

## 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.

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96, EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM, eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05

**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;**
- (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.

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96, EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM, eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05

## 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.

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96, EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM, eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05 (formerly Saf-C 1801.02)

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

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96, EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM, eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05 (formerly Saf-C 1801.03)

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

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96, EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM, eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05 (formerly Saf-C 1801.04)

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

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96, EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM, eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05 (formerly Saf-C 1801.05)

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

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96, EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM, eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05 (formerly Saf-C 1801.06)

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

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96, EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM, eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05 (formerly Saf-C 1801.07)

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

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96, EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM, eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05 (formerly Saf-C 1801.08)

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

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96, EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM, eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05 (formerly Saf-C 1801.09)

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

Source. #4983, eff 11-16-90; ss by #6298, INTERIM, eff 8-3-96, EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM, eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05 (formerly Saf-C 1801.10)

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

Source. #8405, eff 8-2-05 (formerly Saf-C 1801.11)

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

Source. #8405, eff 8-2-05 (formerly Saf-C 1801.12)

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

[Source.](#) #8405, eff 8-2-05 (formerly Saf-C 1801.13)

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).

[Source.](#) #8405, eff 8-2-05 (formerly Saf-C 1801.14)

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

[Source.](#) #8405, eff 8-2-05

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

[Source.](#) #8405, eff 8-2-05 (formerly Saf-C 1801.15)

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

[Source.](#) #8405, eff 8-2-05 (formerly Saf-C 1801.16)

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

[Source.](#) #8405, eff 8-2-05 (formerly Saf-C 1801.17)

Saf-C 1802.18 "Mailing address" means specification of the location where a person regularly receives properly addressed mail via the U.S. postal service.

[Source.](#) #8405, eff 8-2-05

Saf-C 1802.19 "Original commercial driver license" means the first New Hampshire commercial driver license issued to a person.

[Source.](#) #8405, eff 8-2-05 (formerly Saf-C 1801.18)

Saf-C 1802.20 "Permanent address" means specification of the location where a person makes his/her residence. The term does not include addresses consisting solely of a post office box number.

[Source.](#) #8405, eff 8-2-05

Saf-C 1802.21 "Person" means a human being.

[Source.](#) #8405, eff 8-2-05 (formerly Saf-C 1801.19)

Saf-C 1802.22 "Recreation vehicle" means "recreation vehicle" as defined in RSA 259:84-a.

[Source.](#) #8405, eff 8-2-05 (formerly Saf-C 1801.20)

Saf-C 1802.23 "Residence" means "residence" as defined in RSA 21:6-a.

[Source.](#) #8405, eff 8-2-05

Saf-C 1802.24 "Resident" means "resident" as defined in RSA 21:6.

[Source.](#) #8405, eff 8-2-05

Saf-C 1802.25 "Serious traffic violation" means "serious traffic violation" as defined in RSA 259:98-a.

[Source.](#) #8405, eff 8-2-05 (formerly Saf-C 1801.21)

Saf-C 1802.26 "State" means "state" as defined in RSA 259:106, III.

Source. #8405, eff 8-2-05 (formerly Saf-C 1801.22)

Saf-C 1802.27 "Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include cargo tanks and portable tanks, as defined in 49 CFR 171.8. The term does not include portable tanks having a rated capacity under 1000 gallons.

Source. #8405, eff 8-2-05 (formerly Saf-C 1801.23)

Saf-C 1802.28 "Vehicle" means "vehicle" as defined in RSA 259:122, I.

Source. #8405, eff 8-2-05 (formerly Saf-C 1801.24)

Saf-C 1802.29 "Vehicle group" means a class or type of vehicle with certain operating characteristics.

