CHAPTER Saf-C 900 MOTOR CARRIER SAFETY RULES

Readopt with amendment Saf-C 901, effective 10-25-12 (Document #10215), to read as follows:

PART Saf-C 901 AUTHORITY AND APPLICABILITY

Saf-C 901.01 Applicability. These rules shall be applicable to all motor carriers and all drivers of commercial motor vehicles, in either intrastate or interstate commerce.

Saf-C 901.02 Adoption of Federal Standards.

(a) Pursuant to RSA 266:72-a, the commissioner hereby incorporates 49 CFR 107, 382, and 385 through 397.

(b) The federal regulations incorporated in (a) above shall be applicable to all drivers and motor carriers set forth in Saf-C 901.01.

Saf-C 901.03 Application of Federal Standards.

(a) The following terms, as used in the federal regulations incorporated by Saf-C 901.02, shall have these additional meanings:

(1) United States Department of Transportation also means the New Hampshire department of safety;

(2) Secretary of Transportation also means commissioner of the New Hampshire department of safety; and

(3) Any other reference to federal agencies where there is no comparable state agency also means the New Hampshire department of safety.

(b) In the event there is a dispute regarding the interpretation of the federal standard of application of any rule incorporated by Saf-C 901.02, as it applies to intrastate commerce, the federal interpretation of the rule as it appears in the federal register or the most recent version of the Federal Motor Carrier Safety Administration motor carrier regulation information system shall be used.

(c) Any term used in these rules, unless specifically defined, shall have the same meaning as it has in 49 CFR.

Readopt with amendment Saf-C 902, effective 10-25-12 (Document #10215), to read as follows:

PART Saf-C 902 DEFINITIONS

Saf-C 902.01 "49 CFR" means Title 49 of the Code of Federal Regulations.

Saf-C 902.02 “Commercial motor vehicle” means “commercial motor vehicle” as defined in 49 CFR 390.5 except for vehicles designed or used to transport less than 16 passengers, including the driver, and except for vehicles described in RSA 266:72-a, VI.

Saf-C 902.03 "Commissioner" means "commissioner" as defined in RSA 259:13, or the commissioner’s designee.

Saf-C 902.04 "Department" means "department" as defined in RSA 259:19.

Saf-C 902.05 "Documents" mean all information, including digital and analog supporting documentation such as, but not limited to toll receipts, fuel receipts, lodging, meals, repair receipts, bills of

Note to JLCAR: RSA 266:72-a, I seems to allow the agency to do this, "Notwithstanding the provisions of RSA 541-A, any amendments or additions by the respective federal agencies or their successor agencies shall also amend or supplement the rules adopted by the commissioner of safety without further action on the part of the commissioner."

lading, and dispatch records, which is directly or indirectly related to the motor carrier's operation, maintained in the ordinary course of business or used by the motor carrier to verify the information recorded on the driver's record of duty status.

Saf-C 902.06 “Driver” means “driver” of a commercial motor vehicle as defined in 49 CFR 390.5.

Saf-C 902.07 "Medical examiner" means a person who is licensed, certified, and registered to perform physical examinations as specified in 49 CFR 390.103.

Saf-C 902.08 “Motor carrier” means “motor carrier” as defined in 49 CFR 390.5.

Saf-C 902.09 "Serious traffic violation" means:

(a) “Serious traffic violation” as defined in RSA 259:98-a, I through III and V through XI; and

(b) Pursuant to RSA 259:98-a, IV, a conviction, when operating a commercial motor vehicle, of any of the following statutes or equivalent out-of-state convictions:

Note to JLCAR: The definition does not mirror the statute, as is required by the manual. However, this is a unique situation as IV of the statute states, "Any other violation..... pursuant to rules adopted under RSA 541-A..." The agency is complying with the statute by establishing other violations that it would consider a serious traffic violation through this rule.

(1) 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;

(2) 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;

(3) Improper or erratic lane changes or turning, pursuant to RSA 265:24, I, RSA 265:44, and RSA 265:45;

(4) Following too closely, pursuant to RSA 265:25;

(5) Driving under the influence of alcohol or drugs, pursuant to RSA 265-A:2 and RSA 265-A:3;

(6) Leaving the scene of a motor vehicle accident resulting in death, personal injury, or damage to property, pursuant to RSA 264:25;

(7) Negligent homicide involving a motor vehicle, pursuant to RSA 630:3;

(8) Manslaughter resulting from the operation of a motor vehicle, pursuant to RSA 630:2;

(9) Racing on highways, pursuant to RSA 265:75;

(10) Negligent driving, pursuant to RSA 265:79-b;

(11) Driving after revocation or suspension, pursuant to RSA 263:64;

(12) Driving a commercial motor vehicle without obtaining a commercial driver’s license pursuant to RSA 263:86;

(13) Using a mobile electronic device while driving pursuant to RSA 265:79-c; and

(14) Causing death or serious bodily injury with a vehicle pursuant to RSA 265:79-a.

