

CHAPTER 176
HB 282 – FINAL VERSION

6Mar2013... 0209h

2013 SESSION

13-0465
03/05

HOUSE BILL **282**

AN ACT relative to mixed use school buses, relative to licensing and criminal records of driver education instructors, and relative to background checks for department of safety employees.

SPONSORS: Rep. Packard, Rock 5; Sen. Rausch, Dist 19

COMMITTEE: Transportation

AMENDED ANALYSIS

This bill modifies the definition of mixed use school bus, requires criminal records checks of driver education instructors, updates references relating to suspending or revoking a school license or driver education certificate, and authorizes background checks on candidates for employment or promotion at the department of safety.

This bill was requested by the department of safety.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to mixed use school buses, relative to licensing and criminal records of driver education instructors, and relative to background checks for department of safety employees.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 176:1 Words and Phrases Defined; Mixed Use School Bus. Amend RSA 259:96-a to read as
2 follows:

3 259:96-a Mixed Use School Bus. “Mixed use school bus” shall mean [~~a vehicle, including~~] a
4 station wagon, suburban, ***sport utility vehicle***, passenger van, panel body vehicle, or vehicle
5 converted to a school bus, ***owned or leased by a public school or private school and driven by***
6 ***a school employee***, which bears a valid state inspection sticker and is employed principally in
7 transporting schoolchildren to and from [~~school or~~] school activities.

8 176:2 New Section; Driver Education Certificate Application. Amend RSA 263 by inserting after
9 section 44-a the following new section:

10 263:44-b Driver Education Certificate Application.

11 I. Every applicant for an initial driver education certificate shall submit to the division of
12 motor vehicles a notarized criminal history record release form, as provided by the New Hampshire
13 division of state police, department of safety, which authorizes the release of his or her criminal
14 history record, if any, to the division of motor vehicles.

15 II. The applicant shall submit with the release form a complete set of fingerprints taken by a
16 qualified law enforcement agency or an authorized employee of the department of safety. If the first
17 set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be
18 necessary in order to complete the criminal history records check. If, after 2 attempts, a set of
19 fingerprints is invalid due to insufficient pattern, the division of motor vehicles may, in lieu of the
20 criminal history records check, accept police clearances from every city, town, or county where the
21 person has lived during the past 5 years.

22 III. The division of motor vehicles shall submit the criminal history records release form and
23 fingerprint form to the division of state police which shall conduct a criminal history records check
24 through its records and through the Federal Bureau of Investigation. Upon completion of the records
25 check, the division of state police shall release copies of the criminal history records to the division of
26 motor vehicles. The division of motor vehicles shall maintain the confidentiality of all criminal
27 history records information received pursuant to this section.

28 176:3 Drivers’ School; Revocation or Suspension. Amend RSA 263:51, II and III to read as

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1 follows:

2 II. The licensee or certificate holder has been convicted of a crime or of any offense under
3 RSA 265:79 [~~through RSA 265:82-a~~] **or RSA 265-A**, or his or her license or privilege to drive a motor
4 vehicle has been suspended or revoked;

5 III. The licensee or certificate holder has been charged with an offense under RSA 265:79
6 [~~through RSA 265:82-a~~] **or RSA 265-A**, RSA 630, RSA 631, or RSA 632-A and it appears to the
7 commissioner, after a hearing, that an immediate license suspension pending the outcome of the
8 criminal proceeding is required in the interest of public safety;

9 176:4 New Section; Department of Safety; Employee Candidate Background Checks. Amend
10 RSA 21-P by inserting after section 15-b the following new section:

11 21-P:15-c Employee Candidate Background Checks.

12 I. The commissioner may require a background investigation and a criminal history records
13 check on any candidate for employment or promotion prior to a final offer of employment. The
14 commissioner may request only a state records check or both a federal and state records check, to be
15 conducted through the division of state police. The department may extend a conditional offer of
16 employment to a candidate, with a final offer of employment subject to a successfully completed
17 criminal history records check.

18 II. A candidate for employment in a position which the commissioner determines requires a
19 background investigation and a criminal history records check shall submit to the department a
20 notarized criminal history records release form, as provided by the division of state police, which
21 authorizes the release of the person's criminal records, if any. The candidate shall submit with the
22 release form a complete set of fingerprints taken by a law enforcement agency as directed by the
23 commissioner. In the event that the first set of fingerprints is invalid due to insufficient pattern and
24 a second set of fingerprints is necessary in order to complete the criminal history records check, the
25 conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is
26 invalid due to insufficient pattern, the department may, in lieu of the criminal history records check,
27 accept police clearances from every city, town, or county where a candidate has lived during the past
28 5 years.

29 III. To obtain a state records check only, the department shall submit a state criminal
30 history records release form to the division of state police. To obtain both the federal and the state
31 records check, the department shall submit the criminal history records release form and applicant
32 fingerprint card to the division of state police, which shall conduct a criminal history records check
33 through its records and through the Federal Bureau of Investigation. Upon completion of the
34 background investigation, the division of state police shall report any criminal conviction
35 information to the commissioner. The department may submit fingerprint information
36 electronically, in accordance with procedures established by the division of state police. The

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1 department shall maintain the confidentiality and security of all criminal history records
2 information received pursuant to this paragraph.

3 IV. In this section, “candidate for employment” shall include candidates for contract
4 positions, volunteers, or interns.

5 176:5 Effective Date. This act shall take effect 60 days after its passage.

6 Approved; July 2, 2013

7 Effective Date: August 31, 2013