

DataQs State Implementation Plan



North Dakota

**For Compliance with Federal Motor Carrier Safety Administration (FMCSA) Revised
Motor Carrier Safety Assistance Program (MCSAP) Grant Requirements**

Date: September 2026

Purpose

In April 2026, FMCSA announced updated requirements for State participation in the DataQs system as a condition of receiving MCSAP grant funding. To comply with those requirements, each State must submit a DataQs State Implementation Plan. The following pages contain the key elements of the plan approved by FMCSA for North Dakota.

DataQs State Implementation Plan

State: North Dakota

MCSAP Lead Agency: North Dakota Highway Patrol

Initial Review Process

Roles and Responsibilities

- Persons responsible for managing DataQs for the organization
 - **Responsible Party:**
Motor Carrier Operation commander's designee - MCSAP Coordinator
 - **Supervisor(s):**
Motor Carrier Operations Commander
 - **Backups:**
NDHP MCO subject matter expert in concerned area.
 - **Interactions:**
The NDHP has oversight on local agencies that complete inspections.
- Person(s) responsible for decision-making for the Initial Review process
 - **Responsible Party:**
NDHP MCSAP Coordinator, unless the MCSAP Coordinator is the inspector then the backup in this category would be used.
 - **Supervisor(s):**
NDHP Motor Carrier Operations Commander
 - **Backups:**
NDHP MCO subject matter expert in concerned area.
 - **Interactions:**
The NDHP has oversight on local agencies that complete inspections.
- Person(s) consulted for additional information or evidence
 - **Responsible Party:**
NDHP Motor Carrier Operations Supervision Team.
NDHP Field Operations Supervision Team.
North Dakota FMCSA Division office in Bismarck.
Originating inspector.
Local Law Enforcement agency or sub-division.
County Clerk of Courts.
 - **Supervisor(s):**

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- **Backups:**

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- **Interactions:**

These resources are used for clarification purposes on initial violations, potential civil or criminal charges, or verification of crash data/crash reports.

Process Description

- Receipt of RDR
 - **Responsible Party:**
Motor Carrier Operation commander's designee - MCSAP Coordinator
Motor Carrier Operations Administrative Assistant
 - **Process:**
Initial receipt of the RDR is emailed to both the NDHP MCSAP Coordinator and the MCO Administrative Assistant. Each individual type is still handled the same way at this point in the process.
- Review of RDR
 - **Responsible Party:**
Motor Carrier Operation commander's designee - MCSAP Coordinator
 - **Process:**
Review the initial request, regardless of the items in question, to familiarize the situation. Pathways for individual RDR types are as follows:
 - 1. Inspection
 - Reviewer may contact original inspector to obtain statements.
 - Body camera video or photos taken during original inspection may be viewed or obtained.
 - Review previous roadside inspection reports if applicable.
 - Request additional information from the carrier to include; statements, lease agreements, records of duty status, etc.
 - Shipping agencies may be contacted for supporting documents.
 - 2. Crash
 - Originating agency or crash investigator contacted for copy of report, pictures, or any supporting documentation collected during the investigation.
 - The carrier may be contacted for clarification on reported circumstances, tow records, injuries, etc.
 - 3. Adjudicated Citations
 - Carrier provided information.

-ND courts records website; ndcourts.gov

-County Clerk of Courts.

- Outcome of RDR

- **Responsible Party:**

- Motor Carrier Operation commander's designee - MCSAP Coordinator

- **Process:**

- A decision of the outcome is made based on the totality of the circumstances on whether to uphold the original information or grant the carriers request on the items of concern.

We may also modify the outcome that is outside the scope of the carrier's request, if information discovered concludes the original inspection and the carrier's request were both incorrect.

- Closure of RDR

- **Responsible Party:**

- Motor Carrier Operation commander's designee - MCSAP Coordinator

- **Process:**

- The RDR is closed after a determination is made and notification is made through the Data Q system.

- Timeliness:

The NDHP operates under Federal guidelines and expectations on the timetables in this process.

States must open an RDR within seven calendar days of submission for Initial Review request.

States must respond to Initial Review RDRs within 21 calendar days of submission.

States may request additional information from the requestor.

For all stages of review, if the State requests additional information from the requestor, the

requestor has 14 days to provide the information. The 14 days do not count towards the timeline

for the State's review.

Expected Outcomes for RDR Closures:

Closed—No Data Correction Made: The request has been closed and the data will not be corrected. If not, data correction is made the response will indicate the name of the decision maker and the justification for why changes were not made.

Closed—Data Correction Made: The request has been closed and the data will be

corrected. If the correction is other than what the carrier requested an explanation will be given in the response.

Closed—Citation Results Entered: The request has been closed and the violation will be appended to reflect the outcome of the citation. The response will include the classification of the outcome of the citation.

Closed—Report Not Sent: The request has been closed, but the requested inspection report was not sent. If a fraudulent request is submitted no report will be sent to the requestor.

