

1999 SENATE TRANSPORTATION
SB 2438

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2438

Senate Transportation Committee

Conference Committee

Hearing Date February 12, 1999

Tape Number	Side A	Side B	Meter #
1	x		5440-End
1		x	1-562
Committee Clerk Signature <i>Nori D. Schaeffer</i>			

Minutes:

SENATOR B. STENEHJEM opened the hearing on SB 2438. Committee members present included: Sens. Bob Stenehjem, R. Schobinger, D. Mutch, D. Cook, D. O'Connell, and V. Thompson. Senator Bercier was absent.

SENATOR MUTCH, DISTRICT #19 testified in support of SB 2438. Last session, I introduced the bill which is part of 39-02-02. We thought it was a perfect bill but it looks like it needs some fine tuning. I do have an amendment for this bill.

CURT PETERSON, ASSOCIATION OF GENERAL CONTRACTORS During the last session we asked if he would sponsor a bill that would alter the hours of service. The hours of service was a federal law put into work to provide greater safety to our over-the-road type haulers. The way it was written, gravel haulers were pulled into that same lock. It is different for those hauling gravel four miles from a site sitting around waiting to get loaded or unloaded. It's not

like they're looking at a white line on the highway for hours on end. There was a bit of leeway within the federal law where we could extend the hours a bit. We took that and found out that the Highway Patrol had found an inconsistency within that bill and it was causing an enforcement problem. As a result, we have before you SB 2438.

DOYLE SCHULTZ, NORTH DAKOTA HIGHWAY PATROL testified on SB 2438. There are some misunderstandings on this bill and we are looking for some clarification. We adopted the federal motor carrier regulations and within this there are certain exemptions that they allow the state. Part of them are found in 29-02 where the federal regulations say you can only drive 10 hours, they will allow you within the state to drive up to 12 hours and there are other examples. As the law was written, it came out in the first section, paragraph 2 anybody who transports intrastate there is a limitation in the first draft which doesn't apply so all paragraph 2 says if you drive within the boundaries of ND you can drive twelve hours and you can be on duty for fifteen hours but you must take eight hours off in between. Some of the language in the draft was taken out of the federal law which was much harder to understand. Under part 5, someone operating under 5A did not have to comply to the 70 hour rule but when you got down to 5B they said you must comply to the 70 hour rule so there was some confusion. Now under part 5A, we are talking about exempting drivers from keeping a daily log book. Under this, if they are operating within 150 miles, they are not required to keep a log book but their company will keep the records. In part 2, anywhere in the state they are required to keep log books. It was okay but rather confusing (he proposed an amendment). We worded this as the federal statute reads on where they have to report to work. If you are driving over 150 miles you have to keep a log book.

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Senate Transportation Committee

Bill/Resolution Number Sb 2438

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SENATOR B. STENEHJEM Why did they pick 150 air miles for intrastate travel?

DOYLE SCHULTZ That is what the Federal Motor Carrier will allow. It is 100 miles but they allow the state to go up to 150 air miles.

LEROY ERNST, ND MOTOR CARRIER ASSOCIATION We support this bill.

SENATOR B. STENEHJEM We will close the hearing on SB 2438.

SENATOR COOK I move the amendments.

SENATOR MUTCH I second it.

Amendment passed by voice vote.

SENATOR COOK I move for a Do Pass as Amended.

SENATOR SCHOBINGER I will second that motion.

A roll call vote was taken (6 Yeas, 0 Nays and 1 Absent and Not Voting).

Senator Mutch will carry SB 2438.

Date: February 12, 1999
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2438

Senate Transportation Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass as Amended

Motion Made By Senator Cook Seconded By Senator Schobinger

Senators	Yes	No	Senators	Yes	No
Sen. B. Stenehjem-Chairman	X				
Sen. R. Schobinger-V. Chair	X				
Sen. Duane Mutch	X				
Sen. Dwight Cook	X				
Sen. David O'Connell	X				
Sen. Vern Thompson	X				
Sen. Dennis Bercier	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Mutch

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

REPORT OF STANDING COMMITTEE (410)
February 15, 1999 8:58 a.m.