Source. #8405, eff 8-2-05 (formerly Saf-C 1801.25)

## PART Saf-C 1803 COMMERCIAL DRIVER LICENSE APPLICATION REQUIREMENTS

### Saf-C 1803.01 Application Form.

(a) The department shall furnish application forms DSMV 312 at any substation or the:

Division of Motor Vehicles  
23 Hazen Drive  
Concord, NH 03305

(b) Each applicant shall submit form DSMV 312, in person to a substation or, in person or by mail, to:

Division of Motor Vehicles  
23 Hazen Drive  
Concord, NH 03305

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

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

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96,  
EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM,  
eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05, (formerly Saf-C 1802.01)

### Saf-C 1803.02 Application, Data Required.

(a) Each applicant shall furnish the following on form DSMV 312:

- (1) Whether the applicant is a United States citizen;
- (2) Legal name;
- (3) Permanent address;

- (4) Mailing address;
  - (5) Social security number, if required pursuant to RSA 263:90(d);
  - (6) Date of birth;
  - (7) Sex, height, weight, color of eyes and color of hair;
  - (8) State/country where previous driver license was held, if applicable, including:
    - a. Driver license number and class;
    - b. Any restrictions or endorsements on driver license;
    - c. Expiration date; and
    - d. Exact name on driver license;
  - (9) Class(es) of commercial driver license and endorsement(s) requested;
  - (10) Whether the vehicle the applicant intends to operate is equipped with air brakes;
  - (11) The following certified statements:
    - a. The applicant is a resident of this state;
    - b. The applicant has paid all resident taxes for which he/she is liable;
    - c. The applicant's driving privileges are not subject to or under default, suspension or revocation by any state or country;
    - d. Whether the applicant is required to file proof of insurance with the director as a result of a default, suspension, revocation or motor vehicle accident by any state or country;
    - e. Whether the applicant has been disqualified from operating any motor vehicle within the previous 2 years;
    - f. The applicant meets the federal driver qualifications and requirements for interstate commerce;
    - g. Whether the applicant has held a valid commercial driver license, other than the one issued by the state of primary residence, during the 10 years immediately prior to making application; and
    - h. Whether the applicant has been involved in a motor vehicle accident which resulted in a violation of any local or state motor vehicle law within the previous 2 years;
  - (12) Whether the applicant wants only his/her mailing address to appear on the commercial driver license;
  - (13) Whether the applicant wants his/her social security number to appear on the commercial driver license;
  - (14) Whether the applicant, who is at least 18 years of age, wants to register with the Selective Service; and
  - (15) Signature of the applicant.
- (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 1002.03.

(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 1002.06.

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96, EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM, eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05, (formerly Saf-C 1802.02)

#### Saf-C 1803.03 Application Fee.

(a) Each applicant shall submit form DSMV 312 and the statutory fee, pursuant to RSA 263:42, 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 section 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 address of record;

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; and

(3) Signature and rank of a commissioned officer certifying that the applicant signed the affidavit in his/her presence.

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96, EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM, eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05, (formerly Saf-C 1802.03)

#### Saf-C 1803.04 Renewal Commercial Driver License – 75 Years of Age and Older.

(a) Each applicant for a renewal commercial driver license who is 75 years of age or older shall complete the

following in the order reflected:

- (1) The visual acuity examination set forth in Saf-C 1004; and
- (2) The off-road and on-road skills examination set forth in Saf-C 1806.03 and Saf-C 1806.04, in the highest class of commercial vehicle he/she requests to drive.

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96, EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM, eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05

Saf-C 1803.05 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 written 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.

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96, EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM, eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05

Saf-C 1803.06 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.

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96, EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM, eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05, (formerly Saf-C 1802.06)

Saf-C 1803.07 Applicant with Out of State Address. An application for a commercial driver license that does not bear a permanent address within the state of New Hampshire shall be rejected and returned to the applicant, pursuant to Saf-C 1803.08, for the applicant to prove that he/she is a resident of New Hampshire.

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96, EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM, eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05

Saf-C 1803.08 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.

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96, EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM, eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05

Saf-C 1803.09 Application Accepted.

(a) Upon completion of an application, an applicant who is not required to complete a road skills examination may walk into any driver licensing office during regular business hours without an appointment.

(b) Upon receipt of a completed application, the division shall give an applicant who is required to complete a road skills examination an appointment to personally appear at a designated driver licensing location.

