

TITLE XXI MOTOR VEHICLES

CHAPTER 265 RULES OF THE ROAD

Obedience to and Effect of Traffic Laws

Section 265:1

265:1 Vehicles on Highways; Exceptions. – The provisions of this title relating to the driving of vehicles refer exclusively to the driving of vehicles upon ways except where a different place is specifically referred to in a given section, and except that the provisions of this title which prohibit driving while under the influence of intoxicating liquor or drugs, reckless driving, driving at an unreasonable speed, and driving after suspension or revocation may be enforced on all roads and streets, or driveways of business establishments, when such roads, streets or driveways are not closed to the general public.

Source. RSA 262-A:1. 1963, 330:1. 1981, 146:1; 479:7, 26, eff. Jan. 1, 1982 at 12:01 a.m.

Section 265:1-a

265:1-a Sobriety Checkpoints. – Notwithstanding any provision of law to the contrary, no law enforcement officer or agency shall establish or conduct sobriety checkpoints for the purposes of enforcing the criminal laws of this state, unless such law enforcement officer or agency petitions the superior court and the court issues an order authorizing the sobriety checkpoint after determining that the sobriety checkpoint is warranted and the proposed method of stopping vehicles satisfies constitutional guarantees.

Source. 1996, 301:1, eff. Jan. 1, 1997.

Section 265:1-b

265:1-b Motorcycle-Only Checkpoints Prohibited. – No law enforcement officer or agency shall establish or conduct motorcycle-only checkpoints.

Source. 2018, 153:1, eff. May 30, 2018.

Section 265:2

265:2 Required Obedience to Traffic Laws; Penalty. – Unless otherwise declared in this chapter with respect to particular offenses, any person who commits any act forbidden or fails to perform any act required in this chapter shall be guilty of a violation.

Source. RSA 262-A:2. 1963, 330:1. 1973, 529:47. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:3

265:3 Obedience to Police Officers. –

I. No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic.

II. The fine for a violation of this section shall be \$100.

Source. RSA 262-A:3. 1963, 330:1. 1981, 146:1. 2005, 177:29, eff. July 1, 2005.

Section 265:3-a

265:3-a Obedience to School Crossing Guards. –

I. The driver of any vehicle shall obey the instructions of any school crossing guard invested with authority to direct, control, or regulate traffic. If the school crossing guard is displaying a signal to stop, the driver of a vehicle upon a way shall stop the vehicle at least 25 feet before reaching such school crossing guard. The driver shall not proceed until the school crossing guard indicates that traffic may proceed and until the driver can do so safely.

II. Any person who violates the provisions of this section shall be guilty of a violation and shall be fined not more than \$100 for the first offense and not more than \$250 for any subsequent offense committed during any calendar year.

Source. 1998, 332:1, eff. Sept. 1, 1998.

Section 265:3-b

265:3-b Obedience to Flagpersons. –

I. The driver of any vehicle shall obey the instructions of any flagperson in the act of directing, controlling, or regulating traffic within any construction, maintenance, or utility work area indicated by official traffic control devices. If the flagperson is displaying a signal to stop, the driver of a vehicle upon a way shall stop the vehicle at least 25 feet before reaching such flagperson. The driver shall not proceed until the flagperson indicates that traffic may proceed and until the driver may do so safely.

II. Any person who violates the provisions of this section shall be guilty of a violation and shall be fined not more than \$100 for the first offense and not more than \$250 for any subsequent offense committed during any calendar year.

Source. 2001, 36:1, eff. June 8, 2001.

Section 265:4

265:4 Disobeying an Officer. –

I. No person, while driving or in charge of a vehicle, shall:

(a) Refuse, when requested by a law enforcement officer, to give his name, address, date of birth, and the name and address of the owner of such vehicle;

(b) Give a false name, date of birth, address, name and address of the owner of such vehicle, or any other false information to a law enforcement officer that would hinder the law enforcement officer from properly identifying the person in charge of such motor vehicle;

(c) Purposely neglect to stop when signaled to stop by any law enforcement officer who is in uniform or who displays his badge conspicuously on the outside of his outer coat or garment, or who signals such person to stop by means of any authorized audible or visual emergency warning signals; or otherwise willfully attempt to elude pursuit by a law enforcement officer by increasing speed, extinguishing headlamps while still in motion or abandoning a vehicle while being pursued;

(d) Refuse, on demand of such officer, to sign his name in the presence of such officer;

(e) Refuse, on demand of such officer, to produce his license to drive such vehicle or his certificate of registration or to permit such officer to take the license or certificate in hand for the purpose of examination;

(f) Refuse or neglect to produce his license when requested by a court or justice, or refuse to surrender to the director or to any authorized employee of the department or other authorized representative of the director any license, registration certificate or number plate upon demand after suspension or revocation of the same.

