

HB 335 - AS INTRODUCED

2017 SESSION

17-0642

10/04

HOUSE BILL **335**

AN ACT relative to notice of federal motor carrier safety regulations.

SPONSORS: Rep. K. Rice, Hills. 37; Rep. S. Schmidt, Carr. 6; Rep. Burt, Hills. 39; Sen. Carson, Dist 14

COMMITTEE: Transportation

ANALYSIS

This bill requires the commissioner of the department of safety to adopt changes to federal rules governing motor carrier safety regulations as rules of the department adopted under RSA 541-A. The bill also requires the commissioner to provide notice of any proposed changes in rules of the department to affected persons.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to notice of federal motor carrier safety regulations.

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

1 1 Department of Safety; Motor Carrier Safety Regulations; Rulemaking. Amend RSA 266:72-a,
2 I-IV to read as follows:

3 I. The commissioner may adopt as rules, under RSA 541-A, the current version of the
4 federal motor carrier safety regulations promulgated by the U.S. Department of Transportation,
5 Pipeline and Hazardous Materials Safety Administration and Federal Motor Carrier Safety
6 Administration, contained in 49 C.F.R. parts 107, 382, and 385-397. ~~[Notwithstanding the~~
7 ~~provisions of RSA 541-A, any amendments or additions by the respective federal agencies or their~~
8 ~~successor agencies shall also amend or supplement the rules adopted by the commissioner of safety~~
9 ~~without further action on the part of the commissioner.]~~ The commissioner shall be authorized to
10 exempt vehicles and drivers operating exclusively in intrastate commerce from such rules which the
11 commissioner determines impose an unnecessary regulatory burden without providing a
12 corresponding safety benefit.

13 II. Whenever the commissioner finds that a motor carrier safety regulation in 49 C.F.R.
14 sections 390-397, provides an equal or greater degree of safety the commissioner may, pursuant to
15 RSA 260:5, adopt the federal regulation as a rule, and the rule shall take precedence over the
16 conflicting provisions of this title. No person who is in compliance with the corresponding rule
17 adopted by the commissioner shall be convicted of violating a conflicting provision of this title. The
18 commissioner shall request the introduction, at the next annual session of the legislature following
19 adoption of such a rule, of legislation amending or repealing the conflicting provision of this title
20 and, if the legislation is not enacted, ***notwithstanding the requirements of 541-A***, any rule so
21 adopted shall be automatically repealed 60 days after the last day of the legislative session.

22 III. The drivers of all vehicles subject to the motor carrier rules who operate exclusively in
23 intrastate commerce shall be subject to the medical examination, written tests, and road tests
24 required by 49 C.F.R. sections 391.31-391.49, as amended, ***when such federal requirements are***
25 ***adopted by the commissioner as rules under RSA 541-A***, provided, however, that the
26 commissioner may waive specific requirements or standards of the medical examination for any
27 such driver who has a valid commercial driver's license issued by this state on or after January 1,
28 1990, if it would not jeopardize public safety to grant such a waiver. The commissioner may adopt
29 rules pursuant to RSA 541-A relative to standards for the granting of such waivers. The
30 department shall make interested parties aware of the provisions of this paragraph. Once a waiver
31 is granted under this paragraph, the waiver shall be placed on the medical examination card

1 required by federal regulation.

2 III-a. Paragraph III shall not apply to intrastate transportation performed by the state, or
3 any political subdivision of the state. However, nothing in this section shall prevent or inhibit any
4 public employer from establishing internal policies making the motor carrier safety rules applicable
5 to its vehicles and drivers.

6 IV. Utility service vehicle drivers providing intrastate service shall be exempt from the
7 provisions of 49 C.F.R. 395 as adopted *in rules of the commissioner* pursuant to this section.

8 *IV-a. The commissioner shall provide notice to licensed commercial drivers, motor*
9 *carrier owner/operators, and interested parties, of rulemaking proceedings begun under*
10 *this section in a similar manner as notice is required for licensees under RSA 541-A:6, III.*

11 2 Effective Date. This act shall take effect 60 days after its passage.