

Readopt with amendment Saf-C 1801.01 through Saf-C 1803.01, effective 5-13-24 (Doc.# 13963, Emergency), cited and to read as follows:

CHAPTER Saf-C 1800 COMMERCIAL DRIVER LICENSING

PART Saf-C 1801 APPLICABILITY

Saf-C 1801.01 Applicability. These rules shall be applicable to all persons who drive a commercial motor vehicle as defined in RSA 259:12-e.

Saf-C 1801.02 Exemption From the Commercial Driver License Requirements.

(a) Notwithstanding any other rule to the contrary, the requirements for a person to possess a commercial driver license shall not apply to the following:

- (1) Fire service personnel driving emergency vehicles assigned or registered to a department or fire service organization in pursuit of fire service purposes;
- (2) Persons who drive recreational vehicles, as defined in RSA 259:84-a;
- (3) Non-civilian military personnel driving military vehicles in pursuit of military purposes; and
- (4) Persons driving vehicles used exclusively for agriculture and farming, provided the vehicle is driven within a 150 mile radius from the main entrance of the farm.

PART Saf-C 1802 DEFINITIONS

Saf-C 1802.01 "Applicant" means a person intending to fulfill statutory and administrative requirements to hold a valid New Hampshire commercial driver license.

Saf-C 1802.02 "Commercial driver" means "commercial driver" as defined in RSA 259:12.

Saf-C 1802.03 "Commercial driver learner permit" means "commercial driver learner permit" as defined in RSA 259:12-b.

Saf-C 1802.04 "Commercial driver license (CDL)" means "commercial driver license" as defined in RSA 259:12-c.

Saf-C 1802.05 "Commercial driver license information system" means "commercial driver license information system" as defined in RSA 259:12-d.

Saf-C 1802.06 "Commercial motor vehicle (CMV)" means "commercial motor vehicle" as defined in RSA 259:12-e.

Saf-C 1802.07 "Conviction" means "conviction" as defined in RSA 259:14.

Saf-C 1802.08 "Department" means "department" as defined in RSA 259:19.

Saf-C 1802.09 "Director" means "director" as defined in RSA 259:20.

Saf-C 1802.10 "Disqualification" means "disqualification" as defined in RSA 259:20-a.

Saf-C 1802.11 "Division" means "division" as defined in RSA 259:22.

Saf-C 1802.12 "Employer" means "employer" as defined in RSA 259:28-a.

Saf-C 1802.13 "Endorsement" means an authorization from the department to a person's commercial driver license that permits the person to operate a certain type(s) of commercial motor vehicle(s).

Saf-C 1802.14 "Examination" means a knowledge, road skills, and visual acuity test, or any combination thereof.

Saf-C 1802.15 "Gross combination weight rating (GCWR)" means "gross combination weight rating or GCWR" as defined in RSA 259:38-a.

Saf-C 1802.16 "Gross vehicle weight rating (GVWR)" means "gross vehicle weight rating or GVWR" as defined in RSA 259:38-b.

Saf-C 1802.17 "Hazardous materials" means "hazardous materials" as defined in RSA 259:40.

Saf-C 1802.18 "Major traffic violation" means any of the violations identified in RSA 263:94, I.

Saf-C 1802.19 "Mailing address" means specification of the location where a person regularly receives properly addressed mail via the U.S. postal service.

Saf-C 1802.20 "Original commercial driver license" means the first New Hampshire commercial driver license issued to a person.

Saf-C 1802.21 "Legal address" means specification of the location where a person makes their residence. The term does not include addresses consisting solely of a post office box number.

Saf-C 1802.22 "Person" means a human being.

Saf-C 1802.23 "Recreation vehicle" means "recreation vehicle" as defined in RSA 259:84-a.

Saf-C 1802.24 "Residence" means "residence" as defined in RSA 21:6-a.

Saf-C 1802.25 "Resident" means "resident" as defined in RSA 21:6.

Saf-C 1802.26 "Serious traffic violation" means "serious traffic violation" as defined in RSA 259:98-a.

Saf-C 1802.27 "State" means "state" as defined in RSA 259:106, III.

Saf-C 1802.28 "Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. The term does not include a commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer.

Saf-C 1802.29 "Vehicle" means "vehicle" as defined in RSA 259:122, I.

Saf-C 1802.30 "Vehicle group" means a class or type of vehicle with certain operating characteristics.

PART Saf-C 1803 COMMERCIAL DRIVER LICENSE APPLICATION REQUIREMENTS

Saf-C 1803.01 Application Form.

(a) The department shall supply application form DSMV 312, "Commercial Driver License Application," (rev. 09/2024) at any substation or the:

Division of Motor Vehicles
23 Hazen Drive
Concord, NH 03305

(b) Each applicant shall complete and submit form DSMV 312, in person to a division substation.

(c) Applicants shall submit form DSMV 312 to a division substation for any of the following:

- (1) Original commercial driver license;
- (2) Renewal commercial driver license;
- (3) Duplicate commercial driver license; or
- (4) Replacement commercial driver license.

(d) Applicants submitting form DSMV 312 shall sign and date the form, and in doing so, shall certify the following under the penalties of unsworn falsification pursuant to RSA 641:3: "By signing above, I certify that I have paid all resident taxes or Interest and Dividends Tax (RSA 77) for which I am liable, and, if required, insurance certificates are on file with the Director of Motor Vehicles. My driving privileges are not subject to or under disqualification, suspension or revocation by any jurisdiction (does not apply to non-driver ID). This application is signed under penalty of unsworn falsification pursuant to RSA 641:3."

Readopt with amendment Saf-C 1803.02, effective 5-13-24 (Doc.# 13963, Emergency), to read as follows:

Saf-C 1803.02 Application, Data Required.

(a) Each applicant shall complete and submit form DSMV 312 "Commercial Driver License Application," (rev. 09/2024).

(b) Prior to the issuance of an original commercial driver license, each applicant shall furnish the director with positive proof of identification, pursuant to the requirements set forth in Saf-C 1002.02.

(c) Prior to the issuance of a commercial driver license, each applicant who is a non-United States citizen, shall meet the requirements set forth in Saf-C 1002.05.

