

Amendment to SB 738-FN

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to suspension or revocation of motor carrier privileges for default,
4 noncompliance, or nonpayment of fine.
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6 Amend the bill by replacing all after the enacting clause with the following:

7
8 1 New Section; Motor Carriers; Suspension or Revocation for Default, Noncompliance, or
9 Nonpayment of Fine. Amend RSA 266 by inserting after section 72-a the following new section:

10 266:72-b Suspension or Revocation for Default, Noncompliance, or Nonpayment of Fine.

11 I. Except as provided in paragraph III, a motor carrier's privilege to have any commercial
12 motor vehicle driven shall be suspended or revoked, upon written order of the director, whenever
13 such motor carrier:

14 (a) Defaults on an arraignment or other scheduled court appearance in connection with
15 a charge or conviction of any offense; or

16 (b) Fails to pay a fine or other penalty imposed in connection with a conviction of any
17 offense which a court has determined it is able to pay, or issues a bad check in payment of a fine or
18 other penalty; or

19 (c) Fails to comply with a similar order of the director or a court on any matter within
20 the director's or court's jurisdiction.

21 II. Any suspension or revocation described in paragraph I shall be effective 30 days after any
22 default or revocation described in subparagraphs I(a)-(c).

23 III. If a motor carrier receives a summons in hand from a law enforcement officer, no further
24 notification to such a motor carrier is required before the suspension of its privilege occurs as
25 provided in subparagraph I(c). If a motor carrier receives a summons in any manner other than in
26 hand by a law enforcement officer, the court or director, as applicable, shall notify such motor carrier
27 by certified mail at its last known address that its privilege shall be suspended 30 days after the
28 mailing of such notification.

29 IV. The department shall cause written notice to be sent to any motor carrier that defaults
30 as otherwise provided in this section on an appearance, summons, or court order issued in this state.
31 Any motor carrier that defaults as provided in subparagraph I(c) shall be required to produce proof
32 of satisfaction of the default either in hand or through the court to the department.

Amendment to SB 738-FN
- Page 2 -

1 V.(a) If such motor carrier fails to appear, pay the fine, or comply with an order within the
2 applicable period as provided in subparagraph I(c) or paragraph III of this section, or fails to
3 demonstrate that the motor carrier is financially unable to pay the fine or to comply with the order
4 within the applicable period, the director shall suspend such motor carrier's privilege to have any
5 commercial motor vehicle driven in New Hampshire effective from the applicable date for an
6 indefinite period and mark the motor carrier's files accordingly.

7 (b) The director may report the names of all motor carriers whose privilege has been
8 suspended or revoked under this section due to nonpayment to a consumer reporting agency as
9 defined in RSA 359-B:3.

10 VI. Except as provided in paragraph VII, any motor carrier whose privilege has been
11 suspended or revoked pursuant to paragraph V shall be reinstated upon:

12 (a) Payment to the director of a fee of \$100, which shall be in lieu of any other
13 reinstatement fee and shall be deposited into the highway fund pursuant to RSA 260:23 and RSA
14 6:12, I(b)(5); and

15 (b) Appearance by such motor carrier, payment of its fine, or compliance with the order
16 of the director, as applicable, or upon demonstration that such motor carrier is financially unable to
17 pay the fine or to comply with the order. Any court which has ordered a motor carrier's privilege
18 suspended pursuant to paragraph V shall vacate the order and so notify the director and the affected
19 motor carrier immediately after such motor carrier has appeared or paid its fine, as applicable, or
20 has demonstrated that it is financially unable to pay the fine or to comply with the order.

21 VII. No motor carrier whose privilege to have any motor vehicle driven in New Hampshire
22 has been suspended or revoked under this section shall be reinstated before the expiration of any
23 other period of suspension or revocation in effect.

24 VIII. Nothing shall prevent any motor carrier affected by this section from obtaining a
25 prompt review or hearing, upon showing just cause, before either the court or director for
26 appropriate relief.

27 IX. The provisions of this section shall be the primary sanction for motor carriers who fail to
28 appear, pay a fine or other penalty, or comply with an order of the director or a court, but shall not
29 exclude other provisions of law relative to sanctions for motor carriers who fail to appear, pay a fine
30 or other penalty, or comply with an order of the director or a court.

31 X. Notwithstanding the provisions of RSA 541-A:30, the director may order the suspension
32 of a motor carrier's privilege to have any motor vehicle driven in New Hampshire in their discretion,
33 and without a hearing, whenever the director has reason to believe that the motor carrier is a hazard
34 to the public safety as evidenced by proper evidence or information received from a law enforcement
35 agency of misconduct; and the certificate shall not be reissued unless, upon examination or
36 investigation, or after hearing, the director determines that the motor carrier should again be
37 permitted to allow a commercial motor vehicle to be driven. Provided, however, that if the director

Amendment to SB 738-FN
- Page 3 -

1 revokes or suspends a motor carrier's privilege under the provisions hereof, the motor carrier, upon a
2 written application to the department, shall be granted a hearing by the department within 15 days
3 after the filing of the application.

4 XI. Any motor carrier whose privilege has been suspended or revoked pursuant to
5 paragraph I or X, shall be subject to a fine of \$500 plus penalty assessment. A law enforcement
6 officer may order the removal of a commercial motor vehicle driven in violation of paragraph I or X
7 at the motor carrier's expense.

8 2 Effective Date. This act shall take effect January 1, 2021.

Amendment to SB 738-FN
- Page 4 -

2020-0757s

AMENDED ANALYSIS

This bill provides the suspension or revocation of motor carrier privileges to have motor vehicles driven in New Hampshire for default, noncompliance, or nonpayment of fines.