

**FULL NOTICE OF INTENT TO ADOPT AND AMEND
ADMINISTRATIVE RULES**

TAKE NOTICE that the North Dakota Highway Patrol will hold a public hearing to address proposed amendments to N.D. Admin. Code chapter 38-04-01 at 10:00 a.m. on June 29, 2026, at the Law Enforcement Training Academy, 1320 Schafer Street, Bismarck, ND. The purpose of the proposed amendment to the rules is to modify the qualifications for intrastate commercial motor vehicle drivers.

The proposed rule amendment is not expected to have an impact on the regulated community in excess of \$50,000.

The proposed rules may be reviewed at the office of the North Dakota Highway Patrol, 600 E Blvd Ave, Dept 504, Bismarck, ND, 58505. A copy of the proposed rules and/or a regulatory analysis may be requested by writing the above address, e-mailing lhendric@nd.gov or calling 701-239-8956. A copy of the proposed rules may also be viewed on the North Dakota Highway Patrol website at www.statepatrol.nd.gov. Written or oral comments on the proposed rules sent to the above address or telephone number and received by July 14, 2026, will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the North Dakota Highway Patrol at the above telephone number or address at least two days prior to the public hearing.

Dated this 27th day of May 2026.



Daniel Haugen, Superintendent
North Dakota Highway Patrol



ARTICLE 38-04
MOTOR CARRIER SAFETY REGULATIONS

Chapter

38-04-01 Motor Carrier Safety Regulations - General

CHAPTER 38-04-01
MOTOR CARRIER SAFETY REGULATIONS - GENERAL

Section

38-04-01-01 Regulatory Intent
38-04-01-02 Adoption of Regulations
38-04-01-03 Amendments

38-04-01-01. Regulatory intent.

1. The motor carrier safety regulations adopted in this chapter are designed to improve the safety and welfare of the general public by providing a framework of safe operating practices for motor carriers.
2. These regulations are adopted without substantial modification so as to provide for the greatest flexibility and uniformity in both interstate and intrastate commerce.
3. These regulations are binding upon all motor carriers and their employees while operating within or through the state of North Dakota and shall be enforced by the North Dakota highway patrol.

History: Effective October 1, 1983.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 39-21-46

38-04-01-02. Adoption of regulations.

The following parts of title 49, Code of Federal Regulations, including amendments are adopted by reference:

1. Part 382 - Controlled Substances and Alcohol Use and Testing.
2. Part 385 - Subpart A - General.
3. Part 385 - Subpart B - Safety Monitoring System for Mexico-Domiciled Carriers.
4. Part 385 - Subpart C - Certification of Safety Auditors, Safety Investigators, and Safety Inspectors.
5. Part 385 - Subpart D - New Entrant Safety Assurance Program.
6. Part 385 - Subpart E - Hazardous Materials Safety Permits.
7. Part 386 - Subpart F - Injunctions and Imminent Hazards.
8. Part 386 - Subpart G - Penalties.
9. Part 387 - Minimum Levels of Financial Responsibility for Motor Carriers.
10. Part 390 - Federal Motor Carrier Safety Regulations: General.
11. Part 391 - Qualifications of Drivers.

12. Part 392 - Driving of Motor Vehicles.
13. Part 393 - Parts and Accessories Necessary for Safe Operation.
14. Part 395 - Hours of Service of Drivers.
15. Part 396 - Inspection, Repair and Maintenance.
16. Part 397 - Transportation of Hazardous Materials; Driving.

Intrastate commercial motor vehicles with a gross vehicle weight, gross vehicle weight rating, gross combination weight, and gross combination weight rating of twenty-six thousand pounds [11793.52 kilograms] or less are exempt from all federal motor carrier safety regulations unless the vehicle is used to transport hazardous materials requiring a placard, the vehicle is designed to transport more than eight passengers, including the driver, for compensation, or unless the vehicle is designed to transport more than fifteen people, including the driver not for compensation.

Intrastate commercial motor vehicle drivers less than twenty-one years of age are exempt from 49 CFR 391.11(b)(1) provided they are at least eighteen years of age.

History: Effective October 1, 1983; amended effective February 1, 1999; February 1, 2000; April 1, 2008; July 1, 2013; January 1, 2022.

General Authority: NDCC 28-32-02, 39-32-02

Law Implemented: NDCC 39-21-46

38-04-01-03. Amendments.

These regulations include such amendments as may be promulgated by the United States department of transportation.

History: Effective October 1, 1983.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 39-21-46