Readopt with amendment Saf-C 903, effective 10-25-12 (Document #10215), to read as follows:

PART Saf-C 903 GENERAL ADMINISTRATION

Saf-C 903.01 Duty of Motor Carrier.

(a) A driver of a motor carrier shall stop their vehicle on the request of any law enforcement officer of the department or other law enforcement agent certified to conduct commercial motor vehicle inspections so that the officer may:

(1) Examine:

a. Vehicle components;

b. Driver's physical condition;

c. Cargo condition; and

d. Documents; and

(2) Enter the cab or cargo area as necessary to determine that:

a. The vehicle is in safe operating condition and in compliance with applicable federal and state regulations; and

b. The cargo is properly secured.

(b) Every driver of a commercial motor vehicle, owner or operator of a motor carrier, or their authorized agent, shall make available during roadside inspections accounts, books, records, receipts, memoranda, correspondence, and any other documents for review and inspection, upon demand by any enforcement officer of the department or other law enforcement agent certified to conduct commercial motor vehicle inspections who in the course of enforcing these rules is acting within the scope of his or her duties and authority. If the documents are not readily available roadside, they shall be made available at the motor carrier's principal place of business during regular business hours.

Saf-C 903.02 Enforcement of These Rules. This chapter shall be enforced pursuant to the general penalty provisions of RSA 262:41 except for the following:

(a) Violations of hazardous materials transportation, pursuant to RSA 265:118;

(b) Violations of disqualification and out of service orders pursuant to RSA 263:93-a and RSA 263:93-c; and

(c) Pursuant to RSA 266:72-a, V(c), any driver who fails to stop or allow inspection as described in RSA 266:72-a, V(a) shall be guilty of a misdemeanor. A second violation of ~~subparagraph~~ RSA 266:72-a, V(a) shall result in suspension of the person's license or privilege to drive in New Hampshire and notification of such suspension to national motor vehicle license databases.

Readopt with amendment Saf-C 904, effective 10-25-12 (Document #10215), to read as follows:

PART Saf-C 904 MOTOR CARRIER DRIVERS

Saf-C 904.01 Qualifications; Exemptions.

(a) A person driving a commercial motor vehicle in interstate commerce, as or on behalf of a motor carrier, shall be at least 21 years of age.

Note to JLCAR: Though this language may no longer be necessary, the requirement is still codified in RSA 21-P:18. The agency has stated to OLS staff that because this language remains in the statute. the agency wants to keep it in its rules.

(b) Notwithstanding (a) above, pursuant to RSA 21-P:18, a person may drive a commercial motor vehicle in intrastate commerce carrying home heating oil for the purpose of making retail deliveries if they are at least 18 years of age on or before January 1, 2011.

(c) Notwithstanding (a) above, a person driving a commercial motor vehicle in intrastate commerce as or on behalf of a motor carrier, carrying items other than hazardous materials, hazardous substances, or hazardous waste, shall be at least 18 years of age.

Readopt with amendment Saf-C 905, effective 10-25-12 (Document #10215), to read as follows:

PART Saf-C 905 SAFETY EQUIPMENT REQUIREMENTS

Saf-C 905.01 Safety Equipment Exemptions. The brake requirement rules set forth in 49 CFR 393.42 shall not apply to the towing in intrastate commerce of the following, pursuant to RSA 266:30:

(a) A motor vehicle trailer or semi-trailer with a gross weight of less than 3,000 pounds if the axle weight of the towed vehicle does not exceed 40 percent of the sum of the rated axle weights of the towing vehicle:

(b) Wood-sawing machines;

(c) Log splitters;

(d) Cement mixers;

(e) Compressors;

(f) Tar kettles;

(g) Conveyers;

(h) Devices of 2 wheels used by public utilities for the transportation of no more than 6 cables or poles;

(i) Road rollers and sweepers;

(j) Thawing devices; and

(k) Refreshment booths on wheels towed not more than 2 miles at any one time.

Note to JLCAR: The statute includes "only if being driven in intrastate commerce on the ways of New Hampshire." However, the agency argues that this is included in the introductory language.

Readopt with amendment Saf-C 906, effective 5-6-21 (Document #13202), as amended effective 10-26-22 (Document #13478), to read as follows:

PART Saf-C 906 DRIVING AND ON-DUTY TIME LIMITED

Saf-C 906.01 Driver Out-of-Service.

(a) Every law enforcement agent certified to conduct commercial motor vehicle -inspections shall be authorized to declare a driver out-of-service upon discovering a violation of the out of service criteria.

(b) A driver or motor carrier shall not require or permit an out-of-service driver to operate a commercial motor vehicle until that driver may do so lawfully.

