

Bill as Introduced

SB 60 - AS INTRODUCED

2011 SESSION

11-0203

03/01

SENATE BILL **60**

AN ACT relative to the definition of commercial motor vehicle.

SPONSORS: Sen. Gallus, Dist 1; Sen. Boutin, Dist 16; Sen. Stiles, Dist 24; Sen. D'Allesandro,
Dist 20; Rep. M. Tremblay, Coos 4; Rep. Remick, Coos 2; Rep. Daugherty, Coos 1

COMMITTEE: Transportation

ANALYSIS

This bill modifies the provision that exempts certain emergency vehicles from the definition of commercial motor vehicle.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to the definition of commercial motor vehicle.

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

- 1 1 Commercial Motor Vehicle; Exemptions. Amend RSA 259:12-e, II(a) to read as follows:
- 2 (a) Emergency vehicles assigned or registered to a fire department or fire service
- 3 organization when driven by fire service personnel in pursuit of fire service purposes, *or returning*
- 4 *from fire service purposes, or being driven in a parade.*
- 5 2 Effective Date. This act shall take effect January 1, 2012.

CHAPTER 28
SB 60 - FINAL VERSION

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- 6 Approved: April 28, 2011
- 7 Effective Date: January 1, 2012

Committee Minutes

SENATE CALENDAR NOTICE TRANSPORTATION

ATTENDANCE

- Senator Jim Rausch Chairman
- Senator David Boutin V Chairman
- Senator James Forsythe
- Senator Molly Kelly
- Senator Nancy Stiles

START: 9:31 AM
STOP: 9:40 AM

For Use by Senate Clerk's Office ONLY

Bill Status

Docket

Calendar

Proof: Calendar Bill Status

Date: January 26, 2011

HEARINGS

Thursday

2/3/2011

TRANSPORTATION

LOB 103

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

- 9:00 AM SB66
- 9:30 AM SB60
- 10:00 AM SB69
- 10:30 AM SB98
- 11:00 AM SB99
- 11:30 AM SB101

- relative to nonresident fees for motorcycle rider education.
- relative to the definition of commercial motor vehicle.
- permitting 2-wheeled vehicles to proceed through an intersection after stopping for a red light.
- revising the international registration plan.
- relative to trailer brakes.
- requiring the Pettengill Road project in Londonderry to be added to the state's 10-year transportation improvement program.

Sponsors:

SB66

Sen. Jim Rausch

Rep. Sherman Packard

Rep. Kevin Waterhouse

SB60

Sen. John Gallus

Sen. David Boutin

Sen. Nancy Stiles

Sen. Lou D'Allesandro

Rep. Marc Tremblay

Rep. William Remick

Rep. Duffy Daugherty

SB69

Sen. Sharon Carson

SB98

Sen. Jim Rausch

SB99

Sen. Jim Rausch

SB101

Sen. Sharon Carson

Rep. Alfred Baldasaro

Rep. David Lundgren

Rep. Betsy McKinney

Rep. Robert Introne

Rep. Daniel Tamburello

Start .
End :

Danielle Barker 271-3091

Sen. Jim Rausch

Chairman

Transportation Committee

Hearing Report

TO: Members of the Senate

FROM: Deb Martone, Legislative Aide

RE: Hearing report on SB 60 – relative to the definition of commercial motor vehicle.

HEARING DATE: February 3, 2011

MEMBERS OF THE COMMITTEE PRESENT: Senators Rausch, Boutin, Kelly and Stiles.

MEMBERS OF THE COMMITTEE ABSENT: Senator Forsythe

Sponsor(s): Senators Gallus, Boutin, Stiles and D'Allesandro; Representatives Marc Tremblay, Remick and Daugherty;

What the bill does: modifies the provision that exempts certain emergency vehicles from the definition of commercial motor vehicle.

Who supports the bill: Senators Gallus, Boutin, Stiles, and D'Allesandro; Representatives Marc Tremblay, Remick and Daugherty; Bob Letourneau, Department of Safety.

Who opposes the bill: No one.

Summary of testimony received:

• Senator Gallus introduced the bill explaining that it modifies the provision that exempts certain emergency vehicles from the definition of commercial motor vehicle. In current NH law fire equipment, when in pursuit of fire service purposes, is exempt from being a commercial motor vehicle. The operator doesn't need a CDL to operate fire apparatus for emergency purposes. Returning from a fire is not a fire service purpose. Many cities and towns require firefighters to have a CDL. This is a burden on a small town with all volunteer firefighters. They can drive to the fire but can't drive back to the station. The best solution is to add specific language to clarify fire service purposes for all cities and towns.

• Senator Boutin asked about parades, especially with fire trucks from surrounding towns. Would they be covered driving from one town to another

town's parade? Senator Gallus stated we may need to further revise the language. We need to protect these volunteers that drive.

- Senator Stiles seemed to think current language may cover parades. Senator Gallus indicated we may need to check with Legislative Services.
- Senator Boutin expressed the fact that we might as well make sure every case is covered.
- Bob Letourneau stated the Department of Safety does not oppose the bill. Federal law allows exemptions for "emergency relief". He thinks the language is broad enough in state law to make exemptions for firefighters using emergency equipment within its jurisdiction. He believes federal guidelines cover such instances as parades.
- Senator Kelly asked Mr. Letourneau to confirm his comments that federal legislation covers what is already in state statute. She sought reassurance that although we don't need this bill, the Department of Safety was not opposed to it. "Correct," replied Letourneau.