(c) The appointment set forth in (b) above, shall include the following:

- (1) Applicant's name, address and date of birth;
- (2) Location and time;
- (3) Notification that the applicant shall be required to provide proof of positive identification;
- (4) Notification that the applicant shall be required to satisfactorily complete:
  - a. A visual acuity examination; and
  - b. A written examination, road skills examination, or both.

(d) In the event it is necessary to reschedule an appointment, notice of rescheduling shall be sent to the applicant.

(e) In the event an applicant fails to give the division at least 24 hours notice of his/her 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 6 weeks after the date of the initial appointment.

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96, EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM, eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05



### Saf-C 1803.10 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.

Source. #8405, eff 8-2-05

## 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 satisfactorily complete the following in the order reflected:

- (1) The visual acuity examination set forth in Saf-C 1004;
- (2) The appropriate written 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 satisfactorily complete the following:

- (1) For a double/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 written 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 written 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;
  - b. The written examination set forth in Saf-C 1805.01(b)(6); and
  - c. The road skills examination set forth in Saf-C 1806.01;
- (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 written examination set forth in Saf-C 1805.01(b)(7); and
- c. Provide fingerprints; 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 written examination set forth in Saf-C 1805.01(b)(5), if not already taken and passed;
- c. The written 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.

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96, EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM, eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05, (formerly Saf-C 1803.01)

#### 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 satisfactorily complete 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 satisfactorily complete the following in the order reflected:

- (1) The visual acuity examination set forth in Saf-C 1004;
- (2) The appropriate written 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 he/she requests to retain shall complete the following in the order reflected:

- (1) The visual acuity examination set forth in Saf-C 1003.04; and
- (2) The written 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 he/she requests to retain shall provide fingerprints, unless the applicant can prove that fingerprints were submitted to the jurisdiction which issued the hazardous materials endorsement.

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96, EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM, eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05, (formerly Saf-C 1803.02)

#### 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 placarded for hazardous materials or designed to transport 16 or more persons, including the operator, 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 satisfactorily complete the following in the order reflected:

- (1) The appropriate written 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 satisfactorily complete the following in the order reflected:

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

Source. #8405, eff 8-2-05, (formerly Saf-C 1803.03)

### PART Saf-C 1805 WRITTEN EXAMINATION REQUIREMENTS

#### Saf-C 1805.01 Written 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) Written 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.

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96, EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM, eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05, (formerly Saf-C 1803.04)

#### Saf-C 1805.02 Written Examination: Administration.

(a) The passing grade for each written 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) No person, other than authorized licensing personnel, shall be allowed to remove written examination materials from the designated testing area.

(d) Each applicant for an original commercial driver license shall pass the written examination prior to taking the road skills examination.

(e) Written examinations shall be valid for a period of one year.

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96, EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM, eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05, (formerly Saf-C 1803.05)

#### Saf-C 1805.03 Requirements for Oral Examination.

(a) Each applicant for a commercial driver license who has a recognized disability under the Americans With Disabilities Act, 42 U.S.C. 12101 et seq., which requires an oral examination, may complete such oral examination designated by the director of the same format set forth in Saf-C 1805.01.

(b) Each applicant shall provide proof to the department that he/she has a recognized disability under the Americans With Disabilities Act prior to an oral examination being conducted.

(c) Each oral examination pursuant to (a) above shall only be conducted by authorized licensing personnel.

(d) Notwithstanding (a) above, oral examinations shall not be conducted for any applicant requesting a hazardous materials endorsement.

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96,  
EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM,  
eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05

## PART Saf-C 1806 ROAD SKILLS EXAMINATION REQUIREMENTS

Saf-C 1806.01 Road Skills Examination: Description. The road skills examination shall consist of the following in the order reflected:

- (a) Pre-trip safety inspection, pursuant to Saf-C 1806.02;
- (b) Off-road skills, pursuant to Saf-C 1806.03; and
- (c) On-road skills, pursuant to Saf-C 1806.04.