(c) The criteria to be used by the law enforcement agent for (a) above shall be the “North American Standard Out-of-Service Criteria” (April 1, 2023 edition). For those drivers of vehicles transporting highway route controlled quantities of radioactive materials, the criteria to be used by the law enforcement

Note to JLCAR: This document was already incorporated by reference through the expedited incorporation by reference process eff 10-26-22. Therefore, there was no requirement for a summary of the changes.

agent for (a) above shall be the "North American Standard Out-of-Service Criteria and Level VI Inspection Procedures for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials" (April 1, 2022 edition).

Readopt with amendment Saf-C 907, effective 5-6-21 (Document #13202), as amended effective 10-26-22 (Document #13478), to read as follows:

PART Saf-C 907 PREVENTIVE MAINTENANCE AND REPAIRS

Saf-C 907.01 Declaring A Commercial Vehicle Out-of-Service.

(a) Every law enforcement agent certified to conduct commercial motor vehicle inspections shall be authorized to declare a vehicle out-of-service upon discovery of a violation of any law or rule that would render further operation of the motor vehicle so imminently hazardous as to be likely to cause an accident or breakdown of the motor vehicle, because of its mechanical condition or loading.

(b) The criteria to be used by the law enforcement agent for (a) above shall be the "North American Standard Out-Of-Service Criteria" (April 1, 2023 edition). For those vehicles transporting highway route controlled quantities of radioactive materials, the criteria to be used by the law enforcement agent for (a) above shall be the "North American Standard Out-of-Service Criteria and Level VI Inspection Procedures for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials" (April 1, 2022 edition).

Readopt Saf-C 908, effective 10-25-12 (Document #10215), to read as follows:

PART Saf-C 908 FEDERAL FINANCIAL RESPONSIBILITY REQUIREMENTS

Saf-C 908.01 Financial Responsibility. Every motor carrier operating motor vehicles transporting passengers or property in interstate commerce shall comply with the minimum levels of financial responsibility for carriers set forth in 49 CFR 387, and every motor carrier transporting hazardous materials interstate or intrastate, shall comply with the minimum levels of financial responsibility for carriers set forth in 49 CFR 387.9.

Readopt with amendment Saf-C 909.01, effective 2-23-17 (Document #12119), to read as follows:

PART Saf-C 909 INTRASTATE MEDICAL WAIVER

Saf-C 909.01 Applicability.

(a) This part shall apply to all drivers of commercial motor vehicles who operate exclusively within the state of New Hampshire.

(b) This part shall not apply to drivers who drive a school bus in a home-to-school or school-to-home mode of transportation.

Readopt Saf-C 909.02 and Saf-C 909.03, effective 10-25-12 (Document #10215), to read as follows:

Saf-C 909.02 Waiver. A person who is not physically qualified to drive due to having a physical deficiency, as listed in 49 CFR 391.41(b)(1)-(13), but who is qualified to drive a commercial motor vehicle pursuant to 49 CFR 391.11 and has not been disqualified pursuant to 49 CFR 391.15, shall be authorized to drive a commercial motor vehicle if the commissioner grants a waiver pursuant to Saf-C 909.09.

Saf-C 909.03 Application for Medical Waiver.

(a) Each applicant for a waiver of the physical disqualification shall submit an application to the commissioner. The application shall be addressed and mailed to:

Department of Safety
Division of Motor Vehicles
23 Hazen Drive
Concord, NH 03305
Attn: Medical Waiver Program

(b) The application in (a) above shall be submitted jointly by the driver-applicant requesting the waiver and by the motor carrier that will employ the driver-applicant if the waiver is granted, who shall be the co-applicant.

(c) A driver-applicant who is self-employed or unemployed shall not be required to have a co-applicant.

Readopt with amendment Saf-C 909.04 and Saf-C 909.05, effective 10-25-12 (Document #10215), to read as follows:

Saf-C 909.04 Information Required.

(a) All persons seeking a medical waiver shall complete and submit DSMV 558, "Application for Waiver of Physical Deficiency", (rev. 04/23).

(b) By signing and dating the medical waiver form, each driver-applicant, official of the employing motor carrier, and medical examiner shall certify that they are signing the form under the penalties of unsworn falsification pursuant to RSA 641:3.

Saf-C 909.05 Information to Accompany Medical Waiver Application. Each driver-applicant shall attach ~~a copy of the results of the medical examination, conducted pursuant to 49 CFR 391.43,~~the following to their application for a waiver~~.~~:

(a) A copy of the results of the medical examination, conducted pursuant to 49 CFR 391.43;

(b) A copy of the medical certificate completed pursuant to 49 CFR 391.43 (f);

(c) A completed copy of the employment application from the last commercial driving position they held, pursuant to 49 CFR 391.21; and

(d) A copy of the driver-applicant's certified State Motor Vehicle record for the past three (3) years from each state in which a driver license or permit has been obtained and any at fault accident report records on file for the past ten (10) years.