Readopt with amendment Saf-C 1803.03, effective 5-13-24 (Doc.# 13963, Emergency), to read as follows:

Saf-C 1803.03 Application Fee.

(a) Each applicant shall submit form DSMV 312 and the statutory fee, pursuant to RSA 263:42, I, to the division.

(b) Payment shall be made in the form of cash, check, money order, or accepted credit cards.

(c) Checks and money orders shall be made payable to "State of NH, DMV". Alternative terms including, but not limited to, "State of NH - Safety", "NH Department of Safety", "Treasurer - State of NH", or "Director of Motor Vehicles" shall not be cause for refusal, provided it does not lend itself to endorsement by any party other than the state of New Hampshire.

(d) The renewal fee required by this part shall be waived for members of the armed forces if the applicant meets the requirements of RSA 263:11 and (e) below.

(e) Each applicant for a fee waiver shall furnish the following on form DSMV 76:

- (1) An affidavit, which shall include:
 - a. Legal name;
 - b. New Hampshire legal address;
 - c. Branch of the armed forces;
 - d. City or town where the applicant entered the armed forces;
 - e. Certification that the applicant's tour of duty is for 2 or more years;
 - f. Date on which the tour of duty shall terminate;
 - g. Certification that the applicant's driving privileges are not under suspension or revocation by any other state or country;
 - h. Service number; and
 - i. Date of birth;
- (2) Signature of the applicant, made in the presence of a commissioned officer;
- (3) Signature and rank of a commissioned officer certifying that the applicant signed the affidavit in their presence; and
- (4) Commissioned officer's address and phone number.

Readopt and renumber Saf-C 1803.05 and Saf-C 1803.06, effective 5-13-24 (Doc.# 13963, Emergency), as Saf-C 1803.04 and Saf-C 1803.05 to read as follows:

Saf-C 1803.04 Renewal Commercial Driver License - Hazardous Material Endorsement.

(a) Each applicant for a renewal commercial driver license with a hazardous materials endorsement shall complete the following in the order reflected:

- (1) The visual acuity examination set forth in Saf-C 1004; and
- (2) The knowledge examination set forth in Saf-C 1805.01(b)(7).

(b) In addition to (a) above, each applicant for a renewal commercial driver license with a hazardous materials endorsement shall provide fingerprints in order to complete the Transportation Security Administration security threat assessment process, as required by 49 CFR 383.141.

Saf-C 1803.05 Age Requirements for Commercial Driver.

(a) Pursuant to RSA 263:27, a commercial driver license shall not be issued to any person less than 18 years of age.

(b) Pursuant to the requirements of 49 CFR 391.11, any commercial driver who intends to drive interstate shall be at least 21 years of age.

(c) Pursuant to the requirements of 49 CFR 391.11, any commercial driver who intends to transport hazardous materials shall be at least 21 years of age.

(d) Notwithstanding (a) above, pursuant to RSA 263:22, a commercial driver license shall be issued to a person between the ages of 16 and 18, in order to drive a motor vehicle with a manufacturer's rating of 18,000 pounds or less, in the event of the following:

- (1) A war emergency exists; and
- (2) The person meets all other statutory and administrative requirements for a commercial driver license.

(e) Notwithstanding any other rule to the contrary, pursuant to RSA 21-P:18, a commercial driver license shall be issued to a person between the ages of 18 and 21 who intends to drive intrastate any vehicle carrying home heating oil for the purpose of making retail deliveries of such home heating oil.

Readopt with amendment and renumber Saf-C 1803.07, effective 5-13-24 (Doc.# 13963, Emergency), as Saf-C 1803.06 to read as follows:

Saf-C 1803.06 Applicant with Out of State Address. An application for a commercial driver license that does not bear a legal address within the state of New Hampshire shall be rejected and returned to the applicant, pursuant to Saf-C 1803.07, for the applicant to prove that they are a resident of New Hampshire.

Readopt and renumber Saf-C 1803.08, effective 5-13-24 (Doc.# 13963, Emergency), as Saf-C 1803.07 to read as follows:

Saf-C 1803.07 Application Rejected.

- (a) All applications shall be reviewed by the division in accordance with RSA 541-A:29.
- (b) The applicant shall be notified of any apparent errors or omissions and allowed to resubmit the application to the division.
- (c) In the event an applicant fails to comply with an applicable statute or rule, the application shall not be processed and the applicant shall be notified of the reason(s) for the rejection.

Readopt with amendment and renumber Saf-C 1803.09, effective 5-13-24 (Doc.# 13963, Emergency), as Saf-C 1803.08 to read as follows:

Saf-C 1803.08 Application Accepted.

- (a) Upon completion of an application, each applicant who is not required to complete a road skills examination may appear at any driver licensing office during regular business hours.
- (b) Upon receipt of a completed application and applicable knowledge examinations, the division shall give an applicant who is required to complete a road skills examination an appointment to personally appear at a designated location.
- (c) The appointment set forth in (b) above, shall include the following:
 - (1) Applicant's name, legal address, and date of birth;
 - (2) Location and time; and
 - (3) Notification that the applicant shall be required to provide proof of positive identification.

(d) In the event it is necessary to reschedule an appointment, the department will make all reasonable attempts to notify the applicant of the change. Notice of rescheduling shall be sent, in writing, to the applicant.

(e) In the event an applicant fails to give the division at least 24 hours notice of their inability to appear for a scheduled appointment, a notice of rescheduling shall be sent to the applicant, with a scheduled time to appear no sooner than 10 days after the date of the initial appointment.

Readopt and renumber Saf-C 1803.10, effective 5-13-24 (Doc.# 13963, Emergency), as Saf-C 1803.09 to read as follows:

Saf-C 1803.09 Renewal Notification.

(a) The director shall mail a renewal notification to each person holding a valid New Hampshire commercial driver license approximately 60 days prior to the expiration date of the license.

(b) The renewal notification shall be mailed to the person's mailing address.

(c) Notwithstanding the provisions of this section, when a computer system failure, incorrect mailing address, interruption of postal service, or other difficulty prevents the preparation, mailing, or receipt of the notification, it shall be the applicant's responsibility to obtain and complete an application form prior to the expiration date of the commercial driver license.

