

TITLE I

THE STATE AND ITS GOVERNMENT

CHAPTER 21-P

DEPARTMENT OF SAFETY

General Provisions

Section 21-P:1

21-P:1 Purpose. – The purpose of this chapter is to improve the administration of state government by consolidating and providing unified direction of procedures, programs, and related functions in the field of public safety, in order to help assure the security and physical safety of the citizens of New Hampshire. It is the intent of the general court that this consolidation result in improved integration of state public safety functions and increased efficiency and effectiveness in the administration of these programs.

Source. 1987, 124:1, eff. July 1, 1987.

Section 21-P:2

21-P:2 Establishment; General Functions. –

- I. There is established the department of safety, an agency of the state, under the executive direction of a commissioner of safety.
- II. The department of safety, through its officials, shall be responsible for the following general functions:
 - (a) Enforcing the criminal law.
 - (b) Administering and enforcing laws relative to motor vehicles and drivers.
 - (c) Assuring fire, building, and equipment safety.
 - (d) Promoting vehicle and highway safety.
 - (e) Administering and enforcing laws relative to emergency medical services.
 - (f) Administration and enforcement of the motor vehicle road toll laws.
 - (g) Homeland security and emergency management.
 - (h) Statewide enhanced 911 and emergency telecommunications services.
 - (i) Operation of the fire academy and firefighter training programs.

Source. 1987, 124:1. 1999, 345:2. 2008, 358:2, eff. Sept. 9, 2008.

Section 21-P:3

21-P:3 Commissioner; Directors; Compensation. –

- I. The commissioner of the department shall be appointed by the governor, with the consent of the council, and shall serve for a term of 4 years, provided that the first term shall expire on March 31, 1991. The commissioner shall be qualified to hold that position by reason of education and experience. A vacancy shall be filled for the unexpired term.
- II. The commissioner shall nominate each division director for appointment by the governor, with the consent of the council. Each division director shall serve for a term of 4 years. Vacancies shall be filled for the unexpired term. The directors shall be qualified to hold their respective positions by reason of education and experience. The director of state police shall be a citizen of the United States and shall have had experience in the investigation of crime, criminal prosecution, and in the enforcement of traffic laws at the time of his

appointment.

III. The salaries of the commissioner and the division directors shall be as specified in RSA 94:1-a.

Source. 1987, 124:1, eff. July 1, 1987.

Section 21-P:4

21-P:4 Duties of Commissioner. –

In addition to the powers, duties, and functions otherwise vested by law, including but not limited to those enumerated in RSA 21-G:9, the commissioner of the department of safety shall:

I. Represent the public interest in the administration of the department of safety and be responsible to the governor, the general court, and the public for such administration.

II. Require the director of the division of administration, in consultation with the commissioner of administrative services and the treasurer, to provide for a system of accounts and reports in accordance with generally accepted accounting principles, which will insure the integrity and lawful use of all revenues collected by the department, the use of which is restricted by state or federal law.

III. Have authority to adopt rules, under RSA 541-A, necessary to assure the continuation or granting of federal funds or other assistance not otherwise provided for by law.

IV. Have discretion to grant to highway enforcement officers within his department certain police powers as follows:

(a) Power to serve criminal and habitual offender process, make arrests, and enforce all criminal laws and motor vehicle laws and rules of the state.

(b) Power to inspect motor vehicles transporting hazardous materials in accordance with RSA 21-P:17.

(c) Power to enforce the provisions of RSA 375-A and 376.

V. Have discretion to grant to the state fire marshal and any deputy fire marshal or fire investigator within the division of public safety the authority to detain and make arrests as a peace officer pursuant to RSA 594, to serve criminal processes, to enforce the rules adopted under RSA 153:4-a and RSA 153:5, and to enforce RSA 154:7-a in order to promote the efficient discharge of such persons' lawful duties. Except for fire investigators under RSA 154:7-a, the commissioner shall assure in granting the authority provided in this paragraph that any person so designated has received appropriate law enforcement training through a program approved by the police standards and training council. Whenever persons authorized as peace officers under this paragraph are involved in the investigation of felonies or cases involving death due to fires, or whenever an arrest is to be made, such persons shall as soon as practicable notify a law enforcement agency having jurisdiction in the geographical area where the arrest or investigation is to take place.

VI. Have the discretion to grant to bingo and lucky 7 inspectors within the lottery commission certain limited police powers as follows:

(a) Power to serve criminal process.

(b) Power to make arrests for violations of RSA 287-E or any other laws or rules governing bingo and lucky 7 and to enforce and make arrests for violations of any criminal laws which they uncover incident to their enforcement of the bingo and lucky 7 law.

(c) Power to inspect premises that conduct bingo or lucky 7 or any records pertaining to bingo or lucky 7.

VII. Have the discretion to grant authority to issue a citation for violations of fire safety rules adopted under RSA 153:4-a, RSA 153:5, and RSA 160-C and to unlicensed persons who perform actions that require a license under RSA 153:28, RSA 153:29-a, or RSA 329-A to the state fire marshal or his or her designee, or to any fire chief, fire investigator, fire inspector or fire prevention officer who meets the qualifications established pursuant to RSA 21-P:14, II(s). A citation for violations under this paragraph shall carry the penalty set forth under RSA 153:24. A building official or code enforcement officer may also be granted authority under RSA 21-P:14, II(s) to issue a citation to any unlicensed person who performs actions requiring a license under RSA 153:28, RSA 153:29-a, or RSA 329-A.

VIII. Have the discretion to grant authority to act as an appropriate law enforcement authority for service of orders under RSA 153:14 to the state fire marshal or his designee.

IX. Have the authority to cooperate with other states in the exchange of information, on a reciprocal basis, relative to law enforcement matters; including but not limited to, motor vehicle violations involving alcohol or drug-related offenses, criminal matters, missing persons, stolen motor vehicles, and other police-related

information. The commissioner shall make such information obtained from other states available to the law enforcement community.

X. [Repealed.]

XI. Have the discretion to grant to police officers of the state office complex police force such titles, ranks, and police powers as the commissioner deems necessary including the power of arrest for violations of the criminal and motor vehicle laws and the power to serve criminal process, and may limit such powers as deemed necessary. They shall have general police powers on the state office campus and New Hampshire hospital grounds and when attempting to apprehend a person who has committed a crime on the campus or escaped from the hospital, and when acting to transport a patient to or from the hospital, the court, or another mental health facility, or when acting to transport to or from a police station or correctional facility.

XII. Establish an easily accessible mechanism for citizens to file complaints with the department relating to on-board diagnostic system testing required by RSA 266:59-b. The complaint mechanism shall include either a telephone number reserved exclusively for such complaints or an Internet site for such complaints that may be accessed through links prominently displayed on Internet sites operated by the department or the state.

XIII. Establish a program to waive the repair requirements of the OBD II testing program. Waivers shall be granted based on indigency or other urgent financial need. The waiver program required by this paragraph shall be consistent with the recommendations of the OBD II testing advisory committee established in RSA 266:59-b, VII and shall be implemented no later than February 1, 2007.

XIV. Have authority, on behalf of the state of New Hampshire:

(a) To participate in the Uniform Carrier Registration System as authorized by section 4305 of the federal Unified Carrier Registration Act of 2005, 49 U.S.C. section 14504a, as amended.

(b) To enter into a multistate agreement or federal program for the purpose of administering the Uniform Carrier Registration Act of 2005, 49 U.S.C. section 14504a, as amended.

(c) To administer the Unified Carrier Registration System of 2005, 49 U.S.C. section 14504a, as amended.

(d) To adopt rules, under RSA 541-A, as are necessary for the proper administration and enforcement of this paragraph. Such rules may include, without limitation, rules establishing registration fees and other fees sufficient to cover the direct and indirect costs of administration and enforcement of this section. All fees collected under this section shall be deposited into the highway fund to promote motor carrier safety programs and enforcement, and to administer costs associated with the administration of the Unified Carrier Registration System.

XV. [Repealed.]

XVI. Implement the state highway safety program as provided in RSA 21-P:55 through RSA 21-P:63.

Source. 1987, 124:1; 356:1, 2. 1988, 84:1; 288:1, 14. 1992, 154:1. 2003, 319:84. 2004, 257:1, 49. 2005, 296:1. 2006, 222:1. 2007, 263:167. 2008, 25:1. 2009, 52:3. 2011, 74:1, eff. July 1, 2011; 210:1, eff. Jan. 1, 2012. 2013, 30:1, eff. May 16, 2013; 100:7, eff. Aug. 23, 2013. 2015, 176:1, eff. June 26, 2015; 276:127, 158, eff. July 1, 2015. 2016, 147:12, eff. July 1, 2016. 2017, 201:5, eff. Sept. 3, 2017. 2018, 234:1, eff. July 1, 2019.

Section 21-P:5

21-P:5 Assistant Commissioner. –

I. The commissioner of safety shall nominate 2 assistant commissioners for appointment by the governor, with the consent of the council. Each assistant commissioner shall serve a term of 4 years, coincident with that of the commissioner, and may be reappointed. The assistant commissioner shall be qualified to hold that position by reason of education and experience.

II. Each assistant commissioner shall perform such duties as are assigned by the commissioner. In the event that the commissioner is unable for any reason to perform his or her duties, the assistant commissioner who has served in that capacity longer shall assume the duties of the commissioner, unless otherwise designated by the commissioner. The assistant commissioners shall be responsible for the operations of the bureau of hearings, and shall, subject to the supervision of the commissioner, exercise authority as required to ensure that the divisions and their directors are implementing the organizational goals and managing the work of the department in an effective manner.

III. The salary of the assistant commissioner shall be as specified in RSA 94:1-a.

Source. 1987, 124:1. 1994, 389:7. 2002, 220:13. 2003, 319:101. 2004, 171:23, eff. July 24, 2004. 2015, 276:36, eff. July 1, 2015.

Section 21-P:5-a

21-P:5-a Director of Homeland Security and Emergency Management. –

I. Notwithstanding the provisions of RSA 21-G and RSA 21-P:3, the commissioner, after consultation with the governor, shall nominate for appointment by the governor and council, a director of homeland security and emergency management, who shall serve for a term of 3 years. The director of homeland security and emergency management shall be qualified by education and experience and shall receive the salary provided in RSA 94:1-a.

II. The director of homeland security and emergency management, under the supervision of the commissioner and the governor, shall devote full time and attention to overseeing the state-level planning, preparation, exercise, response to and mitigation of terrorist threats and incidents and natural and human-caused disasters. He or she shall serve as the state's primary contact with the federal Department of Homeland Security, and shall have authority to oversee and coordinate planning, response, and recovery efforts of all state agencies to terrorist events and natural and human-caused disasters and wide-scale threats to public safety. He or she shall collaborate with the department of health and human services and shall coordinate the efforts of other state agencies in preventing and responding to epidemics and other significant threats to the public health. All state agencies shall and are authorized to cooperate with the director in carrying out his or her duties as enumerated in this section.

III. [Repealed.]

IV. The director of homeland security and emergency management shall keep the president of the senate and speaker of the house of representatives or their designees promptly informed of any impending or actual emergencies that require coordinated action with the legislative branch.

V. During service as director, the director of the division of homeland security and emergency management may elect not to become a member of the retirement system, however if he or she becomes a member he or she shall be eligible to be a group II member if he or she was a group II member or receiving a group II retirement allowance prior to appointment.

Source. 2006, 290:12, eff. July 1, 2006. 2012, 226:4, II, eff. June 16, 2012. 2013, 196:3, 5, eff. July 9, 2013.

Section 21-P:5-b

21-P:5-b Chief of Policy and Planning. – The commissioner of safety shall nominate a chief of policy and planning for appointment by the governor, with the consent of the council. The chief of policy and planning shall serve at the pleasure of the commissioner and shall be qualified to hold that position by reason of education and experience and shall perform such duties as are assigned.

Source. 2007, 263:89, eff. July 1, 2007.

Section 21-P:6

21-P:6 Division of Administration. –

There is established within the department the division of administration under the supervision of an unclassified director of administration who shall, in accordance with applicable laws, be responsible for the following functions:

I. Accounting, purchasing, and budget control.

II. Personnel management.

III. Property, contracts, and grants management.

IV. Data processing.

V. Assistance to the commissioner with short and long range department level planning activities.

VI. [Repealed.]

VII. [Repealed.]

VIII. Collection of fuel taxes and administration of road tolls, the international fuel tax agreement, and the audit functions of the international registration plan under RSA 260.

IX. Appointment, with the approval of the commissioner, of a road toll administrator who shall be a classified employee and who shall, under the supervision of the director of administration, be responsible for administration of the motor vehicle road toll law and the fuel tax agreement. The director of administration may delegate to the administrator authority to sign and execute any documents pertaining to the director's work and such documents so signed by the road toll administrator shall have the same effect as though signed by the director.

Source. 1987, 124:1. 1992, 165:3. 1993, 231:5, I. 2011, 11:1, 6, I, eff. April 25, 2011. 2013, 100:11, eff. Aug. 23, 2013.

Section 21-P:6-a

21-P:6-a Deputy Director of Administration. –

I. The commissioner of safety shall nominate a deputy director of administration for appointment by the governor, with the consent of the council. The deputy director of administration shall serve a term of 4 years, and may be reappointed. The deputy director of administration shall be qualified to hold that position by reason of education and experience.

II. The deputy director of administration shall perform such duties as are assigned by the director of administration. The deputy director of administration shall assume the duties of the director of administration in the event that the director of administration is unable for any reason to perform such duties.

III. The salary of the deputy director of administration shall be as specified in RSA 94:1-a.

Source. 2019, 346:210, eff. July 1, 2019.

Section 21-P:7

21-P:7 Division of State Police. –

I. There is established within the department the division of state police under the supervision of an unclassified director of state police who shall be responsible for the following functions, in accordance with applicable laws:

(a) Enforcing state criminal and motor vehicle laws, public safety laws, and laws relative to hazardous waste, hazardous materials transportation, and truck weight enforcement.

(b) Issuing nonresident pistol permits in accordance with RSA 159:6.

(c) Carrying out the duties specified in RSA 106-B.

(d) Regulation of detective agencies and security services under RSA 106-F.

(e) Forensic science laboratory services, including expert assistants and such facilities as are necessary to support the investigatory, analytical, and enforcement functions of the state criminal, motor vehicle, hazardous waste, and other public safety laws.

(f) Approving professional standards of conduct and standard operating procedures of the division of state police.

(g) Carrying out the duties assigned to the marine patrol bureau.

II. Notwithstanding any other provision of law, the provisions of RSA 106-B:4 shall continue to apply to the division of state police. The division shall be authorized to continue to use the nomenclature designating the units and personnel of the division in use on the effective date of this chapter.