Readopt Saf-C 909.06, effective 10-25-12 (Document #10215), to read as follows:

Saf-C 909.06 Information to be Provided to the Medical Examiner. The driver-applicant or co-applicant shall provide the medical examiner with a description of the job tasks the driver applicant will be required to perform.

Readopt with amendment Saf-C 909.07 through Saf-C 909.13, effective 10-25-12 (Document #10215), to read as follows:

Saf-C 909.07 Contents of a Medical Evaluation Summary.

(a) Each driver-applicant, who is not physically qualified pursuant to 49 CFR 391.41(b), shall obtain a medical evaluation summary, typewritten or in legible form, from a medical examiner, who has expertise with the driver-applicant's specific medical condition.

(b) Each driver-applicant who is not physically qualified pursuant to 49 CFR 391.41(b)(1) shall obtain a medical evaluation summary that includes the following:

(1) Whether the impairment interferes with the driver-applicant's ability to perform normal tasks associated with driving a commercial motor vehicle; and

(2) A description of any prosthetic device from a medical examiner or specialist.

(c) Each driver-applicant who is not physically qualified pursuant to 49 CFR 391.41(b)(2) shall obtain a medical evaluation summary that includes the following:

(1) Whether the impairment interferes with the driver-applicant's ability to perform normal tasks associated with driving a commercial motor vehicle;

(2) An assessment and medical opinion of whether the condition is likely to remain medically stable for the duration of the medical waiver;

(3) A recommendation as to the period of time the medical waiver shall be valid, not to exceed 2 years; and

(4) A description of any prosthetic device from a medical examiner or specialist.

(d) Each driver-applicant who is not physically qualified pursuant to 49 CFR 391.41(b)(3)-(13) shall obtain a medical evaluation summary that includes the following:

(1) Whether the impairment interferes with the driver-applicant's ability to perform normal tasks associated with driving a commercial motor vehicle;

(2) An assessment and medical opinion of whether the condition is likely to remain medically stable for the duration of the medical waiver; and

(3) A recommendation as to the period of time the medical waiver shall be valid, not to exceed 2 years.

Saf-C 909.08 Road Skills Evaluation.

(a) Upon initial application, each driver-applicant shall demonstrate to an agent of the department his or her ability to safely drive the motor vehicle(s) he or she intends to operate and to perform normal tasks associated with operation of such commercial motor vehicle(s).

(b) Upon renewal, a driver-applicant whose condition has degraded since his or her last application shall demonstrate to an agent of the department his or her ability to safely drive the motor vehicle(s) he or she intends to operate and to perform normal tasks associated with operation of such commercial motor vehicle(s); and

(c) For the purposes of this rule, "perform normal tasks" includes:

(1) Manipulating knobs and switches;

(2) Holding and maneuvering the steering wheel;

(3) Shifting a manual transmission, if the commercial motor vehicle(s) is so equipped;

(4) Having sufficient strength to operate the brakes;

(5) Having sufficient strength to engage the clutch, if the commercial motor vehicle(s) is so equipped;

(6) Having sufficient neck and head mobility to look over his or her shoulder when backing up, if necessary; and

(7) Having sufficient strength to secure chains or other securement devices, if applicable.

Saf-C 909.09 Criteria for Granting or Denying a Medical Waiver.

(a) The commissioner shall consider the following when deciding to grant or deny a waiver:

(1) Whether the driver-applicant is able to drive the type of commercial motor vehicle without any obstruction caused by his or her physical deficiency;

(2) Whether the results of the medical examination and medical evaluation summary conclude that the driver-applicant's physical deficiency will not hinder his or her ability to drive safely for the duration of the medical waiver; and

(3) Whether the driver-applicant's certified driver record includes moving violations, at-fault accidents, or both for the past 10 years.

(b) The commissioner shall determine, pursuant to RSA 266:72-a, III and (a) above, whether it would or would not jeopardize public safety to grant a waiver.

Saf-C 909.10 Granting of Medical Waiver.

(a) The commissioner shall grant a medical waiver in the event that doing so would not jeopardize public safety pursuant to Saf-C 909.09(b).

(b) In the event the commissioner grants a medical waiver, they shall notify the driver-applicant, the medical examiner, and the co-applicant, if applicable, of the terms of the waiver.

Saf-C 909.11 Denial of Medical Waiver.

(a) In the event the commissioner denies a medical waiver, they shall notify the driver-applicant in writing.

(b) Each person denied a medical waiver shall have an opportunity for an administrative hearing in accordance with the provisions of Saf-C 200.

Saf-C 909.12 Renewal Process.

(a) The renewal process may be initiated by the driver-applicant 60 days prior to the expiration date of the waiver.

