

Bill as
Introduced

SB 332 - AS INTRODUCED

2012 SESSION

12-2807
08/09

SENATE BILL

332

AN ACT

repealing a prohibition relative to auxiliary state troopers and repealing the law governing motor vehicles carrying property for hire.

SPONSORS:

Sen. Rausch, Dist 19

COMMITTEE:

Transportation

ANALYSIS

This bill repeals a prohibition relative to auxiliary state troopers and repealing the law governing motor vehicles carrying property for hire.

This bill is a request of the department of safety.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT repealing a prohibition relative to auxiliary state troopers and repealing the law governing motor vehicles carrying property for hire.

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

- 1 1 Auxiliary State Police; Time of Service. Amend RSA 106-B:19 to read as follows:
- 2 106-B:19 Auxiliary State Police. The director is authorized to recruit, train and organize an
- 3 auxiliary state police force for the purpose of providing emergency services throughout the state for
- 4 peacetime or wartime emergencies or threatened emergencies and for augmenting the state police
- 5 force in such manner as the director may deem appropriate. Notwithstanding other provisions the
- 6 director may recruit such auxiliary force from retired state or local police. Such auxiliary force shall
- 7 at all times be under the direction and control of the said director and shall be subject to rules
- 8 adopted by the director under RSA 541-A [~~and shall serve for a period of not more than 90 days in~~
- 9 ~~any one year~~].
- 10 2 Exclusions from Stock Provisions; Cross Reference. Amend RSA 228:92, II to read as follows:
- 11 II. Any common carrier which is subject to RSA 375-A[, ~~RSA 375-B,~~] or RSA 376 shall not be
- 12 subject to the provisions of this subdivision.
- 13 3 Regulation of Domestic Electric Utilities; Cross Reference. Amend RSA 374-A:6, I(a)(1) to read
- 14 as follows:
- 15 (1) The provisions of RSA 367, 368, 372, 373, 375-A, [~~375-B,~~] 376, 377, 379, 380, 381,
- 16 and 382 and all sections in RSA Title XXXIV relating solely to public utilities other than electric
- 17 utilities shall not apply to any such municipal utility;
- 18 4 Disposition of Revenues; Cross Reference. Amend RSA 376:28 to read as follows:
- 19 376:28 Disposition of Revenues. All fees and fines collected pursuant to the provisions of this
- 20 chapter [~~and RSA 375-B~~] shall be made available to the department of safety, except that the cost of
- 21 issuance of registration plates shall be paid to the division of motor vehicles.
- 22 5 Repeal. RSA 375-B, relative to motor vehicles carrying property for hire, is repealed.
- 23 6 Effective Date. This act shall take effect upon its passage.

SB 332 – AS AMENDED BY THE SENATE

02/08/12 0568s

2012 SESSION

12-2807

08/09

SENATE BILL

332

AN ACT

repealing a prohibition relative to auxiliary state troopers and repealing the law governing motor vehicles carrying property for hire.

SPONSORS:

Sen. Rausch, Dist 19

COMMITTEE:

Transportation

AMENDED ANALYSIS

This bill repeals a prohibition relative to auxiliary state troopers and repeals the law governing motor vehicles carrying property for hire.

.....

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.

SB 332 – AS AMENDED BY THE SENATE

02/08/12 0568s

12-2807
08/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT repealing a prohibition relative to auxiliary state troopers and repealing the law governing motor vehicles carrying property for hire.

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

- 1 1 Auxiliary State Police; Time of Service. Amend RSA 106-B:19 to read as follows:
- 2 106-B:19 Auxiliary State Police. The director is authorized to recruit, train, and organize an
- 3 auxiliary state police force for the purpose of providing emergency services throughout the state for
- 4 peacetime or wartime emergencies or threatened emergencies and for augmenting the state police
- 5 force in such manner as the director may deem appropriate. Notwithstanding other provisions the
- 6 director may recruit such auxiliary force from retired state or local police. Such auxiliary force shall
- 7 at all times be under the direction and control of the said director and shall be subject to rules
- 8 adopted by the director under RSA 541-A [~~and shall serve for a period of not more than 90 days in~~
- 9 ~~any one year~~] *and shall be limited to specific hours in any given calendar year for part-time police*
- 10 *officers adopted in rules under RSA 541-A by the police standards and training council, pursuant to*
- 11 *RSA 188-F:27, III.*
- 12 2 Exclusions from Stock Provisions; Cross Reference. Amend RSA 228:92, II to read as follows:
- 13 II. Any common carrier which is subject to RSA 375-A[~~, RSA 375-B,~~] or RSA 376 shall not be
- 14 subject to the provisions of this subdivision.
- 15 3 Regulation of Domestic Electric Utilities; Cross Reference. Amend RSA 374-A:6, I(a)(1) to read
- 16 as follows:
- 17 (1) The provisions of RSA 367, 368, 372, 373, 375-A, [~~375-B,~~] 376, 377, 379, 380, 381,
- 18 and 382 and all sections in RSA Title XXXIV relating solely to public utilities other than electric
- 19 utilities shall not apply to any such municipal utility;
- 20 4 Disposition of Revenues; Cross Reference. Amend RSA 376:28 to read as follows:
- 21 376:28 Disposition of Revenues. All fees and fines collected pursuant to the provisions of this
- 22 chapter [~~and RSA 375-B~~] shall be made available to the department of safety, except that the cost of
- 23 issuance of registration plates shall be paid to the division of motor vehicles.
- 24 5 Repeal. RSA 375-B, relative to motor vehicles carrying property for hire, is repealed.
- 25 6 Effective Date. This act shall take effect upon its passage.