III. [Repealed.]

Source. 1987, 124:1. 2002, 220:9. 2003, 319:85. 2004, 257:15, I. 2007, 263:106. 2011, 11:2, eff. April 25, 2011; 224:230, eff. July 1, 2011.

Section 21-P:7-a

21-P:7-a Repealed by 2008, 358:16, II, eff. Sept. 9, 2008. –

Section 21-P:7-b

21-P:7-b State Office Complex Police Force. – The commissioner of safety is authorized to organize a state office complex police force for the purpose of patrolling the New Hampshire hospital's buildings, roads, and grounds of the campus of the state office park south and providing for general security on the campus. The state office complex police force shall be under the immediate control of and responsible to the commissioner of safety or his or her designee.

Source. 2004, 257:50, eff. Jan. 1, 2005. 2018, 234:2, eff. July 1, 2019.

Section 21-P:7-c

21-P:7-c Authority of State Office Complex Police Force Officers; Memorandum of Understanding; Funding. –

I. All police officers of the state office complex police force shall possess such police powers as are granted to them by the commissioner of safety pursuant to RSA 21-P:4, XI and shall be fully certified as police officers by the police standards and training council pursuant to RSA 106-L. In addition they shall receive additional training in dealing with persons with mental illness as specified by the commissioner of safety after consultation with the chief executive officer of the New Hampshire hospital.

II. The commissioner of the department of health and human services shall enter into a memorandum of understanding with the commissioner of safety for the purposes of delineating the functions, duties, and responsibilities of the department of safety in regard to the provision of security and dispatch services to the New Hampshire hospital. The memorandum of understanding shall include, but not be limited to: responding to emergencies within New Hampshire hospital, maintaining the security of the hospital buildings, insuring the safety of patients, staff, and visitors, apprehending involuntarily committed persons who leave the hospital without authorization, accepting custody of involuntary admissions, transporting patients for medical, legal, and other purposes, investigating cases of abuse, neglect, sexual assault, and other criminal conduct, providing training, and conducting searches and seizures of contraband. In addition, the department of safety shall provide dispatch services including, but not limited to: monitoring hospital access between 8 p.m. and 8 a.m., operating and monitoring video security systems, receiving incoming communications, assessing the priority of the call and dispatching appropriate assistance, coordinating emergency preparedness procedures, receiving incoming fire calls and alarms, and operating the switchboard between 8 p.m. and 8 a.m. and at other times as needed.

III. Within the limits of funds budgeted for state office complex police force positions, the department of health and human services shall maintain the funding for the state office complex police force and pay the department of safety for providing these services.

Source. 2004, 257:50. 2008, 61:4, eff. May 21, 2008. 2017, 206:6, eff. Sept. 8, 2017. 2018, 234:3, eff. July 1, 2019.

Section 21-P:8

21-P:8 Division of Motor Vehicles. –

There is established within the department the division of motor vehicles under the supervision of an unclassified director of motor vehicles who shall be responsible for the following functions, in accordance with applicable law:

I. Motor vehicle and driver regulation, including, but not limited to, driver licensing, vehicle registration, financial responsibility compliance, and title issuance.

II. Registration of commercial and private boats, as provided in RSA 270-E:3.

III. Administration of the motor vehicle laws under RSA 260, except for road toll administration under RSA 260:30 through RSA 260:65-a and the fuel tax agreement under RSA 260:65-b through RSA 260:65-e, which shall be administered by the division of administration.

IV. [Repealed.]

Source. 1987, 124:1. 1990, 229:16. 2002, 220:11. 2011, 11:3, 6, II, eff. April 25, 2011. 2013, 100:12, eff. Aug. 23, 2013.

Section 21-P:9

21-P:9 Assistant to the Director; Financial Responsibility Supervisor. –

The director of motor vehicles, with the approval of the commissioner, shall appoint the following assistants, who shall be classified employees:

I. An assistant to the director of motor vehicles, who shall carry out such duties as may be assigned to him or her by the director.

II. A financial responsibility supervisor who shall assume, under the control of the director of motor vehicles, the responsibility of the administration of the motor vehicle financial responsibility law. The director may delegate to said supervisor authority to sign and execute any documents pertaining to his or her work and such documents so signed by the supervisor shall have the same effect as though signed by the director.

Source. 1987, 124:1; 356:3. 2005, 203:1, 2. 2011, 11:4, eff. April 25, 2011.

Section 21-P:10

21-P:10 Repealed by 2011, 224:274, I, eff. July 1, 2011. –

Section 21-P:10-a

21-P:10-a Repealed by 2011, 224:274, II, eff. July 1, 2011. –

Section 21-P:10-b

21-P:10-b Report and Budget. –

I. The department of safety shall submit as part of the biennial report required under RSA 20:7, a report on the revenue generated from safe boater education certificates.

II. In conjunction with the operating budget of the department of safety, the department shall submit a budget for the biennium beginning July 1, 2003, and for each biennium thereafter, which shall include the revenue generated from safe boater education certificates and all revenues and expenditures of the navigation safety fund established in RSA 270-E:6-a.

Source. 2002, 272:9. 2008, 358:3. 2011, 224:236, eff. July 1, 2011. 2017, 34:1, eff. May 9, 2017.

Section 21-P:11

21-P:11 Repealed by 2002, 220:14, I, eff. July 1, 2002. –

Section 21-P:11-a

21-P:11-a Deputy Director of Motor Vehicles. –

I. The commissioner of safety shall nominate a deputy director of motor vehicles for appointment by the governor, with the consent of the council. The deputy director of motor vehicles shall serve a term of 4 years, and may be reappointed. The deputy director of motor vehicles shall be qualified to hold that position by reason of education and experience.

II. The deputy director of motor vehicles shall perform such duties as are assigned by the director of motor vehicles. The deputy director of motor vehicles shall assume the duties of the director of motor vehicles in the event that the director of motor vehicles is unable for any reason to perform such duties.

III. The salary of the deputy director of motor vehicles shall be as specified in RSA 94:1-a.

Source. 1999, 225:23, eff. July 1, 1999.

Section 21-P:12

21-P:12 Division of Fire Safety. –

There is established within the department a division of fire safety. Such division shall be under the supervision of an unclassified director who shall be known as the state fire marshal. The state fire marshal shall be nominated by the commissioner of safety, after consultation with the state advisory board of fire control, for appointment by the governor, with the consent of the council, and shall serve a term of 4 years until a successor is appointed. If no successor has been appointed with the consent of the council within 6 months of the expiration of the term, the governor shall appoint a successor with the consent of the council. The state fire marshal shall be academically and technically qualified to hold the position. The state fire marshal shall be a citizen of this state or become a citizen of this state within one year of his or her appointment. He or she shall devote his or her entire time to the duties of the division of fire safety and shall receive the salary specified in RSA 94:1-a for the state fire marshal. The state fire marshal shall be responsible for the following functions, in accordance with applicable law:

I. Investigation of the causes and circumstances of fires.

II. Fire safety regulations and education.

III. Coordination of state agency response to accidents involving hazardous materials, and regulation of liquid propane gas pipelines safety, except propane gas pipelines regulated by the public utilities commission pursuant to RSA 362. The director, with the approval of the commissioner, shall appoint a hazardous materials incident response coordinator who shall assist local incident commanders with command, logistics, and resources, coordinate the training and procedures of the state's regional hazardous materials response teams in all areas of the state, oversee the preparedness of the hazardous materials response teams and assist local communities in their efforts to obtain reimbursement for emergency responses pursuant to RSA 154:8-a, II-a.

III-a. Administration of the modular building standards program under RSA 205-C.

IV. Carrying out all other functions assigned to him in RSA 153 or any other provision of law.

V. [Repealed.]

VI. [Repealed.]

VII. Administration, supervision, and enforcement of RSA 153:27-38. There is hereby established within the department of safety a bureau of building safety and construction under the supervision of the state fire marshal, which shall include the mechanical safety staff.

VIII. Provision of clerical support for the state advisory board of fire control.

Source. 1987, 124:1. 1989, 388:1, 11. 1994, 389:8. 2002, 220:1; 257:1, 5. 2003, 319:102, 131, III. 2004, 171:24. 2005, 122:1; 177:104, 105. 2006, 206:1. 2011, 11:5, eff. April 25, 2011. 2012, 237:7, II, eff. June 4, 2013. 2013, 275:1, eff. July 1, 2013.

Section 21-P:12-a

21-P:12-a Division of Fire Standards and Training and Emergency Medical Services; Disposition of Funds. –

I. There is established within the department a division of fire standards and training and emergency medical services, under the supervision of an unclassified director of fire standards and training and emergency medical services who shall administer and supervise a fire and emergency medical service training and research program throughout the state. The director of fire standards and training and emergency medical services shall be nominated by the commissioner of safety, after consultation with the fire standards and training commission and the emergency medical and trauma services coordinating board, for appointment by the governor, with consent of the council, and shall serve a term of 4 years until a successor is appointed. The commission shall take a recorded vote regarding its concurrence or non-concurrence in the commissioner's nomination decision. If the commission votes not to concur in the decision, it shall submit a letter to the commissioner so stating, and the commissioner shall in turn submit that letter to the governor and council. The director of fire standards and training and emergency medical services shall be academically and technically qualified to hold the position, and

shall receive the salary specified in RSA 94:1-a.

II. The director shall:

- (a) Be responsible for the day-to-day operations of the division of fire standards and training and emergency medical services, the operations of the fire academy, including establishing training programs and offering instruction in methods of determining and dealing with the causes of fire and the prevention of fire, techniques in firefighting, emergency medical services, and rescue, research and techniques in firefighting and fire protection, the administration and management of fire departments and emergency medical services units, and the provisions of RSA 21-P:12-b.
 - (b) Establish fees to be collected for tuition, licenses, and services. Such fees shall be subject to the approval of the commissioner of the department of safety. The commissioner may for good cause waive any fees charged under this subparagraph and may authorize tuition reimbursement from the fire standards and training and emergency medical services fund.
 - (c) Establish, maintain, approve, and certify programs, courses, institutions, and facilities for study for all fire service and emergency medical services personnel and recruits according to accepted curricula.
 - (d) Develop and administer the provision of professional instruction and training for all fire, rescue, and emergency medical services.
 - (e) Develop and promote new methods and practices of firefighting, delivery of emergency medical services, rescue operations, injury prevention, fire prevention, and fire and emergency medical services administration.
 - (f) Disseminate information relative to fire and rescues, techniques of firefighting and rescuing, fire prevention, fire administration, emergency medical services, and other related subjects to all interested agencies and individuals throughout the state.
 - (g) Be authorized to employ part-time instructors or assistants and compensate them for organizing, developing, and conducting approved fire training, emergency medical services, and rescue courses or other work as directed at an hourly rate established by the commissioner and for mileage and expenses incurred in performing their official duties.
 - (h) With the approval of the commissioner, accept in the name of the state any and all donations, fees for tuition, rents, services and any and all moneys and grants from any governmental unit, public agency, institution, person, firm, or corporation and receive, utilize, expend, and dispose of such funds subject to budgetary provisions, consistent with the rules of the department of safety and the purposes or conditions of the donations or grant.
- III. The receipt of a donation or grant under subparagraph II(h) shall be noted in the biennial report of the department of safety, which will also identify the nature of the donation or grant and the conditions of the donation or grant, if any. Any moneys received by the division pursuant to subparagraph II(h) shall be deposited in the state treasury to the account of the department of safety and shall not lapse. In addition, the division may receive, hold, and use gifts, bequests, and devises either outright or in trust for purposes consistent with this chapter.

Source. 1994, 389:9. 1997, 135:1. 1998, 321:3. 2001, 91:15. 2004, 171:26, eff. July 24, 2004.

Section 21-P:12-b

21-P:12-b Bureau of Emergency Medical Services. –

- I. There is established within the division of fire standards and training and emergency medical services a bureau of emergency medical services under the supervision of a classified chief of the bureau of emergency medical services reporting to the division director.
- II. The bureau chief, under the supervision of the director of the division of fire standards and training and emergency medical services, shall:
 - (a) Be responsible for the day-to-day operations of the bureau of emergency medical services.
 - (b) Plan and provide operational resources as available, for the coordination of emergency medical and adult and pediatric trauma services recommended throughout the state with and between private units and local, county, and state agencies. Such a plan shall include provisions for response to mass casualty incidents. The plan shall be tested by exercises from time to time in coordination with other appropriate local and state agencies.
 - (c) Carry out public information and education relative to the availability and appropriate use of the emergency medical and trauma services system.
 - (d) Facilitate the establishment and maintenance of a communications network that addresses citizen access to

the emergency medical and trauma services system and communications among emergency medical service units, health care facilities, and other local, county, and state agencies involved in the care or transportation of persons in need of appropriate medical attention.

(e) Provide for the training and for the written and practical testing of emergency medical care providers, in accordance with RSA 153-A:11.

(f) License emergency medical care providers, emergency medical service units, emergency medical service instructor/coordinators, emergency medical service training agencies, emergency medical services dispatchers, and emergency medical service vehicles, including wheelchair vans for hire.

(g) Establish a data collection and analysis capability that provides for the evaluation of the emergency medical and trauma services system and for modifications to the system based on identified gaps and shortfalls in the delivery of emergency medical and trauma services. The data and resulting analysis shall be provided to the bodies established under this chapter, provided that such use does not violate the confidentiality of recipients of emergency medical care. The provisions of RSA 153-A:35 shall be followed with regard to other uses of this data for research and evaluation purposes, and for protecting the confidentiality of data in those uses. All analyses shall be public documents, provided that the identity of the recipients of emergency medical care are protected from disclosure either directly or indirectly.

(h) Carry out investigations as provided under RSA 153-A:14.

(i) Provide administrative support, within the limits of available funding, to the coordinating board, emergency medical services medical control board, trauma medical review committee, and the councils.

(j) With the approval of the commissioner, be authorized to employ part-time instructors, evaluators, and practical skill examination aides for the purpose of delivering training and written and practical examinations.

(k) Prepare budgets and grant requests for funds needed to maintain an effective emergency medical and trauma services system, and plan initiatives related to improving the general health of the public.

(l) With the approval of the commissioner, accept in the name of the state any and all donations, fees for tuition, rents, services, and any and all money and grants from any governmental unit, public agency, institution, person, firm, or corporation and receive, utilize, expend, and dispose of such funds subject to budgetary provisions, consistent with the rules of the department of safety and the purposes or conditions of the donation or grant.