(b) All persons seeking a renewed medical waiver shall submit DSMV 558, “Application for Waiver of Physical Deficiency”, (rev. 04/23).

(c) Each driver-applicant who has a medical waiver because they are not physically qualified pursuant to Saf-C 909.07(c), shall be required to obtain a current medical evaluation summary in order to renew a medical waiver.

Saf-C 909.13 Criteria for Granting or Denying a Renewal Medical Waiver.

(a) The commissioner shall consider the following when deciding to grant or deny a renewal medical waiver:

(1) Whether the driver-applicant is able to drive the type of commercial motor vehicle without any obstruction caused by their physical deficiency;

(2) Whether the results of the medical examination and medical evaluation summary conclude that the driver's physical deficiency will not hinder their ability to drive safely for the duration of the renewal medical waiver;

(3) Whether the driver-applicant's certified driver record includes moving violations incurred while driving under the current medical waiver;

(4) Number of accidents caused by the driver-applicant while driving under the current medical waiver; and

(5) Whether the driver-applicant violated any of the provisions of Saf-C 909.16 while driving under the current medical waiver.

(b) The commissioner shall determine, pursuant to RSA 266:72-a, III and (a) above, whether it would or would not jeopardize public safety to grant the renewal of a medical waiver.

Readopt Saf-C 909.14, effective 10-25-12 (Document #10215), to read as follows:

Saf-C 909.14 Granting of Renewal Medical Waiver.

(a) The commissioner shall grant a renewal medical waiver in the event that doing so would not jeopardize public safety pursuant to Saf-C 909.13(b).

(b) In the event the commissioner grants a renewal medical waiver, they shall notify the driver-applicant, the medical examiner, and the co-applicant, if applicable, of the terms of the waiver.

(c) A renewal waiver shall be valid for a period of 2 years from the date the renewal waiver is granted, unless otherwise specified by the department upon the recommendation of a medical examiner.

Readopt with amendment Saf-C 909.15, effective 10-25-12 (Document #10215), to read as follows:

Saf-C 909.15 Denial of Renewal Medical Waiver.

(a) In the event the commissioner denies a renewal medical waiver, they shall notify the driver-applicant in writing.

(b) Each person denied a renewal medical waiver shall have an opportunity for an administrative hearing in accordance with the provisions of Saf-C 200.

Readopt Saf-C 909.16, effective 10-25-12 (Document #10215), to read as follows:

Saf-C 909.16 Duties.

(a) Each driver who has obtained a medical waiver or motor carrier that employs a commercial driver who has obtained a medical waiver shall:

(1) File with the commissioner, within 30 days of occurrence, the following:

a. Any accident;

b. Any driver license suspension or revocation; or

c. Any motor vehicle conviction;

(2) Permit the driver to drive only the type of commercial motor vehicle(s) set forth in the medical waiver, subject to all the conditions and limitations of the waiver; and

(3) Maintain a copy of the medical waiver in its driver qualification files.

(b) Each driver who obtains a medical waiver shall furnish each employing motor carrier with a copy of the medical waiver and notify the department of any change in employment.

(c) Each driver shall have the medical waiver, or a legible copy of the waiver, in his or her possession when driving a commercial motor vehicle.

(d) Each driver shall immediately notify the department in the event the driver's medical condition deteriorates to such a degree that will interfere with his or her ability to safely drive a commercial motor vehicle.

Readopt with amendment Saf-C 909.17, effective 10-25-12 (Document #10215), to read as follows:

Saf-C 909.17 Revocation of Waiver.

(a) The commissioner shall revoke a waiver for just cause after the driver is given notice and an opportunity for an administrative hearing in accordance with the provisions of Saf-C 200.

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

(1) Evidence of deterioration of medical condition;

(2) Evidence of a serious traffic violation, as set forth in Saf-C 902.06;

(3) Evidence that the driver caused an accident;

(4) Evidence that the driver is driving a motor vehicle not listed in the application;

(5) Evidence that the driver is not able to operate the type of commercial vehicle without any obstruction caused by their physical deficiency; or

(6) Evidence of a violation of any of the provisions of these rules.

(c) The determination by the commissioner whether a waiver will be revoked shall be based upon the facts and circumstances of each case.

(d) Notwithstanding (a) above, the commissioner shall revoke a waiver immediately, pursuant to RSA 263:59, if the commissioner receives evidence that the driver:

(1) Is physically or mentally an improper or incompetent person to drive a commercial motor vehicle;

(2) Is driving improperly or so as to endanger the public;

(3) Is appealing a conviction of a serious traffic violation, as set forth in Saf-C 902.06; or

(4) Made a material false misrepresentation in the application or renewal application of the medical waiver.

(e) Any driver who has had their waiver revoked pursuant to (d) above, shall be entitled to a hearing. Any driver desiring a hearing shall present a written request for such to the bureau of hearings in the department. The bureau of hearings shall schedule the requested hearing no later than 15 days from receipt of the hearing request.