SB 332 – AS AMENDED BY THE HOUSE

02/08/12 0568s
15May2012... 2221h

2012 SESSION

12-2807
08/09

SENATE BILL **332**

AN ACT repealing a prohibition relative to auxiliary state troopers, repealing the law governing motor vehicles carrying property for hire, and relative to searches conducted for purposes of transportation-related security.

SPONSORS: Sen. Rausch, Dist 19

COMMITTEE: Transportation

AMENDED ANALYSIS

This bill repeals a prohibition relative to auxiliary state troopers and repeals the law governing motor vehicles carrying property for hire.

This bill also requires law enforcement officers to document complaints relating to administrative searches by agents of the Transportation Security Administration.

.....

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.

1 595-C:1 Federal Agency Searches Recorded.

2 I. Any law enforcement officer, as defined in RSA 651:6, I-a(a) who is stationed or present at
3 an airport, bus station, train station, highway, or other transportation-related location or is in the
4 presence of or who is working with an agent of the federal Transportation Security Administration or
5 its equivalent while such agent is conducting an administrative search for transportation security of
6 persons about to travel or already traveling in a vehicle of any kind shall record all interactions
7 between the agent and citizen when that citizen complains to the law enforcement officer about the
8 manner in which the administrative search is being or has been conducted.

9 II. When a law enforcement officer is not available at the site of an administrative search
10 conducted for transportation security, a citizen may file a complaint at any office of the county sheriff
11 within the state of New Hampshire, and the officer taking the report shall follow the same
12 procedures as would be required had he or she been at the scene.

13 III. In such cases as described in paragraphs I and II, the law enforcement officer shall
14 record the name and address of the citizen as well as the name and address or official identification
15 of the agent, along with an accurate statement of the details involving the complaint and his or her
16 observations of the federal agent's behavior when applicable.

17 IV. Such records described in paragraph III shall be submitted within 5 business days to the
18 division of state police for inclusion on an electronic database specifically identified as "Citizen
19 Complaints About TSA Searches." The division of state police shall maintain the reports on the
20 electronic database for at least 5 years, after which the records may be archived but not destroyed.

21 V. The information recorded pursuant to this section, with the name and other identifying
22 information of the complainant redacted, shall be a public record under RSA 91-A.

23 VI. The department of safety and its employees and agents shall not be held liable for errors
24 of omission or commission in the recording and maintenance of information under this section unless
25 the error is shown to be the result of gross negligence or an intentional act.

26 VII.(a) In order to assist in the accuracy of records created by law enforcement officers in
27 paragraph III, all citizens being searched shall be afforded their rights under the First Amendment
28 to the Constitution for the United States of America and under Part 1, Article 22 of the New
29 Hampshire Constitution to record, or designated a person to record, using any type of audio and
30 video recording device, or a device that records just audio or just video, all interactions with an agent
31 described in paragraph I, even in the presence of a law enforcement officer, without exception.

32 (b) If a citizen is prevented in any way from exercising his or her rights as specified in
33 this section, he or she may require a law enforcement officer to enforce the provisions of this section.

34 (c) If a law enforcement officer does not enforce the provisions of this chapter or makes it
35 difficult for a citizen to exercise his or her rights as specified in this section, the law enforcement
36 officer may be guilty of official oppression pursuant to RSA 643:1.

37 6 Repeal. RSA 375-B, relative to motor vehicles carrying property for hire, is repealed.

1. 7 Effective Date.
2. I. Section 5 of this act shall take effect 90 days after its passage.
3. II. The remainder of this act shall take effect upon its passage.

Amendments

Sen. Rausch, Dist. 19
January 27, 2012
2012-0426s
08/09



Amendment to SB 332

1 Amend RSA 106-B:19 as inserted by section 1 of the bill by replacing it with the following:

2

3 106-B:19 Auxiliary State Police. The director is authorized to recruit, train, and organize an
4 auxiliary state police force for the purpose of providing emergency services throughout the state for
5 peacetime or wartime emergencies or threatened emergencies and for augmenting the state police
6 force in such manner as the director may deem appropriate. Notwithstanding other provisions the
7 director may recruit such auxiliary force from retired state or local police. Such auxiliary force shall
8 at all times be under the direction and control of the said director and shall be subject to rules
9 adopted by the director under RSA 541-A [~~and shall serve for a period of not more than 90 days in~~
10 ~~any one year~~] *and shall be limited to specific hours in any given calendar year for part-time*
11 *police officers adopted in rules under RSA 541-A by the police standards and training*
12 *council, pursuant to RSA 188-F:27, III.*



2012-0426s

AMENDED ANALYSIS

This bill repeals a prohibition relative to auxiliary state troopers and repeals the law governing motor vehicles carrying property for hire.