(m) With the approval of the commissioner, establish fees to be collected for tuition, services, and licenses. The commissioner may for good cause waive any fees charged under this subparagraph and may authorize tuition reimbursement from the fire standards and training and emergency medical services fund.

(n) Develop and implement a plan for individuals possessing a New Hampshire emergency services license to provide non-emergency services at social or sporting events. Such plan shall be developed and implemented by July 1, 2013. The plan shall be distributed to the commissioner of safety, the director of the division of fire standards and training and emergency medical services, and the chair of the emergency medical and trauma services coordination board.

III. The receipt of a donation or grant under subparagraph II(l) shall be noted in the annual report of the department of safety, which will also identify the nature of the donation or grant and the conditions of the donation or grant, if any. Any moneys received by the division pursuant to subparagraph II(l) shall be deposited in the state treasury to the account of the department of safety and shall not lapse. In addition, the division may receive, hold, and use gifts, bequests, and devises either outright or in trust for purposes consistent with this chapter.

Source. 1999, 345:3. 2001, 91:3. 2004, 171:26. 2011, 169:1, eff. Jan. 1, 2012. 2012, 216:1, eff. June 13, 2012. 2018, 144:1, eff. July 29, 2018.

Section 21-P:12-c

21-P:12-c Liability Limited; State Certified Fire Instructors. –

I. Any person who is a state certified fire instructor employed by a nonprofit fire department or emergency medical service unit shall be immune from civil liability in any action brought on the basis of any act or omission during training which results in damage or injury to any person if:

(a) The instructor had prior written approval from the division, to teach a curriculum approved by the fire standards and training commission;

(b) The instructor was acting in good faith and within the scope of the instructor's official functions and duties as

an instructor; and

(c) The damage or injury was not caused by willful, wanton, or grossly negligent misconduct by the instructor.

II. In this section:

(a) "Damage or injury" includes physical, nonphysical, economic and noneconomic damage and property damage.

(b) "Nonprofit fire department" shall include, but not be limited to, not for profit fire service organizations exempt from taxation under section 501(c) of the Internal Revenue Code of 1986 organized or incorporated in this state.

(c) "State certified fire instructor" means a person who has completed the requirements to hold such certification as approved by the New Hampshire fire standards and training commission.

Source. 2000, 196:1, eff. Jan. 1, 2001.

Section 21-P:12-d

21-P:12-d Fire Standards and Training and Emergency Medical Services Fund. – There is established in the office of the state treasurer a separate, nonlapsing fund to be known as the fire standards and training and emergency medical services fund from which the state treasurer shall pay expenses incurred in the administration of the division of fire standards and training and emergency medical services, under RSA 21-P:12-a, the division of fire safety, under RSA 21-P:12, the division of homeland security and emergency management, and the position of fireworks inspector, under RSA 160-C:17. If the expenditure of additional funds over budget estimates was unanticipated and is necessary for the proper functioning of the division of fire standards and training and emergency medical services, the division of fire safety, or the division of homeland security and emergency management, the commissioner of the department of safety may transfer funds, with the prior approval of the fiscal committee of the general court, from this fund to the department of safety for such purposes.

Source. 2001, 91:4. 2003, 248:1. 2004, 171:27. 2008, 192:4, eff. June 11, 2008; 361:16, eff. June 11, 2008 at 12:01 a.m. 2012, 247:14, eff. Aug. 17, 2012. 2013, 144:69, eff. July 1, 2013.

Section 21-P:12-e

21-P:12-e Fire Standards and Training, Emergency Medical Services, and Fire Safety Report and Budget. –

I. The department of safety shall submit as part of the annual report required under RSA 20:7, a report on the training and educational programs offered or contracted by the division of fire standards and training and emergency medical services and the activities of the division of fire safety, the development of the technological advancements in division programs, the revenue generated from the sale of motor vehicle records, the budget and revenue projections of the 2 divisions, the degree of coordination with municipal fire and emergency medical services departments, and the extent of direct aid to municipalities and mutual aid associations.

II. In conjunction with the operating budget of the department of safety, the department shall submit a budget for the biennium beginning July 1, 2003, and for each biennium thereafter, which shall include financial responsibility for and the costs of all programs offered or contracted by the division of fire standards and training and emergency medical services and the division of fire safety, the development of technological advancements in division programs, the revenue generated from the sale of motor vehicle records, the extent of direct aid to municipalities and mutual aid associations, and all revenues and expenditures of the dedicated fund established in RSA 21-P:12-d.

Source. 2001, 91:4. 2003, 248:3. 2004, 171:27. 2008, 358:4, eff. Sept. 9, 2008.

Section 21-P:12-f

21-P:12-f Repealed by 2008, 335:7, II, eff. Sept. 5, 2008. –

Section 21-P:13

21-P:13 Bureau of Hearings. –

I. There is established within the department the bureau of hearings under the supervision of an administrator of hearings, who shall be directly responsible to the assistant commissioner, and who shall be a classified employee.

II. The bureau of hearings shall be responsible for holding all adjudicative hearings on behalf of the commissioner of safety or any division of the department. The bureau of hearings shall have authority to take disciplinary action in the name of such division against any holder of a license, permit, or registration issued by such division in accordance with law.

II-a. Unless otherwise provided by law, all appeals of a decision of the commissioner of safety or the bureau of hearings shall be pursuant to RSA 541.

III. The commissioner of safety or designee is authorized, whenever the commissioner deems it feasible, upon giving timely written notice to the parties, to provide to the parties to an administrative hearing the opportunity to hold the hearing and take testimony by video teleconference, provided that testimony is limited to the matters relating to hearings that are open to the public in accordance with RSA 541-A. Either party shall have an opportunity to file a timely written objection to the introduction of testimony by video teleconference, stating its reasons for the objection, and the commissioner or designee, upon determining that one or more of the parties would be substantially disadvantaged in presenting their case by video teleconference, may order live testimony. For purposes of this section, "video teleconference" includes the use of any technology that provides live, interactive aural and visual communication.

Source. 1987, 124:1. 2011, 220:1, eff. Aug. 27, 2011. 2013, 125:1, eff. Jan. 1, 2014.

Section 21-P:14

21-P:14 Rulemaking Authority; Commissioner of Safety. –

I. The commissioner of safety shall develop and adopt rules, under RSA 541-A, relating to driver education courses to be given in the secondary schools of the state and motor vehicle drivers' schools licensed under the provisions of RSA 263:44, and relating to the licensing of the schools and of their teachers and instructors, which rules shall cover the subjects of:

- (a) Facilities and equipment.
- (b) The educational background and other qualifications of teachers and instructors.
- (c) Curriculum and hours during which instruction may be given.
- (d) Amounts of insurance with respect to training vehicles and other facilities of the school, which may be in addition to any other insurance coverage required by law.
- (e) Admission and advertising practices, together with terms of enrollment, of schools licensed under the provisions of RSA 263:44.
- (f) Uniform classifications for certification of driver education instructors, including the same types of certification levels and the same qualifications required for each level for both private and public school instructors, and a system of fees for certification.
- (g) Any other subject which in the judgment of the commissioner requires rulemaking to promote the effectiveness of driver education courses.

II. The commissioner of safety shall adopt rules, under RSA 541-A, relative to:

- (a) Regulation of hazardous materials and wastes and low-level radioactive waste, as authorized by RSA 21-P:17, I.
- (b) The administration of the division of state police and fees for criminal record and fingerprint checks, as authorized by RSA 106-B:7.
- (c) Gathering information and maintaining records on criminals, as authorized by RSA 106-B:14, I.
- (d) Licensing private investigative agencies, security guard services, and bail recovery agents, as authorized by RSA 106-F:3.
- (e) The sale, storage, handling and transportation of explosives, as authorized by RSA 158:9-f.
- (f) Nonresident pistol permits, as authorized by RSA 159:6.

- (g) [Repealed.]
 - (h) [Repealed.]
 - (i) Regulation of boats and boaters, as authorized by RSA 270:11.
 - (j) [Repealed.]
 - (k) Noise level testing and certification, as authorized by RSA 270:39.
 - (l) Regulation of rafting of boats, as authorized by RSA 270:43.
 - (m) Regulation of carnival and amusement rides, as authorized by RSA 321-A:2.
 - (n) Registration fees for carnival or amusement operators, as authorized by RSA 321-A:5, I.
 - (o) Self-dialing alarm systems, as authorized by RSA 370-A:2.
 - (p) Railroad police, as authorized by RSA 381:11.
 - (q) [Repealed.]
 - (r) Qualifications of persons to receive the authority of peace officers under RSA 21-P:4, V.
 - (s) Qualification for a person to receive the authority granted pursuant to RSA 21-P:4, VII.
 - (t) [Repealed.]
 - (u) Application for and issuance of household goods carrier certificates, including all necessary forms, as authorized by RSA 375-A:3 and 375-A:5, IV-V.
 - (v) Annual reporting requirements, as authorized by RSA 375-A:13.
 - (w) Regulating household goods carriers, as authorized by RSA 375-A:14.
 - (x) [Repealed.]
 - (y) Regulation of common and contract carriers of passengers by motor vehicle, as authorized by RSA 376:21.
 - (z) The establishment of training criteria for hazardous materials incident responders and for the implementation of a statewide hazardous material command system. Such rules shall be in addition to rules adopted under RSA 21-P:14, II(a) and shall be adopted after consultation with the fire standards and training commission. No rule shall infringe on the authority of the governor or the office of emergency management under this chapter or RSA 4.
 - (aa) Vessel registration and numbering under RSA 270-E.
 - (bb) Administrative fines for inspection stations in violation of any inspection law or rule, as authorized under RSA 266:1, XI.
 - (cc) Licensing of emergency medical care providers and administration and enforcement of emergency medical and trauma care services under RSA 153-A.
 - (dd) The methods, procedures, and techniques for the testing of blood, urine, and breath to determine alcohol concentration as described under RSA 265-A:5, V.
 - (ee) [Repealed.]
- III. The commissioner of safety shall adopt rules, under RSA 541-A and RSA 260:5, relative to motor vehicle registration as follows:
- (a) Application for and issuance of motor vehicle certificates of title, including all necessary forms, as authorized by RSA 261:1, 261:4, and 261:31, I.
 - (b) Exemption from the motor vehicle certificate of title requirement, as authorized by RSA 261:3.
 - (c) Maintaining records of motor vehicle certificates of title, as authorized by RSA 261:7.
 - (d) Requirements for posting bond when motor vehicle ownership is in doubt, as authorized by RSA 261:10, II.
 - (e) Certificates of title held by motor vehicle dealers, as authorized by RSA 261:15.
 - (f) Voluntary and involuntary transfers of interests in a motor vehicle, as authorized by RSA 261:14, 261:16, and 261:17.
 - (g) Certificates of title for salvage vehicles, as authorized by RSA 261:22.
 - (h) Issuance of duplicate certificates of title, as authorized by RSA 261:12.
 - (i) Perfection, assignment, and release of security interests in motor vehicles, as authorized by RSA 261:24-29.
 - (j) Investigations to procure information relative to motor vehicle certificates of title, as authorized by RSA 261:31, II.
 - (k) Identification numbers for vehicles, as authorized by RSA 261:31, IV.
 - (l) Fees for issuing certificates of title, as authorized by RSA 261:20.
 - (m) Application for and issuance of certificates of registration for motor vehicles, including all necessary forms, as authorized by RSA 261:40 and 261:52.
 - (n) Registration of motor vehicles owned by nonresidents, as authorized by RSA 261:42-48.
 - (o) Maintaining records of certificates of registration, as authorized by RSA 261:58.

- (p) Preparation and distribution of registration listings, as authorized by RSA 261:60.
 - (q) Extension of registration expiration, as authorized by RSA 261:63.
 - (r) Exemption from the registration requirement for certain construction equipment, as authorized by RSA 261:64.
 - (s) [Repealed.]
 - (t) Issuing certificates of registration upon transfer of ownership, as authorized by RSA 261:66.
 - (u) Procedures for registration by municipal agents, as authorized by RSA 261:74-a-261:74-g.
 - (v) Issuance of number plates for motor vehicles, as authorized by RSA 261:75-97.
 - (w) Registration by motor vehicle manufacturers or dealers, including the posting of bond by a dealer, as authorized by RSA 261:97 through RSA 261:111-a.
 - (x) Registration by motorcycle and moped manufacturers or dealers, as authorized by RSA 261:112-113.
 - (y) Registration by transporters, as authorized by RSA 261:114-118.
 - (z) Registration by utility dealers, as authorized by RSA 261:119-122.
 - (aa) Registration by automotive recycling dealers, as authorized by RSA 261:123-134.
 - (bb) Registration by motor vehicle repairers, as authorized by RSA 261:136-139.
 - (cc) Classification of motor vehicles for registration fee purposes, as authorized by RSA 261:143.
 - (dd) Exemption from registration fees for publicly owned vehicles, as authorized by RSA 261:145, and for emergency vehicles, as authorized by RSA 261:146.
 - (ee) Refund of registration fees for members of the armed forces, as authorized by RSA 261:68.
 - (ff) Municipal permits for registration, as authorized by RSA 261:148.
 - (gg) Exemption from municipal permit fees for certain veterans, as authorized by RSA 261:157, RSA 261:157-a, and 261:159; and for nonprofit organizations, as authorized by RSA 261:158.
 - (hh) Suspension of registrations, licenses, and privileges, as authorized by RSA 261:177 and 261:178.
 - (ii) Permits for the use of antique motor car registration plates, as authorized by RSA 261:89-a.
- IV. The commissioner of safety shall adopt rules, under RSA 541-A and RSA 260:5, relative to licensing drivers as follows:
- (a) Procedures for and information required on driver's license applications, including all necessary forms, as authorized by RSA 263:5.
 - (b) Driver's license examination and reexamination requirements, as authorized by RSA 263:6 and 263:7.
 - (c) Restricted licenses, as authorized by RSA 263:13.
 - (d) Conditions and requirements for a driver's license, as authorized by RSA 263:14-263:33-b.
 - (e) Intrastate licenses for nonresidents, as authorized by RSA 263:39-a.
 - (f) Access to information regarding anatomical gifts, as authorized by RSA 263:41.
 - (g) Collection of drivers' license fees, as authorized by RSA 263:42.
 - (h) Petitions for refund of fees, as authorized by RSA 263:43.
 - (i) Application and requirements for issuance of motor vehicle drivers' school licenses, as authorized by RSA 263:44-47 and 263:49-51.
 - (j) Suspension or revocation of a driver's license or driving privilege, as authorized by RSA 263:53 through RSA 263:65, RSA 263:73, RSA 265-A:26, and RSA 265-A:29.
 - (k) Appeals of driver's license denial, suspension, or revocation, as authorized by RSA 263:75, RSA 265-A:34, and RSA 263:76.
 - (l) Application for and issuance of a vanpooler's permit, as authorized by RSA 376:2, XII.
 - (m) Commercial driver license requirements, as authorized by RSA 263:98.
 - (n) Temporary driver's licenses, including procedures for the issuance, revocation, form, and other related matters, as authorized by RSA 263:5-a.
 - (o) Format, content and procedures for the display of the notice required under RSA 260:10-a, II.
 - (p) Criteria for waiver of the default fee required under RSA 263:56-a, I-a.
 - (q) Approval of driver attitude programs and fee as provided in RSA 263:56-e.
 - (r) Administrative suspension of motor vehicle licenses pursuant to RSA 265:91-b and RSA 265:91-c and RSA 265-A:30 through RSA 265-A:32, including notices, forms, temporary driving permits, hearing procedures, and procedures for restoration after the suspension period.
 - (s) Establishment of administrative procedures to aid in the collection of protested checks relating to drivers' licenses, vehicle registrations, titles, permits or fees, including provisions for suspension of license, registration, title, or permit.