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96,  
EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM,  
eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05, (formerly Saf-C 1803.06)

### Saf-C 1806.02 Pre-Trip Safety Inspection.

(a) Using the pre-trip safety inspection, the department shall determine whether the applicant knows that the vehicle is safe to drive. Each applicant shall pass the pre-trip safety inspection in the event he/she receives no more than 6 failing marks in (c)(1)-(24) below.

(b) Notwithstanding (a) above, each applicant shall immediately fail the pre-trip safety inspection in the event he/she receives a failing mark in (c)(7) or (c)(9) below.

(c) Each applicant shall inspect the following items on his/her vehicle, if the vehicle is so equipped:

- (1) Exterior lights;
- (2) Horn;
- (3) Splash guards;
- (4) Fluid levels;
- (5) Belts and hoses;
- (6) Fluid leaks;
- (7) Tires, wheels, lugs and rims;
- (8) Springs/shock absorbers;
- (9) Brake system components including drums, linings, cylinders and hoses;
- (10) Axle seals;
- (11) Doors and mirrors;
- (12) Emergency equipment;
- (13) Fuel tanks;
- (14) Air/electrical lines and connectors;

- (15) Fifth wheel assembly;
- (16) Trailer support assembly or landing gear;
- (17) Battery;
- (18) In-cab brake system components;
- (19) Gauges;
- (20) Windows/wipers;
- (21) Heater/defroster;
- (22) Panel lights;
- (23) Controls; and
- (24) Seat belts.

(d) In addition to (c) above, each applicant for a passenger vehicle endorsement shall inspect the following items on his/her vehicle to ensure that all items are present and functional:

- (1) Fire extinguisher;
- (2) Passenger entry doors;
- (3) Emergency exits; and
- (4) Seats and interior.

Source. #4901, eff 8-3-90; amd by #5764, eff 12-28-93; ss by #6338, eff 9-25-96; ss by #8182, INTERIM, eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05

#### Saf-C 1806.03 Off-Road Skills.

(a) Using the off-road skills examination, the department shall determine whether the applicant has the basic ability to control the vehicle. The off-road skills examination shall consist of various exercises marked by lines, traffic cones, or rope.

(b) The off-road skills examination shall include all of the following maneuvers:

- (1) Straight-line backing, which shall include:
  - a. Control of vehicle;
  - b. Pullups; and
  - c. Use of mirrors;
- (2) Forward stopping, which shall include position after a stop;
- (3) Alley docking, consisting of performing a 90 degree turn and backing up the length of the trailer to a dock, which shall include:
  - a. Striking a marker or a curb;
  - b. Final position;

- c. Pullups; and
  - d. Number of times getting out of vehicle; and
- (4) Parallel parking, consisting of both conventional and sight side parallel parking, which shall include:
- a. Striking a marker or a curb;
  - b. Final position;
  - c. Pullups; and
  - d. Number of times getting out of vehicle.

(c) Point values shall be assigned to each maneuver. Each time a maneuver is not made in compliance with this section, the applicant shall have the prescribed number of points deducted from his/her score.

(d) Each applicant shall fail the off-road skills examination if he/she receives 26 demerit points or more out of a possible 100.

(e) Each applicant who fails the off-road skills examination shall not be permitted to proceed to the on-road skills portion of the examination.

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96, EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM, eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05

#### Saf-C 1806.04 On-Road Skills.

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

(b) The on-road skills examination shall consist of a qualitative evaluation of the applicant's abilities and skills in the following general categories:

- (1) Caution:
  - a. At intersection or railroad grade crossing;
  - b. When changing lanes;
  - c. Upon entering or exiting a highway; and
  - d. When pulling away from curb;
- (2) Grade control, which shall include:
  - a. Amount of roll-back;
  - b. Setting of the wheel and controls; and
  - c. Upgrades and downgrades;
- (3) Signs/traffic signals, which shall include:
  - a. Obedience to signs and signals;
  - b. Position after a stop; and