Senate Transportation
February 2, 2012
2012-0568s
09/01

Amendment to SB 332

1 Amend RSA 106-B:19 as inserted by section 1 of the bill by replacing it with the following:

2

3 106-B:19 Auxiliary State Police. The director is authorized to recruit, train, and organize an
4 auxiliary state police force for the purpose of providing emergency services throughout the state for
5 peacetime or wartime emergencies or threatened emergencies and for augmenting the state police
6 force in such manner as the director may deem appropriate. Notwithstanding other provisions the
7 director may recruit such auxiliary force from retired state or local police. Such auxiliary force shall
8 at all times be under the direction and control of the said director and shall be subject to rules
9 adopted by the director under RSA 541-A [~~and shall serve for a period of not more than 90 days in~~
10 ~~any one year~~] *and shall be limited to specific hours in any given calendar year for part-time*
11 *police officers adopted in rules under RSA 541-A by the police standards and training*
12 *council, pursuant to RSA 188-F:27, III.*



2012-0568s

AMENDED ANALYSIS

This bill repeals a prohibition relative to auxiliary state troopers and repeals the law governing motor vehicles carrying property for hire.

Committee Minutes

SENATE CALENDAR NOTICE TRANSPORTATION

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

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: January 5, 2012

HEARINGS

Thursday

1/26/2012

TRANSPORTATION

LOB 103

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

9:00 AM	SB291	relative to the use of currently allowed impact fees by municipalities.
9:30 AM	SB296	relative to including next-of-kin contact information on a driver's license.
10:00 AM	SB313-FN	relative to state photographic identification indicating veteran's status.
10:30 AM	SB315	requiring motorists to give wide berth to highway maintenance vehicles.
10:45 AM	SB317	relative to towable devices permitted to be towed by a motorboat.
11:15 AM	SB332	repealing a prohibition relative to auxiliary state troopers and repealing the law governing motor vehicles carrying property for hire.

Sponsors:

SB291

Sen. David Boutin
 Sen. Jim Rausch
 Rep. John Graham

Sen. Tom De Blois
 Rep. Frank Kotowski

Sen. Lou D'Allesandro
 Rep. David Hess

Sen. Bob Odell
 Rep. Todd Smith

SB296

Sen. Nancy Stiles
 Rep. Terie Norelli
 Rep. Laura Jones

Sen. Sharon Carson
 Rep. Laura Pantelakos

Sen. David Boutin
 Rep. James Waddell

Sen. John Barnes, Jr.
 Rep. Chris Nevins

SB313-FN

Sen. Sharon Carson
 Rep. Alfred Baldasaro

Sen. John Barnes, Jr.
 Rep. Daniel Tamburello

Sen. Gary Lambert
 Rep. Jeanine Notter

Sen. Jeb Bradley
 Rep. Robert Theberge

SB315

Sen. Jim Rausch
 Sen. Nancy Stiles

Rep. Sherman Packard
 Sen. Molly Kelly

Rep. John Graham
 Rep. David Campbell

Sen. David Boutin

SB317

Sen. Jim Luther
 Rep. James Belanger

Sen. Sharon Carson
 Rep. Jack Flanagan

Sen. John Gallus
 Rep. Carl Seidel

Sen. Gary Lambert

SB332

Sen. Jim Rausch

Jennifer Horgan 271-3091

Sen. Jim Rausch

Chairman

Transportation Committee

Hearing Report

TO: Members of the Senate

FROM: Jennifer Horgan, Legislative Aide

RE: Hearing report on SB 332 – repealing a prohibition relative to auxiliary state troopers and repealing the law governing motor vehicles carrying property for hire.

HEARING DATE: 01/26/2012

MEMBERS OF THE COMMITTEE PRESENT: Senator Rausch, Senator Boutin, Senator Kelly, Senator Stiles, Senator Forsythe

MEMBERS OF THE COMMITTEE ABSENT: No one

Sponsor(s): Sen. Rausch, Dist 19

What the bill does: This bill repeals a prohibition relative to auxiliary state troopers and repealing the law governing motor vehicles carrying property for hire. This bill is a request of the department of safety.

Who supports the bill: Senator Rausch; Kevin O'Brien, DOS

Who opposes the bill: No one

Summary of testimony received:

- **Senator Boutin** opened the hearing at 11:15am.
- **Senator Rausch** explained that this bill is at the request of the Department of Safety. He noted that there were a few requests from Commissioner Sweeny and they were all put under this one bill.
- **Kevin O'Brien** (Department of Safety) explained that the Department of Safety is in support of this bill. He gave some background explaining that auxiliary troopers are only allowed to serve for 90 days under the current stature. He pointed out that they are used quite a bit, some in the State House and 90 days is only half of a legislative session. Also when the Department went through its last audit it was suggested to make more use of auxiliary troopers where possible on a part time basis. Mr. O'Brien also noted that police standards define part-time as 1300 hours in a calendar year and asked if the bill could be amended to follow that. He said the 90 days language came about through labor negotiations in the 1980s due to concerns that auxiliary

troopers would be utilized more than current ones, but that has never materialized.

