

APPENDIX II-K

COVER SHEET FOR EMERGENCY RULE

Document Number 13963 Rule Number Saf-C 1800 various

<p>1. Agency Name & Address: Department of Safety Division of Motor Vehicles 23 Hazen Drive Concord, NH 03305</p> <p>5. Date of Filing: May 13, 2024</p>	<p>2. RSA Authority: <u>21-P:14, IV(m); 263:98</u></p> <p>3. Federal Authority: <u>N/A</u></p> <p>4. Type of Action:</p> <p>Adoption <u>X</u></p> <p>Amendment _____</p> <p>Repeal _____</p>
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6. Short Title: **Commercial Driver Licensing Rules**

7. Contact person for copies and questions:

Name: Michael Degieux	Title: Staff Counsel
Address: Department of Safety 33 Hazen Drive Concord, NH 03305	Phone #: (603) 223-4362

****PLEASE ATTACH THE FOLLOWING**, numbered to correspond to the numbers on this sheet (a separate sheet is not required for every item):

8. An explanation of the nature of (a) the imminent peril to public health or safety, demonstrating that the emergency rule is necessary to prevent the imminent peril, or (b) the substantial fiscal harm to the state or its citizens which could otherwise occur if the rule were not adopted as an emergency rule.

9. A summary of the effect if the rule were not adopted.

10. A description of those affected.

****PLEASE SUBMIT 2 COPIES OF THIS COVER SHEET** and all attachments along with 2 copies of the emergency rule to the Office of Legislative Services, Administrative Rules.

****PLEASE SIGN THE FOLLOWING:**

I, the adopting authority,* hereby certify that the attached is an accurate statement explaining why an emergency rule is necessary.

Date: 5/13/24

Signature: 

Name: Robert L. Quinn

Title: Commissioner

*("Adopting authority" is the official empowered by statute to adopt the rule, or a member of the group of individuals empowered by statute to adopt the rule.)

8. An explanation of the nature of (a) the imminent peril to public health or safety, demonstrating that the emergency rule is necessary to prevent the imminent peril, or (b) the substantial fiscal harm to the state or its citizens which could otherwise occur if the rule were not adopted as an emergency rule.

The Department asserts that an imminent peril to the public health or safety requires adoption of the proposed rules with less notice than is required under RSA 541-A:6. This rulemaking pertains to the implementation of the Federal Commercial Vehicle Safety Act of 1986 (CMVSA). (Title XII of Public Law 99-570) for the primary purpose of reducing or preventing commercial motor vehicle accidents, fatalities, and injuries.

9. A summary of the effect if the rule were not adopted.

If the rules were not adopted, it would impede law enforcement and the Division of Motor Vehicles from effectively governing the procedures for obtaining an original commercial driver license or renewal; commercial driver license endorsements and restriction; testing procedures; a list of what constitutes a serious traffic violation for notification or suspension purposes and the procedures for notifying the department for traffic violations.

10. A description of those affected.

These rules affect all new applicants for a commercial driver license; renewal applicants for a commercial driver license; New Hampshire commercial driver license holders; out-of-state commercial driver license holders; Department of Safety, Bureau of Hearings, and the Department of Safety, Division of Motor Vehicles.

13963, (eff 5-13-24)
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Adopt Saf-C 1801.01 through 1803.03, previously effective 2-18-14 (Doc. # 10523), and expired 2-18-24, to read as follows:

CHAPTER Saf-C 1800 COMMERCIAL DRIVER LICENSING

PART Saf-C 1801 APPLICABILITY

Saf-C 1801.01 Applicability. These rules shall be applicable to all persons who drive a commercial motor vehicle as defined in RSA 259:12-e.

Saf-C 1801.02 Exemption From the Commercial Driver License Requirements.

(a) Notwithstanding any other rule to the contrary, the requirements for a person to possess a commercial driver license shall not apply to the following:

- (1) Fire service personnel driving emergency vehicles assigned or registered to a department or fire service organization in pursuit of fire service purposes;
- (2) Persons who drive recreational vehicles, as defined in RSA 259:84-a;
- (3) Non-civilian military personnel driving military vehicles in pursuit of military purposes; and
- (4) Persons driving vehicles used exclusively for agriculture and farming, provided the vehicle is driven within a 150 mile radius from the main entrance of the farm.

PART Saf-C 1802 DEFINITIONS

Saf-C 1802.01 "Applicant" means a person intending to fulfill statutory and administrative requirements to hold a valid New Hampshire commercial driver license.

Saf-C 1802.02 "Commercial driver" means "commercial driver" as defined in RSA 259:12.

Saf-C 1802.03 "Commercial driver learner permit" means "commercial driver learner permit" as defined in RSA 259:12-b.

Saf-C 1802.04 "Commercial driver license" means "commercial driver license" as defined in RSA 259:12-c.

Saf-C 1802.05 "Commercial driver license information system" means "commercial driver license information system" as defined in RSA 259:12-d.

Saf-C 1802.06 "Commercial motor vehicle" means "commercial motor vehicle" as defined in RSA 259:12-e.

Saf-C 1802.07 "Conviction" means "conviction" as defined in RSA 259:14, II.

Saf-C 1802.08 "Department" means "department" as defined in RSA 259:19.

Saf-C 1802.09 "Director" means "director" as defined in RSA 259:20.

Saf-C 1802.10 "Disqualification" means "disqualification" as defined in RSA 259:20-a.

Saf-C 1802.11 "Division" means "division" as defined in RSA 259:22.

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Saf-C 1802.12 "Employer" means "employer" as defined in RSA 259:28-a.

