

2011 SENATE TRANSPORTATION

SB 2112

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee  
Lewis and Clark Room, State Capitol

SB2112  
January 14, 2011  
12914

Conference Committee

Committee Clerk Signature



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

At the request of the Department of Transportation to insure ND complies with the commercial driver safety issue in accordance with the Federal Motor Carrier Safety Administration.

## Minutes:

One attached testimony

**Senator G. Lee** opened the hearing on SB 2112 relating to commercial driver's licenses.

**Glenn Jackson**, Director of the Drivers License Division at the North Dakota Department of Transportation (NDDOT) testified in support of SB2112. He explained the five different sections. Written testimony # 1

**Senator Lee** asked under section 1 what they were referring to as self certification.

**Mr. Jackson** said license holders applying for class A, B, or C permit have to self certify what rules they are following. He said there is a list of exemptions and offered to get a copy of those exemptions to the committee.

**Senator Sitte** asked about the definition of texting and if unlocking your blackberry would be considered texting.

**Mr. Jackson** said that the definition of texting in this bill is the verbatim definition FMCSA has given us as a definition of texting. Unlocking the phone is not necessarily considered texting.

**Senator Lee** asked if this would conflict with city texting bans or bills that are being presented on texting and how they are describing what texting is.

**Mr. Jackson** answered that in this bill they are only implementing the Federal guidance toward CDL Drivers. There is also a provision that violating a state or local law, or an ordinance prohibiting texting law while driving is a serious offense.

**Senator Lee** said that this definition is telling the Commercial Driver that he can't text.

**Mr. Jackson** said that is correct.

**Senator Sitte** asked how the Commercial Driver would know if Bismarck had a texting ban if they were driving on the Interstate.

**Mr. Jackson** referred back to the bill and this would ban texting for all CDL Interstate drivers.

**Senator Lee** said that Federal Law says they can't text anyway.

**Mr. Jackson** said the Federal Rule does apply but by putting this in state law and tying that to state law in our ordinance, this now becomes state law so that the texting ban is in effect for CDL drivers. Therefore we are in compliance with FMCSA.

**Senator Nodland** asked about section 4 that enables the director to issue a letter of authority in lieu of a permit to a CDL applicant for the act of driving to and take a road test and return home. The letter is used after an allowable number of permits have been issued. Does this give the director authority to exceed the limit?

**Mr. Jackson** said there are very rare occasions where an individual can be authorized this one time.

**Tom Balzer**, representing the ND Motor Carriers Association testified in support of SB 2112. He said that under Federal Rule put forth by the FMCSA and the U.S. Department of Transportation, texting is against the law for commercial motor vehicle drivers. All this bill does is brings ND law into conformity with that. As an industry, they support this as a safety issue. He said that they like the definition and wish that other texting bills would use this definition. He said the other component to this bill is the medical card. This says that the Department of Transportation will make sure the med cards are valid, up to date and the actual CDL will act as both their license saying they have skills as a CDL Driver and their med card.

**Senator Sitte** asked about the med card and how it would be updated if for example the driver had heart problems.

**Mr. Balzer** said that the company would have to have that driver go into the DOT and have them downgrade his CDL.

**Senator Nodland** asked how this medical part was going to be on the Commercial Drivers License issued by DOT.

**Mr. Jackson** explained the process. The CDL will also be the medical certification and they will have to get the medical certification upfront, verify the accuracy and get it into the system. The certification is only good for two years. DOT will send out a notification to the CDL drivers that their medical certification is on the verge of expiring.

**Senator Nodland** asked if the trucking industry was in support of that.

**Mr. Balzer** said that they were alright with this process. They know it is inevitable and a process that FMCSA is working towards. This puts ND in place to do this and it will end up being the standard across the United States. So the ND Motor Vehicle Carriers are in support.

**Senator Lee** said that it would seem like the process puts more burden on the State to do all the work.

**Mr. Balzer** said that it does. It will eliminate some fraud in getting a med card and so these steps will add a safety step.

