

Amendments

Rep. Packard, Rock. 3
March 26, 2008
2008-1117h
03/09

Amendment to HB 1235

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Motorist Duties When Approaching Highway Emergencies; Emergency Road Service Vehicles.

4 Amend RSA 265:37-a, IV to read as follows:

5 IV. Give a wide berth, without endangering oncoming traffic, to public safety personnel,
6 [~~and~~] any persons in the roadway, *and stationary vehicles displaying blue, red, or amber*
7 *emergency or warning lights.*

8 2 Effective Date. This act shall take effect 60 days after its passage.

Amendment to HB 1235

- Page 2 -

2008-1117h

AMENDED ANALYSIS

This bill requires drivers to give wide berth to stationary vehicles displaying emergency or warning lights when approaching highway emergencies.

Transportation and Interstate Cooperation
April 2, 2008
2008-1215s
03/09

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Committee Minutes

SENATE CALENDAR NOTICE

TRANSPORTATION AND INTERSTATE COOPERATION

✓ Senator Robert Letourneau Chairman
 ✓ Senator Peter Burling V Chairman
 Senator Molly Kelly
 ✓ Senator Betsi DeVries
 Senator Robert Clegg

minutes
32:11 - 39:00

10:54
11:00

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/> Bill Status	
<input type="checkbox"/> Docket	
<input type="checkbox"/> Calendar	
Proof: <input type="checkbox"/> Calendar <input type="checkbox"/> Bill Status	

Date: March 25, 2008

HEARINGS

Wednesday

4/2/2008

TRANSPORTATION AND INTERSTATE COOPERATION

LOB 101

10:15 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

10:15 AM	HB1129	relative to special number plates for municipal police department vehicles.
10:30 AM	HB1141	establishing a committee to study parking for wheelchair-lift vans.
✓ 10:45 AM	HB1235	relative to motorist duties when approaching highway emergencies.
11:00 AM	HB1377	(New Title) relative to New Hampshire's rest areas and welcome centers.
11:15 AM	HB1590-FN	(New Title) establishing a DWI victim fatality sign program.

Sponsors:

HB1129

Rep. John Tholl
Rep. David Welch

Rep. Stephen Nedeau

Rep. Daniel Eaton

Rep. William Knowles

HB1141

Rep. Robert L'Heureux

Sen. Sheila Roberge

Rep. Lynne Ober

Sen. Michael Downing

HB1235

Rep. Sherman Packard

Sen. Robert Letourneau

HB1377

Rep. James Cyr
Rep. Gene Chandler

Rep. Alfred Lerandau

Rep. Carole Brown

Rep. John Graham

HB1590-FN

Rep. Eileen Ehlers

Rep. Jayne Spaulding

Sen. Sheila Roberge

Danielle Barker 271-3093

Sen. Robert Letourneau

Chairman

Transportation and Interstate Cooperation Committee Hearing Report

TO: Members of the Senate

FROM: Angela Spradling, *Legislative Aide*

RE: Hearing report on HB 1235 relative to motorist duties when approaching highway emergencies.

HEARING DATE: April 2, 2008

MEMBERS OF THE COMMITTEE PRESENT:

Senator Letourneau, Senator Burling, Senator DeVries

MEMBERS OF THE COMMITTEE ABSENT:

Senator Clegg, Senator Kelly

Sponsor(s):

Rep. Packard, Rock 3; Sen. Letourneau, Dist 19

What the bill does:

This bill requires drivers to give wide berth to stationary vehicles displaying emergency lights when approaching highway emergencies.

Who supports the bill:

Sponsors, Earl Sweeney Assistant Commissioner of the Department of Safety, Elizabeth Sargent NH Association of Chiefs of Police, Pat Moody AAA Northern New England

Who opposes the bill:

No one spoke in opposition

Summary of testimony received:

Representative Sherman Packard

This bill requires drivers to give a wide berth to emergency vehicles. The bill includes tow truck drivers. He offered an amendment to change the effective date to 60 days after passage.

Senator DeVries asked if this was existing statute.

Representative Packard replied that the current statute includes police and fire but does not include tow trucks or highway vehicles.

Earl Sweeney Assistant Commissioner of the Department of Safety

He testified in support of the legislation. This bill also covers the highway workers and the Department has tried to inform the public of this.

Senator Burling asked about the cost of installing early warning devices along interstate 93.

Assistant Commissioner Sweeney replied that this done through the traffic management center and the capability is certainly there.

Pat Mooney AAA Northern New England

There is a national media campaign on this issue. A mini modular is being set up and will be brought into driver's education courses. If this bill passes, New Hampshire will be the 26th state to enact legislation.