Saf-C 1802.13 "Endorsement" means an authorization from the department to a person's commercial driver license that permits the person to operate a certain type(s) of commercial motor vehicle(s).

Saf-C 1802.14 "Examination" means a knowledge, road skills and visual acuity test, or any combination thereof.

Saf-C 1802.15 "Gross combination weight rating (GCWR)" means "gross combination weight rating or GCWR" as defined in RSA 259:38-a.

Saf-C 1802.16 "Gross vehicle weight rating (GVWR)" means "gross vehicle weight rating or GVWR" as defined in RSA 259:38-b.

Saf-C 1802.17 "Hazardous materials" means "hazardous materials" as defined in RSA 259:40.

Saf-C 1802.18 "Major traffic violation" means any of the violations identified in RSA 263:94, I.

Saf-C 1802.19 "Mailing address" means specification of the location where a person regularly receives properly addressed mail via the U.S. postal service.

Saf-C 1802.20 "Original commercial driver license" means the first New Hampshire commercial driver license issued to a person.

Saf-C 1802.21 "Legal address" means specification of the location where a person makes his/her residence. The term does not include addresses consisting solely of a post office box number.

Saf-C 1802.22 "Person" means a human being.

Saf-C 1802.23 "Recreation vehicle" means "recreation vehicle" as defined in RSA 259:84-a.

Saf-C 1802.24 "Residence" means "residence" as defined in RSA 21:6-a.

Saf-C 1802.25 "Resident" means "resident" as defined in RSA 21:6.

Saf-C 1802.26 "Serious traffic violation" means "serious traffic violation" as defined in RSA 259:98-a.

Saf-C 1802.27 "State" means "state" as defined in RSA 259:106, III.

Saf-C 1802.28 "Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. The term does not include a commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer.

Saf-C 1802.29 "Vehicle" means "vehicle" as defined in RSA 259:122, I.

Saf-C 1802.30 "Vehicle Group" means a class or type of vehicle with certain operating characteristics.

PART Saf-C 1803 COMMERCIAL DRIVER LICENSE APPLICATION REQUIREMENTS

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Saf-C 1803.01 Application Form.

- (a) The department shall furnish application form DSMV 312 at any substation or the:
- Division of Motor Vehicles
23 Hazen Drive
Concord, NH 03305
- (b) Each applicant shall complete and submit form DSMV 312, in person to a division substation.
- (c) Applicants shall submit form DSMV 312 to a division substation for each of the following:
- (1) Original commercial driver license;
 - (2) Renewal commercial driver license;
 - (3) Duplicate commercial driver license; and
 - (4) Replacement commercial driver license.

Saf-C 1803.02 Application, Data Required.

- (a) Each applicant shall furnish the following on form DSMV 312:
- (1) Whether the applicant is a United States citizen;
 - (2) Legal name;
 - (3) Legal address;
 - (4) Mailing address;
 - (5) Social security number, if required pursuant to RSA 263:90, I(d);
 - (6) Date of birth;
 - (7) Sex, height, weight, color of eyes and color of hair;
 - (8) State/country where previous driver license was held, if applicable, including:
 - a. Driver license number and class;
 - b. Any restrictions or endorsements on driver license;
 - c. Expiration date; and
 - d. Exact name on driver license;
 - (9) Class(es) of commercial driver license and endorsement(s) requested;
 - (10) Whether the vehicle the applicant intends to operate is equipped with air brakes;
 - (11) The following certified statements:
 - a. The applicant is a resident of this state;

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- b. The applicant has paid all resident taxes for which he/she is liable;
 - c. The applicant's driving privileges are not subject to or under default, suspension or revocation by any state or country;
 - d. Whether the applicant is required to file proof of insurance with the director as a result of a default, suspension, revocation or motor vehicle accident by any state or country;
 - e. Whether the applicant has been disqualified from operating any motor vehicle within the previous 2 years;
 - f. The applicant meets the federal driver qualifications and requirements for interstate commerce;
 - g. Whether the applicant has held a valid commercial driver license, other than the one issued by the state of primary residence, during the 10 years immediately prior to making application; and
 - h. Whether the applicant has been involved in a motor vehicle accident which resulted in a violation of any local or state motor vehicle law within the previous 2 years;
- (12) Whether the applicant wants only his/her mailing address to appear on the commercial driver license;
- (13) Whether the applicant, who is at least 18 years of age, wants to register with the Selective Service;
- (14) Declaration of applicant's medical certificate status indicating one of the following:
- a. Non-excepted interstate - A person shall certify that he/she operates or expects to operate in interstate commerce, is both subject to and meets the qualification requirements under 49 CFR part 391, and is required to obtain a medical examiner's certificate by section 391.45 thereof;
 - b. Excepted interstate - A person shall certify that he/she operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 CFR 390.3(f), 391.2, 391.68, or 398.3 from all or parts of the qualification requirements of 49 CFR part 391, and is therefore not required to obtain a medical examiner's certificate by section 391.45 thereof;
 - c. Non-excepted intrastate - A person shall certify that he/she operates only in intrastate commerce and therefore is subject to State driver qualification requirements; or
 - d. Excepted intrastate - A person shall certify that he/she operates in intrastate commerce, but engages exclusively in transportation or operations excepted from all or parts of the State driver qualification requirements;
- (15) Signature of the applicant; and
- (16) Whether the applicant has any physical or mental handicaps which are detrimental or would incapacitate the applicant from holding a license.