II. Any person who violates any provision of paragraph I of this section may have his or her license or privilege to drive and any registrations issued in his or her name suspended. In addition, any person who violates the provisions of subparagraphs I (a), (b), (d), (e), or (f) of this section shall be guilty of a class A misdemeanor.

III. (a) In addition to the penalties listed in paragraph II, any person who violates the provisions of subparagraph I(c) shall be guilty of a class A misdemeanor and shall be fined not less than \$500.

(b) Any person who violates the provisions of subparagraph I(c), and is involved in a motor vehicle accident which causes serious bodily injury as defined in RSA 625:11, VI while being pursued, shall be guilty of a class B felony.

(c) Any person who violates the provisions of subparagraph I(c), and is involved in a motor vehicle accident which causes the death of another while being pursued, shall be guilty of a class A felony.

Source. 1911, 133:21. 1921, 119:20. PL 102:19. RL 118:21. RSA 262:26. 1955, 143:1. 1981, 146:1; 479:5, 27. 1987, 221:1. 2002, 213:1, 2, eff. Jan. 1, 2003.

Section 265:5

265:5 Persons Riding Animals; Driving Animal-Drawn Vehicles. – Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature can have no application.

Source. RSA 262-A:4. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:6

265:6 Persons Working on Highways; Exceptions. – Unless specifically made applicable, the provisions of this chapter shall not apply to persons, teams, vehicles and other equipment while actually engaged in work upon the surface of a highway when a violation of any of such provisions is reasonably necessary for the completion of such work. The provisions of this chapter relative to civil liability shall apply to such persons and vehicles, and all provisions of the chapter shall apply to such persons and vehicles when traveling to or from such work. This section shall not be construed as exempting any person from the provisions of RSA 265:79-93.

Source. RSA 262-A:6. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:6-a

265:6-a Highway Construction and Maintenance. –

I. The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian actually engaged in work upon the highway within any construction or maintenance area indicated by official traffic control devices.

II. The driver of a vehicle shall yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a highway whenever such vehicle displays emergency lights or amber warning lights as authorized under RSA 266:78-a through RSA 266:78-q and shall give wide berth, without endangering oncoming traffic, to highway workers and stationary or moving vehicles owned by or contracted to state or local highway maintenance departments displaying amber warning lights. Any person violating this paragraph shall be fined \$150 plus penalty assessment for a first offense and \$250 plus penalty assessment for a subsequent offense in a 12-month period.

III. Any offense involving speeding in a highway construction or maintenance zone on a state or interstate highway, manned by workers, shall be a construction work zone driving offense. A person found guilty of an offense shall be fined not less than \$250 nor more than \$500.

IV. The department of transportation shall post signs notifying motorists of construction or maintenance work zones and construction zone speed limits. The department shall require signs notifying motorists of the increased penalties for a violation of paragraph III.

Source. 1981, 479:28. 1994, 252:1. 2008, 358:14. 2012, 135:1, eff. June 5, 2012. 2015, 112:1, eff. Aug. 7, 2015; 202:2, eff. Jan. 1, 2016.

Section 265:7

265:7 Permits for Construction Equipment. – The board or officer having charge of a way or in the case of a state way or way determined by the state highway department to be a through route, the state highway commissioner may issue a permit for the use of construction equipment upon such a way. Such permit shall limit the time within which it shall be in force and during which the ways may be used and shall contain any provisions or conditions necessary for the protection of such ways from injury.

Source. 1905, 86:1. 1911, 133:1. 1913, 81:1. 1915, 129:1. 1917, 229:1. 1919, 161:1. 1921, 119:1. 1923, 75:1. 1925, 25:1; 68:1. PL 99:1. 1927, 52:1. 1929, 43:1. 1935, 73:2, 3. 1939, 47:1; 130:1; 189:1, 2, 3, 5; 190:1. 1941, 98:1; 111:1; 142:2. RL 115:1. 1943, 189:1. 1947, 177:1. 1949, 189:1, 2; 197:1; 212:2; 233:1; 286:4. 1953, 252:3. RSA 259:1, XII. 1981, 146:1. 2006, 317:3, eff. Aug. 18, 2006.

Section 265:8

265:8 Emergency Vehicles. –

I. A person driving an emergency vehicle, as defined in RSA 259:28, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

II. (a) The driver of an emergency vehicle may:

(1) Park or stand notwithstanding the provisions of Title XXI.

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

(3) Exceed the maximum speed limits so long as he does not endanger life or property.