Readopt with amendment Saf-C 1804.01, effective 5-13-24 (Doc. #13963, Emergency), cited and to read as follows:

PART Saf-C 1804 ORIGINAL COMMERCIAL DRIVER LICENSE: EXAMINATIONS REQUIRED

Saf-C 1804.01 Original Commercial Driver License and Endorsements: Examinations Required.

(a) Each applicant for an original commercial driver license or endorsements, unless otherwise provided in these rules, shall pass the following in the order reflected:

- (1) The visual acuity examination set forth in Saf-C 1004;
- (2) The appropriate knowledge examination(s) set forth in Saf-C 1805.01(b); and
- (3) The road skills examination set forth in Saf-C 1806.01.

(b) In the event an applicant's New Hampshire commercial driver license has been expired, suspended, or revoked for a period in excess of 3 years prior to receipt of the commercial driver license application, the applicant shall complete the requirements set forth in (a) above.

(c) Each applicant for an endorsement to a commercial driver license shall pass the following:

- (1) For a double or triple endorsement, required if the applicant intends to pull a double or triple trailer:
 - a. The visual acuity examination set forth in Saf-C 1004; and
 - b. The knowledge examination set forth in Saf-C 1805.01(b)(4);
- (2) For a passenger vehicle endorsement, required if the applicant intends to drive a vehicle designed to transport 16 or more persons, including the operator:
 - a. The visual acuity examination set forth in Saf-C 1004;
 - b. The knowledge examination set forth in Saf-C 1805.01(b)(5); and
 - c. The road skills examination set forth in Saf-C 1806.01;

(3) For a tank vehicle endorsement, required if the applicant intends to transport liquid or gaseous materials:

- a. The visual acuity examination set forth in Saf-C 1004; and
- b. The knowledge examination set forth in Saf-C 1805.01(b)(6);

(4) For a hazardous materials endorsement, required if the applicant intends to transport hazardous materials:

- a. The visual acuity examination set forth in Saf-C 1004;
- b. The knowledge examination set forth in Saf-C 1805.01(b)(7); and
- c. Provide fingerprints in order to complete the Transportation Security Administration security threat assessment process, as required by 49 CFR 383.141; and

(5) For a school bus endorsement, required if the applicant intends to drive a school bus designed to transport 16 or more persons, including the operator:

- a. The visual acuity examination set forth in Saf-C 1004;
- b. The knowledge examination set forth in Saf-C 1805.01(b)(5), if not already taken and passed;
- c. The knowledge examination set forth in Saf-C 1805.01(b)(8), as referenced in Saf-C 1304.01; and
- d. The road skills examination set forth in Saf-C 1806.01.

(d) Each applicant for an original commercial driver license who is a non-United States citizen shall meet the requirements set forth in Saf-C 1003.04.

Readopt with amendment Saf-C 1804.02, effective 5-13-24 (Doc.# 13963, Emergency), to read as follows:

Saf-C 1804.02 Original Commercial Driver License From Another Jurisdiction, Examinations Required.

(a) Each applicant who surrenders a valid commercial driver license issued by another jurisdiction or a commercial driver license by another jurisdiction which has expired no more than 12 months prior to the date of its surrender shall pass the following in the order reflected:

- (1) The visual acuity examination set forth in Saf-C 1004; and
- (2) The road skills examination set forth in Saf-C 1806.01, in the event the director determines that:
 - a. The licensing standards of the jurisdiction in which the applicant is licensed does not comply with the standards set forth in this chapter; or
 - b. The applicant might be a hazard to public safety as a result of an apparent physical or psychological impairment.

(b) Each applicant who surrenders a commercial driver license from another jurisdiction which has expired more than 12 months prior to the date of its surrender or who does not hold a commercial driver license from another jurisdiction shall pass the following in the order reflected:

- (1) The visual acuity examination set forth in Saf-C 1004;
- (2) The appropriate knowledge examination(s) set forth in Saf-C 1805.01(b); and
- (3) The road skills examination set forth in Saf-C 1806.01.

(c) Each applicant who surrenders a commercial driver license from another jurisdiction with a hazardous materials endorsement which they request to retain shall complete the following in the order reflected:

- (1) The visual acuity examination set forth in Saf-C 1004; and
- (2) The knowledge examination set forth in Saf-C 1805.01(b)(7).

(d) In addition to (c)(1) and (2) above, each applicant who surrenders a commercial driver license from another jurisdiction with a hazardous materials endorsement which they request to retain shall provide fingerprints, unless the applicant can prove that fingerprints were submitted to the jurisdiction which issued the hazardous materials endorsement within the previous 5 months.

Readopt with amendment Saf-C 1804.03 through Saf-C 1805.02, effective 5-13-24 (Doc.# 13963, Emergency), to read as follows:

Saf-C 1804.03 Commercial Motor Vehicle Groups.

(a) Operation of any combination of vehicles with a gross combination weight rating of 26,001 or more pounds, provided the vehicle(s) being towed has a gross vehicle weight rating of 10,001 pounds or more, shall require a class A commercial driver license. Holders of a class A commercial driver license may, with the appropriate endorsements, operate all vehicles within class B and C.

(b) Operation of any single vehicle with a gross vehicle weight rating of 26,001 or more pounds, or any such vehicle towing a vehicle with a gross vehicle weight rating of 10,000 pounds or less, shall require a class B commercial driver license. Holders of a class B commercial driver license may, with the appropriate endorsements, operate all vehicles within class C.

(c) Operation of any single vehicle or any combination of vehicles with a gross vehicle weight rating of 26,000 pounds or less, which are required to be placarded for hazardous materials or designed to transport 16 or more persons, including the operator, or transporting any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis, shall require a class C commercial driver license.

(d) Each holder of a class C commercial driver license who requests an upgrade to a class B or class A commercial driver license shall pass the following in the order reflected:

- (1) The appropriate knowledge examination(s) set forth in Saf-C 1805.01(b); and
- (2) The road skills examination set forth in Saf-C 1806.01.

(e) Each holder of a class B commercial driver license who requests an upgrade to a class A commercial driver license shall pass the following in the order reflected:

- (1) The appropriate knowledge examination(s) set forth in Saf-C 1805.01(b); and
- (2) The road skills examination set forth in Saf-C 1806.01.