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(b) Prior to the issuance of an original commercial driver license, each applicant shall furnish the director with positive proof of identification, pursuant to the requirements set forth in Saf-C 1002.03.

(c) Prior to the issuance of a commercial driver license, each applicant who is a non-United States citizen, shall meet the requirements set forth in Saf-C 1002.06.

Saf-C 1803.03 Application Fee.

(a) Each applicant shall submit form DSMV 312 and the statutory fee, pursuant to RSA 263:42, to the division.

(b) Payment shall be made in the form of cash, check, money order or accepted credit cards.

(c) Checks and money orders shall be made payable to "State of NH, DMV". Alternative terms including, but not limited to, "State of NH - Safety", "NH Department of Safety", "Treasurer - State of NH", or "Director of Motor Vehicles" shall not be cause for refusal, provided it does not lend itself to endorsement by any party other than the state of New Hampshire.

(d) The renewal fee required by this section shall be waived for members of the armed forces if the applicant meets the requirements of RSA 263:11 and (e) below.

(e) Each applicant for a fee waiver shall furnish the following on form DSMV 76:

(1) An affidavit, which shall include:

- a. Legal name;
- b. New Hampshire legal address;
- c. Branch of the armed forces;
- d. City or town where the applicant entered the armed forces;
- e. Certification that the applicant's tour of duty is for 2 or more years;
- f. Date on which the tour of duty shall terminate;
- g. Certification that the applicant's driving privileges are not under suspension or revocation by any other state or country;
- h. Service number; and
- i. Date of birth;

(2) Signature of the applicant, made in the presence of a commissioned officer; and

(3) Signature and rank of a commissioned officer certifying that the applicant signed the affidavit in his/her presence.

Adopt Saf-C 1803.05 through 1807.02, effective 2-18-14 (Doc. # 10523), and expired 2-18-24, to read as follows:

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Saf-C 1803.05 Renewal Commercial Driver License - Hazardous Material Endorsement.

(a) Each applicant for a renewal commercial driver license with a hazardous materials endorsement shall complete the following in the order reflected:

- (1) The visual acuity examination set forth in Saf-C 1004; and
- (2) The knowledge examination set forth in Saf-C 1805.01(b)(7).

(b) In addition to (a) above, each applicant for a renewal commercial driver license with a hazardous materials endorsement shall provide fingerprints in order to complete the Transportation Security Administration security threat assessment process, as required by 49 CFR 383.141.

Saf-C 1803.06 Age Requirements for Commercial Driver.

(a) Pursuant to RSA 263:27, a commercial driver license shall not be issued to any person less than 18 years of age.

(b) Pursuant to the requirements of 49 CFR 391.11, any commercial driver who intends to drive interstate shall be at least 21 years of age.

(c) Pursuant to the requirements of 49 CFR 391.11, any commercial driver who intends to transport hazardous materials shall be at least 21 years of age.

(d) Notwithstanding (a) above, pursuant to RSA 263:22, a commercial driver license shall be issued to a person between the ages of 16 and 18, in order to drive a motor vehicle with a manufacturer's rating of 18,000 pounds or less, in the event of the following:

- (1) A war emergency exists; and
- (2) The person meets all other statutory and administrative requirements for a commercial driver license.

(e) Notwithstanding any other rule to the contrary, pursuant to RSA 21-P:18, a commercial driver license shall be issued to a person between the ages of 18 and 21 who intends to drive intrastate any vehicle carrying home heating oil for the purpose of making retail deliveries of such home heating oil.

Saf-C 1803.07 Applicant with Out of State Address. An application for a commercial driver license that does not bear a legal address within the state of New Hampshire shall be rejected and returned to the applicant, pursuant to Saf-C 1803.08, for the applicant to prove that he/she is a resident of New Hampshire.

Saf-C 1803.08 Application Rejected.

(a) All applications shall be reviewed by the division in accordance with RSA 541-A:29.

(b) The applicant shall be notified of any apparent errors or omissions and allowed to resubmit the application to the division.

(c) In the event an applicant fails to comply with an applicable statute or rule, the application shall not be processed and the applicant shall be notified of the reason(s) for the rejection.

Saf-C 1803.09 Application Accepted.

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(a) Upon completion of an application, each applicant who is not required to complete a road skills examination may appear at any driver licensing office during regular business hours.

(b) Upon receipt of a completed application and applicable knowledge examinations, the division shall give an applicant who is required to complete a road skills examination an appointment to personally appear at a designated location.

(c) The appointment set forth in (b) above, shall include the following:

- (1) Applicant's name, legal address and date of birth;
- (2) Location and time; and
- (3) Notification that the applicant shall be required to provide proof of positive identification.

(d) In the event it is necessary to reschedule an appointment, the department will make all reasonable attempts to notify the applicant of the change. Notice of rescheduling shall be sent, in writing, to the applicant.

(e) In the event an applicant fails to give the division at least 24 hours notice of his/her inability to appear for a scheduled appointment, a notice of rescheduling shall be sent to the applicant, with a scheduled time to appear no sooner than 6 weeks after the date of the initial appointment.

Saf-C 1803.10 Renewal Notification.

(a) The director shall mail a renewal notification to each person holding a valid New Hampshire commercial driver license approximately 60 days prior to the expiration date of the license.

(b) The renewal notification shall be mailed to the person's mailing address.

(c) Notwithstanding the provisions of this section, when a computer system failure, incorrect mailing address, interruption of postal service or other difficulty prevents the preparation, mailing or receipt of the notification, it shall be the applicant's responsibility to obtain and complete an application form prior to the expiration date of the commercial driver license.