- **Senator Rausch** stated the commissioner has requested removing the 90 days, but now they want to make sure it doesn't go over part time hour clause into full time.
- **Mr. O'Brien** said that would make it consistent with what currently exists.
- **Senator Rausch** asked if they have language that would satisfy that.
- **Mr. O'Brien** said he will write up some language and that their original thought would be in amend RSA 106-B:19. He also stated that this change would put it in compliance with the retirement system that saying they can't exceed 1500 hours of work in a year.
- **Senator Rausch** requested that they put together that language and verify it with counsel and he would be willing to bring forward an amendment.
- **Mr. O'Brien** answered yes.
- **Senator Forsythe** asked that rather than reference 1300 hours why not reference the statute itself.
- **Mr. O'Brien** said that they would he just didn't know the statute off the top of his head. He went on to speak to the second part of the bill, the property for hire. The Department believes that this statute is obsolete. He described that at one time the Public Utilities Commission regulated types of common carriers, like bus companies or limos, etc. He noted that they also regulated groups that would entrust state property for hire. They haven't registered anyone in over 5 years to do these things and it is not a public safety issue. His concern was if it was an agricultural good, but agriculture is exempt under the current statute. They believe it is a law that should be taken off the books.
- **Senator Rausch** questioned if striking that out in the bill it repeals it.
- **Mr. O'Brien** answered yes
- **Senator Forsythe** asked what the price difference for auxiliary troops versus current troopers/cops.
- **Mr. O'Brien** answered that auxiliary troopers are retired cops/troopers and they pay them an hourly rate with no benefits. They are used in the State House, on the Cold Case Squads and on homicide cases where they need to supplement with experienced people for specific cases, but not on a full time basis.

Funding: N/A

Future Action: The Committee took the bill under advisement.

Jennifer Horgan

[file: SB332 report]

Date: Type Date you finished report

Speakers

Testimony

TITLE XXXIV

PUBLIC UTILITIES

CHAPTER 375-B

MOTOR VEHICLES CARRYING PROPERTY FOR HIRE

Section 375-B:1

375-B:1 Declaration of Policy. – The business of operating motor vehicles transporting property for hire on the highways of this state affects the interests of the public. The rapid increase in the number of motor vehicles so operated, and the fact that they are not sufficiently regulated, have increased the dangers and hazards on public highways, and regulation of common carriers and contract carriers as hereinafter defined is necessary to the end that highways may be rendered safer for the use of the general public; that the use of the highways for the transportation of property for hire may be restricted to the extent required by the necessity and convenience of the shippers and receivers of freight, and that the various transportation agencies of the state may be correlated so that public highways may serve the best interest of the general public.

Source. 1967, 348:1.

Section 375-B:2

375-B:2 Definition of Terms. – The following words and phrases as used herein shall have the following meanings, unless the context clearly requires otherwise:

- I. "Department" shall mean the department of safety.
- II. "Person" shall mean any individual, firm, co-partnership, corporation, company, association or joint-stock association, and shall include any trustee, administrator, executor, receiver, assignee, or other personal representative thereof.
- III. "Motor carrier" shall mean a common carrier by motor vehicle, whether regular or irregular route carrier, and a contract carrier by motor vehicle.
- IV. "Common carrier" shall mean a person holding itself out to the general public to provide motor vehicle transportation for compensation over regular or irregular routes, or both.
- V. "Regular route common carrier by motor vehicle" shall mean any common carrier of property by motor vehicle who operates over regular routes between points within this state.
- VI. "Irregular route common carrier by motor vehicle" shall mean any common carrier of property by motor vehicle who operates over irregular routes between points within this state.
- VII. "Contract carrier" shall mean a person providing motor vehicle transportation for compensation under continuing agreements with one or more persons:
 - (a) By assigning motor vehicles for a continuing period of time for the exclusive use of each such person; or
 - (b) Designed to meet the distinct need of each such person.
- VIII. "Private carrier of property by motor vehicle" shall mean any person not included in the terms "common carrier by motor vehicle" or "contract carrier by motor vehicle" who or which transports in intrastate commerce by motor vehicle property of which such person is the owner, lessee, or bailee, when such transportation is for the purpose of sale, lease, rent, or bailment, or in furtherance of any commercial enterprise.
- IX. "Certificate" shall mean a certificate of public convenience and necessity issued under the

provisions of this chapter by the department of safety to a common carrier of property by motor vehicle.

X. "Interstate certificate" shall mean a certificate issued by the interstate commerce commission authorizing operations as a common carrier by motor vehicle.

XI. "Permit" shall mean a public interest permit issued under the provisions of this chapter by the department of safety to a contract carrier of property by motor vehicle.

XII. "Interstate permit" shall mean a permit issued by the interstate commerce commission authorizing operations as a contract carrier by motor vehicle.

XIII. "Highway" shall mean the roads, highways, streets and ways laid out for and used generally by the public as defined by RSA 229.

XIV. "Interstate operations" shall mean any operations in interstate commerce.

XV. "Commissioner" shall mean the commissioner of the department of safety.

Source. 1967, 348:1. 1985, 402:6, I(e)(7). 1988, 288:19-22. 1989, 325:11, 21, eff. July 1, 1989.

Section 375-B:3

375-B:3 Exemptions. – There shall be exempted from the provisions of this chapter:

I. [Repealed.]

II. Motor vehicles owned by or under written contract with any branch of the government of the United States or by any state department, or by any county, city, town or village.

III. Motor vehicles engaged in the transportation of agricultural products, by-products or supplies and owned or operated by cooperative marketing associations organized under the provisions of RSA 301.