Readopt Saf-C 909.18, effective 10-25-12 (Document #10215), to read as follows:

Saf-C 909.18 False Information.

(a) False information contained in the application or renewal application by either the driver-applicant or the co-applicant shall be grounds for denying a waiver or for revoking a waiver.

(b) The determination by the commissioner whether a waiver will be denied or revoked because of false information shall be based upon the facts and circumstances of each case.

APPENDIX A

Rule	Specific State Statute or Federal Regulation the Rule Implements
Saf-C 901.01-901.03	RSA 266:72-a
Saf-C 902.01-902.02	49 CFR; RSA 541-A:7
Saf-C 902.03	RSA 259:13
Saf-C 902.04	RSA 259:19
Saf-C 902.05-902.08	49 CFR; RSA 541-A:7
Saf-C 902.09	RSA 259:98-a; RSA 541-A:7
Saf-C 903.01	RSA 266: 1; RSA 266:72-a
Saf-C 903.02	RSA 262:41
Saf-C 904.01	RSA 21-P:17; RSA 21-P:18; RSA 266:72-a
Saf-C 905.01	RSA 266:30
Saf-C 905.01(a)	RSA 266:30; RSA 266:72-a
Saf-C 906.01 & Saf-C 907.01	RSA 266:72-a
Saf-C 908.01	RSA 264:21 & RSA 266:72-a
Saf-C 909	RSA 266:72-a, III

APPENDIX B

Rule	Material Incorporated	How Material May be Obtained
Saf-C 906.01(c) and Saf-C 907.01(b)	North American Standard Out-of-Service Criteria (April 1, 2023)	Available from the publisher, Commercial Vehicle Safety Alliance 6303 Ivy Lane, Suite 301 Greenbelt, MD 20770 Telephone: 301.830-6143 Fax: 301.830-6144 Purchase Online: https://www.cvsa.org/inspections/inspections/out-of-service-criteria/

		Cost: $50.00, plus shipping; members $45.00 plus shipping.
Saf-C 906.01(c) & Saf-C 907.01(b)	North American Standard Out of Service Criteria and Level VI Inspection Procedures for Commercial Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR Part 173.403 (April 1, 2022)	Commercial Vehicle Safety Alliance 6303 Ivy Lane, Suite 310 Greenbelt, MD 20770-6319 Tel: 301.830-6143 Fax: 301.830-6144 Available by email request by emailing Carlisle Smith: Carlisle Smith Carlisle.smith@cvsa.org Free of Charge www.cvsa.org

STATE OF NEW HAMPSHIRE

DEPARTMENT OF SAFETY
Division of Motor Vehicles
Stephen E Merrill Building
23 Hazen Drive Concord, NH 03305
TDD Access: Relay NH 1-800-735-2964

APPLICATION FOR WAIVER OF PHYSICAL DEFICIENCY

RSA 266:72-a, III, authorizes the commissioner to waive specific requirements or standards of the medical examination for drivers of all vehicles subject to the motor carrier safety rules who operate exclusively in intrastate commerce and do not carry hazardous materials, if it would not jeopardize the public safety. The specific requirements and standards for the medical examinations are contained in Title 49 of the Code of Federal Regulations part 391.43

Additional copies of this application may be obtained by written request to:

NH Department of Safety
Division of Motor Vehicles – Director's Office
23 Hazen Drive
Concord, New Hampshire 03305
or by calling: (603) 227-4050

TECHNICAL ASSISTANCE

Please read the entire application thoroughly before filling it out. Technical assistance is available if you need help completing this application. For technical assistance, please contact the Division of Motor Vehicles (603) 227-4050.

DUTIES

The waiver of Physical Deficiency shall authorize the driver-applicant to operate only the type of motor vehicle(s) defined in the waiver when the driver-applicant is in compliance with all the conditions and limitations of the waiver or legible copy in their possession whenever on duty.

TERMS AND LIMITATIONS

A Waiver of Physical Deficiency shall be valid for a period not to exceed two (2) years from date issued and the renewal process may be initiated sixty (60) days prior to the expiration date.

FALSE INFORMATION

Falsifying information in this application by either the driver-applicant or the motor carrier shall be just cause to deny the granting of a waiver and shall also be just cause to revoke a waiver (RSA 641:3).

DRAFT

INSTRUCTIONS

THIS APPLICATION SHALL BE ACCOMPANIED BY THE FOLLOWING:

A copy of the results of the medical examination performed (pursuant to 49 CFR 391.43).

A copy of the medical certificate completed (pursuant to 49 CFR 391.43 (f)).

.A medical evaluation summary completed by a licensed physician. The driver-applicant shall provide the physician with a description of the job tasks they will be required to perform.

