

HOUSE BILL NO. 1343

Introduced by

Representatives Delzer, Kempenich

Senators Freborg, B. Stenehjem

1 A BILL for an Act to amend and reenact section 39-08-21 of the North Dakota Century Code,
2 relating to an exemption from medical regulations for certain drivers of commercial vehicles;
3 and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 39-08-21 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **39-08-21. Medical qualifications exemption for intrastate drivers.** Notwithstanding
8 the adoption by the superintendent of the state highway patrol of federal motor carrier safety
9 regulations pursuant to subsection 2 of section 39-21-46, the provisions of 49 CFR
10 391.41(b)(1)-(11) do not apply to a person who:

- 11 1. Is otherwise qualified to operate a commercial motor vehicle and who possesses,
12 on March 26, 1991, a class 1 license issued pursuant to section 39-06-14, as that
13 section existed on June 30, 1989, or a class A license issued pursuant to chapter
14 39-06.2;
- 15 2. Operates a commercial motor vehicle only within the boundaries of this state; and
- 16 3. ~~Does not operate a motor vehicle used in the transportation of hazardous materials~~
17 ~~in a quantity requiring placarding under regulations issued pursuant to the~~
18 ~~Hazardous Materials Transportation Act [49 U.S.C. App. 1801 et seq.]; and~~
- 19 4. Has a medical or physical condition ~~which~~ that:
 - 20 a. Would prevent such person from operating a commercial motor vehicle under
21 federal motor carrier safety regulations contained in 49 CFR, Chapter III,
22 subchapter B;
 - 23 b. Existed on March 26, 1991, or at the time of the first required physical
24 examination after that date; and

- 1 c. An examining physician has determined has not substantially worsened since
2 March 26, 1991, or the time of the first required physical examination after
3 that date.

4 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.