operating a commercial motor vehicle within this state for a seven-consecutive-day period.

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

1. The following intrastate drivers are not subject to hours of service regulations:
 - a. A driver of an authorized emergency vehicle;
 - b. A driver who operates a motor vehicle in intrastate commerce if the gross vehicle weight, gross vehicle weight rating, gross combination weight, and gross combination weight rating are less than twenty-six thousand one pounds [11793.86 kilograms] unless the vehicle is used to transport hazardous materials requiring a placard, the vehicle is designed to transport more than eight passengers, including the driver, for compensation, or the vehicle is designed or used to transport sixteen or more people, including the driver not for compensation; 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 ten consecutive hours off duty;
 - b. For any period after the end of the sixteenth hour after coming on duty 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 operating a commercial vehicle to provide emergency relief during an emergency declared by the governor. 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. Hours of service limitations do not apply to an intrastate driver transporting agricultural commodities or farm supplies, including farm equipment or machinery, for agricultural purposes in this state during planting and harvesting seasons from January first through December thirty-first, if the transportation is limited to an area within a one hundred fifty air-mile radius from the source of the commodities or the distribution point for the farm supplies.
5. 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 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.