**Senator Oehlke** tried to clarify that when out of state truckers were stopped now that they would have that combination of CDL and med card.

**Mr. Balzer** said that not all states have adopted this. He added, that for the most part every state will have this and they are starting to work toward it through there law enforcement process.

**Senator Lee** said that it looked like it was adding considerable work to see that the state is in compliance with Federal law. Is there any Federal reimbursement for us to comply?

**Mr. Jackson** said that they have received grants to do the system but not the work load.

**Senator Lee** said that this will add to the time frame of getting a CDL and that is already a major problem. He said especially in the oil patches.

**Mr. Jackson** explained some of the budget requests and the 4 FTEs that are in the Governor's budget and said that should help relieve some of these long waits for licensing. They are also trying to extend the renewal period for class D drivers license from 4 years to 6 years. That would reduce the number of renewals for the license by 50% a year. That will give their staff time to catch up and pick up some of this new work that will come to DOT.

**Senator Lee** asked if they have quantified in time what a med card certification through DOT will be.

**Mr. Jackson** said that they have already streamlined the initial process and have some temporary help so it shouldn't slow them down too much but it will add some time.

**Senator Oehlke** said that the state had not been required to verify medical up to this point.

**Mr. Jackson** said that the state issued a CDL based on qualifications and the medical certification was left to the drivers to go to their physician and get that medical certification and have those documents with them when they were driving.

**Senator Lee** asked what the downside was of not conforming.

**Mr. Jackson** said that it is always the overhanging loss of Federal funds. If it relates to Federal Highway dollars it could be a penalty.

**Senator Sitte** asked **Mr. Jackson** what that ramification could be or if he could find that out for the committee.

**Mr. Jackson** said that it is usually 10% loss of highway funds.

**Mr. Balzer** said approximately 22.5 million dollars.

**Senator Sitte** said that sometimes ND is taking the lead in regulations and it seems to be happening more and more. It would be good to know the deadline.

**Mr. Jackson** said FMCSA rules already apply to drivers that have CDLs and ND is only bring their state laws into compliance with something that they already have to comply with.

**Senator Mathern** asked Mr. Balzer if it was correct to say that they want this in place.

**Mr. Balzer** said from the texting side of this bill they are in support for that safety issue for the industry. The med card is also a federal rule and it is something the industry wanted because it saves time and also HIPPO makes it more complicated for employers.

**Senator Lee** is still concerned about the length of time that it takes to get a CDL and the med card process will only make that time more lengthy. He asked Mr. Balzer how their drivers will react to further delays.

**Mr. Balzer** said that he agrees that delays are an issue. He said that they feel comfortable with the steps the DOT has taken with other pieces of legislation to rectify that. He said when we get into situation of state law differing from federal law; conformity seems to be the only answer.

**Mr. Jackson** said in answer to Senator Sitte's previous question on the end date for state implementation of these procedures, it is January 30, 2012.

No opposing testimony

**Senator Lee** closed the hearing on SB 2112.

Discussion followed on:

The industry and its support  
Concerns about the DOT's volume of work  
Safety issues

**Senator Mathern** moved a Do Pass of SB 2112.

**Senator Nodland** seconded.

Discussion continued on whether the Senators were ready to act on this bill.

**Senator Mathern** withdrew motion.

**Senator Nodland** withdrew his second.

Mr. Jackson distributed the information on the Self-Certification Category Chart.

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee  
Lewis and Clark Room, State Capitol

SB 2112  
January 27, 2011  
13545

Conference Committee

*Hang*

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

**Minutes:**

*Vote*

**Senator Lee** gave a brief summary of the bill and asked the committee for further discussion on SB 2112. He said they were looking to follow federal law with what is in this bill. He stated that if we don't follow federal law we risk losing 10% of our highway dollars.