Action: Senator Stiles made a motion of Ought to Pass. Senator Kelly seconded the motion. The vote was 4-0 in favor. Senator Stiles will report the bill out of committee.

dam

[file: SB 60 report]
Date: February 3, 2011

Speakers

Testimony

Statement of Senator John Gallus
Senate Bill 60
February 3, 2011
Senate Transportation Committee

Thank you Mr. Chairman,

For the record, my name is John Gallus and I am the Senator for District 1 that includes all of Coos County and the northern towns in both Grafton and Carroll Counties.

I am the prime sponsor of Senate Bill 60, relative to the definition of commercial motor vehicles. This bill modifies the provision that exempts certain emergency vehicles from the definition of commercial motor vehicle.

Current New Hampshire law exempts fire equipment from being a commercial motor vehicle when "in pursuit of fire service purposes." Therefore, the operator is not required to have a CDL in order to operate fire apparatus for emergency purposes. The Fire Marshal's office explained that returning from a fire is a fire service purpose. However, many cities and towns do require firefighters to have or obtain a CDL.

This issue was brought to my attention by a constituent in Lancaster who conveyed the burden that the CDL requirement can have on small towns with all volunteer firefighters. He spoke of how he was the only one that had a CDL license, which meant that fellow firefighters could drive the trucks to the fire, but after the emergency was taken care of he was the only one able to drive the trucks. This meant that he would have to drive a truck back to the station then go back to the scene of the emergency as many times as it took for all the trucks to be returned.

After researching the issue, the best solution to this problem was to add specifically, "returning from fire service purposes, or being driven in a parade" to clarify fire service purposes for all cities and towns.

In my district alone there are over 25 volunteer, on-call, part-time or fire departments with a full-time fire chief and volunteers. NH communities have a rich history of volunteerism which is an integral part to any community. The current economic environment, challenging town officials to provide services with budgets that have been cut to the bone, will no doubt result in an increase in volunteerism as citizens rise to the occasion to help

their communities weather this storm. It should be clear to all towns our laws concerning fire service purposes and this bill aims to do that.

Thank you for your consideration today and I would be happy to address any questions you may have.

Background

RSA 154-I-d, *Fire Department Liability; Public Duty Rule; Status of Firefighters* addressing municipal liability/



Bob Letourneau
Department of Safety
Division of Motor Vehicles
23 Hazen Drive, Concord, NH
Tel 603-227-4111
e-mail Robert.letourneau@dos.nh.gov

Testimony on SB 60
February 3, 2011

Good Morning Mr. Chairman and members of the committee:

For the Record I am Bob Letourneau representing the Department of Safety on SB 60.

We do not oppose this Bill as Federal Law allows exemptions for “Emergency relief” to supplement State and Local efforts with regard to life saving and or property or to protect the public health and safety as a result of an emergency. The wording is broad enough for state law to make exemptions for firefighters using emergency equipment within its jurisdiction.

It does not however, allow exemptions for “interstate” operation, where the jurisdiction needs to be addressed with local authorities.

Definitions under 49 CFR part 390 (Commercial Vehicles Licensing)

Emergency relief means an operation in which a motor carrier or driver of a commercial motor vehicle is providing direct assistance to supplement State and local efforts and capabilities to save lives or property or to protect public health and safety as a result of an emergency as defined in this section.

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: February 3, 2011

THE COMMITTEE ON Transportation

to which was referred Senate Bill 60

AN ACT relative to the definition of commercial motor
 vehicle.

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

OUGHT TO PASS

BY A VOTE OF: 4-0

AMENDMENT # s

Senator Nancy Stiles
For the Committee

Debra Martone 271-3092

New Hampshire General Court - Bill Status System

Docket of SB60

Docket Abbreviations

Bill Title: relative to the definition of commercial motor vehicle.*Official Docket of SB60:*

Date	Body	Description
1/19/2011	S	Introduced and Referred to Transportation, SJ 3 , Pg.34
1/26/2011	S	Hearing: 2/3/2011, Room 103, LOB, 9:30 a.m.; SC9
2/8/2011	S	Committee Report: Ought to Pass, 2/16/2011; SC11
2/16/2011	S	Ought to Pass, MA, VV; OT3rdg, SJ 6 , Pg.57
2/16/2011	S	Passed by Third Reading Resolution, SJ 6 , Pg.61
2/16/2011	H	Introduced and Referred to Transportation; HJ 19 , Pg. 438
3/22/2011	H	Public Hearing: 4/5/2011 10:50 AM LOB 203 ==Executive Session To Follow==
4/6/2011	H	Committee Report: Ought to Pass for April 13 (Vote 11-2; CC); HC 31 , PG.1039
4/13/2011	H	Ought to Pass: MA VV; HJ 37 , Pg.1296
4/13/2011	H	Enrolled; HJ 37 , PG.1305
4/20/2011	S	Enrolled; SJ 14 , Pg.273
4/28/2011	S	Signed by the Governor on 04/28/2011; Effective 01/01/2012; Chapter 0028

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

ORIGINAL REFERRAL RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE 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
- HEARING REPORT
- HANDOUTS FROM THE PUBLIC HEARING
- PREPARED TESTIMONY AND OTHER SUBMISSIONS
- SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # _____ - AMENDMENT # _____
 - AMENDMENT # _____ - AMENDMENT # _____


ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED AS AMENDED BY THE HOUSE
 FINAL VERSION AS AMENDED BY THE SENATE

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 _____


 BY COMMITTEE AIDE