PART Saf-C 1805 KNOWLEDGE EXAMINATION REQUIREMENTS

Saf-C 1805.01 Knowledge Examinations: Description.

(a) For the purposes of this section, "New Hampshire Commercial Driver's Manual" means a guide distributed by the department to all commercial driver license applicants to assist them in studying for the road skills and written examinations.

(b) Knowledge examinations shall consist of the following:

- (1) A 50 question multiple choice general knowledge test for all applicants;
- (2) A 25 question multiple choice test for applicants who request to drive vehicles equipped with air brakes;
- (3) A 20 question multiple choice test for applicants who request to drive combination vehicles;
- (4) A 20 question multiple choice test for applicants who request to drive double and triple trailers;
- (5) A 20 question multiple choice test for applicants who request to drive passenger vehicles designed to transport 16 or more persons, including the operator;
- (6) A 20 question multiple choice test for applicants who request to drive tank vehicles;
- (7) A 30 question multiple choice test for applicants who request to drive vehicles which transport hazardous materials requiring placarding; and
- (8) A 20 question multiple choice test for applicants who request to drive school buses designed to transport 16 or more persons, including the operator.

(c) Each question shall focus on the New Hampshire motor vehicle laws according to the class of commercial driver license(s) requested by the applicant as well as the material in the 'New Hampshire Commercial Driver's Manual.'

Saf-C 1805.02 Knowledge Examination: Administration.

- (a) The passing grade for each knowledge examination shall be 80 percent.
- (b) Each applicant discovered cheating, copying, or consulting with any person other than authorized licensing personnel, shall be immediately disqualified and re-scheduled for an examination no sooner than 30 days later. Each disqualified applicant shall not be required to repay any fees.
- (c) Each applicant for an original commercial driver license shall pass the knowledge examination prior to taking the road skills examination.
- (d) Knowledge examinations shall be valid for a period of one year from the date of issue of the individual's first commercial driver learner permit.

Readopt with amendment Saf-C 1806.01 through Saf-C 1806.08, effective 5-13-24 (Doc.# 13963, Emergency), cited and to read as follows:

PART Saf-C 1806 ROAD SKILLS EXAMINATION REQUIREMENTS

Saf-C 1806.01 Road Skills Examination: Description.

(a) Prior to scheduling a road skills examination, all new applicants who did not hold a CDL prior to February 7, 2022, or do not meet exemption requirements under 49 CFR Part 383 shall complete Entry-level Driver Training Requirements, pursuant to RSA 259:26, II and 49 CFR 380.600 *et. seq.*

(b) The road skills examination shall consist of the following in the order reflected:

- (1) Vehicle inspection;
- (2) Basic control skills test; and
- (3) Road test.

(c) Information on the Road Skills test shall be available at <https://www.dmv.nh.gov/drivers-licensenon-driver-ids/commercial-driver-licenses>.

Saf-C 1806.02 Vehicle Inspection.

(a) The department shall determine whether the applicant knows that the vehicle is safe to drive by requiring each applicant to pass the vehicle safety inspection test by successfully identifying and inspecting the required components applicable to the vehicle being tested for. Passing scores for each class of vehicle shall be no more than the following:

- (1) Combination vehicles:
 - a. Class A: 10 points;
 - b. Coach or transit Class A: 11 points; or
 - c. Coach or transit Class B or C: 9 points; and
- (2) Straight trucks;
 - a. Class B or C: 8 points;
 - b. School bus Class A: 12 points; or
 - c. School B bus Class B or C: 10 points.

(b) Notwithstanding (a) above, each applicant shall immediately fail the vehicle inspection in the event they receive a failing mark in any of the following:

- (1) Air brake check;
- (2) Performs an unsafe act; or
- (3) Fails to follow instructions.

(c) Each applicant who fails the vehicle inspection test shall not be permitted to proceed to the basic control skills test portion of the examination. Each applicant shall inspect the following items in their entirety on their vehicle if the vehicle is so equipped:

- (1) In vehicle components or engine start;

- (2) Passenger or school bus components;
- (3) Light operations;
- (4) Front of vehicle or engine area;
- (5) Steering axle;
- (6) Side of vehicle;
- (7) Rear of vehicle or trailer;
- (8) Combination vehicle specific components; and
- (9) Trailer specific components.

Saf-C 1806.03 Basic Control Skills Test.

(a) The department shall determine whether the applicant has the basic ability to control the vehicle by administering the basic control skills test. The examination shall consist of various exercises marked by lines, traffic cones, or rope. Each applicant shall pass the basic control skills test in the event they successfully perform the required maneuvers in their entirety in the order listed and shall score no more than 8 points:

- (1) Forward stop;
- (2) Straight-line backing;
- (3) Forward offset tracking; and
- (4) Reverse offset backing.

(b) Notwithstanding (a) above, the basic control skills test examination shall be immediately discontinued and counted as a failure in the event of any of the following:

- (1) Performing an unsafe act; or
- (2) Failure to follow instructions.

(c) Each applicant who fails the basic control skills examination shall not be permitted to proceed to the road skills portion of the examination.

Saf-C 1806.04 Road Skills Examination.

(a) The department shall determine whether the applicant has the ability to drive safely in a variety of on-the-road situations by administering a road skills examination.

(b) The road skills examination shall consist of a qualitative evaluation of the applicant's abilities and skills in performing all applicable maneuvers required for the vehicle being tested for and shall score no more than 30 points in the following general categories:

- (1) Left and right turns, including:
 - a. Approach;
 - b. From stop;
 - c. Turning; and

- d. Complete turn;
- (2) Driving in urban business area;
- (3) Lane changes;
- (4) Curves;
- (5) Roadside stop and start;
- (6) Intersections;
- (7) Railroad crossings;
- (8) Truck or bus signs;
- (9) Expressway or limited access roads;
- (10) Student discharge, if applicable; and
- (11) General driving.

Saf-C 1806.05 Road Skills Examination Failure.