**Senator Mathern** moved a Do Pass on SB 2112.

**Senator Nodland** seconded the motion.

Roll call vote 6-0-0. **Motion passed.**

Carrier is **Senator Mathern**

Date: 1-27-11  
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2112

Senate Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment

Rerefer to Appropriations  Reconsider

Motion Made By Senator Mathern Seconded By Senator Nodland

Senators	Yes	No	Senators	Yes	No
Senator Gary Lee	✓		Senator Tim Mathern	✓	
Senator Dave Oehlke	✓				
Senator Dave Nething	✓				
Senator George Nodland	✓				
Senator Margaret Sitte	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Mathern

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

**REPORT OF STANDING COMMITTEE**

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



2011 HOUSE TRANSPORTATION

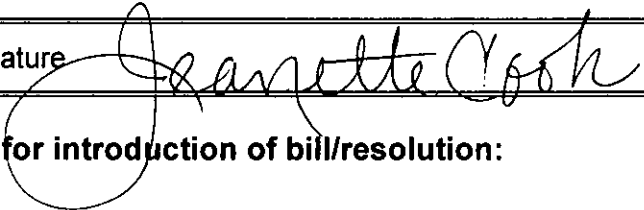
SB 2112

# 2011 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee  
Fort Totten Room, State Capitol

SB 2112  
03/03/2011  
Job # 14900

Conference Committee

Committee Clerk Signature 

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

SB 2112 is a bill relating to commercial driver's licenses.

## Minutes:

Attachment #1

**Glenn Jackson**, Director of the Driver's License Division of the North Dakota Department of Transportation, introduced SB 2112 as an agency bill and provided written testimony. See attachment #1.

**Chairman Ruby:** Are all these changes required by the Federal government?

**Glenn Jackson:** It is a final rule from CSA, and as they are the regulatory agency for CDL interstate trucking, we have no choice. This is the federal law that is in effect, and we are bringing our statute into compliance.

**Chairman Ruby:** What are the effects of the differences between the interstate and intrastate? Has anything changed as far as the practices of requirements for the medical certificate or anything like that?

**Glenn Jackson:** The biggest change is that they are shifting the responsibility for managing the medical certification process to the states versus to the physicians. As it stands now, we will issue a commercial driver's license. The driver is responsible to have a medical certificate provided by a physician in their possession when they are driving. Under this change, the Department of Transportation will have to have the medical certificate before we will issue the CDL, and then we have to manage that certification. The certification is good for two years, so every two years the Department of Transportation will have to go through the process of requesting an update to that medical certification from the driver. Hence, the downgrade process, because if they don't give us a new copy from the physician, we have to downgrade their CDL. That will be the new process.

**Chairman Ruby:** That is going to be a lot of administrative responsibility for the Department of Transportation.

**Glenn Jackson:** That is correct.

**Chairman Ruby:** Is there a fiscal note on this?

**Glenn Jackson:** A fiscal note was not requested, so one has not been completed. At the front counter, the additional amount of work will be minimal. The examiners will have to evaluate the medical certificate for authenticity and then process it. On the back end we will have a process in place where approximately sixty days before a medical certificate expires, we will mail a letter to the driver to inform him of that. They will have to get that back to us, and we will have to enter it into the system to upgrade the system to show that the medical status is still good for another two years. The back office will require some staff.

**Chairman Ruby:** So, why wasn't a fiscal note requested?

**Linda Butts:** We have requested four FTEs for Driver's License in our appropriations budget. That was thought through when we looked at this legislation.

**Chairman Ruby:** In the second year when a certificate expires then the license would be downgraded if the driver hadn't proven that they have an updated medical card?

**Glenn Jackson:** Today if someone doesn't get their medical card updated, and they are driving, and they are stopped, they will be downgraded.

**Chairman Ruby:** If they are downgraded, will they still have their CDL for intrastate?

**Glenn Jackson:** Yes, that is true.

**Representative Hogan:** How many CDL licenses do you have in North Dakota?

**Glenn Jackson:** I don't have the exact number, but I will get it.

**Representative Hogan:** It sounds like a big issue.

**Glenn Jackson:** It is a large issue, but it affects truckers that already have to have a medical certification. It is not creating a new certification for them. All this does is place the burden on us to have the medical certification before we issue the CDL versus just issuing it if they qualify, and then they have to do this separately with their physicians.