IV. Private carriers of property by motor vehicle.

V. Motor vehicles while engaged in the transportation of pulpwood, logs, bolts, poles, posts, Christmas trees and boughs, wood chips, wood edgings and slabs, sawdust and salt; and on return trips carrying supplies used in the operation of logging camps.

VI. Motor vehicles while engaged in the transportation of earth, gravel, and ledge and used on construction within the state.

Source. 1967, 348:1. 1975, 451:1. 1989, 325:20, I, eff. July 1, 1989.

Section 375-B:3-a

375-B:3-a Regulation of Refuse Transporters. – Any person who transports refuse as defined in RSA 149-M:4, XXIII and otherwise qualifies as a common or contract carrier shall not be exempt from the provisions of this chapter by virtue of the fact that such person transports refuse. Refuse as defined in RSA 149-M:4, XXIII shall be considered to be property for the purpose of this chapter. A person who transports refuse as a common or contract carrier shall be required to meet the provisions of this chapter and the rules adopted under this chapter and shall be subject to the penalties specified.

Source. 1989, 325:24. 1996, 251:11, eff. Aug. 9, 1996.

Section 375-B:4

375-B:4 Common Carrier Certificate and Contract Carrier Permit Required. – No person shall engage in the business of operating as a common or contract carrier by motor vehicle of property, as defined in RSA 375-B:2, IV, V, VI, and VII, unless he holds a certificate or permit issued by the department authorizing such operations; provided, however, that if he, or his predecessor in interest, was engaged in bona fide operation as a common or contract carrier by motor vehicle of property, as provided by the definitions in RSA 375-B:2, IV, V, VI, and VII, on December 1, 1966, over the route or

routes or within the territory for which application is made and has so operated since that time, or, if engaged in furnishing seasonal service only, was in bona fide operation on said date, during the season ordinarily covered by its operation, except in either instance as to interruptions of service over which applicant or his predecessor in interest had no control, the department shall issue such certificate or permit without requiring further proof that the public convenience and necessity or the public interest will be served by such operation, and without further proceedings, if application for such certificate or permit is made to the department as provided for by RSA 375-B:8 on or before December 1, 1967. Otherwise, the application for such certificate or permit shall be decided in accordance with the procedure provided by in RSA 375-B:5 or 375-B:7, and such certificate or permit shall be issued or denied accordingly. Pending action on any such application, the continuance of such operation shall be lawful.

Source. 1967, 348:1. 1985, 402:6, I(e)(7).

Section 375-B:5

375-B:5 Issuance of Common Carrier Certificate. –

I. A certificate authorizing, in whole or in part, an operation for which application is made shall be issued to any qualified applicant.

II. The applicant must be a carrier as defined by RSA 375-B:2, IV, V or VI.

III. Conditions for qualification:

(a) The applicant must be fit, willing, and able to properly perform the proposed services;

(b) The applicant must agree to conform to the provisions of RSA 375-B and any rules adopted by the commissioner relative to RSA 375-B; and

(c) The proposed service must be required by the present or future public convenience. This condition does not apply to an application seeking authority to transport refuse as defined in RSA 149-M:4, XXIII.

Source. 1967, 348:1. 1981, 435:15. 1985, 402:6, I(e)(7). 1989, 325:25. 1996, 251:12, eff. Aug. 9, 1996.

Section 375-B:6

375-B:6 Terms and Conditions of Certificate. –

I. Each certificate issued under RSA 375-B:4 or 375-B:5 shall specify the service to be rendered and the routes over which, the fixed termini, if any, between which, and the territory within which the motor carrier is authorized to operate. The department may impose upon the exercise of the privileges granted by the certificate, at the time of its issuance or from time to time thereafter, such reasonable terms, conditions and limitations as the public convenience and necessity may require; provided, however, that no terms, conditions, or limitations shall restrict the right of the carrier to add to his or its equipment and facilities over the routes, between the termini or within the territory specified in the certificate as the development of the business and the demands of the public shall require.

II. A common carrier by motor vehicle operating under such certificate may deviate from the route over which it is authorized to operate under the certificate under such general or special rules and regulations as the commissioner may prescribe or when highway conditions are such that operations over such regular routes are impracticable.

Source. 1967, 348:1. 1985, 402:6, I(e)(7).

Section 375-B:7

375-B:7 Issuance of Contract Carrier Permits. – A permit shall be issued to any qualified applicant therefor, as defined in RSA 375-B:2, VII, authorizing in whole or in part the operations covered by the application, if it appears from the application, or from any hearing held thereon, that the applicant is fit, willing and able properly to perform the service of a contract carrier by motor vehicle, and to conform to the provisions of this chapter and the lawful requirements and rules of the department under this chapter, and that the proposed operation, to the extent authorized by the permit, will be consistent with the public interest and the policy declared in RSA 375-B:1; otherwise, such application shall be denied. An applicant seeking authority to transport refuse as defined in RSA 149-M:4, XXIII, however, need not establish consistency with the public interest to be issued a permit. The department shall specify in the permit the business of the contract carrier covered thereby and the scope thereof and shall attach to it, at the time of issuance and from time to time thereafter, such reasonable terms, conditions, and limitations consistent with the character of the holder as a contract carrier as are necessary to carry out, with respect to the operations of such carrier, the requirements established by the department under the provisions of this chapter; provided, however, that no terms, conditions, or limitations shall restrict the right of the carrier to substitute or add contracts within the scope of the permit, or to add to his or its equipment and facilities as the development of the business and the demands of the public may require.