Module No: SR-30-2897
Carrier: Mutch
Insert LC: 90840.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2438: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2438 was placed on the Sixth order on the calendar.

Page 2, line 28, replace "home post office" with "normal work reporting location"

Renumber accordingly

1999 HOUSE TRANSPORTATION

SB 2438

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2438

House Transportation Committee

Conference Committee

Hearing Date March 11, 1999

Tape Number	Side A	Side B	Meter #
2	x		21.2-30.5
Committee Clerk Signature <i>Laura</i>			

Minutes:

CHAIRMAN KEISER OPENED THE HEARING ON SB 2438; A BILL RELATING TO INTERSTATE EXEMPTIONS FROM FEDERAL HOURS OF SERVICE PROVISIONS.

SENATOR DUANE MUTCH, Dist. 19, introduced SB 2438. he noted that it is simply a bill to make everything consistent. It is not a new bill, nor is anything new introduced.

CURT PEDERSON, American General Contractors of America, testified in support of SB 2438.

He too said that it is simply a bill to bring everything together. The AGCA is in support of the bill.

DAN CUSHING, Highway Patrol, testified in support of SB 2438. (See written testimony).

CHAIRMAN KEISER asked Dan what the three elements of the bill were.

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House Transportation Committee

Bill/Resolution Number sb 2438

Hearing Date March 11, 1999

DAN repeated them. 1. 150 mile air radius. 2. The employee must return to work and be released within twelve hours. 3. The employer must maintain records of when the employee reports to work and leaves.

CHAIRMAN KEISER CLOSED THE HEARING ON SB 2438.

COMMITTEE ACTION

REP. LEMIEUX moved a DO PASS on SB 2438. REP. BELTER seconded the motion. The motion carried.

ROLL CALL - 12 YEA, 0 NAE, 3 ABSENT AND NOT VOTING.

FLOOR ASSIGNMENT - REP. LEMIEUX

Date: 3/11
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2438

House Transportation Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By REP LEMIEUX Seconded By REP BELTER

Representatives	Yes	No	Representatives	Yes	No
Representative Keiser, Chair	✓		Representative Thorpe	✓	
Representative Mickelson, V. Ch.					
Representative Belter	✓				
Representative Jensen	✓				
Representative Kelsch	✓				
Representative Kempenich	✓				
Representative Price	✓				
Representative Sveen	✓				
Representative Weisz	✓				
Representative Grumbo	✓				
Representative Lemieux	✓				
Representative Mahoney					
Representative Meyer	✓				
Representative Schmidt					

Total (Yes) 12 No 0

Absent 3

Floor Assignment REP LEMIEUX

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

REPORT OF STANDING COMMITTEE (410)
March 11, 1999 1:06 p.m.

Module No: HR-44-4536
Carrier: Lemieux
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2438, as engrossed: **Transportation Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2438 was placed on the Fourteenth order on the calendar.

1999 TESTIMONY

SB 2438

House Transportation Committee
Representative G. Keiser, Chairman
March 11, 1999

Trooper Dan Cushing
North Dakota Highway Patrol
Motor Carrier Division
Testimony on SB 2438

The proposed amendment to NDCC 39-32-02 as spelled out in SB 2438 is to clarify the wording and make the intrastate exemption from federal hours of service provisions more easily understood.

Since the addition of section 39-32-02 of the North Dakota Century Code by the last legislative session there have been numerous questions as to the proper procedure that intrastate drivers operating within a 150 air mile radius must follow. Paragraph 2 c granted these drivers an exemption from the 70 hour limit if the employer maintains time records showing the time the driver reports for duty, the total number of hours the driver is on duty, and the time the driver is released from duty. In paragraph 5a the driver is exempt from recordkeeping requirements if the employer maintains a record of when the driver reports for duty each day. In paragraph 5b the driver shall comply with the 70 hour limit and keep track of the total time for the preceding seven days.

This amendment removes the confusing wording of paragraph 2c. It changes the paragraph numbering in paragraph 5 for the sake of consistency. And it exempts drivers from maintaining a record of duty status (log book) if they stay within a 150 air-mile radius, don't work longer than 12 hour shifts, and their employer keeps time records.