(t) Procedures for conducting the problem driver pointer system search, including forms and procedures to be used in conducting a problem driver pointer search as initiated by an employer.

V. The commissioner of safety shall adopt rules, under RSA 541-A and RSA 260:5, relative to motor vehicle regulation as follows:

- (a) Motor vehicle inspection, as authorized by RSA 266:1, I.
- (b) School bus inspection, as authorized by RSA 266:7.
- (c) School bus design, as authorized by RSA 266:62.
- (d) School bus driver certification, as authorized by RSA 263:29.
- (e) Proof of financial responsibility, as authorized by RSA 264:1 and 264:2, II.
- (f) Forms of security, as authorized by RSA 264:4.
- (g) Reports of motor vehicle accidents, as authorized by RSA 264:25.
- (h) Licensing of distributors of motor fuels, as authorized by RSA 260:36.
- (i) Licensing of transporters of motor fuels and petroleum products, as authorized by RSA 260:42, I.
- (j) Reporting requirements for motor fuel distributors and transporters, as authorized by RSA 260:43.
- (k) Refunds of road tolls on motor fuels, as authorized by RSA 260:47, 260:48 and 260:49.
- (l) Licensing of users of special fuels, as authorized by RSA 260:52, V.
- (m) Special fuel user bonds.
- (n) [Repealed.]
- (o) Notification of statutory liens, as authorized by RSA 260:63.
- (p) Procedures for motor vehicle hearings, including habitual offender hearings.
- (q) Procedures for the inspection and verification of oil import records pursuant to RSA 146-A:11-b after consultation with the department of environmental services and the oil fund disbursement board, and pursuant to RSA 147-B:12 after consultation with the department of environmental services.
- (r) Procedures and criteria for authorizing the disposal of abandoned vehicles pursuant to RSA 262:36-a.
- (s) Issuance of permits for emergency lights for hospital emergency personnel pursuant to RSA 266:78-c, V.
- (t) [Repealed.]
- (u) School bus driver qualification files, school bus operation and school bus accident reports, as provided in RSA 263:29-a.

VI. The commissioner of safety shall adopt by rule, under RSA 541-A, the fuel tax agreement and any proposed changes to the fuel tax agreement that have been adopted by the legally joined jurisdictions to the agreement.

VII. The commissioner of safety, in consultation with the fire standards and training commission and the emergency medical and trauma services coordinating board, shall adopt rules under RSA 541-A, relative to:

- (a) Fees for tuition, services, and licenses under RSA 21-P:12-a and 21-P:12-b.
- (b) Tuition reimbursement under RSA 21-P:12-a and 21-P:12-b.
- (c) The circumstances in which a waiver may be granted under RSA 21-P:12-a, II(b) and RSA 21-P:12-b, II(m).

VIII. The commissioner of safety, in consultation with the enhanced 911 commission, shall adopt rules, pursuant to RSA 541-A, relative to:

- (a) The conduct of the enhanced 911 commission meetings.
- (b) The development of minimum selection, educational, and training standards for emergency public safety answering point personnel.
- (c) Procedures for the conduct of investigations authorized under RSA 106-H.
- (d) Procedures for the collection and updating of the necessary database.
- (e) Procedures for the necessary cooperation and coordination with telephone utilities, municipalities, and the public for the effective implementation of the enhanced 911 system.
- (f) Procedures necessary for adequate funding of the enhanced 911 system, including coordination with the public utilities commission for appropriate tariff and billing mechanisms.
- (g) Procedures necessary to provide for the proper administration of RSA 106-H.

IX. The commissioner of safety shall adopt rules, under RSA 541-A, for the licensing of persons responsible for the use of flame, pyrotechnics, or other means of special effects for entertainment, exhibition, demonstration, or simulation before a proximate audience as regulated by the state fire code adopted under RSA 153:5 and for establishing fees for such licenses.

X. The commissioner of safety shall have authority to approve rules prior to adoption by the mechanical licensing board, as provided in RSA 153:16-b and 153:27-38.

Source. 1987, 124:1; 296:4; 356:4. 1988, 64:21; 151:15, II; 271:6; 288:15. 1989, 230:11; 253:7; 309:4; 319:18; 384:2. 1990, 62:1; 107:1; 190:2; 229:18. 1991, 73:2; 108:1; 347:8. 1992, 163:2; 258:2. 1993, 171:4; 294:2; 337:4, 7. 1994, 184:1; 350:9; 364:8. 1995, 41:3; 85:1; 282:6. 1996, 19:4; 228:10, 11; 292:1, 2, 41, I. 1997, 252:5, I. 1999, 164:2; 345:4. 2001, 91:5; 293:12-14. 2002, 257:6. 2003, 298:1; 319:87, 103. 2004, 247:3; 257:15, II. 2006, 206:2; 216:1; 260:4-6; 317:1. 2007, 230:2. 2008, 249:6; 358:13. 2010, 94:2, 3. 2011, 8:3, eff. June 24, 2011; 224:6, eff. June 29, 2011. 2013, 100:6, II, eff. Aug. 23, 2013; 275:2, 15, III, eff. July 1, 2013. 2015, 142:12, eff. July 1, 2015. 2016, 145:2, I, eff. July 26, 2016; 196:13, eff. Jan. 1, 2017. 2019, 279:1, eff. Sept. 17, 2019.

Section 21-P:15

21-P:15 Departmental Organization; Transfers of Personnel and Appropriations. –

- I. Upon the recommendation of the commissioner, the governor and council are authorized to approve such changes in internal administrative departmental organization not inconsistent with RSA 21-P as the governor and council find from time to time may improve or make more economical the administration of the department; provided, however, that no such change shall eliminate any then existing position within the classified services.
- II. With the approval of the governor and council, the commissioner is authorized to transfer classified personnel, appropriations or portions of appropriations relating to such personnel or appropriations as well as necessary equipment, within or between any division of the department, provided, however, that no such transfer shall eliminate the classified position transferred.
- III. Any transfer involving the division of fire standards and training and emergency medical services undertaken pursuant to this section shall require consultation with the fire standards and training commission, prior to the transfer being proposed to the governor and council.
- IV. [Repealed.]

Source. 1987, 124:1. 1989, 388:7. 1992, 165:4. 1993, 231:5, II. 1994, 389:10. 2000, 36:1. 2004, 171:28. 2005, 149:4, eff. Aug. 20, 2005.

Section 21-P:15-a

21-P:15-a Hazardous Materials Incident Response Coordinator. – There is created within the department of safety, division of fire safety, the classified, full-time position of hazardous materials incident response coordinator. The position shall be at labor grade 23. The coordinator shall be appointed by the state fire marshal and shall oversee the preparedness of the state's regional hazardous materials response teams as provided in RSA 21-P:12, III.

Source. 2002, 220:2, eff. July 16, 2002.

Section 21-P:15-b

21-P:15-b Repealed by 2018, 40:1, eff. July 14, 2018. –

Section 21-P:15-c

21-P:15-c Employee Candidate Background Checks. –

- I. The commissioner may require a background investigation and a criminal history records check on any candidate for employment or promotion prior to a final offer of employment. The commissioner may request only a state records check or both a federal and state records check, to be conducted through the division of state police. The department may extend a conditional offer of employment to a candidate, with a final offer of employment subject to a successfully completed criminal history records check.
- II. A candidate for employment in a position which the commissioner determines requires a background investigation and a criminal history records check shall submit to the department a criminal history records release form, as provided by the division of state police, which authorizes the release of the person's criminal

records, if any. The candidate shall submit with the release form a complete set of fingerprints taken by a law enforcement agency as directed by the commissioner. In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where a candidate has lived during the past 5 years.

III. To obtain a state records check only, the department shall submit a state criminal history records release form to the division of state police. To obtain both the federal and the state records check, the department shall submit the criminal history records release form and applicant fingerprint card to the division of state police, which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall report any criminal conviction information to the commissioner. The department may submit fingerprint information electronically, in accordance with procedures established by the division of state police. The department shall maintain the confidentiality and security of all criminal history records information received pursuant to this paragraph.

IV. In this section, "candidate for employment" shall include candidates for contract positions, volunteers, or interns.

Source. 2013, 176:4, eff. Aug. 31, 2013. 2018, 318:2, eff. Aug. 24, 2018.

Transport of Hazardous Materials and Waste

Section 21-P:16

21-P:16 Definitions. –

In this subdivision:

I. "Hazardous materials" means "hazardous materials" as defined in RSA 147-B:2, VIII.

II. "Waste" means "hazardous waste" as defined in RSA 147-B:2, VII.

Source. 1987, 124:1, eff. July 1, 1987.

Section 21-P:17

21-P:17 Duty of Commissioner. –

I. The commissioner of the department of safety shall regulate and promote the safe transportation of hazardous materials and wastes by all modes of transportation within this state by:

(a) Adopting as rules, under RSA 541-A, the current version of the regulations promulgated by the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration contained in parts 100-185 of Title 49 of the Code of Federal Regulations, the current version of the regulations promulgated by the Federal Motor Carrier Safety Administration of the United States Department of Transportation contained in parts 390-397 of Title 49 of the Code of Federal Regulations, and the current version of the regulations promulgated by the United States Nuclear Regulatory Commission and contained in parts 71 and 73 of Title 10 of the Code of Federal Regulations. 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 commissioner's part, and these rules shall not expire without specific action by the general court for the commissioner.

(b) Adopting rules, under RSA 541-A, relative to the transportation of hazardous materials or wastes by all modes of transport which shall be no less protective of public safety than the regulations promulgated by the federal government with respect to such transportation, including, but not limited to, the proper packaging, shipping, reporting and brokering of shipments, financial responsibility of shippers, and financial liability for cleanup of transportation accidents.

(c) Adopting rules, under RSA 541-A, relative to the reporting of all incidents involving the transportation of

hazardous materials or wastes, the manner in which such incidents were handled, and on-the-spot inspection of vehicles carrying hazardous materials or wastes by any peace officer or other authorized agent of the commissioner of safety. In adopting such rules, the commissioner shall review rules adopted by the department of environmental services for the regulation of hazardous wastes under RSA 147-A, 147-B, 147-C, and 147-D and shall, to the extent possible, coordinate the rules of the department with those of the department of environmental services in order to avoid inconsistency and duplication.

(d) Entering into cooperative agreements with agencies of this and other states and of the federal government relative to the enforcement of rules adopted pursuant to this subdivision and regulations promulgated by the federal government or rules adopted by other state agencies which apply to transportation in New Hampshire.

(e) Adopting rules, under RSA 541-A, which shall require shipments of low-level radioactive waste generated within or passing through the state and destined for any disposal facility to conform with the applicable packaging and transportation laws and rules of the state where such regional facility is located, to the extent that such laws and rules do not conflict with federal law.

(f) Adopting rules, pursuant to RSA 541-A, establishing the criteria for distribution of hazardous material transportation penalty fees under RSA 21-P:21.

II. The commissioner of the department of safety or his authorized representative shall be the state designee to receive notification required by Title 10 of the Code of Federal Regulations for shipments of radioactive materials.

III. In enforcing the provisions of this subdivision and rules adopted under this subdivision, police employees of the division of state police shall not be limited by the provisions of RSA 106-B:15.

Source. 1987, 124:1; 348:2. 1996, 228:12, eff. July 1, 1996. 2012, 172:1, eff. Aug. 10, 2012. 2018, 204:8, eff. July 1, 2018.

Section 21-P:18

21-P:18 Drivers of Retail Fuel Oil Delivery Trucks. – Notwithstanding the provisions of any rule adopted under the authority of RSA 21-P:17 pertaining to the qualification of drivers, it shall not be unlawful for a person 18 years of age on or before January 1, 2011 to drive in intrastate commerce any vehicle carrying home heating oil for the purpose of making retail deliveries of such home heating oil, if such person holds a valid driver's license for the class of vehicle being driven and if the driver and vehicle are in compliance with all other applicable laws and rules. All other persons shall have attained the age of 21 in order to drive such vehicles.

Source. 1987, 124:1. 2010, 99:1, eff. Jan. 1, 2011.

Section 21-P:19

21-P:19 Enforcement. – The provisions of this subdivision and any rules adopted under it shall be enforced anywhere in the state by any state trooper, highway patrol and enforcement officer, authorized agent of the commissioner of safety, or by any law enforcement officer within his respective jurisdiction. The officers may detain and inspect any sealed or unsealed vehicle, container, or shipment which contains or which they have reason to believe contains hazardous materials or wastes while in transit or in maintenance facilities or terminals or on other public or private property to ascertain if hazardous materials or wastes are being loaded, unloaded, stored, or transported and to inspect the contents, take samples, and to otherwise insure compliance with the provisions of this subdivision and of all rules adopted under this subdivision. If a seal is opened for inspection, the inspecting officer shall reseal any vehicle, container, or shipment prior to further transportation.

Source. 1987, 124:1. 1988, 288:3. 2001, 139:1. 2002, 262:1, eff. July 17, 2002.

Section 21-P:20

21-P:20 Repealed by 1995, 308:127, VII, eff. July 1, 1995. –

Section 21-P:21

21-P:21 Civil Penalties. – Any person who violates any of the provisions of this subdivision, any rule adopted under this subdivision or any term or condition of a license or permit issued under this subdivision shall be subject to a civil penalty not to exceed \$5,000 for a natural person or \$25,000 for any other person. The sums obtained from the levying of civil penalties or fees under this subdivision shall be credited to the department of safety to be used for state, local or regional emergency response programs identified by the commissioner and deemed appropriate by the commissioner to receive such funding. These sums shall be distributed at least annually.