Closed—Report Sent: The request has been closed and the agency sent the report. If the request was made by a validated motor carrier an unredacted report will be sent. If the request was made by a party other than a validated motor carrier a redacted copy will be uploaded with the driver's personal identifiable information removed.

Closed—No Requestor Response: The request was closed because the requestor did not respond. Data Q system will be allowed to close the request after 14 days of no response from the carrier.

Communication:

Generally completed through the Data Q system in order to document correspondence between the reviewer and carrier. Emails are regularly used for confirmation of uploaded records of duty status to eRODS.

Next Steps:

In the event of a denied request information a standardized response will be provided regarding next step actions for the requester.

Reconsideration Review Process

Roles and Responsibilities

- Person(s) responsible for decision-making for the Reconsideration Review process
 - **Responsible Party:**
 - First Appeal: a first line supervisor of NDHP Motor Carrier Operations

 - Second Appeal: Second appeal will be to an NDHP review panel.
 - a. A review panel shall be established by the NDHP MCO commander and will convene to make a decision on DataQ challenges.
 - b. The NDHP review panel will consist of:
 - 1) MCO commander

- 2) North Dakota Motor Carrier Association Board Member
- 3) At large motor carrier industry representative
- **Supervisor(s):**
<intentionally left blank>
- **Backups:**
<intentionally left blank>
- **Interactions:**
<intentionally left blank>
- Person(s) consulted for additional information or evidence
 - **Responsible Party:**
The initial inspector and the NDHP MCSAP Coordinator will be consulted. Also, any other entities consulted in the initial review may be consulted.
 - **Supervisor(s):**
<intentionally left blank>
 - **Backups:**
<intentionally left blank>
 - **Interactions:**
<intentionally left blank>
- Person(s) convening a panel or committee
 - **Responsible Party:**
On the second appeal, the NDHP review panel will be convened by the Motor Carrier Operations Commander and will consist of:
 - 1) MCO commander
 - 2) North Dakota Motor Carrier Association Board Member
 - 3) At large motor carrier industry representative
 - **Supervisor(s):**
<intentionally left blank>
 - **Backups:**
<intentionally left blank>
 - **Interactions:**
<intentionally left blank>
 - **Panel members' titles and associations:**
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Escalation Procedures:

If additional information is provided that was not included in the initial review, the request will be reopened under the initial review. If the carrier requests an appeal based on already provided information, it will be escalated to the appropriate review level.

Process Description

- Review of RDR
 - **Responsible Party:**
Motor Carrier Operation commander's designee - MCSAP Coordinator
 - **Process:**
When a reconsideration review is submitted, it will be received by the MCSAP Coordinator who will then make a determination on what step in the process it would be advanced to.

Step 2: (First appeal) will be to the MCO first line supervisor.

- a. If available, the officer or inspector's video and audio will be reviewed.
- b. Applicable federal and state statutes and regulations will be reviewed.
- c. An interview of the officer or inspector may be conducted. This may be conducted orally, either in person or by telephone, or electronically, including by e-mail.

Step 3: (Second appeal) will be to an NDHP review panel.

- a. A review panel shall be established by the NDHP MCO commander and will convene to make a decision on DataQs challenges.
- b. The NDHP review panel will consist of:
 - 1) MCO commander
 - 2) North Dakota Motor Carrier Association Board Member
 - 3) At large motor carrier industry representative
- c. An informal hearing via telephone, video conference, or in person may be scheduled as needed by the MCO commander.
- d. The petitioner and MCO commander, or designee, will present information.
- e. The NDHP review panel may conduct an interview with the officer or inspector. The interview may be conducted orally, in person, by video conference or by telephone, or electronically by e-mail.
- f. The NDHP review panel shall take the following into consideration in reaching its decision:
 - 1) All available relevant evidence, including documents, photographs, video, and oral or written statements;
 - 2) All relevant citations, adjudications, or convictions; and
 - 3) Applicable North Dakota and federal statutes and regulations.

- Outcome of RDR
 - **Responsible Party:**

First Appeal: Motor Carrier Operations first line supervisor.

Second Appeal: NDHP Panel

- **Process:**

First Appeal:

- a. The MCO first line supervisor will render a denied or upheld decision for the challenge.
- b. If the challenge is denied, the petitioner may appeal the decision.

Second Appeal:

- a. The decision will be rendered by a vote of the panel upholding or denying the challenge and documented in writing. The written decision must include:
 - 1) A statement of the NDHP review panel's decision.
 - 2) A summary of the basis for the decision, including a statement of the facts and conclusions of law to support the NDHP review panel's decision.
 - 3) A statement that the petitioner may request reconsideration of the decision of the NDHP review panel in accordance with NDCC § 28-32-40.
- b. If the petitioner submits a request for reconsideration, the NDHP may deny the petition or grant the petition on such terms as it may prescribe.
- c. The MCO commander will be notified of the decision for entry into the federal DataQs system.
- d. If the challenge is denied, the petitioner may appeal the decision to district court.

