

CHAPTER 185
SB 159 – FINAL VERSION

03/07/13 0367s
03/07/13 0715s
22May2013... 1531h

2013 SESSION

13-0869
03/10

SENATE BILL **159**

AN ACT exempting drivers of eligible agricultural and farm vehicles from certain federal motor carrier regulations and relative to drivers' license renewals of members of the armed forces and federal employees and their spouses.

SPONSORS: Sen. Boutin, Dist 16; Sen. Rausch, Dist 19; Sen. Stiles, Dist 24; Sen. Watters, Dist 4; Sen. Reagan, Dist 17; Rep. T. Walsh, Merr 24; Rep. Chandler, Carr 1; Rep. Duarte, Rock 2; Rep. Kotowski, Merr 24

COMMITTEE: Transportation

AMENDED ANALYSIS

This bill exempts drivers of eligible agricultural and farm vehicles from certain federal motor carrier regulations adopted as rules by the commissioner of the department of safety. This bill also clarifies the procedure driver's license renewal for certain members of the armed forces and federal employees and their spouses, and authorizes multiple renewals by mail for persons on active duty for a period covering more than one license expiration.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 exempting drivers of eligible agricultural and farm vehicles from certain federal motor carrier regulations and relative to drivers' license renewals of members of the armed forces and federal employees and their spouses.

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

1 185:1 New Paragraph; Motor Carriers; Exemption for Agricultural and Farm Vehicles. Amend
2 RSA 266:72-a by inserting after paragraph V the following new paragraph:

3 VI. The driver of any vehicle operating intrastate and registered with New Hampshire farm
4 or agricultural plates and with a gross vehicle weight, gross vehicle weight rating, or gross
5 combination weight rating of 26,000 pounds or less; designed or used to transport fewer than 16
6 passengers, including the driver; and which does not transport materials required to be placarded
7 pursuant to 49 C.F.R. part 172, subpart F, shall be exempt from the provisions of 49 C.F.R. parts
8 391, 392, 393, 395, and 396, as adopted as rules pursuant to this section, except that such exemption
9 shall not apply to the requirements of 49 C.F.R. section 392.3, operating while fatigued or ill, 49
10 C.F.R. section 392.4, use of illegal drugs or substances, 49 C.F.R. section 392.5, driver use of alcohol,
11 49 C.F.R. part 393, subpart C, brakes, and 49 C.F.R. section 396.7, unsafe operations forbidden.

12 185:2 Members of Armed Services; Federal Employees; Spouses Residency. Amend RSA 263:5-b
13 to read as follows:

14 263:5-b Members of Armed Services; **Federal Employees; Spouses;** Residency.
15 [~~Notwithstanding any provision of law to the contrary:~~]

16 I. Any resident of this state who is on active duty [~~to~~] **in** the armed forces of the
17 United States, or who is employed by the State Department or other agency of the United States
18 government shall not be considered as having lost residence when the sole reason for the person's
19 absence is compliance with military or naval orders **that require deployment outside the state of**
20 **New Hampshire** or federal agency or state department orders that require [~~deployment~~]
21 **assignment** outside of the United States.

22 II. A resident of this state [~~who has previously established residency in New Hampshire, on~~
23 ~~active duty in the armed forces of the United States or employed by the State Department or other~~
24 ~~agency of the United States government or the spouse or domestic partner of such person]~~ **shall not**
25 **be considered as having lost residence when the sole reason for the person's absence is that**
26 **he or she is** accompanying [~~their~~] **his or her** spouse [~~or domestic partner on an~~] **on a**

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1 *United States armed forces deployment outside the state of New Hampshire or state*
2 *department or other federal agency* assignment abroad~~[, who has previously established~~
3 ~~residency in New Hampshire, may elect to obtain a New Hampshire driver's license by applying in~~
4 ~~person to the department and may renew such license one time by mail, provided a photo~~
5 ~~identification is on file with the department, after which the second renewal shall be made in~~
6 ~~person].~~

7 ~~[III. Any person obtaining a license under the provisions of this section shall obtain a photo~~
8 ~~identification within 30 days of returning to this state.]~~

9 185:3 License Expiration; Armed Forces; Federal Employees; Spouses. Amend RSA 263:11 to
10 read as follows:

11 263:11 License Expiration; Members of the Armed Forces; ***Federal Employees***; Spouses.

12 I. Any person who is a member of the armed forces of the United States and who, at the time
13 of induction, call to active duty, or enlistment ~~[inte]~~ ***in*** the armed forces for 2 or more years, was a
14 resident of this state and was a holder of a valid New Hampshire license to drive motor vehicles in
15 this state, is entitled to renewal of such license without cost by application to the division. Said
16 application must be accompanied by a letter giving date of expiration of active duty, signed by a
17 commissioned officer. Such a person while driving a motor vehicle shall carry upon his or her person
18 the license issued. The privilege of this section remains in effect for 90 days after the discharge or
19 release of such a person from active duty. Nothing in this section permits a person against whom a
20 revocation or suspension of license is in force, or a person who has been refused a license by the
21 director, to drive a motor vehicle.

22 II. ~~[The spouse of any resident of this state on active duty in the armed forces of the~~
23 ~~United States who is a holder of a valid New Hampshire license, is entitled to renewal of such license~~
24 ~~upon payment of the prescribed fees, by application to the division. The application must be~~
25 ~~accompanied by a letter giving date of expiration of active duty, and be signed by a commissioned~~
26 ~~officer.~~

27 III.] Any member of the national guard who is called to military service or mobilized for a
28 period of 60 days or more, and who was a resident of this state and was a holder of a valid
29 New Hampshire license to drive motor vehicles in this state, is entitled to renewal of such license
30 without cost or penalty by application to the division. Said application must be accompanied by a
31 letter giving a projected date of expiration of said service, signed by a commissioned officer. Such a
32 person while driving a motor vehicle shall carry upon his or her person the license issued.

33 ***III.(a) A person who, at the time of license expiration, is deployed on active duty in***
34 ***the armed forces of the United States or serving in the national guard outside the state of***
35 ***New Hampshire, is a federal employee assigned to a location outside the United States, or***
36 ***is the spouse of any such person accompanying his or her spouse during the deployment,***

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1 *service, or assignment, may renew his or her license by mail, provided the person has a*
2 *computerized image on file with the division.*

3 *(b) If such person does not have an image on file with the division, he or she*
4 *may request that a license be issued without a picture. This non-photo license shall only be*
5 *valid when accompanied by a military or United States government employee or dependent*
6 *photo identification. The person shall obtain a photo identification within 30 days of*
7 *returning to this state.*

8 *IV. If a person renews his or her license by mail pursuant to paragraph III, the*
9 *subsequent license renewal shall require an appearance in person at the licensing facility,*
10 *except that if the person is on active duty outside of the state of New Hampshire in the*
11 *armed forces of the United States for a period covering more than one license expiration,*
12 *the person may renew his or license by mail as many times as is necessary during the*
13 *period of active duty.*

14 185:4 Effective Date. This act shall take effect upon its passage.

15 Approved: July 2, 2013

16 Effective Date: July 2, 2013