PART Saf-C 1804 ORIGINAL COMMERCIAL DRIVER LICENSE: EXAMINATIONS REQUIRED

Saf-C 1804.01 Original Commercial Driver License and Endorsements: Examinations Required.

(a) Each applicant for an original commercial driver license or endorsements, unless otherwise provided in these rules, shall satisfactorily complete the following in the order reflected:

- (1) The visual acuity examination set forth in Saf-C 1004;
- (2) The appropriate knowledge examination(s) set forth in Saf-C 1805.01(b); and
- (3) The road skills examination set forth in Saf-C 1806.01.

(b) In the event an applicant's New Hampshire commercial driver license has been expired, suspended or revoked for a period in excess of 3 years prior to receipt of the commercial driver license application, the applicant shall complete the requirements set forth in (a) above.

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(c) Each applicant for an endorsement to a commercial driver license shall satisfactorily complete the following:

(1) For a double/triple endorsement, required if the applicant intends to pull a double or triple trailer:

- a. The visual acuity examination set forth in Saf-C 1004; and
- b. The knowledge examination set forth in Saf-C 1805.01(b)(4);

(2) For a passenger vehicle endorsement, required if the applicant intends to drive a vehicle designed to transport 16 or more persons, including the operator:

- a. The visual acuity examination set forth in Saf-C 1004;
- b. The knowledge examination set forth in Saf-C 1805.01(b)(5); and
- c. The road skills examination set forth in Saf-C 1806.01;

(3) For a tank vehicle endorsement, required if the applicant intends to transport liquid or gaseous materials:

- a. The visual acuity examination set forth in Saf-C 1004; and
- b. The knowledge examination set forth in Saf-C 1805.01(b)(6);

(4) For a hazardous materials endorsement, required if the applicant intends to transport hazardous materials:

- a. The visual acuity examination set forth in Saf-C 1004;
- b. The knowledge examination set forth in Saf-C 1805.01(b)(7); and
- c. Provide fingerprints in order to complete the Transportation Security Administration security threat assessment process, as required by 49 CFR 383.141; and

(5) For a school bus endorsement, required if the applicant intends to drive a school bus designed to transport 16 or more persons, including the operator:

- a. The visual acuity examination set forth in Saf-C 1004;
- b. The knowledge examination set forth in Saf-C 1805.01(b)(5), if not already taken and passed;
- c. The knowledge examination set forth in Saf-C 1805.01(b)(8), as referenced in Saf-C 1304.01; and
- d. The road skills examination set forth in Saf-C 1806.01.

(d) Each applicant for an original commercial driver license who is a non-United States citizen shall meet the requirements set forth in Saf-C 1003.04.

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Saf-C 1804.02 Original Commercial Driver License From Another Jurisdiction, Examinations Required.

(a) Each applicant who surrenders a valid commercial driver license issued by another jurisdiction or a commercial driver license by another jurisdiction which has expired no more than 12 months prior to the date of its surrender shall satisfactorily complete the following in the order reflected:

- (1) The visual acuity examination set forth in Saf-C 1004; and
- (2) The road skills examination set forth in Saf-C 1806.01, in the event the director determines that:
 - a. The licensing standards of the jurisdiction in which the applicant is licensed does not comply with the standards set forth in this chapter; or
 - b. The applicant might be a hazard to public safety as a result of an apparent physical or psychological impairment.

(b) Each applicant who surrenders a commercial driver license from another jurisdiction which has expired more than 12 months prior to the date of its surrender or who does not hold a commercial driver license from another jurisdiction shall satisfactorily complete the following in the order reflected:

- (1) The visual acuity examination set forth in Saf-C 1004;
- (2) The appropriate knowledge examination(s) set forth in Saf-C 1805.01(b); and
- (3) The road skills examination set forth in Saf-C 1806.01.

(c) Each applicant who surrenders a commercial driver license from another jurisdiction with a hazardous materials endorsement which he/she requests to retain shall complete the following in the order reflected:

- (1) The visual acuity examination set forth in Saf-C 1003.04; and
- (2) The knowledge examination set forth in Saf-C 1805.01(b)(7).

(d) In addition to (c)(1) and (2) above, each applicant who surrenders a commercial driver license from another jurisdiction with a hazardous materials endorsement which he/she requests to retain shall provide fingerprints, unless the applicant can prove that fingerprints were submitted to the jurisdiction which issued the hazardous materials endorsement within the previous 5 months.

Saf-C 1804.03 Commercial Motor Vehicle Groups.

(a) Operation of any combination of vehicles with a gross combination weight rating of 26,001 or more pounds, provided the vehicle(s) being towed has a gross vehicle weight rating of 10,001 pounds or more, shall require a class A commercial driver license. Holders of a class A commercial driver license may, with the appropriate endorsements, operate all vehicles within class B and C.

(b) Operation of any single vehicle with a gross vehicle weight rating of 26,001 or more pounds, or any such vehicle towing a vehicle with a gross vehicle weight rating of 10,000 pounds or less, shall require a class B commercial driver license. Holders of a class B commercial driver license may, with the appropriate endorsements, operate all vehicles within class C.

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(c) Operation of any single vehicle or any combination of vehicles with a gross vehicle weight rating of 26,000 pounds or less, which are required to be placarded for hazardous materials or designed to transport 16 or more persons, including the operator, or transporting any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis shall require a class C commercial driver license.

(d) Each holder of a class C commercial driver license who requests an upgrade to a class B or class A commercial driver license shall satisfactorily complete the following in the order reflected:

- (1) The appropriate knowledge examination(s) set forth in Saf-C 1805.01(b); and
- (2) The road skills examination set forth in Saf-C 1806.01.