Source. 1987, 124:1; 348:1. 1990, 253:14, eff. April 1, 1990. 2018, 204:9, eff. July 1, 2018.

Section 21-P:22

21-P:22 Criminal Penalties. –

I. Notwithstanding the civil penalties provided in RSA 21-P:21, any shipper, broker, or transporter of any hazardous materials or wastes who violates the provisions of this subdivision or rules adopted under this subdivision shall be guilty of a violation for the first offense and, notwithstanding the provisions of RSA title LXII, may be fined not more than \$500 if a natural person or more than \$1,000 if any other person. Any person convicted of an offense under this subdivision who was convicted of an offense relating to the transportation of hazardous materials or wastes within the 5 years preceding the commission of the offense under this subdivision shall be guilty of a misdemeanor. Any person convicted of an offense under this subdivision who was convicted of 2 or more offenses relating to the transportation of hazardous materials or wastes within 5 years preceding the commission of the offense under this subdivision shall be guilty of a class B felony if a natural person or of a felony if any other person.

II. Notwithstanding the civil penalties provided in RSA 21-P:21, the shipper, broker, or transporter of any hazardous material or waste who transports or causes to be transported a hazardous material or waste on a forged manifest, transporter's license, or license decal shall be guilty of a class B felony if a natural person or of a felony if any other person.

Source. 1987, 124:1, eff. July 1, 1987.

Section 21-P:23

21-P:23 Highway Fund Surplus. – Notwithstanding any other provision of law, in case the expenditure of additional funds over budget estimates is necessary for the proper functioning of the department of safety, the governor and council, with the prior approval of the fiscal committee of the general court, upon request from the commissioner, may authorize the transfer of funds from the highway surplus account to the department of safety for such purpose.

Source. 1987, 124:1, eff. July 1, 1987.

Section 21-P:24

21-P:24 Effect on Other Laws. – Nothing contained in this chapter shall be construed to modify, limit, or be inconsistent with the duties and authority conferred upon the department of environmental services under RSA 147-A, 147-B, 147-C, and 147-D.

Source. 1987, 124:1. 1996, 228:108, eff. July 1, 1996.

Section 21-P:24-a

21-P:24-a Repealed by 2010, 368:1(8), eff. Dec. 31, 2010. –

Fire Standards and Training Commission

Section 21-P:25

21-P:25 Program Authorized; Definitions. –

I. The New Hampshire fire standards and training commission is hereby established and directed to establish minimum educational and training standards for employment as full-time fire service personnel, establish minimum selection standards for full-time fire service personnel, establish and publish educational and training standards for fire service personnel, and certify fire service personnel as meeting the educational and training standard. This commission shall also act in an advisory capacity to the director of the division of fire standards and training and emergency medical services with reference to the instruction methods of determining and dealing with the causes of fire, the prevention of fire, techniques of firefighting and rescue, research techniques in firefighting and fire protection, and the administration and management of fire departments. The commission shall meet at least 4 times annually.

II. As used in this subdivision:

- (a) "Commission" means the fire standards and training commission; and
- (b) "Director" means the director of the division of fire standards and training and emergency medical services.
- (c) "Fire service personnel" means firefighters, fire officers, rescue personnel connected with fire departments, fire prevention officers, inspectors, investigators, fire instructors, public education specialists, fire alarm personnel, or any other personnel who are members of fire departments or fire-related state agencies, whether full or part-time.

Source. 1989, 388:3. 1997, 135:2, 3. 2004, 171:28. 2005, 149:1, eff. Aug. 20, 2005.

Section 21-P:26

21-P:26 Commission. –

I. There shall be a fire standards and training commission consisting of 16 members, including the commissioner of safety or designee, the commissioner of education or designee, the attorney general or designee, the chief of the forest protection, the director of the division of fire standards and training and emergency medical services, and the state fire marshal, who shall each serve during his or her continuance in such office, and members of each of the following associations or groups chosen by the governor, with the approval of the council, from a list of 3 qualified members submitted by each association or group:

- (a) Two representatives of the New Hampshire Association of Fire Chiefs, at least one of whom shall be a chief of a full-time fire department, and one a chief of a volunteer department.
- (b) One representative of the Professional Firefighters of New Hampshire-International Association of Firefighters.
- (c) One representative of the Fire Instructors and Officers Association of New Hampshire.
- (d) One representative of the Federation of Fire Mutual Aid Associations.
- (e) One representative of the New Hampshire State Firemen's Association.
- (f) One representative of the insurance industry of New Hampshire, which members shall be recommended by the New Hampshire Association of Domestic Insurance Companies.
- (g) One representative of the New Hampshire Municipal Association.
- (h) One representative of the New Hampshire State Permanent Firemen's Association.
- (i) One representative of the Fire Prevention Society.

I-a. The director of the division of fire standards and training and emergency medical services shall be a nonvoting member of the commission.

II. Each member shall serve a term of 3 years, provided that no such member shall serve beyond the time he ceases to hold the membership which qualified him for appointment to the commission.

III. Members shall serve without compensation except that they shall be reimbursed for their regular and necessary expenses in the performance of their duties as members of the commission.

IV. Members shall annually elect from among themselves a person to serve as commission chairman and another to serve as commission vice-chairman. The director of the division of fire standards and training and emergency

medical services shall serve as the commission's executive officer. The commission shall hold no fewer than 4 regular meetings a year at such times and places as the chairman shall fix, either on his own motion or upon written request of any 4 members.

Source. 1989, 388:3. 1994, 389:11-13. 1998, 321:4. 2002, 257:2. 2003, 319:104. 2004, 171:28. 2005, 149:2, eff. Aug. 20, 2005.

Section 21-P:27

21-P:27 Rulemaking Authority. –

I. The commission and the commissioner of safety shall adopt rules, pursuant to RSA 541-A, relative to:

- (a) The conduct of the meetings of the commission.
- (b) The establishment of minimum selection, educational, and training standards for fire service personnel and evidentiary standards pertaining to such matters, other than fire officials employed by the forest fire control division of the department of resources and economic development.
- (c) What constitutes a full-time career firefighter for purposes of RSA 21-P:29, I.
- (d) Procedures for the conduct of investigations regarding the certification of firefighters.
- (e) The issuance of certificates evidencing the satisfaction of educational and training requirements, including transfer credits and reciprocity, the revocation or suspension of a certificate, the procedures for incidents involving cheating or fraud in obtaining a certificate and the release of criminal or motor vehicle records by a student for purposes of determining qualifications to be appointed as a firefighter.
- (f) [Repealed.]
- (g) A procedure for the commission to waive any of the standards established under subparagraph (b) for fire service personnel whom the commission finds do not have emergency response and mitigation as their predominant responsibilities.

II. The commission shall:

- (a) Establish and publish general minimum educational and training standards for fire service personnel and evidentiary standards pertaining to such matters, other than fire officials employed by the forest fire control division of the department of resources and economic development.
- (b) Establish and publish general minimal curriculum requirements for preparatory, in-service, and advanced courses and programs for schools operated by or for the state or any political subdivisions thereof for the specific purpose of training fire service personnel.

Source. 1989, 388:3. 1994, 389:2. 1997, 135:4-6, 11, I. 2005, 149:3, eff. Aug. 20, 2005. 2012, 171:5, eff. Aug. 10, 2012.

Section 21-P:28

21-P:28 Powers and Duties. –

I. The commission, within budgetary limitations, shall:

- (a) Certify fire service personnel as meeting minimum educational and training standards.
- (b) Act upon request as the advisory committee to the state board of education concerning any fire educational programs.
- (c) Require submission of reports and information from fire departments within the state that may be pertinent to the functioning of the commission.
- (d) In coordination with the division of fire standards and training and emergency medical services, make such investigations as may be necessary to determine whether governmental units are complying with the provisions of this subdivision.

II. The commission may:

- (a) Make or cause to be made studies of any aspect of fire service, education, operations, training, research or recruitment;
- (b) Recommend to the director of the division of fire standards and training and emergency medical services that he enter into contracts or do such things as may be necessary and incidental to the administration of the commission's authority pursuant to this subdivision;

- (c) Undertake any project and engage in any activity which will serve to improve public fire safety or public safety; and
- (d) [Repealed.]

Source. 1989, 388:3. 1994, 389:3, 14, 15, 18. 1997, 135:7, 11, II. 2004, 171:28, eff. July 24, 2004.

Section 21-P:29

21-P:29 Educational and Training Requirements; Certification. –

- I. No person shall be appointed as a full-time career firefighter, except on a temporary or probationary basis, unless such person has satisfactorily completed a preparatory program of fire training consisting of an accredited certification program meeting the objectives of a nationally accepted standard regarding firefighter professional qualifications. No person shall be excluded from such employment on the basis of any rule adopted under RSA 21-P:27, II, until such rule has been in effect for at least one year.
- II. The commission shall issue a certificate evidencing satisfaction of the educational and training requirements established under RSA 21-P:27, II, to any person presenting the commission with satisfactory evidence of the completion of such requirements, whether in this jurisdiction or any other.
- III. Prior to any final vote regarding minimum standards, selection procedures, or certification, the commission shall:
 - (a) Provide notice of the proposed action to members of the fire service.
 - (b) Allow a 60-day period for the receipt of written comments on the proposal.
 - (c) Hold public hearings, one in the daytime hours and another during the evening hours, in such a way as to maximize input from members of the fire service.

Source. 1989, 388:3. 1997, 135:8. 2010, 3:1, eff. May 24, 2010.

Section 21-P:30

21-P:30 Repealed by 2005, 149:6, eff. Aug. 20, 2005. –

Section 21-P:31

21-P:31 Repealed, by 1997, 135:11, III, eff. Aug. 8, 1997. –

Section 21-P:32

21-P:32 Facilities. – In order to promote the effectiveness and efficiency of the fire service training and research program, the commission is encouraged to use such personnel and equipment from other state agencies, federal agencies, district fire mutual aid associations, and public and private fire departments, as may be made available to them by the heads or appropriate authorities of such agencies, including but not limited to the use of radio and other communications facilities, including computer systems.

Source. 1989, 388:3, eff. July 1, 1989.

Section 21-P:33

21-P:33 Delegation. – The commission may delegate to the division of fire standards and training and emergency medical services any powers and duties enumerated in this subdivision.

Source. 1994, 389:4. 2004, 171:28, eff. July 24, 2004.

Homeland Security and Emergency Management

Section 21-P:34

21-P:34 Purpose. – Because of the possibility of the occurrence of natural and human-caused disasters resulting from fire, flood, hurricane, earthquake, prolonged power outages, disruption or contamination of the food or water supply, degradation of critical facilities and vital systems, disruption of communication systems, or other natural, technological or human causes, including acts of terrorism, and in order that the state of New Hampshire will be adequately prepared to cope with such disasters; and, generally, in order to preserve the lives and the property of the people of the state, a state division of emergency services, communications, and management is hereby created under the direction of the director of the division of homeland security and emergency management. The emergency management powers provided in this subdivision are conferred upon the governor and upon other executive heads of governing bodies of the state; the creation of local organizations for emergency management in the political subdivisions of the state is authorized; and provision is made for the rendering of mutual aid among the political subdivisions of the state and between this and other states and to cooperate with the federal government with respect to the carrying out of emergency management functions. It is further declared to be the purpose of this subdivision and the policy of the state that all emergency management functions of this state be coordinated to the maximum extent with the comparable functions of the federal government including its various departments and agencies, of other states and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster or incident of terrorism that may occur.

Source. 2002, 257:7. 2003, 319:106. 2004, 171:2. 2008, 361:2, eff. July 11, 2008.

Section 21-P:35

21-P:35 Definitions. –

In this subdivision:

I. "Commissioner" means the commissioner of safety.

II. [Repealed.]

III. "Council" means the advisory council on emergency preparedness and security.

IV. "Director" means the director of the division of homeland security and emergency management.

V. "Emergency management" means the preparation for and the carrying out of all emergency functions, including but not limited to emergency response and training functions, to prevent, minimize, and repair injury or damage resulting from the occurrence or threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or human cause, including but not limited to fire, flood, earthquake, windstorm, wave actions, technological incidents, oil or chemical spill, or water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, drought, infestation, explosion, terrorist act, or riot.

VI. "Local organization for emergency management" means an organization created in accordance with the provisions of this subdivision by state, county, or local authority to perform local emergency management functions.

VII. "Political subdivision" means counties, cities, towns, and duly established village precincts.

VIII. "State of emergency" means that condition, situation, or set of circumstances deemed to be so extremely hazardous or dangerous to life or property that it is necessary and essential to invoke, require, or utilize extraordinary measures, actions, and procedures to lessen or mitigate possible harm.

Source. 2002, 257:7. 2003, 319:131, II. 2004, 171:3. 2008, 361:3, eff. July 11, 2008.

Section 21-P:36

21-P:36 Division of Homeland Security and Emergency Management. –

I. There is hereby created a division of homeland security and emergency management within the department of safety under the supervision of the director of homeland security and emergency management nominated and appointed as provided in RSA 21-P:5-a.

II. The division shall consist of 2 bureaus, a bureau of homeland security and a bureau of emergency management. With the approval of the commissioner, the director may employ such necessary technical, clerical, stenographic, and other personnel, and may make such expenditures from state or federal funds as are or may be made available for purposes of homeland security and emergency management. The director and other personnel of the division shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing, and funds for traveling and related expenses, in the same manner provided for personnel of other state agencies. The division and its personnel shall have such additional duties, responsibilities, and authority authorized by applicable laws as may be prescribed by the commissioner.

III. The commissioner of safety shall nominate an assistant director of homeland security and emergency management, for appointment by the governor with consent of the council, to serve at the pleasure of the commissioner. The assistant director shall receive the salary provided in RSA 94:1-a for the position.

IV. During service as assistant director, the assistant director of the division of homeland security and emergency management shall be eligible to be a group II member if he or she was a group II member or receiving a group II retirement allowance prior to appointment.

Source. 2002, 257:7. 2003, 319:107. 2004, 171:4. 2008, 361:4, eff. July 11, 2008. 2013, 196:4, eff. July 9, 2013.

Section 21-P:36-a

21-P:36-a Repealed by 2012, 226:4, III, eff. June 16, 2012. –

Section 21-P:37

21-P:37 Emergency Management Powers Conferred. –

The director shall have general direction and control of the division of homeland security and emergency management, and shall be responsible for the carrying out of the provisions of this subdivision. In the event of disaster beyond local control, the governor may assume direct operational control over all or any part of the emergency management functions within the state. In performing the director's duties under this subdivision and to effect its policy and purposes, the director is authorized to cooperate with the federal government, with other states, and with private agencies in all matters pertaining to the emergency management of this state and of the nation, and is further authorized and empowered:

I. To prepare a comprehensive plan and program for the emergency management of this state, such plan and program to be integrated into and coordinated with the emergency management plans of the federal government and of other states to the greatest possible extent, and to coordinate the preparation of plans and programs for emergency management by the political subdivisions of this state and private agencies, such plans to be integrated into and coordinated with the emergency management plan and program of this state to the greatest possible extent.