(a) The examination shall be immediately discontinued and counted as a failure in the event of any of the following:

- (1) Applicant did not use a safety belt;
- (2) Applicant performed a moving violation or disobeyed signs, signals;
- (3) Applicant did not yield to pedestrians or other road users;
- (4) Applicant is involved in an avoidable accident, incident, or dangerous act;
- (5) Applicant put vehicle over sidewalk or curb; or
- (6) Applicant performed other unsafe act as determined and described by examiner.

(b) For the purposes of this section, it shall be considered a failure when an applicant fails to appear for a scheduled road skills examination, without canceling or otherwise notifying the division within 24 hours of the examination.

Saf-C 1806.06 Road Skills Examination Vehicle.

- (a) The applicant shall provide the test vehicle for completion of the road skills examination.
- (b) Test vehicles shall comply with all New Hampshire inspection laws and rules.
- (c) The vehicle's size, weight, character, and equipment shall conform with the class of commercial driver license requested. The weight of the primary vehicle and any pulled unit shall have a manufacturer affixed label indicating the gross vehicle weight or be accompanied by a certificate verifying gross weight.
- (d) Cargo areas shall be completely empty at the time of the test.

(e) Tank vehicles used for transporting hazardous material shall be accompanied by a written certification confirming the tank has been cleaned of all residual hazardous material and purged of all vapors prior to test day.

(f) The vehicle shall provide the examiner with a permanently attached seat which allows the examiner accessibility to vehicle control mechanisms.

(g) No person shall be allowed to ride in the test vehicle during a road skills examination, other than the applicant, the examiner, and if applicable, an examiner in training.

Saf-C 1806.07 Re-Examination After Failure.

(a) In the event an applicant fails to complete a knowledge examination or road skills examination prescribed herein, no further examinations shall be administered on that date unless, upon the request of the applicant, the director determines that:

- (1) The reason(s) for failure are unlikely to be repeated without further education or practice; and
- (2) There are sufficient staff and time available for retesting on that date.

(b) The applicant shall be advised of the specific reason(s) for failure and the director shall designate a subsequent date for a re-examination, which shall be no sooner than 5 days after failure of the examination.

(c) Each applicant may apply to be re-examined on form DSMV 329.

(d) Each applicant shall furnish the following on form DSMV 329:

- (1) Legal name;
- (2) Legal address;
- (3) Mailing address;
- (4) Social security number, if required pursuant to RSA 263:90(d);
- (5) Date of birth and sex of applicant;
- (6) Class(es) of commercial driver license requested;
- (7) Endorsement(s) requested; and
- (8) Signature of the applicant and date signed.

Saf-C 1806.08 CDL Waiver for Certain Military Applicants.

(a) Notwithstanding any other rule to the contrary, the road skill examination set forth above, shall be waived if the applicant completes and submits a "Test Waiver Military Application (DSMV 609)", (Rev. 09/2024).

(b) Applicants submitting form DSMV 609 shall sign and date the form, and in doing so, shall certify under the penalties of perjury that the information on the form is true and correct to the best of the applicant's knowledge, information and belief.

(c) The applicant submitting form DSMV 609 shall also obtain their commanding officer's certification of the applicant's commercial driving experience on form DSMV 609.

(d) The commanding officer shall sign and date form DSMV 609, and in doing so, shall certify under the penalties of unsworn falsification, pursuant to RSA 641:3, that the applicant named in part 1 is or was assigned in a job or assignment requiring operation of a commercial motor vehicle that the information the commanding officer provided is correct.

(e) If all requirements in (a) through (d) are satisfied, military applicants from the following military occupational specialties or occupation classifications are eligible for a knowledge test waiver if the most recent experience with the vehicle type for which the waiver is being sought occurred within the last year:

- (1) U.S. Army:
 - a. 88M – Motor Transport Operator;
 - b. 92F – Fueler; or
 - c. 14T – Patriot Launching Station Operator;
- (2) U.S. Marine Corps, 3531 – Motor Vehicle Operator;
- (3) U.S. Navy, EO – Equipment Operator; or
- (4) U.S. Air Force:
 - a. 2T1 – Vehicle Operator;
 - b. 2F0 – Fueler; or
 - c. 3E2 – Pavement and Construction Equipment Operator.

Readopt Saf-C 1807, effective 5-13-24 (Doc.# 13963, Emergency), cited and to read as follows:

PART Saf-C 1807 COMMERCIAL DRIVER LICENSE RESTRICTIONS

Saf-C 1807.01 Commercial Driver License Restrictions.

(a) In addition to the restrictions set forth in RSA 263:13 and Saf-C 1008, a restriction for air brakes shall be applicable to commercial drivers.

(b) Each applicant's commercial driver license shall indicate that the driver is restricted from driving a commercial motor vehicle equipped with air brakes in the following situations:

- (1) The applicant has failed the knowledge examination set forth in Saf-C 1805.01(b)(2); or
- (2) The applicant has not previously passed the road skills examination set forth in Saf-C 1806.01 in a vehicle equipped with air brakes.

(c) For the purposes of the road skills examination, brakes which operate fully or partially as air brakes shall satisfy the air brake requirement.

(d) If an applicant performs the skills test in a vehicle equipped with air over hydraulic brakes, that person shall be restricted from operating a CMV equipped with any braking system operating fully on the air brake principle.

Saf-C 1807.02 Removal of Commercial Driver License Restriction.

(a) Each driver who requests to have a restriction removed from their commercial driver license

shall comply with the provisions of Saf-C 1008.07.

(b) Each commercial driver who requests removal of a restriction shall furnish to the division the following on form DSMV 329:

- (1) Legal name;
- (2) Legal address;
- (3) Mailing address;
- (4) Date of birth;
- (5) Social security number, if required pursuant to RSA 263:90, I(d);
- (6) Indication of the restriction to be removed; and
- (7) Signature of the applicant and date signed.

(c) Upon the receipt of the completed form DSMV 329 by the division, the applicant shall pass:

- (1) The knowledge examination set forth in Saf-C 1805.01(b)(2); and
- (2) The road skills examination set forth in Saf-C 1806.01.

(d) In the event the applicant successfully passes the restriction removal requirements, the director shall issue a new commercial driver license.

