

NEW HAMPSHIRE

Department of Safety, Highway Enforcement, Concord, NH. 603-271-3339.

266:72 Spillage of Material. –

- I. No vehicle shall be driven or moved on any way unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a way in cleaning or maintaining such way.
- II. No person shall operate on any way any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached, or in any manner a hazard to other users of the way. Without limiting the foregoing provision, no person shall drive on any way any open vehicle loaded with earth, sand, asphalt, stone, gravel, or other particulate substance unless said vehicle is equipped with and said load is entirely covered and secured by a tarpaulin or similar covering which prevents the escape of any substance from said load onto the way.
II-a. No person shall operate on any way any open vehicle loaded with light scrap metal, unless the load is covered with and secured by a close-fitting tarpaulin which prevents the escape of any light scrap metal from the load onto the way. For the purposes of this paragraph "light scrap metal" means any fragments less than 8 inches wide and no more than 1/8 inch thick of manufactured metal articles or shredded metal parts rejected or discarded and useful only as material for reprocessing. The provisions of this paragraph shall not apply to truck operators transporting crushed vehicles to shredding facilities or to transporters of heavy scrap metals to or from metal scrap dealers or remelting facilities.
- III. Any person who violates the provisions of this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person. Any person shall be liable to the state or town for any damage done to the way by spillage.
- IV. The provisions of paragraphs I, II, II-a, and III of this section shall not apply to a local farmer transporting his own farm products or materials incidental to his farming operations where such transporting requires incidental use of a way, provided that such farmer shall not thereby be relieved of his duty to exercise reasonable care in carrying on such operations.
- V. The provisions of paragraphs II and II-a shall not apply to:

- a. The operation of highway building equipment as defined in RSA 259:42 and motor vehicles used in the construction of highways provided that such equipment or motor vehicle is used within a highway construction zone as prescribed by the commissioner of transportation, provided that the driver of any such vehicle shall not thereby be relieved of his duty to exercise reasonable care;
- b. The operation of municipal and state highway maintenance equipment;
- c. The driving of any vehicle on a way at speeds of less than 30 miles per hour.

266:72-a Motor Carriers; Equipment.

- I. The commissioner may adopt as rules, under RSA 541-A, the current version of the federal motor carrier safety regulations promulgated by the U.S. Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, contained in 49 C.F.R. 107, 382, 385-397. 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. The commissioner shall be authorized to exempt vehicles and drivers operating exclusively in intrastate commerce from such rules which the commissioner determines impose an unnecessary regulatory burden without providing a corresponding safety benefit.
- II. Whenever the commissioner finds that a motor carrier safety regulation in 49 C.F.R. sections 390-397, provides an equal or greater degree of safety the commissioner may, pursuant to RSA 260:5, adopt the federal regulation as a rule, and the rule shall take precedence over the conflicting provisions of this title. No person who is in compliance with the corresponding rule adopted by the commissioner shall be convicted of violating a conflicting provision of this title. The commissioner shall request the introduction, at the next annual session of the legislature following adoption of such a rule, of legislation amending or repealing the conflicting provision of this title and, if the legislation is not enacted, any rule so adopted shall be automatically repealed 60 days after the last day of the legislative session.
- III. The drivers of all vehicles subject to the motor carrier rules who operate exclusively in intrastate commerce shall be subject to the medical examination, written tests, and road tests required by 49 C.F.R. sections

391.31-391.49, as amended, provided, however, that the commissioner may waive specific requirements or standards of the medical examination for any such driver who has a valid commercial driver's license issued by this state on or after January 1, 1990, if it would not jeopardize public safety to grant such a waiver. The commissioner may adopt rules pursuant to RSA 541-A relative to standards for the granting of such waivers. The department shall make interested parties aware of the provisions of this paragraph. Once a waiver is granted under this paragraph, the waiver shall be placed on the medical examination card required by federal regulation.

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

Source. 1985, 213:24. 1989, 139:1. 1997, 252:2, 3, eff. Aug. 18, 1997.