**Representative Delmore:** Is the texting something new that has been added, and is there a stiffer penalty in here for texting while driving with a CDL?

**Glenn Jackson:** The texting in this bill is just specific to the CDL truckers. It varies as far as the penalties from what the texting bill was that went through the House.

**Chairman Ruby:** Would the notification of pending expiration go to the employee or the company that employs them?

**Glenn Jackson:** As of now, it would go to the holder of the CDL.

**Representative Onstad:** Can you maintain your CDL if you are always driving in state and do not have a medical card?

**Glenn Jackson:** If you are not required to have a medical now, this won't affect you at all. This only affects drivers who are currently required to have a medical at this time. It depends on the license and the restriction of the license that they have now. It is spelled out in the bill.

**Representative Frantsvog:** If this is for CDL licenses only, on page 3 line 7 it says "violating a state or local law or ordinance prohibiting texting". Why does it say that if this is only for CDL drivers?

**Glenn Jackson:** The reason for the change was to make that a significant serious offense. It would not be a serious offense not, but in order to comply with the rule it has to be deemed a serious offense in order to downgrade someone's CDL. (Recorder stopped shortly.)

**Tom Balzer,** North Dakota Motor Carriers Association, spoke in SB 2112. He stated that SB 2112 will bring us back into compliance with federal rules. The trucking industry has had a lot of rules put upon it in the last two years. This legislation does not define anything new. The texting part is a federal rule that has been in place since September or October of last year. Since that time truck drivers who are engaged in interstate commerce are not allowed to text. The fine is \$2600. The language in the texting part of this bill is consistent with the how the federal rule is written. The med card is onerous for the Department of Transportation and the drivers, but there is a safety concern. There are a small percentage of drivers who are unable to get a renewable med card, and they keep driving. The North Dakota Motor Carriers Association feels that this is a good safety measure. In answer to Representative Hogan's question, there have been about 36,000 CDLs in the state. There are many people in the agricultural industry that carry a CDL even though they are not required to. Any of the CDL drivers that stay within the state are not required to have a med card.

**Chairman Ruby:** If someone has a medical condition, such as high blood pressure, they have to get checked every year, correct?

**Tom Balzer:** Yes, that is correct. It would be deemed a risk factor. The doctor will determine when the next visit has to be. It may be frequent.

**Representative Onstad:** Can you get a CDL if you have been diagnosed with diabetes?

**Tom Balzer:** Right now it depends on what doctor you have. The US Department of Transportation is in the process of certifying doctors. Right now a doctor, physician's assistant, or a chiropractor may sign off for a med card. Part of Department of Transportation's process is to make sure that there is a listing of doctors that have the specific knowledge to deal with the industry. It may also depend on the severity of the diabetes. Someone who is severely diabetic probably would not be able to get a med card. If they are a controlled diabetic, they probably could. It is up to the doctor's discretion.

**Representative Onstad:** Are there just going to be certain doctors that can perform a CDL medical?

**Tom Balzer:** That is the administration's current plan.

**There was not further support for SB 2112.**

**There was no opposition to SB 2112.**

The hearing was closed on SB 2112.

**Representative R. Kelsch moved a DO PASS on SB 2112.**

**Representative Delmore seconded the motion.**

**A roll call vote was taken. Aye 14 Nay 0 Absent 0**

**The motion carried.**

**Representative Sukut will carry SB 2112.**

# 2011 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee  
Fort Totten Room, State Capitol

SB 2112  
03/11/2011  
Job # 15317

Conference Committee

Committee Clerk Signature 

Minutes:

Attachment #1

**Representative R. Kelsch moved to reconsider the actions whereby we passed out SB 2112.**

**Representative Delmore** seconded the motion.

**A voice vote was taken. The motion carried.**

**Chairman Ruby:** We have the bill before us. Representative Jeff Delzer had an issue with the bill. He questioned if you downgrade your license because you don't have your medical card, what happens once you get it back. Do you have to retest to get back up to the same grade? Department of Transportation thought that they would not have to test. Once a driver showed proof of medical card, they would be upgraded back up. Representative Delzer pointed out that it does not say that in the bill. So, we had an amendment drafted to put that language on. See attachment #1. Representative Delzer also had some issues that since this is intrastate, we are applying the same practices as interstate. However, in administrative code it does require that we be uniform with federal provisions. This amendment would state that a license downgraded due to the medical downgrade of this section will be upgraded without retesting when the driver provides a current medical certification within one year of downgrade. We used one year because that is consistent with the time period of having an un-renewed license and being able to renew without having to take the test.

**Representative Weisz:** I don't have a problem with the amendments, but I fail to share Rep. Delzer's concern. The bill doesn't downgrade to a Class D, it just downgrades to a limitation of what the commercial license can be used for.

**Chairman Ruby:** One issue that we were talking about is if a driver needs to renew their CDL, and they don't have a valid medical card. Then a CDL would not be issued because they did not have a medical card. So, at least every four years drivers will have to have a medical card whether they drive or not, so they can renew their CDL. The Department of Transportation said that they would still issue the CDL, but there was still some gray area.

**Representative Weisz:** In some ways I might even have some concern with the amendment because the current law doesn't have any time restraints. A driver is just downgraded. If you want to do the practices that require a medical card, you will have to get one before you get reinstated. So, with this amendment, since I am not renewing my medical card because I don't need it, will I lose my CDL if it is past the one year?

**Chairman Ruby:** It could say that. We could change the amendment.

**Representative Weisz:** I was comfortable with the original language that stated the license is downgraded until the driver does what he needs to do to get a medical card.

**Representative Gruchalla:** I feel somewhat uncomfortable with the amendment also. Was this run by the Department of Transportation or the Motor Carriers Association?

**Chairman Ruby:** Department of Transportation drafted the amendment.

**Representative Gruchalla:** Did Tom Balzer see it?

**Chairman Ruby:** I'm not sure if he did. We do not have to adopt this. It was brought back to the committee because of some concerns. We could keep the certification and strike "within one year of downgrade."

**Representative Weisz:** I don't think that would change anything from the standpoint of revoking the license. I like that better.

**Chairman Ruby:** If your license is expiring, and you don't have an updated medical card, and you go in and check the box that you need a medical card; you wouldn't get the license. With the new bill drivers will get a notice that they need a medical card 60 days before it is due. They should have plenty of time to get it.

(Audio on votes is missing.)

**Representative Weisz moved the modified amendment.**

**Representative Gruchalla seconded the motion.**

**A voice vote was taken. The motion passed.**

**Representative Sukut moved a DO PASS as amended on SB 2112.**

**Representative Delmore seconded the motion.**

**A roll call vote was taken. Aye 12 Nay 0 Absent 2**

**The motion carried.**

**Representative Sukut will carry SB 2112.**

Date: 2-3-11

Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2112

House TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do Pass  Do Not Pass  Amended  Adopt Amendment

Rerefer to Appropriations  Reconsider

Motion Made By R. Kelsch Seconded By Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Representative Delmore	X	
Vice Chairman Weiler	X		Representative Gruchalla	X	
Representative Frantsvog	X		Representative Hogan	X	
Representative Heller	X		Representative Onstad	X	
Representative R. Kelsch	X				
Representative Louser	X				
Representative Owens	X				
Representative Sukut	X				
Representative Vigesaa	X				
Representative Weisz	X				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Sukut

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



Date: 3/11/11  
 Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2112

House TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do Pass  Do Not Pass  Amended  Adopt Amendment

Rerefer to Appropriations  Reconsider

Motion Made By R. Kelsch Seconded By Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby			Representative Delmore		
Vice Chairman Weiler			Representative Gruchalla		
Representative Frantsvog			Representative Hogan		
Representative Heller			Representative Onstad		
Representative R. Kelsch					
Representative Louser					
Representative Owens					
Representative Sukut					
Representative Vigasaa					
Representative Weisz					

*Noice  
Vote  
Carried*

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

PROPOSED AMENDMENTS TO SENATE BILL NO. 2112

3/11

#1

Page 4, after line 3 insert:

"6. A license downgraded due to the medical downgrade of this section will be upgraded without re-testing when the driver provides a current medical certification within one year of downgrade."

