

CHAPTER 180
SB 85 – FINAL VERSION

22May2013... 1691h

2013 SESSION

13-0415
03/05

SENATE BILL **85**

AN ACT relative to commercial motor vehicle operation.

SPONSORS: Sen. Rausch, Dist 19; Sen. Gilmour, Dist 12; Sen. Boutin, Dist 16

COMMITTEE: Transportation

ANALYSIS

This bill modifies various statutes relating to commercial motor vehicle operation, including clarification of penalties and requirements for registration and licensure.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 commercial motor vehicle operation.

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

1 180:1 Gross Combination Weight Rating. Amend RSA 259:38-a to read as follows:

2 259:38-a Gross Combination Weight Rating or GCWR. “Gross combination weight rating” or
3 “GCWR” shall mean the value specified by the manufacturer as the maximum loaded weight of a
4 combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR
5 shall be determined by adding the GVWR of the power unit and the total weight of the towed unit
6 and any load thereon [~~or registered weight rating, whichever is greater~~].

7 180:2 Gross Vehicle Weight Rating. Amend RSA 259:38-b to read as follows:

8 259:38-b Gross Vehicle Weight Rating or GVWR. “Gross vehicle weight rating” or “GVWR”
9 shall, for the purposes of the commercial driver licensing statutes, mean the value specified by the
10 manufacturer as the maximum loaded weight of a single vehicle [~~or registered gross weight rating,~~
11 ~~whichever is greater~~].

12 180:3 New Section; Words and Phrases Defined; Imminent Hazard. Amend RSA 259 by
13 inserting after section 43-b the following new section:

14 259:43-c Imminent Hazard. “Imminent hazard” shall mean the existence of a condition that
15 presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial
16 endangerment to health, property, or the environment may occur before the reasonably foreseeable
17 completion date of a formal proceeding begun to lessen the risk of that death, illness, injury, or
18 endangerment.

19 180:4 Words and Phrases Defined; Serious Traffic Violation. Amend RSA 259:98-a, VIII-IX to
20 read as follows:

21 VIII. Driving a commercial motor vehicle in violation of RSA 265:25; [~~or~~]

22 IX. Driving a commercial motor vehicle in violation of RSA 265:24, I; **or**

23 **X. Driving a commercial motor vehicle in violation of RSA 265:105-a.**

24 180:5 Drivers’ Licenses; Application by New Resident. Amend RSA 263:5-a, I to read as follows:

25 I. When a person who has established residency as provided in RSA 263:35 applies for a
26 driver’s license the director shall not issue a driver’s license to the applicant until he **or she** has:

27 (a) Determined the validity of all licenses being surrendered; and

28 (b) Secured a certified copy of the motor vehicle record or records on file in [~~the~~] **any**
29 jurisdiction or jurisdictions [~~of the licenses being surrendered~~] **in which the applicant has held a**

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1 *license within the past 10 years.*

2 180:6 Commercial License; Penalties. Amend RSA 263:94, VI to read as follows:

3 VI.(a) A person is disqualified from driving a commercial motor vehicle for a period of not
4 less than 60 days if convicted of 2 serious traffic violations, as defined in RSA 259:98-a, or 120 days if
5 convicted of 3 serious traffic violations, committed in a commercial motor vehicle arising from
6 separate incidents occurring within a 3-year period. ***These penalties shall be imposed***
7 ***consecutively and may not be served concurrently.***

8 (b) A person is disqualified from driving a commercial motor vehicle for a period of not
9 less than 60 days if convicted of any combination of 2 serious traffic violations within a 3-year period
10 while operating a noncommercial motor vehicle, provided the conviction results in the revocation,
11 cancellation, or suspension of his or her driver's license, including a commercial driver license or
12 commercial endorsement.

13 (c) A person is disqualified from driving a commercial motor vehicle for a period of not
14 less than 120 days if convicted of any combination of 3 or more serious traffic violations within a 3-
15 year period while operating a noncommercial motor vehicle, and the conviction results in the
16 revocation, cancellation, or suspension of his or her driver's license, including a commercial driver
17 license or commercial endorsement. ***This penalty shall be imposed in addition to and***
18 ***consecutively to any penalty imposed under subparagraph VI(b).***

19 (d) ***A person is disqualified from driving a commercial motor vehicle for a***
20 ***period of not less than 60 days if it is determined, in the check of an applicant's license***
21 ***status and record prior to issuing a CDL, or at any time after the CDL is issued, that the***
22 ***applicant has falsified information in the application process.***

23 (e) ***A person is disqualified from driving a commercial motor vehicle if that***
24 ***person has been disqualified by the Federal Motor Carrier Safety Administration as a***
25 ***result of being deemed an imminent hazard as defined in RSA 259:43-c.***

26 180:7 Notification of Traffic Violations. Amend RSA 263:97, I to read as follows:

27 I.(a) Within [~~10~~] 5 days after receiving a report of the conviction of any resident or
28 nonresident holder of a commercial driver license of any violation of state law or local ordinance
29 relating to motor vehicle traffic control, other than parking violations, committed in a commercial
30 motor vehicle, the department shall notify the driver licensing authority in the licensing state of the
31 conviction, and the commercial driver license information system.

32 [~~(a)~~] (b) Within [~~10~~] 5 days after the conviction of any resident or nonresident holder of a
33 commercial driver license of any violation of state law or local ordinance relating to motor vehicle
34 traffic control, other than a parking violation, committed in a commercial motor vehicle, the clerk of
35 the court having jurisdiction shall notify the department of the conviction.

36 [~~(b)~~] (c) This notice shall contain such information as the commissioner requires by rules

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1 adopted under RSA 541-A.

2 180:8 Implied Consent Requirements for Commercial Motor Vehicle Drivers. Amend RSA 265-
3 A:25, III(b) to read as follows:

4 (b) If the person has a prior refusal under subparagraph III(a) then, upon the second or
5 subsequent refusal of such person to submit to a test or tests as administered by a law enforcement
6 officer for the purposes of determining the person's alcohol concentration or the presence of other
7 drugs, the director shall revoke his or her commercial license for [~~a period of not less than 10 years~~]
8 ***life, with an opportunity for a review after 10 years, as provided in RSA 263:94, IV.***

9 180:9 New Paragraph; Motor Carriers; Equipment; Exemptions. Amend RSA 266:72-a by
10 inserting after paragraph III the following new paragraph:

11 III-a. Paragraph III shall not apply to intrastate transportation performed by the state, or
12 any political subdivision of the state. However, nothing in this section shall prevent or inhibit any
13 public employer from establishing internal policies making the motor carrier safety rules applicable
14 to its vehicles and drivers.

15 180:10 Effective Date. This act shall take effect January 1, 2014.

16 Approved: July 2, 2013

17 Effective Date: January 1, 2014