

2023 SENATE TRANSPORTATION

SB 2112

2023 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

SB 2112
1/5/2023

A BILL relating to the drug and alcohol clearinghouse requirements for commercial drivers.
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1:00 pm **Chairman Clemens** opened the meeting. **Senators Conley, Clemens, Paulson, Rummel, and Larsen** are present.

Discussion Topics:

- Federal Regulations
- Requirements of rule change

1:02 p.m. **Brad Schaffer, Director of Driver License of the ND Department of Transportation**, provided information on SB 2112. #12421

1:07 p.m. **Arik Spencer, ND Motor Carriers Association (NDMCA)**, provided oral testimony in favor.

Senator Larson moved DO PASS.
Senator Conley seconded the motion.

Roll call vote.

Senators	Vote
Senator David A. Clemens	Y
Senator Cole Conley	Y
Senator Doug Larsen	Y
Senator Bob Paulson	Y
Senator Dean Rummel	Y

Motion Passed 5-0-0

Senator Conley will carry SB 2112

1:27 p.m. **Chairman Clemens** closed the meeting.

Danielle Butler, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2112: Transportation Committee (Sen. Clemens, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2112 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

2023 HOUSE TRANSPORTATION

SB 2112

2023 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

SB 2112
3/2/2023

A bill relating to the drug and alcohol clearinghouse requirements for commercial drivers.

Chairman Ruby opened the hearing at 10:25AM.

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:

- Commercial licensing program
- Drug and Alcohol Clearinghouse checks
- Federal Motor Carrier Safety Regulations requirements
- Federal-aid highway funds penalty

Brad Schaffer, Interim Director of Motor Vehicle with the North Dakota Department of Transportation, introduced the bill in support (#21562).

Arik Spencer, Greater North Dakota Chamber and representing North Dakota Motor Carriers Association, verbally testified in support.

Chairman D. Ruby closed the hearing at 10:33AM.

Representative Christensen moved a Do Pass.

Representative Dobervich seconded the 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	Y
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Motion carried 14-0-0

Representative Christensen is the bill carrier.

Meeting adjourned at 10:37AM.

Mary Brucker, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2112: Transportation Committee (Rep. D. 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.

TESTIMONY

SB 2112

**Senate Bill No. 2112****Senate Transportation Committee**

Ft. Totten Room | January 5, 2023, 1 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 SB 2112.

Senate Bill 2112 brings the North Dakota commercial licensing program into compliance with the Federal Motor Carrier Safety Administration (FMCSA). These changes include the requirement to conduct a check of the Drug and Alcohol Clearinghouse prior to issuing, renewing, or upgrading a Commercial License (CDL) or Commercial License Permit (CLP). These changes must be implemented no later than November 18, 2024.

A rule change in the Federal Motor Carrier Safety Regulations (49 CFR Part 392 - subpart B, effective November 8, 2021) requires state driver licensing agencies to access and use information obtained through the Drug and Alcohol Clearinghouse, an FMCSA-administered database containing driver-specific controlled substance and alcohol records.

States must remove the CLP or CDL privilege from the driver license of an individual, which would result in a downgrade of the license until the driver complies with the return-to-duty requirements.

During the NDDOT's 2022 Annual Program Review by FMCSA, they recommended this requirement be implemented to ensure the state remains in substantial compliance with 49 CFR 383 and 384. A state must come into substantial compliance with this requirement as soon as possible, but no later than November 18, 2024. If we do not come into compliance with this rule, the penalty is a 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 CDL transactions.

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



Senate Bill No. 2112
House Transportation Committee
327E | March 2, 2023, 10:20 a.m.
Brad Schaffer, Driver License

Good morning, 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 SB 2112.

Senate Bill 2112 brings the North Dakota commercial licensing program into compliance with the Federal Motor Carrier Safety Administration (FMCSA). These changes include the requirement to conduct a check of the Drug and Alcohol Clearinghouse prior to issuing, renewing, or upgrading a Commercial License (CDL) or Commercial License Permit (CLP). These changes must be implemented no later than November 18, 2024.

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