Renumber accordingly

Date: 3-11-11

Roll Call Vote #: 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2112

House TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do Pass  Do Not Pass  Amended  Adopt Amendment

Rerefer to Appropriations  Reconsider

Motion Made By Weisz Seconded By Gruchalla

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby			Representative Delmore		
Vice Chairman Weiler			Representative Gruchalla		
Representative Frantsvog			Representative Hogan		
Representative Heller			Representative Onstad		
Representative R. Kelsch					
Representative Louser					
Representative Owens					
Representative Sukut					
Representative Vigasaa					
Representative Weisz					

*Vote Carried*

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

*#1 amend.  
Strike - within one  
modified amend.*

March 11, 2011

VR  
3/11/11

PROPOSED AMENDMENTS TO SENATE BILL NO. 2112

Page 4, after line.3, insert:

"6. If the driver provides a current medical certification, the director shall upgrade without retesting the license of a driver which was downgraded under this section."

Renumber accordingly

Date: 3-11-11

Roll Call Vote #: 3

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2112

House TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do Pass  Do Not Pass  Amended  Adopt Amendment

Rerefer to Appropriations  Reconsider

Motion Made By: Sukut Seconded By Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Representative Delmore	X	
Vice Chairman Weiler	X		Representative Gruchalla	X	
Representative Frantsvog	X		Representative Hogan	X	
Representative Heller	X		Representative Onstad	X	
Representative R. Kelsch	X				
Representative Louser	A				
Representative Owens	X				
Representative Sukut	X				
Representative Vigesaa	A				
Representative Weisz	X				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Sukut

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

**REPORT OF STANDING COMMITTEE**

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

**REPORT OF STANDING COMMITTEE**

**SB 2112: Transportation Committee (Rep. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2112 was placed on the Sixth order on the calendar.

Page 4, after line 3, insert:

"6. If the driver provides a current medical certification, the director shall upgrade without retesting the license of a driver which was downgraded under this section."

Renumber accordingly

2011 TESTIMONY

SB 2112



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**SENATE TRANSPORTATION COMMITTEE**  
**January 14, 2011, 10:00 AM ; Lewis & Clark Room**

**North Dakota Department of Transportation**  
**Glenn Jackson, Director, Drivers License Division**

**SB 2112**

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Good morning, Mr. Chairman and members of the committee. I'm Glenn Jackson, Director of the Drivers License Division at the North Dakota Department of Transportation. Thank you for giving me the opportunity to present information to you today.

The North Dakota Department of Transportation pre-filed Senate Bill 2112 as an agency bill. This bill implements guidance on commercial drivers as provided by the Federal Motor Carrier Safety Administration in a Final Rule dated December 1, 2008, and a Final Rule dated September 27, 2010, insuring North Dakota complies with the commercial driver safety issue.

**Section 1:** Clarifies definitions utilized to manage medical certification status changes for commercial drivers and establishes a definition for electronic devices and texting.

**Section 2:** adds violation of a state or local law or ordinance as a serious violation of the texting ban.

**Section 3:** clarifies procedures for the state to follow in management of medical certification.

**Section 4:** enables the director to issue a letter of authority in lieu of a permit to a commercial driver applicant for the act of driving to and take a road test and return home.

**Section 5:** clarifies the reference to medical certification requirements and adds pending applications to the disqualification process.

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

## Self-Certification Category Chart

Revised 11/2010

All Class A, B, or C (CDL) License holders and all drivers applying for a Class A, B, or C permit must check one of the Self-Certification categories.