Readopt Saf-C 1808.01, effective 4-25-23 (Doc.# 13620), cited and to read as follows:

PART Saf-C 1808 SUSPENSION OF COMMERCIAL DRIVER LICENSE OR ENDORSEMENT(S)

Saf-C 1808.01 Hearings.

(a) Prior to the suspension of a commercial driver license or endorsement(s), or the disqualification of a person from driving a commercial motor vehicle, a person shall be given notice and the opportunity for an administrative hearing.

(b) Notwithstanding (a) above, if the director disqualifies or suspends any person from driving a commercial motor vehicle pursuant to RSA 263:94 or any rules adopted pursuant to that statute, such person may make written application for a hearing and the department shall grant a hearing within 15 days after the filing of their application.

(c) All hearings shall be conducted in accordance with the provisions of Saf-C 200.

Readopt Saf-C 1808.02, effective 5-13-24 (Doc.# 13963, Emergency), to read as follows:

Saf-C 1808.02 Suspension of Endorsement(s) - Good Cause.

(a) Each driver who has been issued a commercial driver license endorsement shall have such endorsement suspended for good cause.

(b) For the purposes of (a) above, "good cause" shall include:

- (1) A determination that the driver does not possess the skills necessary to drive a commercial motor vehicle with a particular endorsement, based upon the involvement of the driver in a motor vehicle accident;

(2) A determination that the driver does not possess the skills necessary to drive a commercial motor vehicle with a particular endorsement, based upon traffic violations committed by the driver; or

(3) A determination that the driver has committed any of the listed offenses in Saf-C 1809.02(a) while operating a non-commercial vehicle.

Readopt with amendment Saf-C 1808.03 and Saf-C 1808.04, effective 8-29-22 (Doc.# 13442), to read as follows:

Saf-C 1808.03 Length of Suspension.

(a) For the purposes of Saf-C 1808.02(b)(2), an endorsement shall be suspended for convictions of serious traffic violations listed in RSA 259:98-a and committed during a 3-year period as follows:

(1) Upon conviction of a second violation, 60 days; and

(2) Upon conviction of a third or subsequent violation, 120 days.

(b) The suspensions pursuant to this section shall be imposed consecutively.

(c) When the serious offenses resulting in the disqualification listed in Saf-C 1808.03(a) occur in a non-CMV, the disqualification shall only be applied provided the conviction results in the revocation, cancellation, or suspension of the driver's driver's license, including a commercial driver license or commercial endorsement.

(d) For the purposes of Saf-C 1808.02(b)(2), an endorsement shall be suspended for convictions or instances listed in RSA 263:94 as follows:

(1) Upon a first conviction or instance, a disqualification of one year; and

(2) Upon a second conviction or instance, a disqualification for life.

(e) Notwithstanding the foregoing, the driver may petition for the return of the CDL endorsement not less than 10 years after the lifetime disqualification provided the driver meets all the requirements set forth in Saf-C 1808.05. No driver shall be restored from a lifetime disqualification more than once.

(f) If any first conviction or first instance listed in Saf-C 1808.03(d) occurs while the driver is transporting hazardous materials, the disqualification shall be for 3 years.

Saf-C 1808.04 Lifetime Disqualifications. Notwithstanding any rules in this part to the contrary:

(a) If a driver operates a motor vehicle and is convicted of using the vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance, as defined by RSA 318-B:1, the driver shall be disqualified from operating a commercial motor vehicle for life and shall not be subject to reinstatement; and

(b) If a driver operates a motor vehicle and is convicted of using a commercial motor vehicle in the commission of a felony involving an act or practice of severe forms of trafficking in persons, as defined and described in 22 U.S.C. 7102(11), the driver shall be disqualified from operating a commercial motor vehicle for life and shall not be subject to reinstatement.

Readopt with amendment Saf-C 1808.05, effective 8-22-18 (Doc.# 12608), to read as follows:

Saf-C 1808.05 Request for Reinstatement 10 Years After Lifetime Disqualification.

(a) A person who has been disqualified from driving a commercial motor vehicle for life pursuant to RSA 263:94, III may apply for a hearing in accordance with the provisions of Saf-C 200 to reinstate their commercial driver license, not less than 10 years after disqualification.

(b) A hearing examiner shall determine whether a person who has requested a hearing pursuant to (a) above, has demonstrated good cause for their commercial driver license to be reinstated.

(c) For the purposes of (b) above, good cause shall include:

(1) A review of the person's driver record in this state or any other jurisdiction for the 10 years preceding the date of application for reinstatement that shows no violations under (d) below;

(2) Evidence of completion of an approved driver attitude program as provided in Saf-C 7508.10 and Saf-C 7508.11, with a completion date of not less than 3 months preceding the date of application for reinstatement. Satisfactory evidence shall be a certificate from one of the program providers approved by the director. A list of approved providers shall be available at <https://www.dmv.nh.gov/tickets-accidents-or-restorations/driver-improvement-courses>;

(3) If an alcohol education program was required as a result of a conviction that caused the lifetime disqualification, evidence in the form of a completion certificate from an approved impaired driver care management program (IDCMP) approved by the New Hampshire department of health and human services, or an out-of-state program meeting the requirements of He-A 506; and

(4) If a required alcohol education program pursuant to (c)(3) above was completed more than 6 months preceding the date of application for reinstatement, evidence of an updated low risk evaluation. Evidence shall be in the form of a written report from a licensed alcohol and drug counselor in New Hampshire or an individual holding an equivalent licensed professional designation from another state.

(d) A person shall not be eligible for reinstatement of their commercial driver license pursuant to this section if a review of the driver record pursuant to (c)(1) above shows the following:

(1) A conviction for an offense involving the operation of a commercial motor vehicle;

(2) A conviction or administrative suspension for an offense involving alcohol, controlled substances, or inhalants in any motor vehicle;

(3) A conviction for conduct after an accident in any motor vehicle;

(4) A conviction for reckless operation in any motor vehicle;

(5) A felony conviction involving the operation of any motor vehicle; or

(6) A revocation of driving privileges as a result of being a habitual offender pursuant to RSA 259:39 and RSA 262:19.