(e) Each holder of a class B commercial driver license who requests an upgrade to a class A commercial driver license shall satisfactorily complete the following in the order reflected:

- (1) The appropriate knowledge examination(s) set forth in Saf-C 1805.01(b); and
- (2) The road skills examination set forth in Saf-C 1806.01.

PART Saf-C 1805 KNOWLEDGE EXAMINATION REQUIREMENTS

Saf-C 1805.01 Knowledge Examinations: Description.

(a) For the purposes of this section, "New Hampshire commercial driver's manual" means a guide distributed by the department to all commercial driver license applicants to assist them in studying for the road skills and written examinations.

(b) Knowledge examinations shall consist of the following:

- (1) A 50 question multiple choice general knowledge test for all applicants;
- (2) A 25 question multiple choice test for applicants who request to drive vehicles equipped with air brakes;
- (3) A 20 question multiple choice test for applicants who request to drive combination vehicles;
- (4) A 20 question multiple choice test for applicants who request to drive double and triple trailers;
- (5) A 20 question multiple choice test for applicants who request to drive passenger vehicles designed to transport 16 or more persons, including the operator;
- (6) A 20 question multiple choice test for applicants who request to drive tank vehicles;
- (7) A 30 question multiple choice test for applicants who request to drive vehicles which transport hazardous materials requiring placarding; and
- (8) A 20 question multiple choice test for applicants who request to drive school buses designed to transport 16 or more persons, including the operator.

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(c) Each question shall focus on the New Hampshire motor vehicle laws according to the class of commercial driver license(s) requested by the applicant as well as the material in the New Hampshire commercial driver's manual.

Saf-C 1805.02 Knowledge Examination: Administration.

(a) The passing grade for each knowledge examination shall be 80 percent.

(b) Each applicant discovered cheating, copying, or consulting with any person other than authorized licensing personnel, shall be immediately disqualified and re-scheduled for an examination no sooner than 30 days later. Each disqualified applicant shall not be required to repay any fees.

(c) Each applicant for an original commercial driver license shall pass the knowledge examination prior to taking the road skills examination.

(d) Knowledge examinations shall be valid for a period of one year from the date of issue of the individual's first commercial driver learner permit.

PART Saf-C 1806 ROAD SKILLS EXAMINATION REQUIREMENTS

Saf-C 1806.01 Road Skills Examination: Description. The road skills examination shall consist of the following in the order reflected:

- (a) Pre-trip safety inspection;
- (b) Off-road skills; and
- (c) On-road skills.

Saf-C 1806.02 Pre-Trip Safety Inspection.

(a) Using the pre-trip safety inspection, the department shall determine whether the applicant knows that the vehicle is safe to drive. Each applicant shall pass the pre-trip safety inspection in the event he/she successfully identifies and inspects 80% of the required components listed in (c)(1)-(24) below.

(b) Notwithstanding (a) above, each applicant shall immediately fail the pre-trip safety inspection in the event he/she receives a failing mark in (c)(7) or (c)(9) below.

(c) Each applicant shall inspect the following items on his/her vehicle, if the vehicle is so equipped:

- (1) Exterior lights;
- (2) Horn;
- (3) Splash guards;
- (4) Fluid levels;
- (5) Belts and hoses;
- (6) Fluid leaks;
- (7) Tires, wheels, lugs and rims;

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- (8) Springs/shock absorbers;
- (9) Brake system components including drums, linings, cylinders, hoses and governor;
- (10) Axle seals;
- (11) Doors and mirrors;
- (12) Emergency equipment;
- (13) Fuel tanks;
- (14) Air/electrical lines and connectors;
- (15) Fifth wheel assembly;
- (16) Trailer support assembly or landing gear;
- (17) Battery;
- (18) In-cab brake system components;
- (19) Gauges;
- (20) Windows/wipers;
- (21) Heater/defroster;
- (22) Panel lights;
- (23) Controls; and
- (24) Seat belts.

(d) In addition to (c) above, each applicant for a passenger vehicle endorsement shall inspect the following items on his/her vehicle to ensure that all items are present and functional:

- (1) Fire extinguisher;
- (2) Passenger entry doors;
- (3) Emergency exits; and
- (4) Seats and interior.

Saf-C 1806.03 Off-Road Skills.

(a) Using the off-road skills examination, the department shall determine whether the applicant has the basic ability to control the vehicle. The off-road skills examination shall consist of various exercises marked by lines, traffic cones, or rope.

(b) The off-road skills examination shall include all of the following maneuvers:

- (1) Straight-line backing, which shall include:

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- a. Control of vehicle;
 - b. Pullups; and
 - c. Use of mirrors;
- (2) Forward stopping, which shall include position after a stop;
- (3) Alley docking, consisting of performing a 90 degree turn and backing up the length of the trailer to a dock, which shall include:
- a. Striking a marker or a curb;
 - b. Final position;
 - c. Pullups; and
 - d. Number of times getting out of vehicle; and
- (4) Parallel parking, consisting of both conventional and sight side parallel parking, which shall include:
- a. Striking a marker or a curb;
 - b. Final position;
 - c. Pullups; and
 - d. Number of times getting out of vehicle.

(c) Point values shall be assigned to each maneuver. Each time a maneuver is not made in compliance with this section, the applicant shall have one demerit point deducted from his/her score.

(d) Each applicant shall fail the off-road skills examination if he/she receives 10 demerit points after any one maneuver or 12 demerit points after any 2 or 3 maneuvers.