The summary shall include an assessment of the driver's functional capabilities as they relate to their ability to perform normal tasks associated with operating a commercial motor vehicle; or

An explanation as to whether the impairment interferes with the driver's ability to perform normal tasks associated with operating a commercial motor vehicle. The summary shall also contain an assessment of whether the condition will likely remain medically stable over the driver-applicant's lifetime.

A description of the driver-applicant's prosthetic or orthotic device, if any and a statement regarding whether the driver-applicant is capable of demonstrating their ability to operate a commercial motor vehicle.

The driver-applicant shall be responsible for submitting a completed copy of the employment application from the last commercial driving position they held pursuant to 49 CFR 391.21). If not previously employed as a commercial driver, so state.

A copy of the driver-applicant's certified State Motor Vehicle record for the past three (3) years from each state in which a driver license or permit has been obtained, any at fault accident report records on file for the past ten (10) years (Saf-C 909-09(a)(3)).

AFTER COMPLETING THE APPLICATION:

Recheck the application for completeness
Be sure to enclose or attach all applicable supporting documentation to:

Department of Safety
Division of Motor Vehicles
Steven E. Merrill Building
23 Hazen Drive
Concord NH 03305

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DRIVER-APPLICANT - GENERAL INFORMATION

CHECK ONE: New Applicant ☐ Renewal ☐

Last Name: _____ First Name: _____ MI:__

Date of Birth: __/__/____ Home Phone: ( ) ____-_____ Work Phone: ( ) ____-_____

Street Address _____

City/Town: _____State:_____ Zip Code: _____

Type of Driver License (example: operator, or CDL- A, B, C): _____ State_____

EMPLOYER/MOTOR CARRIER - GENERAL INFORMATION

Name of Employer/Motor Carrier: _____Contact Person:

_____

Phone: ( ) _____-_____ Street Address:_____

City: _____ State: _____ Zip Code: _____

REQUIRED INFORMATION

Description of driver-applicant's physical deficiency for which the waiver is requested:

_____

Date of deficiency: ____/___/_____

Description of the type of operation the driver will be employed to perform _____

_____

Average period of time the driver will be driving each day while on duty: _____

Number of years experience driving all types of motor vehicles: _____

Transmission type (auto or manual – if manual; designate number of forward speeds): _____

_____

Steering – manual or power assisted:_____

Description of any vehicle modification(s) made for the driver-applicant (attach photograph(s) where applicable): _____

Seating capacity of passenger carrying vehicles:_____

The co-applicant employer/motor carrier must certify that the driver-applicant is otherwise qualified under the regulations of 49 CFR 391, Qualifications of Drivers:

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THIS IS A NEW HAMPSHIRE **ONLY** MEDICAL WAIVER

_____ _____/_____/_____

Driver –applicant's Signature Date

By signing above, I certify that this application is signed under penalty of unsworn falsification pursuant to RSA 641:3.

IF APPLICABLE:

_____

PRINT NAME

EMPLOYER/MOTOR CARRIER OFFICIAL'S SIGNATURE

_____

(Corporate Officer, partner or proprietor)

_____/_____/_____

Date

By signing above, I certify that this application is signed under penalty of unsworn falsification pursuant to RSA 641:3.

GRANTING OR DENIAL OF WAIVER

The application shall be reviewed by the Director of the Division of Motor Vehicles and submitted to the Assistant Commissioner of Safety with a recommendation to grant or deny a waiver. Final determination shall be made by the Commissioner and the applicant shall be notified in writing by the Commissioner. Approvals shall include terms, conditions, limitations, and additional information deemed pertinent by the Commissioner.

If an applicant is denied, the applicant may petition the bureau of Hearings and request a REVIEW OF THE APPLICATION AND SUBSEQUENT DENIAL. Such a request must be submitted in writing with the petitioner's name, address, and date of birth to:

DEPARTMENT OF SAFETY
DIVISION OF MOTOR VEHICLESSTEVEN E. MERRILL BUILDING
23 HAZEN DRIVE
CONCORD, NEW HAMPSHIRE 03305

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EMPLOYMENT HISTORY

EXPERIENCE AND QUALIFICATIONS - DRIVER

Drivers Licenses: License #: Type: Exp date:

_____ _____ _____ _____
State

Drivers Licenses: License #: Type: Exp date:

_____ _____ _____ _____
State

Drivers Licenses: License #: Type: Exp date:

_____ _____ _____ _____
State

Driving Experience:

Class of Equipment: Dates from To Approx # Miles

Straight Truck ☐ _____ _____

Tractor and Semi Trailer ☐ _____ _____

Tractor-Two Trailers ☐ _____ _____

Other _____

ACCIDENT RECORD FOR PAST 3 YEARS OR MORE (ATTACH SHEET IF MORE SPACE IS NEEDED):