(e) If a person, after a hearing, is determined to be eligible for reinstatement pursuant to this section, they shall:

(1) Meet all the requirements of Saf-C 1803; and

(2) Meet the examination requirements set forth in Saf-C 1804.01.

Readopt with amendment Saf-C 1808.06, effective 8-29-22 (Doc.# 13442), to read as follows:

Saf-C 1808.06 RSA 265-A:25, Commercial Driver License Hearing.

(a) Upon receipt of the report required by RSA 265-A:25, IV, the financial responsibility administrator or a hearings examiner shall review the document to ensure the basic elements required by law have been met.

(b) Provided the report conforms to statute, the department shall forward to the person a notice of action advising the person of the revocation of their commercial driver license or privileges for a minimum of one year, or a lifetime revocation, effective immediately.

(c) For the purposes of determining a one year minimum or lifetime revocation, the following shall apply:

(1) If a person has no prior refusals or test results under this section subsequent to September 30, 2005, the commercial driver license or operating privileges shall be revoked for a minimum of one year; and

(2) If a person has a prior refusal or test results under this section subsequent to September 30, 2005, the commercial driver license or operating privilege shall be revoked for life, with an opportunity for a review after 10 years.

(d) If the report indicates test results of .04 blood alcohol content (bac) to less than .08 bac, or the driver refused the test, only the commercial driver license or privileges shall be affected. If there are no other suspensions or revocations in effect, the person shall be immediately eligible for a noncommercial operator's driver license, pursuant to RSA 263:42, I.

(e) The person may request a hearing pursuant to RSA 265-A:25 by submitting a written request to the bureau of hearings, which shall be received by the bureau within 30 days from the date of notice for a hearing to be scheduled. Such a request shall not delay, postpone, or otherwise interrupt the revocation.

(f) The law enforcement officer, who forwarded the report required by RSA 265-A:25, IV, shall be notified of the date, time, and location of the hearing and shall be required to appear and produce relevant evidence.

(g) If a report indicates test results of .04 blood alcohol content (bac) to less than .08 bac, or the driver refused the test, the scope of the hearing shall be as specified in RSA 265-A:31, except that the provisions of RSA 265-A:25, IV shall be substituted for RSA 265-A:31, II(d).

(h) If a report indicates test results greater than (g), above, or if the report indicates that the driver was under age 21 at the time of the offense and the test results were greater than .04 bac, the scope of the hearing shall be as specified in RSA 265-A:31.

(i) If the suspension is upheld in (h), above, the penalty shall be imposed as follows:

(1) The driver license shall be suspended as specified in RSA 265-A:30, II(a) and (b); and

(2) The commercial driver license shall be suspended as specified in RSA 263:94.

(j) The hearings examiner's order shall be forwarded to the person concerned, or their legal counsel, within 15 calendar days after conclusion of the hearing.

Readopt with amendment Saf-C 1808.07 and Saf-C 1808.08, effective 5-13-24 (Doc.# 13963, Emergency), to read as follows:

Saf-C 1808.07 Suspension of a New Hampshire Nonresident Commercial Driver License. Upon notification from a court that a New Hampshire nonresident commercial driver license holder has been convicted of a violation set forth in RSA 263:94, the commissioner shall issue a notice of suspension to the licensee at the last known address for the time period specified under RSA 263:94.

Saf-C 1808.08 Suspension for False Information. In the event the department determines that an applicant has misrepresented or falsified information on their application which would or did enable them to obtain a commercial driver license or endorsement(s), the department, after giving notice and the opportunity for an administrative hearing, shall suspend the commercial driver license, if applicable, or disqualify the applicant from driving a commercial motor vehicle, for a period of 90 days.

Readopt Saf-C 1809.01, effective 5-13-24 (Doc.# 13963, Emergency), cited and to read as follows:

PART Saf-C 1809 TRAFFIC VIOLATIONS

Saf-C 1809.01 Notification Required by Commercial Driver.

(a) Pursuant to RSA 263:84, each commercial driver shall notify the department within 30 days of the date of conviction for a violation of a traffic law, other than a parking violation.

(b) For the purposes of (a) above, each commercial driver shall notify the department of the following:

- (1) Legal name and permanent address;
- (2) Driver license number;
- (3) Description of violation;
- (4) Date of violation;
- (5) Date of conviction;
- (6) State where the violation occurred;
- (7) Name of court;
- (8) Fine imposed;
- (9) Sentence imposed, to include any revocation, if applicable;
- (10) Whether the vehicle weighed 26,001 pounds or more at the time of the violation;
- (11) Whether the vehicle driven at the time of the violation was a bus;
- (12) Whether hazardous materials were being transported at the time of the violation; and
- (13) Signature of driver and date signed.

Readopt with amendment Saf-C 1809.02, effective 5-13-24 (Doc.# 13963, Emergency), to read as follows:

Saf-C 1809.02 Serious Traffic Violations. For the purposes of RSA 259:98-a, the following convictions shall be considered serious traffic violations:

(a) Excessive speeding, pursuant to RSA 265:60, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit;

- (b) Reckless driving, pursuant to RSA 265:79, including, but not limited to, offenses for driving a commercial motor vehicle in willful or wanton disregard for the safety of persons or property;
- (c) Improper or erratic lane changes, pursuant to RSA 265:24, RSA 265:44, and RSA 265:45;
- (d) Following too closely, pursuant to RSA 265:25;
- (e) Driving without having obtained a commercial driver license;
- (f) Driving without having a valid commercial driver license in possession;
- (g) Any violation of state traffic laws arising in connection with a fatal accident;
- (h) Driving a CMV without the proper class of CDL or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported; and
- (i) Any violation of RSA 265:79-c. For purposes of this subparagraph only, a violation shall not include operating a commercial motor vehicle when the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.

Readopt Saf-C 1809.03 and Saf-C 1810.01, effective 5-13-24 (Doc.# 13963, Emergency), to read as follows:

Saf-C 1809.03 Notification of Traffic Violations by Court.