Source. 1967, 348:1. 1985, 402:6, I(e)(7). 1989, 325:26. 1996, 251:13, eff. Aug. 9, 1996.

Section 375-B:8

375-B:8 Applications for Certificates and Permits. – Applications for certificates and permits required by RSA 375-B:4 shall be:

- I. Made in writing to the department;
- II. Verified under oath;
- III. Accompanied by the fee specified in RSA 375-B:20;
- IV. In the form specified in rules adopted by the commissioner pursuant to RSA 541-A; and
- V. With the information specified in rules adopted by the commissioner pursuant to RSA 541-A.

Source. 1967, 348:1. 1981, 435:16. 1985, 402:6, I(e)(7).

Section 375-B:9

375-B:9 Amendment, Suspension and Revocation of Certificates and Permits. –

- I. Certificates and permits issued by the department under RSA 375-B become effective on the date specified in the certificate or permit.
- II. Certificates and permits remain in effect until suspended or revoked by the department.
- III. Conditions for amendment, suspension or revocation of a certificate or permit:
 - (a) The department must provide notice and hearing.
 - (b) The department may act on its own initiative or upon application.
 - (c) The amendment, suspension or revocation may be in whole or in part.
 - (d) A certificate or permit may be amended, suspended or revoked if the holder of the permit or certificate willfully violates:
 - (1) Any provision of RSA 375-B;
 - (2) Rules adopted by the commissioner relative to RSA 375-B; or
 - (3) Any provision in a certificate or permit.

Source. 1967, 348:1. 1981, 435:17. 1985, 402:6, I(e)(7).

Section 375-B:10

375-B:10 Transfer of Certificates and Permits. – No certificate or permit nor any rights thereunder are assignable, nor shall they be transferred without the approval of the department.

Source. 1967, 348:1. 1985, 402:6, I(e)(7).

Section 375-B:11

375-B:11 Discontinuance of Operations. – Except as provided in RSA 375-B:9, the holder of a certificate authorizing regular route operations shall not discontinue operations carried on thereunder without the consent of the department.

Source. 1967, 348:1. 1985, 402:6, I(e)(7).

Section 375-B:12

375-B:12 Security for the Protection of Property. – No certificate or permit issued to a motor carrier under the provisions of this chapter shall remain in effect unless there is filed with the department a certificate of insurance indicating that there is in force a cargo insurance policy or indemnity bond, in such form and in such reasonable amount for the protection of the owner or owners of the property transported, for the payment of damages resulting from the negligent operation, maintenance, or use of motor vehicles under such certificate or permit. A motor carrier engaged in the transportation of washed sand, screened loam and crushed stone shall not be required to obtain a cargo insurance policy or indemnity bond to acquire a certificate or permit under the provisions of this chapter.

Source. 1967, 348:1. 1985, 402:6, I(e)(7). 1988, 285:1, eff. May 2, 1988.

Section 375-B:13

375-B:13 Schedules of Rates and Charges. –

I. Every common carrier by motor vehicle shall:

- (a) Print schedules of rates and charges for the transportation of property or for any other service;
- (b) File a tariff with the department, which shall include schedules of charges and carrier regulations or practices affecting a charge; and
- (c) Keep filed schedules available for public inspection.

II. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the form and content of the filing and printing and the time within which the filing and printing are required.

III. A carrier may not change a filed or printed rate or charge, unless ordered to make the change by the department, except after 30 days' notice to the department and notice to the public as directed by the department.

IV. All rates and charges filed by motor carriers shall be just and reasonable.

Source. 1967, 348:1. 1981, 435:18. 1985, 402:6, I(e)(7). 1987, 403:1, eff. Jan. 1, 1988.

Section 375-B:14

375-B:14 Discrimination Prohibited. – It shall be unlawful for any common carrier by motor vehicle engaged in transportation between points in this state to make, give or cause any undue or unreasonable preference or advantage to any particular person or locality in any respect whatsoever or to subject any particular person or locality to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Source. 1967, 348:1.

Section 375-B:15

375-B:15 Adherence to Tariffs. – No common carrier by motor vehicle shall charge or demand or collect or receive a greater or lesser or different compensation for transportation or for any service in connection therewith between the points enumerated in such tariff than the rates and charges specified in the tariffs in effect at the time; and no such carrier shall refund or remit in any manner or by any device, directly or indirectly, or through any agent or otherwise, any portion of the rates or charges so specified, or extend to any person any privileges or facilities for transportation between points in this state except such as are specified in its tariffs.

Source. 1967, 348:1.

Section 375-B:16

375-B:16 Contract Carrier Rates. –

I. Any contract carrier by motor vehicle, as defined in RSA 375-B:2, VII, in competition with any common carrier shall file with the department the rates or carrier regulations or practices affecting a rate which apply to the service. However, filing is not necessary if the property is to be transported for a common carrier and the rates charged the public for transportation of this type of property are filed with the department.

II. No contract carrier shall charge or receive for any service an amount less than the rates filed with the department. However, any contract carrier with a public interest permit may file new rates and carrier regulations or practices, or change the highways over which it gives service, by filing notice of the change with the department.