II. In accordance with such plan and program for the emergency management of this state, to procure supplies and equipment, to institute training programs and public information programs, and to take other necessary preparatory steps to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

III. To make such studies and surveys of industries, transportation, communication, housing and medical facilities, and resources, including but not limited to food, petroleum, and housing, and other facilities in the state as may be necessary to ascertain the capabilities of the state for emergency management, and to plan for their most efficient emergency use.

IV. On behalf of the state and subject to the approval of the governor, to coordinate mutual aid plans between or among political subdivisions of the state.

V. [Repealed.]

VI. To prepare a comprehensive plan and program for the evacuation of search and rescue dogs and service animals, as defined in RSA 167-D.

Source. 2002, 257:7. 2003, 319:108, 131, III. 2004, 171:5. 2006, 230:1. 2008, 361:15. 2011, 170:3, eff. Jan. 1, 2012.

Section 21-P:37-a

21-P:37-a State Policy for Service Animals. – In cases of emergency, it shall be the policy of the state that service animals shall not be separated from the persons they serve. Every effort shall be made to keep service animals and the persons they serve together, and all appropriate state emergency planning and state sponsored emergency training shall be based on such assumptions.

Source. 2006, 230:2, eff. July 31, 2006.

Section 21-P:37-b

21-P:37-b Agreement Resulting From Disaster Declaration. – If, as the result of a disaster declaration, the state of New Hampshire enters into an agreement with the federal government or another entity for assistance, either direct or indirect, financial or otherwise, such agreement shall be transmitted to the president of the senate and the speaker of the house of representatives within 30 days after approval by the governor and council. Any obligation of the general fund as the result of such an agreement shall be transmitted to the president of the senate and the speaker of the house of representatives for prompt payment. Administrative costs of the state of New Hampshire incident to such obligation shall be included in the submission to the general court.

Source. 2008, 361:5, eff. July 11, 2008.

Section 21-P:37-c

21-P:37-c Exceptional Disaster Relief Loans. –

- I. In this section, an "exceptional disaster relief loan" means a temporary loan from the state treasury to assist communities experiencing exceptional costs due to natural disasters.
- II. (a) When the President of the United States declares an area a federal disaster area and a municipality has applied for federal emergency assistance from the Federal Emergency Management Administration (FEMA), the governor, with the approval of the executive council, may approve a loan in the amount up to the anticipated assistance from FEMA from funds not otherwise appropriated.
(b) In order to be eligible for an exceptional disaster relief loan, the per-occurrence cost of a municipality's critical disaster relief project or projects shall equal or exceed 25 percent of the amount raised by local property taxes in the municipality's last annual budget.
- III. A municipality shall not receive more than one exceptional disaster relief loan per declared federal disaster.
- IV. A municipality shall not be obligated for more than 2 exceptional disaster relief loans.
- V. A municipality receiving an exceptional disaster relief loan shall remit the anticipated assistance from FEMA to the state treasurer within 15 days of receipt.
- VI. If the state treasury provides advance funding to a municipality that has applied for and is waiting for FEMA disaster relief funding, the interest rate to be assessed on such advance funding shall be no greater than the prevailing rate at which the state treasury is able to invest its commingled cash.
- VII. If the amount of FEMA assistance a municipality receives is less than the exceptional disaster relief loan, the state treasurer, with the advice and consent of governor and council, shall negotiate terms of repayment of the difference. If the municipality and the state treasurer are unable to reach an agreement, the department of revenue administration shall include the amount in the amount apportioned for setting property tax rates.
- VIII. The director of homeland security and emergency management shall administer the exceptional disaster relief loan program.

Source. 2018, 53:1, eff. July 14, 2018.

Section 21-P:38

21-P:38 Emergency Management Powers and Duties Regarding Communications Systems. – The division of emergency services and communications shall ascertain what means exist for rapid and efficient

communications during natural and man-made disasters. The division shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive state or state and federal telecommunications or other communications system which may be established for purposes of emergency management. In studying the character and feasibility of any such system or its several parts, the division of emergency services and communications shall evaluate the possibility of the multi-purpose use of such a system for general state and local government purposes. The division shall make recommendations regarding such communications systems to the assistant commissioner as appropriate.

Source. 2002, 257:7. 2003, 319:109. 2004, 171:6. 2008, 361:14. 2011, 224:334, eff. July 1, 2011.

Section 21-P:39

21-P:39 Local Organization for Emergency Management. –

I. Each political subdivision of the state shall establish a local organization for emergency management in accordance with the state emergency management plan and program. Each local organization for emergency management shall have a local director who shall be appointed and removed by the county commissioners of a county, the city council of a city, or board of selectmen of a town, and who shall have direct responsibility for the organization, administration and operation of such local organization for emergency management, subject to the direction and control of such appointing officials. Each local organization shall have jurisdiction only within its respective political subdivision, and the director appointed by that political subdivision shall be responsible to his or her appointing authority. The appointing authority may appoint one of its own members or any other citizen or official to act as local director and shall notify the state director in writing of such appointment. If a local director is removed, the state director shall be notified immediately. Each local organization for emergency management shall perform emergency management functions within the territorial limits of the political subdivision within which it is organized.

II. Until a local director has been appointed, the chief elected official shall be directly responsible for the organization, administration, and operation of such local organization for emergency management.

III. In carrying out the provisions of this subdivision, each political subdivision in which any disaster as described in RSA 21-P:35, V occurs may enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. Each political subdivision may exercise the powers vested under this section in the light of the exigencies of the extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law, excepting mandatory constitutional requirements, pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the appropriation and expenditure of public funds.

IV. In carrying out the provisions of this subdivision, each political subdivision in which any disaster as described in RSA 21-P:35, V occurs may meet at any place within or without the territorial limits of such political subdivision and shall proceed to establish and designate by ordinance, resolution, or other manner, alternate or substitute sites or places as the emergency temporary location or locations of such government where all or any part of the public business may be transacted and conducted during the emergency situation. Such sites or places may be within or without the territorial limits of such political subdivision, but shall be within this state.

Source. 2002, 257:7, eff. July 1, 2002.

Section 21-P:40

21-P:40 Mutual Aid Arrangements. – The local director of each local organization for emergency management may, with the approval of the commissioner and in collaboration with other public and private agencies within this state, develop or cause to be developed mutual aid arrangements for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state emergency management plan and program, and in time of emergency it shall be the duty of each local organization for emergency management to render assistance in accordance with the

provisions of such mutual aid arrangements. Parties shall be entitled to the same immunities and exemptions as provided in RSA 21-P:41.

Source. 2002, 257:7, eff. July 1, 2002.

Section 21-P:41

21-P:41 Immunity and Exemption. –

I. All functions under this subdivision and all other activities relating to emergency management are hereby declared to be governmental functions. Neither the state nor any of its political subdivisions nor any agency of the state or political subdivision, nor any private corporations, organizations, or agencies, nor any emergency management worker complying with or reasonably attempting to comply with this subdivision, or any order or rule adopted or regulation promulgated pursuant to the provisions of this subdivision, or pursuant to any ordinance relating to precautionary measures enacted by any political subdivision of the state, shall be liable for the death of or injury to persons, or for damage to property, as a result of any such activity. The provisions of this section shall not affect the right of any person to receive benefits to which he or she would otherwise be entitled under this subdivision, under the workers' compensation law, or under any retirement law, nor the right of any such person to receive any benefits or compensation under any act of Congress.

II. Any requirement for a license to practice any professional, mechanical, or other skill shall not apply to any authorized emergency management worker who shall, in the course of performing his or her duties as such, practice such professional, mechanical, or other skill during an emergency.

III. As used in this section the term "emergency management worker" includes any full or part-time paid, volunteer, or auxiliary employee of this state, other states, territories, possessions, the District of Columbia, the federal government, any neighboring country, or of any political subdivision of such entities, or of any corporation, agency or organization, public or private, performing emergency management services at any place in this state subject to the order or control of, or pursuant to a request of, the state government or any of its political subdivisions.

IV. Dentists licensed in this state, nurses registered in this state, student nurses undergoing training at a licensed hospital in this state, or emergency medical care providers licensed under RSA 153-A, during any emergency, shall be regarded as authorized emergency management workers and while so engaged may practice, in addition to the authority granted them by other statutes, administration of anesthetics; minor surgery; intravenous, subcutaneous, and intramuscular procedures; and oral and topical medication under the general but not necessarily direct supervision of a member of the medical staff of a legally incorporated and licensed hospital of this state, and to assist such staff members in other medical and surgical procedures.

V. Any emergency management worker, performing emergency management services at any place in this state pursuant to agreements, compacts or arrangements for mutual aid and assistance, to which the state or one of its political subdivisions is a party, shall possess the same powers, duties, immunities, and privileges the worker would ordinarily possess if performing his or her duties in the state or political subdivision in which normally employed or rendering services.

VI. Any emergency management worker shall:

- (a) If the worker is an employee of the state, have the powers, duties, rights, and privileges and receive the compensation incidental to his or her employment;
- (b) If the worker is an employee of a political subdivision of the state, whether serving within or without such political subdivision, have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to his or her employment; and
- (c) If the worker is not an employee of the state or one of its political subdivisions, be entitled to the same rights as to compensation for injuries as are provided by law for the employees of this state. The emergency management personnel shall, while on duty, be subject to the operational control of the authority in charge of emergency management activities in the area in which they are serving, and shall be reimbursed for all actual travel and subsistence expenses incurred under orders issued by the director.

Source. 2002, 257:7, eff. July 1, 2002.

Section 21-P:42

21-P:42 Private Liability. – Any person owning or controlling real estate or other premises or private property who grants a license or privilege or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises or private property for the purpose of compliance or attempting to comply with this subdivision during an actual or impending emergency or practice exercise, together with his or her successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises or private property or loss of, or damage to, the property of such person.

Source. 2002, 257:7, eff. July 1, 2002.

Section 21-P:43

21-P:43 Appropriations and Authority to Accept Services, Gifts, Grants, and Loans. – Each political subdivision may make appropriations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision for the payment of expenses of its local organization for emergency management. Whenever the federal government or any federal agency or officer offers to the state, or through the state to any of its political subdivisions, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of emergency management the state, acting through the governor, commissioner, or such political subdivision, acting with the consent of the governor and through its executive officer, city council, or board of selectmen, may accept such offer, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. Whenever any person, firm or corporation offers to the state or to any of its political subdivisions services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of emergency management the state, acting through the governor, or such political subdivision, acting through its executive officer, city council, or board of selectmen, may accept such offer, subject to its terms.

Source. 2002, 257:7, eff. July 1, 2002.

Section 21-P:44

21-P:44 Utilization of Existing Services and Facilities. – In carrying out the provisions of this subdivision, the governor, executive heads of state agencies, and local executive officers of the political subdivisions of the state shall utilize the services, equipment, supplies, and facilities of existing departments, offices, and agencies of the state and its political subdivisions to the maximum extent practicable, and the officers and personnel of all such departments, offices, and agencies are directed to cooperate with and extend such services and facilities to the governor and to the emergency management organizations of the state upon request.

Source. 2002, 257:7, eff. July 1, 2002.

Section 21-P:45

21-P:45 Enforcement. – It shall be the duty of every organization for emergency management established under this subdivision and of the officers of such organization to execute and enforce such orders, rules, and regulations as may be made by the governor under authority of this subdivision or RSA 4:45.

Source. 2002, 257:7, eff. July 1, 2002.

Section 21-P:46

21-P:46 New Hampshire Emergency Response and Recovery Fund. – There is hereby established a New Hampshire emergency response and recovery fund. The fund shall provide a source for the matching funds required as a commitment to secure Federal Emergency Management Agency relief assistance grants for costs incurred in disasters declared by the President of the United States. The fund shall be nonlapsing and continually appropriated to the department of safety.

Source. 2002, 257:7, eff. July 1, 2002.

Section 21-P:46-a

[RSA 21-P:46-a repealed by 2013, 273:4, II, effective on the date when all moneys in the New Hampshire disaster fund have been disbursed as provided by 2013, 173:5.]

21-P:46-a New Hampshire Disaster Relief Fund. –

- I. There shall be established a fund that is to be accounted for separately from all other funds and which shall be designated as the New Hampshire disaster relief fund, which shall be credited and continually appropriated to the director for disaster relief. The moneys in 2 existing funds, one in the legislative branch known as the disaster fund, and one in the office of the state treasurer, known as the New Hampshire disaster relief fund 2011, shall lapse into the New Hampshire disaster relief fund on the effective date of this section.
- II. Funds in the New Hampshire disaster relief fund shall be made available to individuals who suffer damage and loss as a result of a declared disaster. All disbursements from the fund shall be approved by the director of homeland security and emergency management, in consultation with the individual assistance committee appointed under paragraph III.
- III. The director shall appoint an individual assistance committee to review, evaluate, and make recommendations on requests for individual assistance. The committee shall be comprised of representatives from the nonprofit community, human service organizations, disaster response organizations, the Community Action Programs, and volunteer organizations, who shall serve at the pleasure of the director. The director shall designate a committee chair.
- IV. The director shall maintain complete records of all funds disbursed from the New Hampshire disaster relief fund and shall report all such disbursements to the individual assistance committee every 6 months following the effective date of this section.

Source. 2013, 273:3, eff. July 24, 2013.

Section 21-P:47

21-P:47 Penalty. – If any person violates or attempts to violate any order, rule, or regulation made pursuant to this subdivision, such person shall be guilty of a misdemeanor.

Source. 2002, 257:7, eff. July 1, 2002.

Section 21-P:48

21-P:48 Advisory Council on Emergency Preparedness and Security. –

- I. There is hereby created an advisory council on emergency preparedness and security, consisting of the following members:
 - (a) The director of the division of homeland security and emergency management.
 - (b) The attorney general, or designee.
 - (c) The chair of the public utilities commission, or designee.
 - (d) The adjutant general, or designee.
 - (e) The commissioner of the department of health and human services, or designee.
 - (f) The director of the division of fire safety.
 - (g) The commissioner of the department of safety, or designee.
 - (h) The director of the office of strategic initiatives.
 - (i) The commissioner of the department of transportation, or designee.
 - (j) The commissioner of the department of natural and cultural resources, or designee.
 - (k) The commissioner of the department of agriculture, markets, and food, or designee.
 - (l) The commissioner of the department of environmental services, or designee.
 - (m) The commissioner of the department of administrative services, or designee.