DATES: NATURE OF ACCIDENT (Head-on, Rear-end, Upset, Etc) FATALITIES INJURIES

Last accident: _____/ _____/ _____

Next Previous: _____/ _____/ _____

Next Previous: _____/ _____/ _____

TRAFFIC CONVICTIONS and FORFEITURES FOR THE PAST 3 YEARS (OTHER THAN PARKING VIOLATIONS):

LOCATION: DATE: CHARGE: PENALTY:

_____ ___/___/____ _____ _____

LOCATION: DATE: CHARGE: PENALTY:

_____ ___/___/____ _____ _____

LOCATION: DATE: CHARGE: PENALTY:

_____ ___/___/____ _____ _____

(ATTACH SHEET IF MORE SPACE NEEDED)

A. Have you ever been denied a license, permit or privilege to operate a motor vehicle? Yes _____ No _____

B. Has any license, permit or privilege ever been suspended or revoked? Yes _____ NO_____
If the answer to either A or B is yes Attach statement giving details:

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EMPLOYMENT RECORD (attach sheet if more space is needed)

Note: DOT Requires that Employment for at Least 3 Years and/or Commercial Driving Experience for the past 10 Years be shown

LAST EMPLOYER:

NAME: _____

ADDRESS: _____

POSITION HELD:_____ FROM: _____ TO: _____SALARY: _____

REASON FOR LEAVING: _____

SECOND LAST EMPLOYER:

NAME: _____

ADDRESS: _____

POSITION HELD:_____ FROM: _____ TO: _____SALARY: _____

REASON FOR LEAVING: _____

THIRD LAST EMPLOYER:

NAME: _____

ADDRESS: _____

POSITION HELD:_____ FROM: _____ TO: _____SALARY: _____

REASON FOR LEAVING: _____

TO BE READ AND SIGNED BY APPLICANT

This certifies that this application was completed by me, and that all entries on it and information in it are true and complete to the best of my knowledge.

_____ _____

DATE APPLICANT'S SIGNATURE

By signing above, I certify that this application is signed under penalty of unsworn falsification pursuant to RSA 641:3.

NOTE: A motor carrier may require an applicant to provide information in addition to the information required by the Federal Motor Carrier Safety Regulations .

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MEDICAL EVALUATION SUMMARY

(to accompany application for waiver of physical deficiency)

The medical evaluation summary must be completed by a licensed physician. The driver-applicant shall provide the physician with a description of the job task he will be required to perform.

TO THE PHYSICIAN:

As more particularly described in Saf-C 909.07, the summary shall include one or more of the following: an assessment of the driver's functional capabilities as they relate to their ability to perform normal tasks associated with operating a commercial motor vehicle; an explanation as to how and why the impairment interfered with the driver's ability to perform normal tasks associated with operating a commercial motor vehicle; the description of any prosthetic device from a medical examiner or specialist; the recommended time period of the waiver; and an assessment of whether the condition will likely remain medically stable over the driver-applicant's lifetime.

Please print or type.

Applicants Name:_____ DOB: / /

Please use the space below for your medical evaluation summary

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/ /

Signature of Physician Date

By signing above, I certify that this application is signed under penalty of unsworn falsification pursuant to RSA 641:3.

Name of Physician: _____

Name of Practice: _____

Address: _____

Telephone #: _____

TO: Rebecca Ricard, Committee Attorney
FROM: David M. Hilts, Senior Staff Counsel
DATE: May 12, 2023
RE: 2023 North American Standard OOS Criteria changes from 2022 version

The proposal updates the edition date of the "North American Standard Out-of-Service Criteria" (OOSC) from April 1, 2022 to April 1, 2023, which is incorporated by reference in Saf-C 907.01(b). These criteria are used by state troopers and other law enforcement agents when conducting motor carrier truck inspections to determine whether to place a vehicle out of service.

The April 1, 2023, OOSC edition introduces several amendments aimed at providing clearer and more precise guidance on when drivers and vehicles should be placed out of service (OOS) during inspections. In Part I of the OOSC, the amendments include the removal of a section in the DRIVER MEDICAL/PHYSICAL REQUIREMENTS related to medical certification, the addition of language for drugs and other substances used within the previous 24 hours, and a clarification of the OOS condition for a false record of duty status. Part II of the OOSC includes amendments related to the severity of rust required on a rotor for brake systems and the placement of tiedowns on cargo.

The revisions to the OOSC in the April 1, 2023, edition are intended to provide more clarity and consistency in the application of the OOS criteria during inspections. The changes made in Part I relate to medical certification, drug and substance use, and false record of duty status, while Part II includes amendments for brake systems and cargo securement. The amendments in Part I aim to provide clear and precise guidance on when drivers should be declared OOS, while the changes in Part II provide greater clarity on the criteria for inspecting brake systems and cargo securement. The revisions aim to improve road safety by ensuring that drivers and vehicles that pose an imminent hazard are promptly placed out of service.