

CONSENT CALENDAR

March 1, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Transportation to which was referred SB 307,

AN ACT (New Title) relative to the issuance of safe boater education certificates and commercial driving instruction. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Dennis Thompson

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Transportation
Bill Number:	SB 307
Title:	(New Title) relative to the issuance of safe boater education certificates and commercial driving instruction.
Date:	March 1, 2022
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

The first part of the bill states that the commissioner can approve a proctored examination for a boater education course rather than administer it by an authorized person. Thus, allowing for an online version. The second part. With respect to the commercial driver's examination and examiners certification, will allow New Hampshire to come into line with 49 V.S.C. section 31136 by the Federal Motor Carrier Safety Administration.

Vote 19-0.

Rep. Dennis Thompson
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Transportation

SB 307, (New Title) relative to the issuance of safe boater education certificates and commercial driving instruction. **OUGHT TO PASS.**

Rep. Dennis Thompson for Transportation. The first part of the bill states that the commissioner can approve a proctored examination for a boater education course rather than administer it by an authorized person. Thus, allowing for an online version. The second part. With respect to the commercial driver's examination and examiners certification, will allow New Hampshire to come into line with 49 V.S.C. section 31136 by the Federal Motor Carrier Safety Administration. **Vote 19-0.**

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on SB 307

BILL TITLE: (New Title) relative to the issuance of safe boater education certificates and commercial driving instruction.

DATE: March 1, 2022

LOB ROOM: 203

MOTIONS: OUGHT TO PASS

Moved by Rep. Thompson

Seconded by Rep. Gorski

Vote: 19-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Karel Crawford, Clerk

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on Bill # SB 307

BILL TITLE: ... relative to the issuance of safe
DATE: 3/1/22 boater education certificates and
commercial driving instruction
LOB ROOM: 201-203

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. Thompson Seconded by Rep. Gorski Vote: 19-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author, Rep: _____ Motion _____

Respectfully submitted: Karel Crawford
Rep. Karel Crawford, Clerk



2022 SESSION

Transportation

Bill #: SB 307 Motion: OTP AM #: _____ Exec Session Date: 3/1/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Walsh, Thomas C. Chairman	✓		
Gagne, Larry G. Vice Chairman	✓		
Smith, Steven D.	✓		
Crawford, Karel A. Clerk	✓		
Hill, Gregory G.	✓		
Thompson, Dennis J.	✓		
Ankarberg, Aidan	✓		
Gorski, Ted	✓		
O'Hara, Travis J. <i>Rep. Boyd</i>	✓		
Pitaro, Matthew <i>Rep. TOROSIAN</i>	✓		
Sykes, George E.	✓		
Cleaver, Skip J. <i>Rep. Fellows</i>	✓		
Fenton, Donovan W.	✓		
Rombeau, Catherine	✓		
Rich, Cecilia	✓		
Telerski, Laura D.	✓		
Fox, Dru	✓		
Stevens, Deb	✓		
Veilleux, Daniel T. <i>Rep. woods</i>	✓		
TOTAL VOTE:	19	0	

HOUSE COMMITTEE ON TRANSPORTATION

PUBLIC HEARING ON SB 307

BILL TITLE: relative to the issuance of safe boater education certificates and commercial driving instruction

DATE: 3/1/22

LOB ROOM: 201-203

Time Public Hearing Called to Order: 1:07 pm

Time Adjourned: 1:32 pm

Committee Members: Reps. Walsh, Gagne, Crawford, Smith, Hill, Thompson, Ankarberg, Gorski, O'Hara, Pitaro, Sykes, Cleaver, Fenton, Rombeau, Rich, Telerski, Fox, Stevens and Veilleux

Bill Sponsors: Senator Ward

TESTIMONY

- Use asterisk if written testimony and/or amendments are submitted.

Senator Ward introduced the bill –

Relative to the safe boater certificates Executive order during the Covid pandemic allowed the exam be taken with the online course.

Gary Abbott – Associated General Contractors supports the bill –

Update the current CDL licenses to conform for the education for the instructors of the instructors the feds gave a waiver to catch up on the laws we had 90 days to do this for the federal requirement.

Stanton Briston supports the bill Kaucomey Enterprises, LLC

They are a company that does online education for the boater safety course.

Rep, Telerski – Info on the company with the security with the online testing program. A – Did a verification of their government ID at the start of the course, ID at the beginning and al through the course.

Rep. Woods – Is this a security procedure is it standard or another level of security? A standard procedure

Rep. Fellows – How do you know exactly who is taking the test? A – I submit my license and that is verified against and a picture is taken a various points and then destroyed after the course is over.