Funding:

No Fiscal Note

Action:

Senator Letourneau moved "Ought to Pass with Amendment", seconded by Senator DeVries. The committee voted in favor 3-0. Senator Letourneau will bring the bill to the floor.

JB

Date: April 2, 2008
Time: 10:54 a.m.
Room: LOB 101

The Senate Committee on Transportation and Interstate Cooperation held a hearing on the following:

HB 1235 relative to motorist duties when approaching highway emergencies.

Members of Committee present: Senator Letourneau
 Senator Burling
 Senator DeVries

The Chair, Senator Robert J. Letourneau, opened the hearing on House Bill 1235.

Senator Robert J. Letourneau, D. 19: Representative Packard, good morning. This is a bill that we co-sponsored together.

Representative Robert Packard: Yes it is.

Senator Robert J. Letourneau, D. 19: So, this should really move quickly.

Representative Packard: Very quickly. Very simple. I do have an amendment for you. So, I'll let you get the amendment.

Please see Representative Packard's amendment #1117h, attached hereto and referred to as Attachment #1.

Senator Robert J. Letourneau, D. 19: You're going to force me to ask a question.

Representative Packard: Okay. Thank you, Mr. Chairman, members of the Committee. This was a bill that, as you said, Mr. Chairman, you and I sponsored. Its intent is to include all emergency vehicles that are on the side of the highway into the statute 265:37-a. What wasn't included prior to this was tow-truck operators and wrecker operators when they had their blue lights on picking up vehicles damaged or, you know, broke down. And, all this does is add that to the mix.

Senator Robert J. Letourneau, D. 19: Changed the effective date?

Representative Packard: And, we changed the effective date, right, to sixty days after passage. That's what it does.

Senator Robert J. Letourneau, D. 19: Any questions from the Committee?
Senator DeVries?

Senator Betsi DeVries, D. 18: Senator Packard.

Senator Robert J. Letourneau, D. 19: Representative.

Senator Betsi DeVries, D. 18: I'm sorry.

Senator Robert J. Letourneau, D. 19: I know.

Senator Betsi DeVries, D. 18: Representative, the existing statutes that already are in play here, can you tell us...

Representative Packard: They cover basically police and fire, but they didn't cover, they didn't cover wrecker operators when they were, you know, on the side of the road, picking up a wreck or a broke down vehicle.

Senator Betsi DeVries, D. 18: I see.

Representative Packard: And, this is just, I mean how many people hopefully will listen to it and do it. But, I mean this is just to include them in there. You know, hopefully as a safety factor.

Senator Peter H. Burling, D. 5: I would think this would pass.

Senator Robert J. Letourneau, D. 19: Oh, sure. Thank you. No further questions. Earl? You're signed up to speak.

Assistant Commissioner Earl Sweeney: Earl Sweeney, Assistant Commissioner of Safety. And, just briefly, we're in strong support of this bill. It also covers highway workers that are out there beside the road. With the widening of 93, there's going to be a courtesy vehicle run by DOT. And, we just think it's important that people give a wide berth. And, we have been enforcing and trying to publicize that move over law. And, I think it's important that all the people that work beside the road be covered.

Senator Robert J. Letourneau, D. 19: I would tell you that, if you need any practice in enforcing this law, all you do is go down to the toll booth on 93 in

Hooksett, where they're working on the center of the road right now, and watch them in the morning. I come up every day and I watch people trying to pass and get in front of people just prior to getting into that lane. I can't even believe it. And, they are doing seventy miles an hour or passing in the breakdown lane. I mean, it's a dangerous area right now.

Assistant Commissioner Sweeney: Nobody pays any attention. I had somebody following me this morning that was so occupied with their cigarette and their phone, cell phone and right on their bumper that I just kind of hoped that I didn't have to stop.

Senator Robert J. Letourneau, D. 19: Senator Burling?

Senator Peter H. Burling, D. 5: This bill should clearly pass. This is a related question. Have we ever investigated what it would cost us in capitol to install sort of early warning devices along 89 and 93? I'm thinking about those red lights which flash if there is an accident within the next five miles.

Assistant Commissioner Sweeney: I believe, I think Butch Knowlton was here from DOT. And, I know that the traffic management center that's been put in with our 9-1-1 operation and Emergency Management, that the capabilities there to put up these emergency warning arrow boards and message boards and I think Butch could probably elaborate on how far ahead the program is. I'm sure it's a matter of money.