How do I know what Self-Certification category I should check?

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Category 1: Interstate and subject to 49 CFR part 391.

- All Class A, B, and C drivers who do NOT fall under any of the other categories.
- All Class A, B, and C drivers granted a federal vision or diabetes exemption; or SPE-limb impairment Skill Performance Evaluation.

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Category 2: Interstate, but operating exclusively in transportation or operations excepted under 49 CFR 390.3(f), 391.2, 391.68, or 398.3.

- School bus operations. *Check Category 2 if crossing state lines. Check Category 3 if NOT crossing state lines. Medical Certificate must be carried by the driver in both cases.*
- Transportation performed by the Federal government, a State, or any political subdivision of a State.
- Occasional transportation of personal property by individuals *not for compensation* nor in the furtherance of a commercial enterprise.
- The transportation of human corpses or sick and injured persons.
- The operation of fire trucks and rescue vehicles while involved in emergency and related operations.
- A 9 to 15 passenger van, including the driver, weighing less than 26,001 gross vehicle weight rating, not for compensation. For compensation, must stay within a 75 air-mile radius of the driver's normal work reporting location.
- Apiarian industries (Beekeepers).
- Farm custom operations (Custom Harvesters).
- Non-articulated farm vehicle drivers operating within a 150 mile radius of the farm.
- Private motor carrier of passengers (nonbusiness). For example, organizations exempt from the Internal Revenue Code that provide transportation for their members.
- Emergency delivery of propane winter heating fuel and pipeline response.
- Drivers of migrant workers (must meet minimum medical standards only; 49 CFR 398.3).

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Category 3: Intrastate and subject to State driver qualification requirements.

- North Dakota drivers granted a State Waiver for vision and insulin controlled diabetes (Restriction 0; Class A, B, C valid for Intrastate only). *Medical Certificate must be carried by the driver.*
- **In-state** drivers of vehicles over 26,000 pounds, placarded hazardous material, vehicles designed to transport 16 or more persons including the driver, and school vehicles designed to seat ten or more passengers. *Medical Certificate must be carried by the driver.*

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Category 4: Intrastate, but operating exclusively in transportation or operations excepted from all or part of the State driver qualification requirements. *No medical certificate required. Medical monitoring may be required by the North Dakota Drivers License Division pending certain medical conditions.*

- Bonafide farmer or rancher operating articulated farm vehicles within a 150 mile radius of the farm or ranch and does NOT cross state lines.
  - Business vehicles 10,001 to 26,000 lbs. GVWR that do NOT cross state lines, do NOT transport hazardous material that requires placarding, and are NOT designed to transport 16 or more persons, including the driver.
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**HOUSE TRANSPORTATION COMMITTEE**  
**March 3, 2011, 10:00 AM; Fort Totten Room**

**North Dakota Department of Transportation**  
**Glenn Jackson, Director, Drivers License Division**

**SB 2112**

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Good morning, Mr. Chairman and members of the committee. I'm Glenn Jackson, Director of the Drivers License Division at the North Dakota Department of Transportation. Thank you for giving me the opportunity to present information to you today.

The North Dakota Department of Transportation pre-filed Senate Bill 2112 as an agency bill. This bill implements guidance on commercial drivers as provided by the Federal Motor Carrier Safety Administration in a Final Rule dated December 1, 2008, and a Final Rule dated September 27, 2010, insuring North Dakota complies with the commercial driver safety issue.

**Section 1:** Clarifies definitions utilized to manage medical certification status changes for commercial drivers and establishes a definition for electronic devices and texting.

**Section 2:** adds violation of a state or local law or ordinance as a serious violation of the texting ban.

**Section 3:** clarifies procedures for the state to follow in management of medical certification.

**Section 4:** enables the director to issue a letter of authority in lieu of a permit to a commercial driver applicant for the act of driving to and take a road test and return home.

**Section 5:** clarifies the reference to medical certification requirements and adds pending applications to the disqualification process.

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