CHRISTOPHER T. SUNUNU
Governor

STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

STATE OF NEW HAMPSHIRE
BY HIS EXCELLENCY
CHRISTOPHER T. SUNUNU, GOVERNOR

Emergency Order # 18 Pursuant to Executive Order 2020-04

Temporary Modification to Department of Safety Laws and Regulations

Pursuant to Section 18 of Executive Order 2020-04, it is hereby ordered, effective immediately, that:

1. Due to concern for the health and safety of the public and staff during the COVID-19 pandemic, any state statute, rule, or regulation requiring individuals to be fingerprinted for purposes of a criminal history records check through the Federal Bureau of Investigation (FBI) are hereby deferred for the duration of the State of Emergency declared in Executive Order 2020-04 (the "State of Emergency"), subject to Section 2 and the following:

    a) Out-of-state medical providers providing medically necessary services shall seek emergency licensure through the New Hampshire Office of Professional Licensure pursuant to Emergency Order #15.

    b) Any other individual seeking to obtain a criminal history check shall use an appropriate criminal history records release form, as provided by the Division of State Police of the New Hampshire Department of Safety, to authorize the Division to conduct a criminal history records check through state records.

    c) All licenses or certifications issued during the pendency of this State of Emergency that otherwise require a full criminal history records check through the FBI prior to issuance shall be conditional. The state background check must be satisfactorily completed prior to the issuance of a conditional license. Full licensure or certification shall be conditioned upon fingerprinting and the satisfactory completion of a criminal history records check through the FBI. Within thirty (30) days of the termination of the State of Emergency, the individual must complete the fingerprinting portion of the FBI criminal history check and submit it to the Department of Safety. As time permits, the Department of Safety will provide the results to the appropriate licensing entity for review.

2. Notwithstanding Section 1, the Department of Safety may, on a case-by-case basis, continue to perform fingerprinting services, upon request of a state agency or political subdivision of the state when required to ensure protection of the public. Such services shall be provided via appointment-only at designated times and locations to be determined by the Department of Safety.

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3. In order to protect the health and safety of state employees and the public from transmission of COVID-19, the Director of the Division Motor Vehicles (DMV) is authorized to take any measures necessary to reduce in-person contact between state employees, locally authorized agents of the DMV, and the public during the existence of the State of Emergency. The Director is authorized to facilitate on-line transactions and remote services to the maximum extent practical.

4. The Director is authorized to issue six (6) month driver's licenses and commercial driver licenses to any individual who applies for a renewal of a license set to expire during the State of Emergency. The in-person visual acuity test and any other in-person application requirements established under RSA 263:10, NH Admin. R. Saf-C 1007.02-03, RSA 263:93, Saf-C 1803.01-02 are hereby suspended for driver's license renewals during the State of Emergency.

5. Persons seeking to renew disability placards or license plates may be issued six (6) month extensions without meeting the in-person application and medical certification requirements established under RSA 261:88 and NH Admin. R. Saf-C 521.07.

6. For the duration of the State of Emergency, the provisions of RSA 263:19, requiring in-person classroom instruction or observations for a driver education course are hereby suspended. NH Admin. R. Saf-C 3110.04, relative to driver education classroom instructions, is hereby amended by inserting a new paragraph (m), as follows:

> (m) Classroom instruction may be conducted remotely under the following conditions:
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> > (1) The approved driver school shall create a plan to include procedures for participation for all students;
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> > (2) The approved driver school may use a remote instruction platform that ensures verifiable attendance and participation;
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> > (3) The approved driver school's remote instruction platform shall be broadcast to students by live webcast on specific days and times, and shall be capable of receiving and responding to live questions by the students;
> >
> > (4) The approved driver school's attendance record shall reflect students who participate remotely;
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> > (5) Remote instruction shall be equivalent in effort and rigor to typical classroom work; and
> >
> > (6) The approved driver school shall conduct an assessment of all student work for each class conducted remotely.

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7. For the duration of the State of Emergency, NH Admin. R. Saf-C 3110.05, relative to behind the wheel instruction for driver education requirements, is hereby amended by inserting a new paragraph (d), as follows:

> (d) The requirements set forth in Saf-C 3110.05 (a)(2) may be satisfied by certification by a parent or guardian who holds a valid driver's license that the student has received road instruction of at least 6 clock hours of observation. If a parent or guardian does not hold a driver's license, an adult over the age of 25 who holds a valid driver's license may make the certification. Under this subsection, the 6 clock hours of observation does not have to take place in a dual control vehicle. The certification under this subsection shall be in writing, signed by the observing party and maintained in the approved driving school records.

8. The provisions of RSA 266:39, I currently prohibit the operation of amber flashing warning signals on any school bus except when actively transporting children. In order to promote the safety of children receiving meals, supplies, or other materials from their school districts, the enforcement of this law is hereby suspended during this State of Emergency. School busses are hereby permitted to operate warning signals and stop the flow of traffic in order to safely deliver school food, supplies, or other materials to students.

9. The provisions of NH Admin. R. Saf-C 901.02, relative to the adoption of the Federal Motor Carrier Safety Regulations (49 CFR Parts 107, 382, 385 through 397) for intrastate motor carriers, are hereby suspended to the extent that any provisions have been waived or suspended by the Federal Motor Carrier Safety Administration for interstate motor carriers.

10. The New Hampshire Department of Safety shall, as necessary, provide assistance and guidance in furtherance of this Order.

11. This Order shall remain in effect until the State of Emergency is terminated, or this Order is rescinded, whichever shall happen first.

Given under my hand and seal at the Executive Chambers in Concord, this 27th day of March, in the year of Our Lord, two thousand and twenty, and the independence of the United States of America, two hundred and forty-four.

Christopher T. Sununu

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