(e) Notwithstanding (d) above, the off-road skills examination shall be immediately discontinued and counted as a failure in the event of any of the following:

- (1) Failure to wear seatbelt while vehicle is in motion;
- (2) Failure to set parking brake when exiting the vehicle; or
- (3) Hitting or running over any object.

(f) Each applicant who fails the off-road skills examination shall not be permitted to proceed to the on-road skills portion of the examination.

Saf-C 1806.04 On-Road Skills.

(a) Using the on-road skills examination, the department shall determine whether the applicant has the ability to drive safely in a variety of on-the-road situations.

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(b) The on-road skills examination shall consist of a qualitative evaluation of the applicant's abilities and skills in the following general categories:

- (1) Caution:
 - a. At intersection or railroad grade crossing;
 - b. When changing lanes;
 - c. Upon entering or exiting a highway; and
 - d. When pulling away from curb;
- (2) Grade control, which shall include:
 - a. Amount of roll-back;
 - b. Setting of the wheel and controls; and
 - c. Upgrades and downgrades;
- (3) Signs/traffic signals, which shall include:
 - a. Obedience to signs and signals;
 - b. Position after a stop; and
 - c. Failing to make a full stop;
- (4) Right and left turns, which shall include:
 - a. Swinging too wide;
 - b. Cutting too short;
 - c. Starting from the wrong lane; and
 - d. Ending in the wrong lane;
- (5) Right of way, which shall include:
 - a. Other vehicles;
 - b. Pedestrians;
 - c. Emergency vehicles; and
 - d. Accepting right of way;
- (6) Speed control, which shall include:
 - a. Over the speed limit;
 - b. Too slow or needless stops;

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- c. Basic speed;
 - d. Turns and curves;
 - e. Approaching corners;
 - f. Upon entering or exiting a highway; and
 - g. Following distances;
- (7) Lane usage, which shall include:
- a. Choice of proper lane;
 - b. Position in the lane; and
 - c. Smoothness;
- (8) Reaction to hazards, which shall include:
- a. Dangerous maneuvers;
 - b. Striking an object;
 - c. Lack of control; and
 - d. Scanning for hazards; and
- (9) Railroad grade crossings, which shall include:
- a. Use of flashers; and
 - b. Proper crossing.

(c) Point values shall be assigned to each maneuver. Each time a maneuver is not made in compliance with this section, the applicant shall have one demerit point deducted from his/her score.

Saf-C 1806.05 Road Skills Examination Failure.

(a) Each applicant shall fail the road skills examination if he/she receives 21 demerit points or more out of a possible 100.

(b) Notwithstanding (a) above, the examination shall be immediately discontinued and counted as a failure in the event of any of the following:

- (1) Striking another vehicle, a pedestrian, or any fixed object;
- (2) Improper action causing collision or near-collision of other vehicles in the immediate vicinity;
- (3) Action requiring driving by another driver or dodging by a pedestrian to prevent collision;
- (4) Action requiring an examiner to come to the aid of the applicant in controlling the vehicle;
- (5) Stalling the vehicle within a busy intersection because of inexperience or lack of skill;

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- (6) Driving 2 wheels over the curb or onto the sidewalk;
- (7) Committing any driving maneuver, either because of lack of skill or caution, which causes immediate danger to any person or property;
- (8) Lack of control to the point where the examiner believes continuation of the examination would be dangerous;
- (9) Serious violation of any traffic laws;
- (10) Refusal to try any maneuver; or
- (11) Repeated failure to follow instructions.

(c) The examination shall not be immediately discontinued and counted as a failure if, in the judgment of the examiner, any of the occurrences set forth in (b)(1) through (9) above were unavoidable.

(d) For the purposes of this section, it shall be considered a failure when an applicant fails to appear for a scheduled road skills examination, without canceling or otherwise notifying the division within 24 hours of the examination.

Saf-C 1806.06 Road Skills Examination Vehicle.

- (a) The applicant shall provide the test vehicle for completion of the road skills examination.
- (b) Test vehicles shall comply with all New Hampshire inspection laws and rules.
- (c) The vehicle's size, weight, character and equipment shall conform with the class of commercial driver license requested.
- (d) The vehicle shall provide the examiner with a permanently attached seat which allows the examiner accessibility to vehicle control mechanisms.
- (e) No person shall be allowed to ride in the test vehicle during a road skills examination, other than the applicant, the examiner and if applicable, an examiner in training.

Saf-C 1806.07 Re-Examination After Failure.

(a) In the event an applicant fails to complete a knowledge examination or road skills examination prescribed herein, no further examinations shall be administered on that date unless, upon the request of the applicant, the director determines that:

- (1) The reason(s) for failure are unlikely to be repeated without further education or practice; and
- (2) There are sufficient staff and time available for retesting on that date.

(b) The applicant shall be advised of the specific reason(s) for failure and the director shall designate a subsequent date for a re-examination, which shall be no sooner than 10 days after failure of the examination.

(c) Each applicant may apply to be re-examined on form DSMV 329.

(d) Each applicant shall furnish the following on form DSMV 329:

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- (1) Legal name;
- (2) Legal address;
- (3) Mailing address;
- (4) Social security number, if required pursuant to RSA 263:90(d);
- (5) Date of birth and sex of applicant;
- (6) Class(es) of commercial driver license requested;
- (7) Endorsement(s) requested; and
- (8) Signature of the applicant and date signed.

Saf-C 1806.08 CDL Skills Test Waiver for Certain Military Applicants.