- Closure of RDR

- **Responsible Party:**

First Appeal: Motor Carrier Operations Administrative Assistant

Second Appeal: Motor Carrier Operations Commander

- **Process:**

First Appeal:

- a. The MCO commander or the commander's designee will be notified of the decision for entry into the federal DataQs system.

Second Appeal:

- a. MCO will maintain a complete record of all proceedings for a possible formal administrative hearing or appeal to district court. The MCO commander or the commander's designee will be notified of the decision for entry into the federal DataQs system.

- Timeliness:

Submitter must request an appellate review (a first or second appeal) within 30 days.

States must reach a decision on the Reconsideration Review and communicate it to the submitter

within 21 calendar days.

States may request additional information from the requestor.

For all stages of review, if the State requests additional information from the requestor, the

requestor has 14 days to provide the information. The 14 days do not count towards the timeline

for the State's review.

If the requestor does not respond, the system will close the request with the status "Closed—No Requestor Response" unless a decision can be made with existing information.

A request that is reopened after being closed for no response will not be escalated but instead will be reviewed at the level it was closed. If new information or evidence is provided, the RDR will be reviewed in the Initial Review process.

If a complex RDR requires additional time, FMCSA will work with lead agencies to address these RDRs on an individual basis.

Expected Outcomes for RDR Closures:

Closed—No Data Correction Made: The request has been closed, and the data will not be corrected. If not, data correction is made, the response will indicate the name of the decision maker and the justification for why changes were not made.

Closed—Data Correction Made: The request has been closed, and the data will be corrected. If the correction is other than what the carrier requested an explanation will be given in the response.

Closed—Citation Results Entered: The request has been closed, and the violation will be appended to reflect the outcome of the citation. The response will include the classification of the outcome of the citation.

Closed—Report Not Sent: The request has been closed, but the requested inspection report was not sent. If a fraudulent request is submitted no report will be sent to the requestor.

Closed—Report Sent: The request has been closed, and the agency sent the report. If the request was made by a validated motor carrier an unredacted report will be sent. If the request was made by a party other than a validated motor carrier a redacted copy will be uploaded with the driver's personal identifiable information removed.

Closed—No Requestor Response: The request was closed because the requestor did not

respond. Data Q system will be allowed to close the request after 14 days of no response from the carrier.

Communication:

Generally completed through the Data Q system in order to document correspondence between the reviewer and carrier.

Next Steps:

In the event of a denied request information a standardized response will be provided regarding next step actions for the requester.

Final Review Process

Roles and Responsibilities

- Person(s) responsible for decision-making for the Final Review process
 - **Responsible Party:**
North Dakota Administrative Law Judge
 - **Supervisor(s):**
<intentionally left blank>
 - **Backups:**
<intentionally left blank>
 - **Interactions:**
<intentionally left blank>
- Person(s) consulted for additional information or evidence
 - **Responsible Party:**
This would be determined by the court, but could include:
 - the initial inspector
 - NDHP MCSAP Coordinator
 - any other entities consulted in the initial review
 - MCO first line supervisor involved in step 2
 - the NDHP review panel members involved in step 3
 - **Supervisor(s):**
<intentionally left blank>
 - **Backups:**
<intentionally left blank>
 - **Interactions:**
<intentionally left blank>

- Person(s) convening a panel or committee
 - **Responsible Party:**
No panel
 - **Supervisor(s):**
<intentionally left blank>
 - **Backups:**
<intentionally left blank>
 - **Interactions:**
<intentionally left blank>
 - **Panel members' titles and associations:**
<intentionally left blank>

Escalation Procedures:

NDHP MCSAP Coordinator monitors the Data Q system and would forward any escalated request to the MCO Commander. The MCO Commander would then forward the notification to the North Dakota Office of Administrative Hearings (OAH).

Process Description

- Review of RDR
 - **Responsible Party:**
Determined by the court.
 - **Process:**
Determined by the court.
- Outcome of RDR
 - **Responsible Party:**
North Dakota Administrative Law Judge.
 - **Process:**
Determined by the court
- Closure of RDR
 - **Responsible Party:**
MCO Commander
 - **Process:**
Entering the final decision of the court into the Data Q system.
- Timeliness:

This will be determined by the court, but the NDHP will advise that the state must reach a decision on the Final Review and communicate it to the submitter within 45 calendar days.

Expected Outcomes for RDR Closures:

Closed—No Data Correction Made: The request has been closed and the data will not be corrected. If not, data correction is made the response will indicate the name of the decision maker and the justification for why changes were not made.

Closed—Data Correction Made: The request has been closed and the data will be corrected. If the correction is other than what the carrier requested an explanation will be given in the response.

Closed—Citation Results Entered: The request has been closed and the violation will be appended to reflect the outcome of the citation. The response will include the classification of the outcome of the citation.

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Closed—No Requestor Response: The request was closed because the requestor did not respond. Data Q system will be allowed to close the request after 14 days of no response from the carrier.

Communication:

Generally completed through the Data Q system in order to document correspondence between the reviewer and carrier. Any additional communications will have to be determined by the court system.

Next Steps:

The final decision and notification determined by the courts will be final.