Source. 1967, 348:1. 1981, 435:19. 1985, 402:6, I(e)(7).

Section 375-B:17

375-B:17 General Duties and Powers of the Commissioner. – The commissioner shall:

I. Regulate common and contract carriers of property by motor vehicle. The commissioner may adopt rules, pursuant to RSA 541-A, relative to reasonable and adequate service, and safety of operation and equipment; and

II. Administer and enforce the provisions of RSA 375-B. The commissioner shall adopt rules relative to the administration of RSA 375-B; and

III. Make cooperative agreements with the Interstate Commerce Commission for the enforcement of the economic and safety laws and regulations concerning highway transportation pursuant to the Interstate Commerce Act, title 49 of the United States Code.

Source. 1967, 348:1. 1981, 435:20. 1985, 402:6, I(e)(7). 1993, 338:2. 2007, 263:168, eff. July 1, 2007.

Section 375-B:18

375-B:18 Examination of Vehicles; Inspectors; Penalty. –

I. Any person who operates a motor vehicle for a motor carrier in this state shall, when requested, stop his motor vehicle and permit any inspector authorized by the department to examine the vehicle. The inspector may examine the vehicle as necessary to determine its compliance with the provisions of this chapter and rules adopted under this chapter.

II. Inspectors authorized by the department shall have authority as peace officers as provided by RSA 594 to enforce this chapter and rules adopted by the commissioner relative to RSA 375-B. An inspector shall display the proper insignia of his office when stopping and examining a motor vehicle.

III. Any person who violates RSA 375-B:18 shall be guilty of a violation.

Source. 1967, 348:1. 1973, 531:114. 1981, 435:21. 1985, 402:6, I(e)(7). 1989, 325:12, eff. July 1, 1989.

Section 375-B:19

375-B:19 Vehicles to be Registered. – Each motor carrier holding a certificate or permit under the provisions of this chapter shall annually apply to the department of safety, division of motor vehicles, on blanks to be furnished by it, for the registration of each vehicle operated under the provisions of such certificate or permit and pay to said division fees as provided for in RSA 375-B:20, II. Upon receipt of such application and fee, a distinguishing number plate or plates and registration certificate shall be furnished by the division for each vehicle applied for and said plates shall be prominently displayed on the vehicle in such manner as the director of the division of motor vehicles shall prescribe. Registration certificates and number plates issued under the provisions of this section shall be used coincidental with, and shall expire with, the corresponding registration certificate and number plates issued by the division of motor vehicles of this state under RSA 261; provided, however, that, if the vehicle so registered as a motor carrier is not registered with the division of motor vehicles of this state, said carrier registration certificate and number plates shall expire March 31 next following the date of issue.

Source. 1967, 348:1. 1981, 146:5, XVII, eff. Jan. 1, 1982.

Section 375-B:20

375-B:20 Fees. –

I. There shall be paid to the department of safety the following fees:

(a) For each application for common or contract carrier of property pursuant to RSA 375-B:4, \$25.

(b) For each application for common or contract carrier of property pursuant to RSA 375-B:5 or 7, \$50.

II. There shall be paid to the division of motor vehicles, the following fees:

(a) For the annual registration of each vehicle used in common carriage of property, \$10.

(b) For the annual registration of each vehicle used in the contract carriage of property, \$10.

(c) For each transfer of a motor vehicle registration certificate of a common or contract carrier of property, \$1.

Source. 1967, 348:1. 1977, 563:49. 1985, 402:6, I(e)(7). 1988, 288:23. 1989, 325:13, eff. July 1, 1989.

Section 375-B:21

375-B:21 Temporary Certificates and Permits. –

I. When there is an immediate and urgent need for service in an area and no carrier service is able to meet the need, the department may, without hearing, grant temporary authority for the needed service to a common carrier or contract carrier by motor vehicle.

II. Temporary authority is valid for the length of time specified by the commission in the certificate or permit, but may not exceed an aggregate of 60 days. A grant of temporary authority may be suspended or revoked for good cause. A grant of temporary authority creates no presumption that comparable permanent authority will later be granted.

III. Temporary certificates and permits are subject to RSA 375-B and to rules adopted by the

commissioner relative to RSA 375-B.

Source. 1967, 348:1. 1981, 435:22. 1985, 402:6, I(e)(7).

Section 375-B:22

375-B:22 Registration of Interstate Certificates and Permits. – [Repealed 1993, 338:6, III, eff. Sept. 30, 1993.]

Section 375-B:23

375-B:23 Registration of Vehicles Operating in Interstate Commerce. – [Repealed 1993, 338:6, IV, eff. Sept. 30, 1993.]

Section 375-B:23-a

375-B:23-a Registration Exemption. – Notwithstanding the provisions of RSA 375-B:19-21 or any other law to the contrary, the commissioner of the department of safety shall have authority to waive any requirement for registration of motor vehicles operated by carriers holding authority pursuant to the provisions of RSA 375-B.

Source. 1988, 288:30. 1993, 338:5.

Section 375-B:24

375-B:24 Penalty. –

I. Except as provided in paragraph II, any person violating any provisions of this chapter, or any rule or order adopted or issued under this chapter, or any term or condition of any certificate, permit or license shall:

(a) For a first offense, be guilty of a violation and shall be fined not less than \$100.