Rep. Torosian – Is anyone in the room to help that person to take the exam? Some things are flagged.

Rick Bailey – Commissioner of Safety – supports the bill –

NH we have driver ed for 16 and 17 year olds in the federal program it is about driving with a CDL . Took steps to waver the state requirements for the federal program by NH state law or rule.

Rep. Sykes – the federal government said you could only drive in state to 18 year olds, so this not fixing that problem yet. This does not cause a conflict down the road?

A no it will not

Rep. Smith – reading of the bill the boating will be still the same for the boating part of the.

A yes

Rep. Telerski – Is this a successful program A yes

Rep. Fellows – someone can take a boating test but does not have to get into a boat? A couple of methods they can take right now they do not have any law that makes them operate the boat.

Jodi Grimblias – NH Marie Trades Assoc. supports the bill –

Positive for the boating community and allows them take the NH test and not the Florida test which we except.

All dollars stay in NH for the test.

Jason Stock – Timberland Owners Assoc. – supports the bill –

Interspersed in the CDL portion of the bill – everyone is scrambling for truck drivers, gets us inline with the Federal requirements. We believe this will streamline the process and get more drivers on the road.

Respectfully submitted,

Rep. Karel Crawford, Clerk

House Remote Testify

Transportation Committee Testify List for Bill SB307 on 2022-03-01

Support: 2 Oppose: 0 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Watters, Senator David	Dover, NH david.watters@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/23/2022 12:28 PM
Birdsell, Senator Regina	Hampstead, NH regina.birdsell@leg.state.nh.us	An Elected Official	Senate District 8	Support	No	No	2/24/2022 1:23 PM



**Testimony Before the New Hampshire House Transportation Committee
Steven Bristow, VP Government Affairs, Kalkomey Enterprises
Tuesday, March 1, 2022**

- Good afternoon, I'm Steven Bristow, Vice President for Government Affairs at Kalkomey Enterprises here today to testify in support of SB307. We are a Texas based company and our mission is to create outdoor enthusiasts. We partner with state agencies such as the New Hampshire State Police to provide online boater education.
- To fulfill our mission, we partner with agencies in all 50 states, as well as the 10 Canadian provinces to provide online education courses. In New Hampshire, we work with the New Hampshire State Police to provide boater education, as well as the Fish & Game Department for Hunter Education and All-Terrain Vehicle/Snowmobile Rider education.
- Protecting the integrity of our educational products is one of our foremost concerns and we're constantly evaluating new methods. We also work with our partners to ensure compliance with their state laws and regulations.
- We have partnered with a firm that uses "re-verification" throughout a student taking one of our on-line courses. Last year, we piloted the technology on our boating education course in Florida and our Hunting Education course in California. Due to the overwhelming success in both states, we're expanding this technology to all states this year. If this bill were to pass, it would add another tool to the toolbox for testing security in New Hampshire.
- During the NH State of Emergency, Governor Sununu issued an emergency order enabling students to complete their boating education exams online, 38,547 students completed their courses through Kalkomey with an average score of 94 percent correct. Since the emergency order expired June 11, 2021, students have been able to take our online boating education course but must take the final examination using an in-person proctored method.
- We appreciate Senator Ward for sponsoring this important legislation and providing another tool for New Hampshire residents. We will look forward to continuing to work the Senator as well as Capt. Dunleavy, with whom we've enjoyed a long relationship. This enables us all to work together on championing boater safety education.
- I am happy to take any questions that the committee may have, and ask that you support SB307.



**STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR**

CHRISTOPHER T. SUNUNU
Governor

EXHIBIT I to Emergency Order #29

N.H. Department of Safety, May 22, 2020

Pursuant to Emergency Order #29, which authorizes temporary modification of executive branch deadlines and requirements, issued pursuant to Section 18 of Executive Order 2020-04 as extended by Emergency Order 2020-05, the following is hereby ordered:

Boating Safety Education

For the duration of the State of Emergency, the requirements of RSA 270-D:13, I and N.H. Admin. Rules, Saf-C 6104.01(b)(1) that a safe boater education course written test be administered by a proctor or other person approved to offer boating safety education courses is suspended, and the requirements of Saf-C 6104.01(b)(1) shall be satisfied by any applicant achieving a score of at least 90 percent on an online boating safety course written test that is not proctored or administered by an instructor, as long as the test complies with the requirements of Saf-C 6104.03(b) and (c).

Given under my hand and seal at the Executive Chambers in Concord, this 22nd day of May, in the year of Our Lord, two thousand and twenty, and the independence of the United States of America, two hundred and forty-four.