- (n) The director of the division of ports and harbors, Pease development authority.
 - (o) The director of police standards and training.
 - (p) The director of the division of fire standards and training.
 - (q) A local police chief, appointed by the governor.
 - (r) A local fire chief, appointed by the governor.
 - (s) A county sheriff appointed by the governor.
 - (t) A representative of the Professional Firefighters of New Hampshire, appointed by the governor.
 - (u) The director of the division of state police.
 - (v) The director of the division of public health services.
 - (w) The commissioner of the department of corrections, or designee.
 - (x) The executive director of the department of fish and game, or designee.
 - (y) The executive director of the New Hampshire Hospital Association.
 - (z) A representative of a regional emergency planning committee, appointed by the governor.
 - (aa) One member of the state hazardous materials cooperative, appointed by the governor.
 - (bb) A representative of the hazardous materials transporter industry, appointed by the governor.
 - (cc) A representative of the hazardous materials industry, appointed by the governor.
 - (dd) The director of the division of emergency communications and services.
 - (ee) A representative of the Business and Industry Association, appointed by the governor.
 - (ff) A representative from the United States Environmental Protection Agency, appointed by that agency.
 - (gg) A representative from the Federal Bureau of Investigation, appointed by the Bureau.
 - (hh) A representative from the United States Coast Guard, appointed by that agency.
 - (ii) [Repealed.]
 - (jj) A representative of the nuclear power industry, appointed by the governor.
 - (kk) A representative of the United States Department of Homeland Security, appointed by the department.
 - (ll) The primary investigator for the Centers for Disease Control and Assistant Secretary for Preparedness and Response (ASPR) grant programs.
 - (mm) A representative of the state citizens corps, appointed by the governor.
 - (nn) A representative of the emergency medical services medical control board, appointed by the board.
 - (oo) The United States Attorney for the District of New Hampshire, or designee.
 - (pp) A representative from the department of health and human services radiological health program, designated by the commissioner of health and human services.
 - (qq) A representative from the department of environmental services environmental health program, designated by the commissioner of environmental services.
 - (rr) A representative from the department of environmental services waste management division, designated by the commissioner of environmental services.
 - (ss) A judicial branch representative, chosen by the chief justice of the supreme court.
 - (tt) A representative of a volunteer emergency response non-governmental organization, appointed by the governor.
 - (uu) The commissioner of the department of information technology, or designee.
 - (vv) Such other representatives as the governor, from time to time, may deem necessary for the fulfillment of the council's mandates.
- II. (a) The council shall advise the governor on issues involving the state's ability to respond to natural and human-caused disasters, and the preparation and maintenance of a state disaster plan in conformance with any federal regulation or law.
- (b) The director of homeland security and emergency management shall seek the advice of the council in matters pertaining to any of the state's emergency plans, including the allocation of state and federal resources to meet the objectives of such plan.
- (c) The council shall serve the functions of the state emergency response commission (SERC) and the Centers for Disease Control's state public health emergency preparedness committee, and may form subcommittees as necessary to perform these functions.
- (d) The council or an appropriate subcommittee of the council shall review state and federal legislative proposals and regulations, problems with hazardous material transportation, emergency response action team plans, and training and instructional materials on the transportation of hazardous materials, and make recommendations as necessary regarding the efficacy of controls relative to such transportation and the best means for applying such

controls without duplication of responsibility or regulation.

(e) The council shall make available upon request through the department of safety current regulations and reference materials relative to hazardous materials and address any regulations or ordinances that appear to be in conflict.

(f) The council shall oversee statewide radio communications interoperability efforts through the statewide interoperability executive committee, established in paragraph IV, and approve the strategic statewide interoperable communications plan developed by the committee under paragraph VII.

(g) The council shall periodically and otherwise as necessary report to the governor, the senate president, and the speaker of the house of representatives on any recommendations of the council that pertain to the state's preparedness and ability to respond to natural and human-caused disasters and acts of terrorism.

(h) The commissioner of safety or the commissioner's designee shall serve as the chairperson of the council.

III. No fewer than 20 members shall constitute a quorum at any meeting. For ex officio positions a designee from that organization may be appointed in writing by the member to represent him or her at any meeting which the member is unable to attend.

IV. There is established within the department of safety a radio interoperability governance group known as the statewide interoperability executive committee (SIEC). The SIEC shall report to the council and shall be comprised of the following members:

(a) The commissioner of the department of safety, or designee, who shall serve as chairperson of the committee.

(b) The statewide interoperability coordinator, who shall serve as an ex-officio member of the committee.

(c) The director of the division of homeland security and emergency management, or designee.

(d) Two representatives of the New Hampshire Association of Chiefs of Police, one of whom serves as chief of police for a city and one of whom serves as chief of police for a town.

(e) Two representatives of the New Hampshire Association of Fire Chiefs, one of whom serves as fire chief for a city and one of whom serves as fire chief for a town.

(f) A representative of a charitable organization that provides disaster relief, appointed by the commissioner.

(g) One member of the house of representatives, appointed by the speaker of the house of representatives.

(h) One member of the senate, appointed by the senate president.

(i) One member of the Professional Fire Fighters of New Hampshire, appointed by the association.

(j) One representative of the New Hampshire Sheriff's Association, appointed by the association.

(k) The state fire marshal, or designee.

(l) One member of the New Hampshire Police Association, appointed by the association.

(m) A representative of the New Hampshire Hospital Association, appointed by the association.

(n) A local emergency medical services provider, appointed by the commissioner.

(o) A local public health official, appointed by the commissioner.

(p) A local public works official, appointed by the commissioner.

(q) A representative of the New Hampshire Emergency Dispatchers Association, appointed by the association.

(r) One representative of a major public safety dispatch center, appointed by the commissioner.

(s) The commissioner of the department of administrative services, or designee.

(t) The executive director of fish and game, or designee.

(u) The commissioner of transportation, or designee.

(v) The commissioner of business and economic affairs, or designee.

(w) The commissioner of natural and cultural resources, or designee.

(x) The commissioner of health and human services, or designee.

(y) The director of emergency services and communications, or designee.

(z) The university of New Hampshire police chief.

(aa) The adjutant general, or designee.

(bb) The department of safety, grants management coordinator, or designee.

(cc) The department of safety, director of state police, or designee.

(dd) The assistant commissioner of safety.

(ee) A representative of the department of justice, appointed by the attorney general.

(ff) A representative of fire mutual aid districts, appointed by the districts.

(gg) The director of fire standards and training and emergency medical services, or designee.

(hh) A department of safety emergency services radio technician, appointed by the commissioner of safety.

(ii) The commissioner of the department of information technology, or designee.

(jj) The commissioner of the department of corrections, or designee.

(kk) Not more than 2 representatives of private, broadband technology-related businesses, appointed by the executive management group.

(ll) Not more than 2 representatives of the university of New Hampshire broadband technology-related business, appointed by the executive management group of the SIEC.

(mm) Not more than 7 subject matter experts, based on the identified need of the SIEC, appointed by the executive management group.

V. Public members of the committee shall serve 3-year terms. Representatives of state agencies and legislative members of the committee shall serve terms coterminous with their term in office. If in the course of a member's term, the member becomes ineligible because of a change of occupation or is no longer a member of the group that he or she represented, he or she shall continue to serve until a replacement is qualified and designated.

Voting members of the committee shall elect by majority vote a vice-chairperson and a secretary, each of whom shall serve a term of 2 years. A voting member, or the member's designee, may submit a single alternate member, who may serve as a voting member in the absence of the voting member or designee by submitting the name and position in writing to the chair prior to the alternate making any vote. A quorum shall consist of 12 voting members of the committee.

VI. The SIEC shall include an executive management group and 3 working groups.

(a) The executive management group shall be responsible for aligning overarching interoperability strategies and plans, and maintaining fiduciary and fiscal compliance. The executive management group shall be comprised of the following 8 members:

(1) The chairpersons of the 3 SIEC working groups established in subparagraph (b).

(2) The chairperson of the SIEC.

(3) The vice-chairperson of the SIEC.

(4) The secretary of the SIEC.

(5) A legislative member of the SIEC, elected by the SIEC.

(6) The statewide interoperability coordinator.

(b) The working groups shall be comprised of voting members of the SIEC selected by the commissioner and shall consist of a radio frequency communications working group, a data communications working group, and an operations working group.

(c) The chairperson of each working group shall serve on the executive management group of the SIEC representing the interest of his or her group.

(d) The SIEC and the working groups may invite subject matter experts to provide information and testimony relevant to the committee or group.

VII. The SIEC shall oversee statewide radio communications interoperability efforts and shall develop, with the approval of the council, a strategic statewide interoperable communications plan and any amendments thereto. The SIEC shall:

(a) Utilize the most contemporaneous statewide communications interoperability plan (SCIP), the National Emergency Communications Plan, and the SCIP action plan as a framework to better understand the current baselines of communications interoperability and to determine how to best implement each step toward interoperability in the state, with neighboring states, and with federal partners.

(b) Direct the working groups established in paragraph VI to identify and recommend technologies, operating procedures, network consolidation, and other resources that will enhance communications interoperability in New Hampshire.

(c) Create a statewide communications interoperability strategy and spending plan; attempt to bridge regional plans with the statewide strategy; and oversee implementation of the statewide communications interoperability plan and the national emergency communications plan.

(d) Recommend best practices, policies, procedures, and protocols for communications personnel, including dispatchers and dispatch center supervisors as well as technical communications support staff.

(e) Establish training baselines and recommend training for key communications personnel, and help to ensure that training opportunities supporting communications interoperability are available to all public safety first responders and public safety dispatchers.

Source. 2002, 257:7. 2003, 319:110-113. 2004, 171:7, 8, 28; 257:44. 2005, 149:5. 2008, 361:6. 2011, 169:2, eff. Jan. 1, 2012; 224:274, III, eff. July 1, 2011. 2012, 265:5, eff. June 18, 2012. 2015, 176:3, 4, eff. June 26, 2015.

2017, 156:14, I, 64, eff. July 1, 2017. 2018, 251:1, 2, eff. Aug. 11, 2018.

Emergency Services and Communications

Section 21-P:48-a

21-P:48-a Division of Emergency Services and Communications. –

I. There is hereby created a division of emergency services and communications within the department of safety under the supervision of the director of emergency services and communications and reporting to the assistant commissioner. The commissioner shall nominate a director of the division of emergency services and communications for appointment by the governor, with the consent of the council, who shall serve a term of 4 years until a successor has been appointed. The director shall be responsible to carry out such duties as are specifically enumerated in this subdivision and as may be assigned by the office of the commissioner. The director shall be academically and technically qualified to hold the position and shall receive the salary specified in RSA 94:1-a for the director of emergency services and communications.

II. With the approval of the commissioner, the director may employ such necessary technical, clerical, stenographic, and other personnel, and may make such expenditures from state or federal funds as are or may be made available for purposes of emergency services and communications. The director and other personnel of the division shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing, and funds for traveling and related expenses, in the same manner as provided for personnel of other state agencies. With general oversight by the assistant commissioner, the director shall coordinate the activities of all organizations for emergency 911 telecommunications within the state, state and local, county, and private, and shall maintain liaison with and cooperate with police, fire, emergency medical, and sheriff's departments and emergency telecommunications organizations of other states and of the federal government. The director shall have such additional duties, responsibilities, and authority authorized by applicable laws as may be prescribed by the commissioner.

Source. 2008, 361:7. 2011, 224:335, eff. July 1, 2011. 2016, 147:3, eff. July 1, 2016.

Public Health Emergency Management Powers; Oversight Committee

Section 21-P:49

21-P:49 Repealed by 2002, 258:24, I, eff. July 1, 2004. –

Section 21-P:50

21-P:50 Repealed by 2002, 258:24, II, eff. July 1, 2004. –

Section 21-P:51

21-P:51 Repealed by 2018, 294:7, eff. June 25, 2018. –

Statewide Incident Command System

Section 21-P:52

21-P:52 Incident Command System Adopted. – There shall be a statewide incident command system based on the incident command system of the National Interagency Incident Management System. The commissioner of safety shall adopt rules pursuant to RSA 541-A to implement the statewide incident command system. The

statewide incident command system shall be used in responding to any natural or man-made cause that requires emergency management by multiple agencies or departments within state and local government.

Source. 2004, 106:1, eff. July 16, 2004.

Statewide Threat Notification System for Schools

Section 21-P:52-a

21-P:52-a Statewide Threat Notification System for Schools. –

- I. The department of safety, in conjunction with the United States Department of Homeland Security, shall commence a process of due diligence in anticipation of future deployment of a statewide, real-time threat notification system for schools, the purpose of which shall be to link school personnel directly to law enforcement in the event of a direct threat against the school community or a general emergency situation in which law enforcement would respond.
- II. The department of safety shall solicit requests for information (RFI) for a statewide, real-time threat notification system based on the following criteria:
 - (a) The system would be activated by authorized school personnel using classroom desktop computers, laptop computers, mobile phones, fobs, and other suitable devices.
 - (b) Upon activation, the system would determine the location of the nearest law enforcement officers, regardless of jurisdiction, and directly notifies them of the activation.
 - (c) The system would notify the following state and local agencies of the activation:
 - (1) The bureau of emergency communications, or state 911 center.
 - (2) The New Hampshire state police.
 - (3) The New Hampshire information and analysis center.
 - (4) The department of safety, division of homeland security and emergency management.
 - (5) The appropriate local or regional dispatch center for the school.
 - (d) The system would provide electronic school floor plans and related documents to responding officers.
 - (e) The system would provide a communication method for responding officers to communicate with school personnel.
- III. The threat notification system for schools shall be a state-funded program, available to all school districts and law enforcement agencies in the state. However, participation in the program by local school districts and local law enforcement agencies shall be voluntary.
- IV. No state funds are appropriated for the due diligence process.
- V. Deployment of a statewide real-time threat alert system is contingent on an appropriation of funds from surplus revenues received by the state during the 2020-2021 biennium.
- VI. The commissioner of the department of safety shall adopt rules, under RSA 541-A, relative to implementation and operation of the real-time threat notification system for schools.

Source. 2019, 346:396, eff. July 1, 2019.