(a) Notwithstanding any other rule to the contrary, the road skill examination set forth above, shall be waived upon receipt of a completed CDL Skills Test Waiver Military Application (DSMV609) which includes;

- (1) A self certification that, during the 2-year period immediately prior to applying for a CDL, the applicant:
 - a. Has not had more than one license, except for a military license;
 - b. Has not had any license suspended, revoked, or cancelled;
 - c. Has not had any convictions for any type of motor vehicle for the disqualifying offenses contained in 49 CFR 383.51(b);
 - d. Has not had more than one conviction for any type of motor vehicle for serious traffic violations contained in 49 CFR 383.51(c); and
 - e. Has not had had any conviction for a violation of military, State or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident, and has no record of an accident in which the applicant was at fault; and
- (2) The applicant must provide evidence and certify that the applicant:
 - (a) Is regularly employed or was regularly employed within the last 90 days in a military position requiring operation of a CMV;
 - (b) Was exempted from the CDL requirements in 49 CFR 383.3(c); and
 - (c) Was operating a vehicle representative of the CMV the driver applicant operates or expects to operate, for at least the 2 years immediately preceding discharge from the military.

PART Saf-C 1807 COMMERCIAL DRIVER LICENSE RESTRICTIONS

Saf-C 1807.01 Commercial Driver License Restrictions.

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(a) In addition to the restrictions set forth in RSA 263:13 and Saf-C 1008, a restriction for air brakes shall be applicable to commercial drivers.

(b) Each applicant's commercial driver license shall indicate that the driver is restricted from driving a commercial motor vehicle equipped with air brakes in the following situations:

- (1) The applicant has failed the knowledge examination set forth in Saf-C 1805.01(b)(2); or
- (2) The applicant has not previously passed the road skills examination set forth in Saf-C 1806.01 in a vehicle equipped with air brakes.

(c) For the purposes of the road skills examination, brakes which operate fully or partially as air brakes shall satisfy the air brake requirement.

(d) If an applicant performs the skills test in a vehicle equipped with air over hydraulic brakes, that person shall be restricted from operating a CMV equipped with any braking system operating fully on the air brake principle.

Saf-C 1807.02 Removal of Commercial Driver License Restriction.

(a) Each driver who requests to have a restriction removed from his/her commercial driver license shall comply with the provisions of Saf-C 1008.07.

(b) Each commercial driver who requests removal of a restriction shall furnish the following on form DSMV 329:

- (1) Legal name;
- (2) Legal address;
- (3) Mailing address;
- (4) Date of birth;
- (5) Driver license number;
- (6) Social security number, if required pursuant to RSA 263:90, I(d);
- (7) Indication of the restriction to be removed; and
- (8) Signature of the applicant and date signed;

(c) Upon receipt of the completed form DSMV 329, the applicant shall satisfactorily complete:

- (1) The knowledge examination set forth in Saf-C 1805.01(b)(2); and
- (2) The road skills examination set forth in Saf-C 1806.01.

(d) In the event the applicant successfully passes the restriction removal requirements, the director shall issue a new commercial driver license.

Adopt Saf-C 1808.02, effective 2-8-14 (Doc. # 10523), and expired 2-14-24, to read as follows:

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PART Saf-C 1808 SUSPENSION OF COMMERCIAL DRIVER LICENSE OR ENDORSEMENT(S)

Saf-C 1808.02 Suspension of Endorsement(s) - Good Cause.

(a) Each driver who has been issued a commercial driver license endorsement shall have such endorsement suspended for good cause.

(b) For the purposes of (a) above, "good cause" shall include:

- (1) A determination that the driver does not possess the skills necessary to drive a commercial motor vehicle with a particular endorsement, based upon the involvement of the driver in a motor vehicle accident;
- (2) A determination that the driver does not possess the skills necessary to drive a commercial motor vehicle with a particular endorsement, based upon traffic violations committed by the driver; or
- (3) A determination that the driver has committed any of the listed offenses in Saf-C 1809.02(a) while operating a non-commercial vehicle.

Adopt Saf-C 1808.07 and 1808.08, effective 2-8-14 (Doc. # 10523), and expired 2-14-24, to read as follows:

Saf-C 1808.07 Suspension of a New Hampshire Nonresident Commercial Driver License. Upon notification from a court that a New Hampshire nonresident commercial driver license holder has been convicted of a violation set forth in RSA 263:94, the commissioner shall issue a notice of suspension to the licensee at the last known address for the time period specified under RSA 263:94.

Saf-C 1808.08 Suspension for False Information. In the event the department determines that an applicant has misrepresented or falsified information on his/her application which would or did enable him/her to obtain a commercial driver license or endorsement(s), the department, after giving notice and the opportunity for an administrative hearing, shall suspend the commercial driver license, if applicable, or disqualify the applicant from driving a commercial motor vehicle, for a period of 90 days.

Adopt Saf-C 1809.01 through 1810.01, effective 2-8-14 (Doc. # 10523), and expired 2-14-24, to read as follows:

PART Saf-C 1809 TRAFFIC VIOLATIONS

Saf-C 1809.01 Notification Required by Commercial Driver.

(a) Pursuant to RSA 263:84, each commercial driver shall notify the department within 30 days of the date of conviction for a violation of a traffic law, other than a parking violation.