Senator Robert J. Letourneau, D. 19: But, part of the TEA-21 recommendations is, and I think the widening of I-93 includes this intelligent highway system, where those signs will be implemented in the construction of the widening of that road. Do you agree?

Assistant Commissioner Sweeney: Yes.

Senator Robert J. Letourneau, D. 19: Oh, okay. Thank you. I just wanted to get that on the record. You asked a question. Pat Moody? Triple A. I see you've got your partner with you over there just being silent.

Unidentified speaker: For a change.

Pat Moody: Silent partner.

Senator Robert J. Letourneau, D. 19: Good morning, sir and welcome to Senate Transportation.

Mr. Moody: Good morning. Thank you.

Senator Robert J. Letourneau, D. 19: And, I can tell you that everybody is in support of this bill.

Mr. Moody: So, I won't take too much of your time.

Senator Robert J. Letourneau, D. 19: So, brevity is...

Mr. Moody: Alright. Pat Moody, Triple A, Northern New England, representing about a million members in Maine, New Hampshire and Vermont. We are, we asked that this bill be introduced. We are strongly in favor of it. We have a national media campaign already running. It would run throughout the rest of the year. We have been working very closely locally, with the Department of Safety and the Department of Transportation to bring that educational campaign here. We've got some things in the works. We've got a mini-module for driver educators to bring into their classes to make them aware of the change or at least the best practice if this doesn't go through. But, we're hoping that it doesn't see a whole lot of opposition. We've got resources as our club publications are e-blast to our members. I know the DOT has been working on some billboards and the Department of Safety is looking at some funding to run some PSAs and what not.

So, we are fully prepared to help launch an educational campaign to support this. I think that the sixty days that is put forward in this proposed amendment will give us more than enough time to get the word out and let folks know about it. And, it's going to be a great platform. This change is going to bring New Hampshire to be, I believe, the twenty-sixth state in the country to add on road service providers and yellow light vehicles. So, I appreciate your time. Thank you very much. Any questions?

Please see Pat Moody's typewritten testimony, attached hereto and referred to as Attachment #2.

Senator Robert J. Letourneau, D. 19: Well, as a Triple A member, I thank you, and as a New Hampshire resident, I thank you for putting that effort into our safety. Any questions from the Committee? Thank you very much.

Mr. Moody: Thank you.

Senator Robert J. Letourneau, D. 19: And, nobody else is signed up to speak on this bill. I am going to close hearing on House Bill 1235.

Hearing concluded at 11:00 a.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Danielle Barker". The signature is written in black ink and is positioned above the printed name and title.

Danielle Barker
Senate Secretary

4/7/08

2 Attachments

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2008-1117h

AMENDED ANALYSIS

This bill requires drivers to give wide berth to stationary vehicles displaying emergency or warning lights when approaching highway emergencies.

**Chairman Letourneau
Senate Transportation Committee: Concord NH LOB 101 April 2nd
RE: HB1235 AN ACT relative to motorist duties when approaching highway
emergencies.**

Good Morning, Mr. Chair and members of the committee, thank you for your time today. My name is Pat Moody, and I am the Director of Public Affairs & Traffic Safety for AAA Northern New England. I represent the Auto Club's nearly 1 million members in Northern New England on state transportation safety advocacy efforts. Today, I come before you in support of HB 1235 to help protect our stranded members, fleet drivers and network of emergency road service contractors.

AAA requested to have the bill introduced and strongly endorses HB 1235. As you are probably aware the House moved this bill to the consent calendar due to the overwhelming support for the bill.

AAA has no greater responsibility than to help safeguard motorists who are stranded on the roadside, as well as those who work everyday to protect them. For this reason, we have joined forces with nation's first-responders in a year long public information and legislative campaign aimed at reducing deaths and injuries among roadside workers and stranded motorists.

AAA has launched a full-scale media blitz to support Move Over Laws. Our efforts consist of a national public awareness campaign that will include the use of public safety announcements and other publicity efforts. Recently we have met with the New Hampshire Department of Safety and the New Hampshire Department of Transportation to develop an educational campaign to raise the level of awareness to this growing concern. Our campaign includes promotion in our club publication, an email blast to our members, development of a educational module for driver educators, development of a PSA and press conference featuring our sponsored NASCAR driver David Ragan and coordinating with the Departments of Safety and Transportation on other partnered initiatives.

In 2005, 390 workers were killed in struck-by incidents, according to the National Institute for Occupational Safety and Health (NIOSH). Our best estimates are that somewhere between 60 and 100 tow truck drivers lose their lives in the United States every year while rendering roadside assistance to motorists along busy highways.