Public Health Emergency Management Powers

Section 21-P:53

21-P:53 Public Health Powers and Duties. –

During the existence of a state of emergency under this chapter, the commissioner of health and human services shall have the following powers and duties, subject to the direction and control of the governor, which are in addition to those set forth in RSA 141-C; provided that such powers and duties shall be limited to the specific nature of the emergency, its geographic limits, and the conditions that brought it about, as specified in the declaration of the state of emergency:

- I. The commissioner shall have the responsibility and authority to carry out all public health activities within the

state in cooperation and collaboration with the division of homeland security and emergency management.

II. The commissioner may, without the approval of the governor's council or the legislative fiscal committee, and notwithstanding the provisions of RSA 4:45, 9:13-d, and 9:19, and any other law to the contrary, purchase and distribute anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents that the commissioner deems to be in the interest of public health.

III. If there is a statewide or regional shortage or threatened shortage of any anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, the commissioner may control, restrict, and ration the use, sale, dispensing, distribution, or transportation of such products as necessary to best protect the health, safety, and welfare of the people of this state. In making rationing or other supply and distribution decisions, the commissioner shall determine high risk or critical need groups that shall receive priority for such products.

IV. The commissioner may investigate any incident or imminent threat of any disease or health condition that may be caused by a natural disaster, radiation or chemical exposure, or the release of any microorganism, infectious substance, or naturally occurring or manufactured biological product, that poses a risk of a significant number of human fatalities or incidents of permanent or long-term disability. Such investigations may include requiring information from any health care provider or other person affected by, or having information related to, the incident or threat, inspections of buildings and conveyances and their contents, laboratory analysis of samples collected during the course of such inspections, and requiring a physical examination and the provision of specimens of body secretions, excretions, fluids, and discharges for laboratory examination of any person having a disease or health condition that necessitates an investigation under this paragraph.

V. The commissioner may order a person to undergo such medical care as may be necessary to treat or prevent an incident or threat of disease or other health condition prompting an investigation pursuant to paragraph IV. Such care may include immunization of individuals as necessary to prevent the spread of contagious disease, except that an individual may refuse treatment or immunization pursuant to the provisions of RSA 141-C:15, VI.

VI. Any order compelling an investigation, physical examination, the provision of specimens, medical treatment or care, or immunization, and any other order of the commissioner under this chapter, shall be subject to the due process requirements of RSA 141-C:14-a.

VII. The department of health and human services shall acquire and retain only the minimum amount of information, specimens, and samples relating to individuals necessary to carry out its obligations under this section. Any genetic testing of specimens and samples shall be limited to the viruses, bacteria, fungi, or other microorganisms therein. Personally identifiable information shall not be acquired or retained unless necessary for the department to carry out its responsibilities under this section, RSA 141-C, or any other provision of law. Such information shall not be retained beyond the duration of the state of emergency without the approval of the governor and executive council, which information shall be subject to the confidentiality provisions of RSA 141-C:10.

Source. 2008, 271:1, eff. June 26, 2008.

Section 21-P:54

21-P:54 Safe Disposal of Corpses. –

I. During the existence of a state of emergency under this chapter, the commissioner of health and human services shall have the following powers and duties, subject to the direction and control of the governor, which are in addition to those set forth in RSA 141-C; provided that such powers and duties shall be limited to the specific nature of the emergency, its geographic limits, and the conditions that brought it about, as specified in the declaration of the state of emergency:

- (a) Adopt and enforce such measures to provide for the safe disposal of corpses as may be necessary for the health and welfare of the community;
- (b) Take possession and control of any corpse and direct the embalming, burial, cremation, interment, disinterment, transportation, and disposal of corpses;
- (c) Compel any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses under the laws of this state to accept any corpse or provide the use of its business or facility if such actions are necessary for emergency response;
- (d) Compel any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of

corpses under the laws of this state to clearly label any corpse with all available information necessary to identify the decedent and the apparent cause of death;

(e) Compel any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of corpses under the laws of this state having custody of a corpse of a person known or believed to have had an infectious disease to clearly label the corpse with a tag indicating that the corpse is so infected and indicating, if known, the infectious disease; and

(f) Compel every person in charge of disposing of any corpse to maintain a written record of each corpse and all available information to identify the decedent.

II. In carrying out the foregoing actions, the department, to the extent feasible under the circumstances, shall adhere to the religious practices and preferences of the decedents where known.

III. The costs of embalming, cremation, burial, or other disposal of a corpse pursuant to this section shall be a cost to the estate of the decedent and shall be a necessary expense of the funeral and burial of the decedent pursuant to RSA 554:19, I(b).

IV. Any taking of real or personal property in this section shall be subject to the provisions of RSA 4:46.

Source. 2008, 271:1. 2010, 189:1, eff. Jan. 1, 2011.

State Highway Safety Program

Section 21-P:55

21-P:55 Policy. – It is hereby declared to be the policy of this state and in the public interest to have a highway safety program designed to reduce traffic accidents and deaths, injuries and property damage resulting therefrom. Such program shall include, but not be limited to, improvement of driver performance, improvement of pedestrian performance, an accident record system, accident investigations, vehicle registration, operation, and inspection, highway design and maintenance, traffic control, vehicle codes and laws, surveillance of traffic and emergency services.

Source. 2015, 276:159, eff. July 1, 2015.

Section 21-P:56

21-P:56 Provisions Accepted. – The provisions of the federal Highway Safety Act of 1966, approved September 9, 1966, entitled "An Act to provide for a coordinated national highway safety program through financial assistance to the states to accelerate highway traffic safety programs, and for other purposes," and all acts amendatory thereof and supplementary thereto, are assented to, and the governor shall be the official of this state having the ultimate responsibility for dealing with the federal government with respect to programs and activities pursuant to carrying out the provisions of said acts.

Source. 2015, 276:159, eff. July 1, 2015.

Section 21-P:57

21-P:57 Faith and Credit Pledged. – The faith and credit of the state are pledged to make adequate provision, from time to time, by appropriation or otherwise, to meet all the obligations of the state incident to the acceptance of federal aid under the provisions of said act.

Source. 2015, 276:159, eff. July 1, 2015.

Section 21-P:58

21-P:58 Expenditures. – To meet such obligations the governor with the consent of the council is authorized to accept and expend any federal funds for the highway safety program.

Source. 2015, 276:159, eff. July 1, 2015.

Section 21-P:59

21-P:59 Governor's Authority. – The governor in addition to other duties and responsibilities conferred upon him or her by the constitution and laws of this state is hereby empowered to contract and to do all other things necessary in behalf of this state to secure the full benefits available to this state under the federal Highway Safety Act of 1966 and all acts amendatory and supplemental thereto, and in so doing, to cooperate with federal and state agencies, agencies private and public, interested organizations, and individuals, to effectuate the purposes of that enactment, and any and all subsequent amendments thereto. The governor shall coordinate the activities of any and all departments and agencies of this state and its subdivisions, relating thereto.

Source. 2015, 276:159, eff. July 1, 2015.

Section 21-P:60

21-P:60 Local Highway Safety Programs. –

I. The towns, village districts, school districts, cities, and counties are hereby authorized to establish highway safety programs.

II. A school district providing comprehensive driver training programs in accordance with the federal statutory provisions assented to in and under RSA 21-P:56 shall be eligible for reimbursement of federal funds apportioned to this state for such programs. A school district shall mean a town school district, a special school district, an incorporated school district operating within a city, a city operating a dependent school department, a cooperative school district, and an authorized regional enrollment (AREA) school.

III. Each political subdivision enumerated herein which implements highway safety programs approved by the governor in accordance with the Highway Safety Act of 1966 is eligible for reimbursement of federal funds apportioned to this state for such programs.

Source. 2015, 276:159, eff. July 1, 2015.

Section 21-P:61

21-P:61 Highway Safety Unit; Governor's Representative. – There is hereby created the state highway safety unit as a unit within the department of safety which shall be the agency responsible under the executive direction of the governor to develop and implement the state's highway safety program. The commissioner shall be the governor's representative with the national highway traffic safety administration and will aid the governor in the coordination of interdepartmental activities and those of the various political subdivisions.

Source. 2015, 276:159, eff. July 1, 2015.

Section 21-P:62

21-P:62 Staff. – Subject to state personnel regulations and within budgetary appropriations, the commissioner shall appoint such field representatives and secretarial and clerical assistants as may be needed to carry out the purpose of this chapter.

Source. 2015, 276:159, eff. July 1, 2015.

Section 21-P:63

21-P:63 Gifts and Grants. – The governor is authorized to receive gifts and grants from any source, public or private, in the name of the state, and to expend these monies for the state highway safety program. Any monies accepted by the governor shall be deemed to be an appropriation of the same amount for the purposes hereof.

Source. 2015, 276:159, eff. July 1, 2015.

Traffic Safety Commission

Section 21-P:64

21-P:64 Traffic Safety Commission Established. –

I. There is hereby established a traffic safety commission consisting of the following members:

(a) Representatives of the following organizations nominated by their respective organizations and appointed by the commissioner of the department of safety. Initial appointments shall be: 4 members for one year, 5 members for 2 years, and 5 members for 3 years. After the initial term, members shall each serve for terms of 3 years and until a successor is duly qualified and recommended by their respective organizations. Vacancies shall be filled for the unexpired terms in the same manner as the original appointment.

- (1) One member of the New Hampshire Association of Chiefs of Police.
- (2) One member of the New Hampshire Sheriffs Association.
- (3) One county attorney representing the New Hampshire Association of Counties.
- (4) One representative of the New Hampshire Municipal Association.
- (5) One representative of the New Hampshire Automobile Dealers Association.
- (6) One representative of the New Hampshire Motor Transport Association.
- (7) One representative of the New Hampshire School Transportation Association.
- (8) One representative of the American Automobile Association of Northern New England.
- (9) One representative of the New Hampshire branch of AARP.
- (10) One representative of the New Hampshire Driver Education Teachers Association.
- (11) One representative of the New Hampshire Hospital Association.
- (12) One representative of the New Hampshire Association of Fire Chiefs.
- (13) One representative of the Granite State Wheelmen.
- (14) One representative of the Associated General Contractors of New Hampshire.

(b) The following members shall serve while holding their respective offices which qualify them for membership:

- (1) The commissioner of the department of safety, or designee.
- (2) The director of the department of safety, division of motor vehicles, or designee.
- (3) The director of the department of safety, division of state police, or designee.
- (4) The attorney general, or designee.
- (5) The commissioner of the department of health and human services, or designee.
- (6) The chairman of the New Hampshire liquor commission, or designee.
- (7) The commissioner of the department of education, or designee.
- (8) The commissioner of the department of transportation, or designee.
- (9) A member of the judiciary, appointed by the chief justice of the New Hampshire supreme court.
- (10) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (11) One member of the senate, appointed by the president of the senate.

(c) The following members shall serve for 3-year terms. Vacancies in these positions shall be filled by the governor for the unexpired terms.

- (1) A victim advocate, appointed by the governor.
- (2) Three members of the public, appointed by the governor.

II. The commission shall review and analyze topics related to roadway safety and identify initiatives, policy recommendations, and proposed legislative changes to further the public safety mission of the department.

III. The commission shall have a chairperson who shall be designated by the governor from the membership, and the commission shall elect a vice-chair. The term of the chair shall be for his or her term of office, not to exceed 3 years. The commission shall meet at least once per quarter and at such other times as may be convened by the call of the chairperson or the commissioner of the department of safety or upon petition of 5 or more members.

IV. Members shall receive no compensation or expenses except that the public members shall be entitled to mileage when in the performance of duties of the commission.

V. The commission shall report annually, beginning November 1, 2018, to the speaker of the house of

representatives, the president of the senate, and the governor. The reports shall describe the activities and findings of the commission and any recommendations for proposed legislation.

Source. 2015, 276:159, eff. July 1, 2015. 2016, 164:1, eff. Aug. 2, 2016. 2018, 72:1, 2, eff. July 24, 2018.

Section 21-P:65

21-P:65 Repealed by 2018, 72:3, eff. July 24, 2018. –

Substance Abuse Enforcement Program

Section 21-P:66

21-P:66 Substance Abuse Enforcement Program. –

I. The commissioner of safety shall establish a substance abuse enforcement program which shall make grants available to county and local law enforcement agencies, and also provide funding for the division of state police for the following purposes:

(a) Overtime costs for officers performing law enforcement activities under this program.

(b) Overtime, supplies, and other costs of the state forensic science laboratory.

II. The commissioner shall establish protocols and conditions for increased state police patrols and conditions for eligibility for grants to local and county law enforcement agencies. The protocols and conditions shall be based on the principles of intelligence-driven, problem-oriented policing, using statistics and information to place additional police patrol and investigative presence at the locations, times, and places where there have been a significant convergence of motor vehicle crashes, crimes, and drug use, or in corridors known to be used by drug dealers for shipments of illegal drugs into the state. The protocols and conditions shall:

(a) Require dedicated patrol units relieved of taking calls for service absent an emergency.

(b) Insure that the officers assigned to such patrol units have been trained in the concept of data-driven policing and have an appropriate knowledge of the requirements of the state and federal constitutions.

III. The commissioner shall give equal consideration to all local and county law enforcement agencies and the division of state police when allocating available program funding.

IV. The program shall include the following prohibitions on allowable uses of funds:

(a) No funds shall be granted for "purchase of evidence" or for "confidential funds."

(b) No funds shall be used for the purchase of operational equipment, except for direct supply costs for state forensic science laboratory testing.

(c) No funds shall be used for supplanting locally budgeted and approved funds for routine law enforcement.

V. The program shall include semi-annual reporting, to the governor, senate president, and speaker of the house of representatives, which includes measurable program results and a detailed accounting of program funding and uses. The first report shall be submitted on or before December 15, 2016.

Source. 2016, 277:2, eff. June 17, 2016.

Section 21-P:67

21-P:67 Rulemaking. – The commissioner of safety shall adopt rules, pursuant to RSA 541-A, to implement this subdivision.

Source. 2016, 277:2, eff. June 17, 2016; 277:3, eff. July 1, 2017.

Cross Border Drug Interdiction Program

Section 21-P:68

21-P:68 Cross Border Drug Interdiction Program. –

I. The commissioner of safety shall establish a cross border drug interdiction program which shall consist of state troopers and narcotics investigation unit detectives to perform drug interdiction work targeted at, but not limited to, stemming the flow of illegal drugs into the state of New Hampshire. This effort is aimed at combating the opioid crisis facing the state through the collaborative efforts of uniform, investigative, and forensics lab services in an ongoing, cross border enforcement activity.

II. The commissioner shall submit a semi-annual report to the governor, senate president, and speaker of the house of representatives, which shall include measurable program results and a detailed accounting of program funding and uses. The commissioner shall submit the first report on or before December 15, 2017.

Source. 2017, 212:2, eff. July 10, 2017.