GOVERNOR OF NEW HAMPSHIRE

SB 307 - AS AMENDED BY THE SENATE

02/03/2022 0313s

2022 SESSION

22-2936

08/05

SENATE BILL **307**

AN ACT relative to the issuance of safe boater education certificates and commercial driving instruction.

SPONSORS: Sen. Ward, Dist 8; Sen. Birdsell, Dist 19; Sen. Prentiss, Dist 5; Sen. Giuda, Dist 2; Sen. Watters, Dist 4; Rep. Lang, Belk. 4; Rep. Telerski, Hills. 35

COMMITTEE: Transportation

AMENDED ANALYSIS

This bill allows the commissioner of the department of safety to approved an examination for safe boater education certificates.

This bill also exempts certain commercial driver instructors from licensing requirements so long as they meet federal standards.

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 Twenty Two

AN ACT relative to the issuance of safe boater education certificates and commercial driving instruction.

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

- 1 1 Issuance of Safe Boater Education Certificate. Amend RSA 270-D:13, I(a) to read as follows:
- 2 (a) Passes a safe boater education course approved by the commissioner in accordance
- 3 with the criteria of the National Association of State Boating Law Administrators. A classroom
- 4 course shall provide a minimum of 8 hours of instruction. Passage of a safe boater education course
- 5 shall require successful completion of a proctored examination [~~administered by a person authorized~~
- 6 ~~by the commissioner in accordance with rules adopted by the commissioner~~] **approved by the**
- 7 **commissioner**. The minimum passing grade for the examination shall be 80 percent; or
- 8 2 Drivers' School; Commercial Drivers. Amend RSA 259:26 to read as follows:
- 9 259:26 Drivers' School. "Drivers' school" shall mean the business of giving instruction, for
- 10 compensation, in the operation of motor vehicles, **and** motorcycles [~~and commercial motor vehicles~~].
- 11 "Drivers' school" shall not include:
- 12 **I.** A business or other person giving advanced instruction, with or without compensation,
- 13 when the instruction is not intended to meet the requirements of basic driver training under RSA
- 14 263:19 and the instruction is given only to licensed drivers who already hold a license for the class of
- 15 vehicle for which they are being trained; **or**
- 16 **II.** **A business or other person giving instruction, with or without compensation, for**
- 17 **the licensing of commercial drivers, who meets or exceeds any rules promulgated under 49**
- 18 **U.S.C. section 31136 by the Federal Motor Carrier Safety Administration of the United**
- 19 **States Department of Transportation.**
- 20 3 License Required. Amend RSA 263:44 to read as follows:
- 21 263:44 License Required; Fee, Term, Renewal. No person shall engage in the business of
- 22 conducting a drivers' school, **as defined by RSA 259:26**, without being licensed therefor by the
- 23 department. Application therefor shall be in writing and contain such information therein as the
- 24 department shall require. If the application is approved, the applicant shall be granted a license
- 25 upon the payment of a fee of \$200; provided, however, that no license fee shall be charged for the
- 26 issuance of a license to any board of education, school board, public, private, or parochial school,
- 27 which conducts a course in driver education. A license so issued shall be valid during the calendar
- 28 year. The annual fee for renewal shall be \$100. The department shall issue a license certificate or
- 29 license certificates to each licensee, one of which shall be displayed in each place of business of the

SB 307 - AS AMENDED BY THE SENATE

- Page 2 -

1 licensee. In the case of loss, mutilation or destruction of a certificate, the department shall issue a
2 duplicate upon proof of the facts and the payment of a fee of \$1.

3 4 Driver Education Certificate. Amend RSA 263:44-a to read as follows:

4 263:44-a Driver Education Certificate.

5 **I.** No person shall be a driver education instructor unless such person has a driver education
6 certificate issued by the department.

7 **II.** *This section shall not apply to a person giving instruction, with or without*
8 *compensation, for the licensing of commercial drivers, who meets or exceeds any rules*
9 *promulgated under 49 U.S.C. section 31136 by the Federal Motor Carrier Safety*
10 *Administration of the United States Department of Transportation.*

11 5 New Subparagraph; Definitions; Private Postsecondary Career School. Amend RSA 188-G:1,
12 II by inserting after subparagraph (m) the following new subparagraph:

13 (n) Entities giving instruction, with or without compensation, for the licensing of
14 commercial drivers, who meet or exceed any rules promulgated under 49 U.S.C. section 31136 by the
15 Federal Motor Carrier Safety Administration of the United States Department of Transportation.

16 6 Effective Date. This act shall take effect upon its passage.