

2023 HOUSE TRANSPORTATION

HB 1208

2023 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

HB 1208
1/19/2023

A bill relating to individuals who are exempt from having an operator's license.

Chairman D. Ruby opened the hearing at 2:29 PM.

Members present: Chairman Ruby, Vice Chairman Grueneich, Representatives Anderson, Christensen, Dyk, Frelich, Hauck, Koppelman, Murphy, Timmons, Wagner, Weisz, Dakane, Dobervich. No members absent.

Discussion Topics:

- International operator licenses
- Exemptions for operator licenses

Vice Chairman Grueneich verbally introduced the bill.

Brad Schaffer, Director of Drivers License with North Dakota Department of Transportation, testified neutrally (#14502).

Chairman Ruby closed the hearing at 2:43 PM.

Representative Murphy moved a Do Not Pass.

Representative Dakane second's motion

Roll call vote:

Representatives	Vote
Representative Dan Ruby	Y
Representative Jim Grueneich	Y
Representative Karen A. Anderson	Y
Representative Cole Christensen	Y
Representative Hamida Dakane	Y
Representative Gretchen Dobervich	Y
Representative Scott Dyk	Y
Representative Kathy Frelich	Y
Representative Dori Hauck	Y
Representative Ben Koppelman	Y
Representative Eric James Murphy	Y
Representative Kelby Timmons	Y
Representative Scott Wagner	Y
Representative Robin Weisz	N

Motion carries 13-1-0

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Representative Murphy: carrier

Additional written testimony: Kevin Hermann ND taxpayer, testimony in opposition (#14406.)

Meeting adjourned at 2:45 PM

Mary Brucker, Committee Clerk By: Leah Kuball

REPORT OF STANDING COMMITTEE

HB 1208: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO NOT PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1208 was placed on the Eleventh order on the calendar.

TESTIMONY

HB 1208

Written testimony on House Bill 1208

Chairman Ruby and House Transportation Committee Members

My name is Kevin Herrmann, 300 Fair St. SW, Beulah, ND. I am representing myself as a North Dakota taxpayer.

I stand oppose to House Bill 1208. The idea of individuals who are exempt from having an operator's license in 39-06-02 is totally wrong. Now, House Bill 1208 would include agriculture worker from a totally different country that has an H-2A visa exempt having a North Dakota operator license is insane. The farmer who acquires a worker from different country might hardly speak English or hardly understand our English language. I do not feel safe allowing agriculture worker from a different country driving on our North Dakota road unless the individual passes a North Dakota written and driving test just we all had to do.

I grew up on a farm north of Zap. House Bill 1208 is not needed.

Please give House Bill 1208 a DO NOT PASS

Kevin Herrmann
300 Fair St. SW
Beulah, ND 58523
701-873-4163



House Bill No. 1208
House Transportation Committee
327E | January 19, 2023, 2:30 p.m.
Brad Schaffer, Driver License

Good afternoon, Mr. Chairman and members of the committee. I'm Brad Schaffer, Director of Driver License for the North Dakota Department of Transportation (NDDOT). I'm here to provide information related to HB 1208.

House Bill 1208 will exempt an individual from having a North Dakota Commercial Driver License to perform agricultural labor here on a H-2A visa.

According to 49 CFR Part 383 – Commercial Driver's License Standards; Requirements and Penalties, no person shall operate a Commercial Motor Vehicle (CMV) unless such person has taken and passed knowledge and driving skills tests for a Commercial Learners Permit (CLP) or Commercial Driver License (CDL). Federal Motor Carrier Safety Administration (FMCSA) cannot determine that the knowledge and skills tests taken in a foreign county meet federal standards. A person must obtain a non-domiciled CLP or CDL if the applicant is domiciled in a foreign jurisdiction.

Under 39-06.2-06 North Dakota has a Farm exemption that is allowed by 49 CFR 383.3. This will exempt an individual who operators a farm vehicle controlled by the farmer, including employees or family members; used to transport either agricultural products, farm machinery, farm supplies, or both to and from a farm; not used in the operations of a for-hire motor carrier, and used within 150 miles of the farmer's farm. The individual would need to have a North Dakota Class D license and cannot go across state lines.

If this bill passes, the penalty could be withholding of federal-aid highway funds of up to 4% for the first year and up to 8% for subsequent years. Also, FMCSA could disqualify the state from performing all CDL transactions.

Mr. Chairman, that concludes my testimony. I would be happy to answer any questions you may have.