- c. Failing to make a full stop;
- (4) Right and left turns, which shall include:
- a. Swinging too wide;
  - b. Cutting too short;
  - c. Starting from the wrong lane; and
  - d. Ending in the wrong lane;
- (5) Right of way, which shall include:
- a. Other vehicles;
  - b. Pedestrians;
  - c. Emergency vehicles; and
  - d. Accepting right of way;
- (6) Speed control, which shall include:
- a. Over the speed limit;
  - b. Too slow or needless stops;
  - c. Basic speed;
  - d. Turns and curves;
  - e. Approaching corners;
  - f. Upon entering or exiting a highway; and
  - g. Following distances;
- (7) Lane usage, which shall include:
- a. Choice of proper lane;
  - b. Position in the lane; and
  - c. Smoothness;
- (8) Reaction to hazards, which shall include:
- a. Dangerous maneuvers;
  - b. Striking an object;
  - c. Lack of control; and
  - d. Scanning for hazards; and
- (9) Railroad grade crossings, which shall include:
- a. Use of flashers; and
  - b. Proper crossing.



(c) Point values shall be assigned to each maneuver. Each time a maneuver is not made in compliance with this section, the applicant shall have the prescribed number of points deducted from his/her score.

Source. #8405, eff 8-2-05

#### Saf-C 1806.05 Road Skills Examination Failure.

(a) Each applicant shall fail the road skills examination if he/she receives 26 demerit points or more out of a possible 100.

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

- (1) Striking another vehicle, a pedestrian, or any fixed object;
- (2) Improper action causing collision or near-collision of other vehicles in the immediate vicinity;
- (3) Action requiring driving by another driver or dodging by a pedestrian to prevent collision;
- (4) Action requiring an examiner to come to the aid of the applicant in controlling the vehicle;
- (5) Stalling the vehicle within a busy intersection because of inexperience or lack of skill;
- (6) Driving 2 wheels over the curb or onto the sidewalk;
- (7) Committing any driving maneuver, either because of lack of skill or caution, which causes immediate danger to any person or property;
- (8) Lack of control to the point where the examiner believes continuation of the examination would be dangerous;
- (9) Serious violation of any traffic laws;
- (10) Refusal to try any maneuver; or
- (11) Repeated failure to follow instructions.

(c) The examination shall not be immediately discontinued and counted as a failure if, in the judgment of the examiner, any of the occurrences set forth in (b)(1) through (9) above were unavoidable.

Source. #8405, eff 8-2-05, (formerly Saf-C 1803.07)

#### 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.

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

(e) Each applicant requesting a commercial driver license for a vehicle equipped with air brakes shall provide a vehicle with air brakes for the road skills examination.

(f) Each tank vehicle shall be loaded to approximately 50% of the vehicle's normal operating capacity at the time of the road skills examination or the examination shall be postponed.

(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.

Source. #8405, eff 8-2-05, (formerly 1803.08)

Saf-C 1806.07 Re-Examination After Failure.

(a) In the event an applicant fails to complete an examination prescribed herein, no further examinations shall be administered on that date unless the director designates otherwise.

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

Source. #8405, eff 8-2-05

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 written 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.

Source. #4901, eff 8-3-90; ss by #6298, INTERIM, eff 8-3-96, EXPIRES: 12-1-96; ss by #6338, eff 9-25-96; ss by #8182, INTERIM, eff 9-25-04, EXPIRED: 3-24-05

New. #8405, eff 8-2-05, (formerly Saf-C 1804.01)

Saf-C 1807.02 Removal of Commercial Driver License Restriction.

(a) Each driver who requests to have a restriction removed from his/her commercial driver license shall comply

with the provisions of Saf-C 1008.07.

(b) Each commercial driver who requests removal of an air brake restriction shall furnish the following on form DSMV 329:

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

(c) Upon receipt of the completed form DSMV 329, the applicant shall satisfactorily complete:

- (1) The written 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.

[Source.](#) #8405, eff 8-2-05, (formerly Saf-C 1804.02)

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

Saf-C 1808.01 Hearing. Prior to the suspension of a commercial driver license or endorsement(s), a person shall be given notice and the opportunity for an administrative hearing in accordance with the provisions of Saf-C 200.

[Source.](#) #8405, eff 8-2-05, (formerly Saf-C 1805.01)

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; or
- (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.