(b) For a second offense, within a 12-month period preceding the date of the second offense, be guilty of a violation and shall be fined not less than \$250.

II. Any person found guilty of operating after suspension or revocation of rights, for a first offense, shall be guilty of a violation and shall be fined not less than \$250. For a second such offense, within a 12-month period, such person shall be guilty of a violation and shall be fined not less than \$500.

III. Any person found guilty of a third and subsequent offense as described under paragraph I, paragraph II, or paragraphs I and II combined, in a 12-month period preceding a third or subsequent offense, shall be guilty of a misdemeanor and shall be fined not less than \$500.

Source. 1967, 348:1. 1973, 530:62. 1981, 435:23. 1985, 402:6, I(e)(7). 1989, 325:28, eff. July 1, 1989.

Section 375-B:24-a

375-B:24-a Injunctive Relief. – The superior court shall have jurisdiction in equity to restrain the violation of any provision of this chapter, any rule adopted by the commissioner relative to RSA 375-B, any order issued by the commissioner, or any provision of any certificate or permit. For purposes of temporary injunctive relief, the existence of any violation shall be deemed to constitute irreparable harm to the public. Injunctive relief may be initiated upon petition of the department, any governing body of a city or town or 10 residents of any city or town.

Source. 1976, 22:1. 1981, 435:24. 1985, 402:6, I(e)(7).

Section 375-B:25

375-B:25 Disposition of Revenues. – All fees and fines collected pursuant to the provisions hereof shall be made available to the department for use in the administration and enforcement hereof.

Source. 1967, 348:1. 1985, 402:6, I(e)(7).

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: 02/02/2012

THE COMMITTEE ON Transportation

to which was referred Senate Bill 332

AN ACT repealing a prohibition relative to auxiliary state troopers
and repealing the law governing motor vehicles carrying
property for hire.

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

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 3-0

AMENDMENT # 0568s

Senator David R. Boutin
For the Committee

Jennifer Horgan 271-3091

New Hampshire General Court - Bill Status System

Docket of SB332

Docket Abbreviations

Bill Title: repealing a prohibition relative to auxiliary state troopers and repealing the law governing motor vehicles carrying property for hire.

Official Docket of SB332:

Date	Body	Description
1/1/2012	S	Introduced 1/4/2012 and Referred to Transportation; SJ 1 , Pg.11
1/5/2012	S	Hearing: 1/26/12, Room 103, LOB, 11:15 a.m.; SC2
2/2/2012	S	Committee Report: Ought to Pass with Amendment #2012-0568s, 2/8/12; SC6
2/8/2012	S	Committee Amendment 0568s, AA, VV; SJ 4 , Pg.116
2/8/2012	S	Ought to Pass with Amendment 0568s, MA, VV; OT3rdg; SJ 4 , Pg.117
2/8/2012	H	Introduced and Referred to Executive Departments and Administration; HJ 15 , PG.907
2/14/2012	H	==CANCELLED== Public Hearing: 3/6/2012 1:15 PM LOB 306
2/21/2012	H	==CANCELLED== Public Hearing: 3/13/2012 10:00 AM LOB 306
2/29/2012	H	==RESCHEDULED== Public Hearing: 3/12/2012 10:00 AM LOB 306
3/16/2012	H	Committee Report: Ought to Pass for Mar 21 (Vote 11-0; CC); HC 22 , PG.1353
3/21/2012	H	Ought to Pass: MA VV; HJ 28 , PG.1666
3/21/2012	H	Referred to Finance; HJ 28 , PG.1666
3/21/2012	H	Public Hearing: 3/27/2012 3:00 PM LOB 210-211
3/27/2012	H	Division II Work Session: 4/3/2012 11:00 AM LOB 209
4/10/2012	H	==CANCELLED== Executive Session: 4/17/2012 10:00 AM LOB 210-211
5/1/2012	H	Executive Session: 5/10/2012 9:00 AM LOB 210-211
5/10/2012	H	Majority Committee Report: Ought to Pass with Amendment #2221h(NT) for May 15 (Vote 20-6; RC); HC 37 , PG.2042
5/10/2012	H	Proposed Majority Committee Amendment #2012-2221h (New Title); HC 37 , PG.2101-2102
5/10/2012	H	Minority Committee Report: Inexpedient to Legislate; HC 37 , PG.2042
5/15/2012	H	Amendment #2221h(NT): AA VV
5/15/2012	H	Ought to Pass with Amendment #2221h(NT): MA VV
5/23/2012	S	Sen. Rausch Moved Nonconcur with House Amendment #2221h, MA, VV

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB332 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 # 0426 _____ - AMENDMENT # _____
 - AMENDMENT # 0568 _____ - AMENDMENT # _____

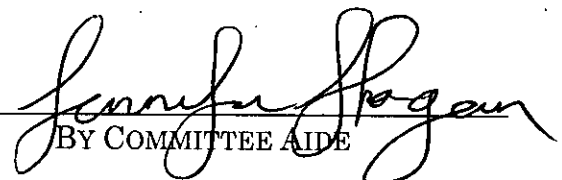
ALL AVAILABLE VERSIONS OF THE BILL:

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): _____

DATE DELIVERED TO SENATE CLERK

6/7/12


BY COMMITTEE AIDE