Motorists in 41 states are required to "move over" when they see the flashing lights of an emergency vehicle on the roadside, yet public awareness remains low. Just 24 states have laws that specifically include provisions for tow trucks or other roadside assistance vehicles. In the past 5 years both Maine and Vermont have upgraded their move over laws to include tow trucks.

Those who provide roadside assistance are often called out late at night and during the worst of conditions to aid and protect people from danger. Please join support this bill and help protect our emergency road service personnel.

Speakers

SENATE TRANSPORTATION AND INTERSTATE COOPERATION COMMITTEE

Date: April ²/₁, 2008

Time: 10:45 a.m.

Public Hearing on HB 1235

32:11

HB 1235 – relative to motorist duties when approaching highway emergencies.

Please check box(es) that apply:

SPEAKING	FAVOR	OPPOSED	NAME (Please print clearly)	REPRESENTING
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Pat Moody	AAA Northern New England
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep John E. Threlk Jr	Coos-2
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Elizabeth Sargent, NH Assoc of	Chiefs of Police
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Carl Sweeney	Dept of Safety
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep Stephen Packard	
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Voting Sheets

Senate Transportation & Interstate Cooperation Committee
EXECUTIVE SESSION

1235

Bill # HB 1117

Hearing date: _____

Room: LOB 101

Executive session date: _____

Motion of: OTP/A

VOTE: 13-0

Made by Letourneau ☒
Senator: Hoe Burling ☐
Kelly ☐
Devries ☒
Clegg ☐

Seconded Letourneau ☐
by Senator: Hoe Burling ☒
Kelly ☐
Devries ☒
Clegg ☐

Committee Member

Present

Vote
(Y/N)

Reported out by

Senator R. Letourneau, Chairman	✓		✓
Senator P. Hoe Burling, Vice-Chair	✓		
Senator M. Kelly			
Senator B. Devries	✓		
Senator R. Clegg			

*Amendments:

1117h

NOTES:

adapt language

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date: April 2, 2008

THE COMMITTEE ON Transportation and Interstate Cooperation
to which was referred House Bill 1235

AN ACT **relative to motorist duties when approaching highway emergencies.**

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 3-0

AMENDMENT # 1215s

Senator Robert J. Letourneau
For the Committee

Danielle Barker 271-3093

New Hampshire General Court - Bill Status System

Docket of HB1235

Docket Abbreviations

Bill Title: relative to motorist duties when approaching highway emergencies.*Official Docket of HB1235:*

Date	Body	Description
12/10/2007	H	Introduced 1/2/2008 and Referred to Transportation; HJ 7 , PG.343
12/19/2007	H	Public Hearing: 1/24/2008 10:00 AM LOB 203
02/05/2008	H	Executive Session: 2/12/2008 10:00 AM LOB 203 (Continued 2/14/08 10:00 AM LOB 203 if Needed)
02/13/2008	H	Committee Report: Ought to Pass with Amendment #0374h for Mar 5 CC (vote 14-0); HC 18 , PG.972
02/13/2008	H	Proposed Committee Amendment #0374h; HC 17 , PG.835-836
03/05/2008	H	Amendment #0374h Adopted, VV; HJ 22 , PG.1245
03/05/2008	H	Ought to Pass with Amendment #0374h: MA VV; HJ 22 , PG.1245
03/13/2008	S	Introduced and Referred to Transportation and Interstate Cooperation; SJ 9 , Pg.244
03/26/2008	S	Hearing; April 2, 2008, Room 101, LOB, 10:45 a.m.; SC13
04/03/2008	S	Committee Report; Ought to Pass with Amendment{1215} [04/10/08]; SC14 , Pg.7

NH House

NH Senate

Contact Us

*New Hampshire General Court Information Systems**107 North Main Street - State House Room 31, Concord NH 03301*

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB 1235

ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

☒ DOCKET (Submit only the latest docket found in Bill Status)

☒ COMMITTEE REPORT

☒ CALENDAR NOTICE on which you have taken attendance

☒ HEARING REPORT (written summary of hearing testimony)

☒ HEARING TRANSCRIPT (verbatim transcript of hearing)

List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: _____

☒ SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

☒ - AMENDMENT # 1117h

☒ - AMENDMENT # 12155

_____ - AMENDMENT # _____

_____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

_____ AS INTRODUCED

_____ AS AMENDED BY THE HOUSE

_____ FINAL VERSION

_____ AS AMENDED BY THE SENATE

PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: _____

☒ EXECUTIVE SESSION REPORT

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

4/8/08

Garnielle Bank
COMMITTEE SECRETARY