- (a) Pursuant to RSA 263:97, I(a), the clerk of court having jurisdiction shall notify the department of the conviction of any resident or non-resident commercial driver.
- (b) For the purposes of (a) above, the clerk of court shall notify the department of the following:
 - (1) Docket number;
 - (2) Name of court;
 - (3) Driver's legal name and permanent address;
 - (4) Date of violation;
 - (5) Motor vehicle registration;
 - (6) Description of vehicle;
 - (7) Violation(s) committed;
 - (8) RSA violated;
 - (9) Name of complainant;
 - (10) Plea;
 - (11) Finding; and
 - (12) Sentence imposed.

PART Saf-C 1810 COMMERCIAL DRIVER LEARNER PERMIT

Saf-C 1810.01 Commercial Driver Learner Permit. A commercial driver learner permit shall be issued by the department, in accordance with the provisions of RSA 263:25 and RSA 263:88.

Appendix

Rule	Specific State Statute the Rule Implements
Saf-C 1801.01	RSA 259:12-e; RSA 263:82
Saf-C 1801.02	RSA 21-P:14, IV(m); RSA 263:98, VI, RSA 259:84-a
Saf-C 1802.01	RSA 541-A:7
Saf-C 1802.02	RSA 259:12
Saf-C 1802.03	RSA 259:12-b
Saf-C 1802.04	RSA 259:12-c
Saf-C 1802.05	RSA 259:12-d
Saf-C 1802.06	RSA 259:12-e
Saf-C 1802.07	RSA 259:14, II
Saf-C 1802.08	RSA 259:19
Saf-C 1802.09	RSA 259:20
Saf-C 1802.10	RSA 259:20-a
Saf-C 1802.11	RSA 259:22
Saf-C 1802.12	RSA 259:28-a
Saf-C 1802.13-1802.14	RSA 541-A:7
Saf-C 1802.15	RSA 259:38-a
Saf-C 1802.16	RSA 259:38-b
Saf-C 1802.17	RSA 259:40
Saf-C 1802.18	RSA 263:94, I
Saf-C 1802.19-1802.22	RSA 541-A:7
Saf-C 1802.23	RSA 259:84-a
Saf-C 1802.24	RSA 21:6-a
Saf-C 1802.25	RSA 21:6
Saf-C 1802.26	RSA 259:98-a
Saf-C 1802.27	RSA 259:106, III
Saf-C 1802.28	RSA 541-A:7; 49 CFR 171.8
Saf-C 1802.29	RSA 259:122, I
Saf-C 1802.30	RSA 541-A:7
Saf-C 1803.01-1803.02	RSA 21-P:14, IV (m); RSA 263:90
Saf-C 1803.03	RSA 21-P:14, IV(m); RSA 263:11; RSA 263:42, I
Saf-C 1803.04	RSA 21-P:14, IV(m); RSA 263:93; RSA 263:98, X; 49 CFR 383.141
Saf-C 1803.05	RSA 21-P:14, IV(m); RSA 21-P:18; RSA 263:22; RSA 263:27; CFR 391.11
Saf-C 1803.06	RSA 21-P:14, IV(m); 263:86, II
Saf-C 1803.07	RSA 21-P:14, IV(m); RSA 541-A:29
Saf-C 1803.08	RSA 21-P:14, IV(m); RSA 263:98, III

Saf-C 1803.09	RSA 21-P:14, IV(m); RSA 263:90; RSA 263:93
Saf-C 1804.01	RSA 21-P:14, IV(m); RSA 263:87; RSA 263:92; RSA 263:93 RSA 263:98, III, X; 49 CFR 383.141
Saf-C 1804.02	RSA 21-P:14, IV(m); RSA 263:87; RSA 263:92; RSA 263:93-c; RSA 263:98, III, X
Saf-C 1804.03	RSA 21-P:14, IV(m); RSA 263:87; RSA 263:92; RSA 263:98, III, X
Saf-C 1805.01-1805.02	RSA 21-P:14, IV(m); RSA 263:98, III
Saf-C 1806.01	RSA 21-P:14, IV(m); RSA 263:98, III; 49 CFR 380 & 383
Saf-C 1806.02 – 1806.06	RSA 21-P:14, IV(m); RSA 263:98, III
Saf-C 1806.07	RSA 21-P:14, IV(m); RSA 263:90, I (d); RSA 263:98, III
Saf-C 1806.08	RSA 21-P:14, IV(m); RSA 263:98, III, VI; 49 CFR 383.3(c); 49 CFR 383.51 (b)(c)
Saf-C 1807.01	RSA 21-P:14, IV(m); RSA 263:13; RSA 263:92; RSA 263:98, X
Saf-C 1807.02	RSA 21-P:14, IV(m); RSA 263:13; RSA 263:90, I(d); RSA 263:91, I; RSA 263:98, X
Saf-C 1808.01	RSA 263:94, VII; RSA 541-A:30
Saf-C 1808.02	RSA 21-P:14, IV(m); RSA 263:92; RSA 263:94; RSA 263:98, X
Saf-C 1808.03	RSA 263:82; RSA 259:98-a; RSA 263:94
Saf-C 1808.04	RSA 318-B:1; 22 U.S.C. 7102(11)
Saf-C 1808.05	RSA 21-P:14, IV(m); RSA 263:94, III, IV; RSA 259:39; RSA 262:19; RSA 265-A:25
Saf-C 1808.06	RSA 265-A:25, IV; RSA 263:42, I; 265-A:31; RSA 265-A:31, II(d); RSA 265-A:30, II(a) and (b); RSA 263:94
Saf-C 1808.07	RSA 21-P:14, IV (m), RSA 263:89; RSA 263:94; RSA 541-A:29
Saf-C 1808.08	RSA 21-P:14, IV (m); RSA 263:94, VI(d)
Saf-C 1809.01	RSA 21-P:14, IV(m); RSA 263:84; RSA 263:98, I
Saf-C 1809.02	RSA 21-P:14, IV(m); RSA 259:98-a; RSA 263:98, VII; RSA 265:24; RSA 265:25; RSA 265:44; RSA 265:45; RSA 265:60; RSA 265:79; RSA 265:79-c
Saf-C 1809.03	RSA 21-P:14, IV(m); RSA 263:97, I(a); RSA 263:97; RSA 263:98, II
Saf-C 1810.01	RSA 21-P:14, IV(m); RSA 263:25; RSA 263:88