[Source.](#) #8405, eff 8-2-05, (formerly Saf-C 1805.02)

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 committed during a 3- year period as follows:

- (1) Upon conviction of a first violation, 30 days;

- (2) Upon conviction of a second violation, 60 days;
- (3) Upon conviction of a third violation, 120 days;
- (4) Upon conviction of a fourth violation, one year; and
- (5) Upon conviction of a fifth violation, 10 years.

[Source.](#) #8405, eff 8-2-05, (formerly Saf-C 1805.03)

Saf-C 1808.04 Suspension for False Information. In the event the department determines that an applicant has misrepresented or falsified information on his/her application which would or did enable him/her 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.

[Source.](#) #8405, eff 8-2-05, (formerly Saf-C 1805.04)

## 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.

[Source.](#) #8405, eff 8-2-05, (formerly Saf-C 1806.01)

### Saf-C 1809.02 Serious Traffic Violations.

(a) For the purposes of RSA 259:98-a, the following convictions shall be considered serious traffic violations:

- (1) An offense involving the transportation of explosives, pursuant to RSA 265:115;

- (2) An offense involving the transportation of hazardous materials or wastes, pursuant to RSA 265:117;
- (3) Carrying passengers in trucks for consideration, pursuant to RSA 265:106;
- (4) Driving after revocation or suspension, pursuant to RSA 263:64;
- (5) Driving under the influence of alcohol or drugs, pursuant to RSA 265:82 and 265:82-a;
- (6) 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;
- (7) Leaving the scene of a motor vehicle accident resulting in death, personal injury or damage to property, pursuant to RSA 264:25;
- (8) Manslaughter resulting from the operation of a motor vehicle, pursuant to RSA 630:2;
- (9) Possession of drugs, pursuant to RSA 265:80;
- (10) Racing on highways, pursuant to RSA 265:75;
- (11) Reckless driving, pursuant to RSA 65:79, including, but not limited to, offenses for driving a commercial motor vehicle in willful or wanton disregard for the safety of persons or property;
- (12) Refusal of consent, pursuant to RSA 265:92;
- (13) Negligent homicide involving a motor vehicle, pursuant to RSA 630:3;
- (14) Improper or erratic lane changes, pursuant to RSA 265:24, RSA 265:44, and RSA 265:45;
- (15) Following too closely, pursuant to RSA 265:25;
- (16) Railroad grade crossings, pursuant to RSA 265:48 through RSA 265:51;
- (17) Violation of driver or vehicle out-of-service order while transporting nonhazardous materials;
- (18) Violation of driver or vehicle out-of-service order while transporting hazardous material required to be placarded or while operating a vehicle designed to transport 16 or more persons;
- (19) Driving without having obtained a commercial driver license;
- (20) Driving without having a valid commercial driver license in possession; and
- (21) Driving without a valid commercial driver license or endorsement(s).

[Source.](#) #8405, eff 8-2-05, (formerly Saf-C 1806.02)

#### 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.

[Source.](#) #8405, eff 8-2-05, (formerly Saf-C 1806.03)

#### 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.

[Source.](#) #8405, eff 8-2-05, (formerly 1807.01)

### Appendix

<b>Rule</b>	<b>Statute</b>
Saf-C 1801.01	RSA 259:12-e
Saf-C 1801.02	RSA 21-P:14, IV(m) RSA 263:98, VI
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 1802.18-1802.21	RSA 541-A:7
Saf-C 1802.22	RSA 259:84-a
Saf-C 1802.23	RSA 21:6-a
Saf-C 1802.24	RSA 21:6
Saf-C 1802.25	RSA 259:98-a
Saf-C 1802.26	RSA 259:106, III
Saf-C 1802.27	RSA 541-A:7 49 CFR 171.8
Saf-C 1802.28	RSA 259:122, I
Saf-C 1802.29	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 263:42, I
Saf-C 1803.04-1803.05	RSA 21-P:14, IV(m) RSA 263:93 RSA 263:98, X
Saf-C 1803.06	RSA 21-P:14, IV(m) RSA 21-P:18 RSA 263:22 RSA 263:27