(b) For the purposes of (a) above, each commercial driver shall notify the department of the following:

- (1) Legal name and permanent address;
- (2) Driver license number;
- (3) Description of violation;

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- (4) Date of violation;
- (5) Date of conviction;
- (6) State where the violation occurred;
- (7) Name of court;
- (8) Fine imposed;
- (9) Sentence imposed, to include any revocation, if applicable;
- (10) Whether the vehicle weighed 26,001 pounds or more at the time of the violation;
- (11) Whether the vehicle driven at the time of the violation was a bus;
- (12) Whether hazardous materials were being transported at the time of the violation; and
- (13) Signature of driver and date signed.

Saf-C 1809.02 Serious Traffic Violations.

(a) For the purposes of RSA 259:98-a, the following convictions shall be considered serious traffic violations:

- (1) Excessive speeding, pursuant to RSA 265:60, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit;
- (2) Reckless driving, pursuant to RSA 265:79, including, but not limited to, offenses for driving a commercial motor vehicle in willful or wanton disregard for the safety of persons or property;
- (3) Improper or erratic lane changes, pursuant to RSA 265:24, RSA 265:44, and RSA 265:45;
- (4) Following too closely, pursuant to RSA 265:25;
- (5) Driving without having obtained a commercial driver license;
- (6) Driving without having a valid commercial driver license in possession;
- (7) Any violation of state traffic laws arising in connection with a fatal accident;
- (8) Driving a CMV without the proper class of CDL and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported; and
- (9) Any violation of RSA 265:105-a. For purposes of this subparagraph only a violation shall not include operating a commercial motor vehicle when the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.

Saf-C 1809.03 Notification of Traffic Violations by Court.

(a) Pursuant to RSA 263:97, I(a), the clerk of court having jurisdiction shall notify the department of the conviction of any resident or non-resident commercial driver.

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(b) For the purposes of (a) above, the clerk of court shall notify the department of the following:

- (1) Docket number;
- (2) Name of court;
- (3) Driver's legal name and permanent address;
- (4) Date of violation;
- (5) Motor vehicle registration;
- (6) Description of vehicle;
- (7) Violation(s) committed;
- (8) RSA violated;
- (9) Name of complainant;
- (10) Plea;
- (11) Finding; and
- (12) Sentence imposed.

PART Saf-C 1810 COMMERCIAL DRIVER LEARNER PERMIT

Saf-C 1810.01 Commercial Driver Learner Permit. A commercial driver learner permit shall be issued by the department, in accordance with the provisions of RSA 263:25 and RSA 263:88.

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Appendix

Rule	Specific State Statute the Rule Implements
Saf-C 1801.01	RSA 259:12-e
Saf-C 1801.02	RSA 21-P:14, IV(m); RSA 263:98, VI, RSA 259:84-a
Saf-C 1802.01	RSA 541-A:7
Saf-C 1802.02	RSA 259:12
Saf-C 1802.03	RSA 259:12-b
Saf-C 1802.04	RSA 259:12-c
Saf-C 1802.05	RSA 259:12-d
Saf-C 1802.06	RSA 259:12-e
Saf-C 1802.07	RSA 259:14, II
Saf-C 1802.08	RSA 259:19
Saf-C 1802.09	RSA 259:20
Saf-C 1802.10	RSA 259:20-a
Saf-C 1802.11	RSA 259:22
Saf-C 1802.12	RSA 259:28-a
Saf-C 1802.13-1802.14	RSA 541-A:7
Saf-C 1802.15	RSA 259:38-a
Saf-C 1802.16	RSA 259:38-b
Saf-C 1802.17	RSA 259:40
Saf-C 1802.18-1802.22	RSA 541-A:7, RSA 263:94
Saf-C 1802.23	RSA 259:84-a
Saf-C 1802.24	RSA 21:6-a
Saf-C 1802.25	RSA 21:6
Saf-C 1802.26	RSA 259:98-a
Saf-C 1802.27	RSA 259:106, III
Saf-C 1802.28	RSA 541-A:7; 49 CFR 171.8
Saf-C 1802.29	RSA 259:122, I
Saf-C 1802.30	RSA 541-A:7
Saf-C 1803.01-1803.02	RSA 21-P:14, IV (m); RSA 263:90
Saf-C 1803.03	RSA 21-P:14, IV(m); RSA 263:42, I
Saf-C 1803.05	RSA 21-P:14, IV(m); RSA 263:93; RSA 263:98, X
Saf-C 1803.06	RSA 21-P:14, IV(m); RSA 21-P:18; RSA 263:22; RSA 263:27
Saf-C 1803.07-1803.10	RSA 21-P:14, IV(m); RSA 263:98, III

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Saf-C 1804.01-1804.03	RSA 21-P:14, IV(m); RSA 263:87; RSA 263:92; RSA 263:93 RSA 263:98, III, X
Saf-C 1805.01-1805.02	RSA 21-P:14, IV(m); RSA 263:98, III
Saf-C 1806.01-1806.08	RSA 21-P:14, IV(m); RSA 263:98, III
Saf-C 1807.01-1807.02	RSA 21-P:14, IV(m); RSA 263:92; RSA 263:98, X
Saf-C 1808.02	RSA 21-P:14, IV (m)
Saf-C 1808.07	RSA 21-P:14, IV (m), RSA 263:94
Saf-C 1808.08	RSA 21-P:14, IV (m)
Saf-C 1809.01	RSA 21-P:14, IV(m); RSA 263:84; RSA 263:98, I
Saf-C 1809.02	RSA 21-P:14, IV(m); RSA 263:98, VII
Saf-C 1809.03	RSA 21-P:14, IV(m); RSA 263:97, I(a); RSA 263:98, II
Saf-C 1810.01	RSA 21-P:14, IV(m); RSA 263:25; RSA 263:88