(4) Disregard rules governing direction of movement or turning in specified directions.

(b) Notwithstanding subparagraph II(a), any emergency vehicle approaching a school bus, which is stopped for the purpose of picking up or dropping off pupils, shall come to a complete stop before proceeding.

III. (a) The exemptions granted to an emergency vehicle in subparagraphs II(a)(1) and (3) shall apply only when such vehicle is making use of audible or visual emergency signals, or, in the case of a privately-owned vehicle being driven by a volunteer firefighter or other volunteer emergency personnel, when such vehicle is making use of audible or visual emergency signals, or when an emergency vehicle is in pursuit of an actual or suspected violator of the law.

(b) The exemptions granted to an emergency vehicle in subparagraphs II(a)(2) and (4) shall apply only when such vehicle is making use of both audible and visual emergency signals, or, in the case of a privately-owned vehicle being driven by a volunteer firefighter or other volunteer emergency personnel, when such vehicle is making use of both audible and visual emergency signals, or when an emergency vehicle is in pursuit of an actual or suspected violator of the law.

IV. Any person engaged in part-time law enforcement and who uses his own vehicle shall not display driving emergency lights when not on duty.

V. The provisions of RSA 265:8, II and III shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

VI. A driver of a vehicle being driven on the ways of this state upon the approach from any direction of an emergency vehicle with the siren or flashing light in operation shall turn immediately as far as possible toward the right-hand side of the way and shall bring his vehicle to a standstill until such emergency vehicle has passed.

VII. Upon the immediate approach of an emergency vehicle making use of an audible or visual signal, every pedestrian shall yield the right-of-way to the authorized emergency vehicle. This paragraph shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor from the duty to exercise due care to avoid colliding with any pedestrian.

Source. 1939, 162:2. RL 119:20. RSA 263:40. 1955, 217:1. 1963, 330:1. RSA 262-A:7. 1977, 346:1. 1979, 443:1. 1981, 146:1; 322:1, 2; 479:29. 1997, 96:1, eff. Jan. 1, 1998.

Section 265:8-a

265:8-a Police Pursuit and Emergency Response. – Each state, county and local law enforcement agency that conducts emergency response and vehicular pursuits shall adopt a written policy or policies that set forth the manner in which these operations shall be conducted. Such policy or policies shall conform to state or national accreditation standards as adopted by the police standards and training council or the national commission on accreditation for law enforcement agencies and shall be kept on file and available for inspection by the police standards and training council and the attorney general.

Source. 1999, 171:1, eff. Jan. 1, 2000.

Traffic Signs, Signals and Markings

Section 265:9

265:9 Obedience to Any Required Traffic Control Devices. –

I. The driver of any vehicle shall obey the instructions of any traffic control device applicable thereto placed as provided by law, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

II. No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

III. Whenever traffic control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

IV. Any traffic control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

V. When a traffic control device is not operational, the driver shall obey the rules of the road applicable to intersections without traffic control devices or intersections with 4-way stop signs, including, but not limited to:

- (a) Yielding the right of way to a vehicle on the right, RSA 265:28, I.
- (b) Vehicle turning left yielding to approaching vehicle, RSA 265:29.
- (c) Yielding to vehicle which has entered the intersection, RSA 265:30, I.
- (d) Yielding by vehicle entering from private roadway or driveway, RSA 265:32.
- (e) Yielding to emergency vehicles, RSA 265:33.
- (f) Yielding to pedestrians in crosswalks, RSA 265:35.

Source. RSA 262-A:8. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982. 2018, 41:1, eff. July 14, 2018.

Section 265:10

265:10 Traffic Control Signal Legend. –

Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively, one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

I. Green Indication.

(a) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign

at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(c) Unless otherwise directed by a pedestrian control signal, as provided in RSA 265:11, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

II. Steady Yellow Indication.

(a) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(b) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian control signal as provided in RSA 265:11, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

III. Steady Red Indication.

(a) Vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line or before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in subparagraphs III, (b) and (f).

(b) When a sign is in place permitting a turn, traffic, except pedestrians, facing a steady circular red signal may cautiously enter the intersection to make the turn indicated by the sign after stopping, as required in subparagraph III(a). Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(c) Unless otherwise directed by a pedestrian control signal as provided in RSA 265:11, pedestrians facing a steady circular red signal alone shall not enter the roadway.

(d) Traffic, except pedestrians, facing a steady red arrow indication may not enter the intersection to make the movement indicated by such arrow, unless entering the intersection to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to make the movement indicated by such arrow is shown, except as provided in subparagraph III(f).

(e) Unless otherwise directed by a pedestrian signal, pedestrians facing a steady red arrow signal indication shall not enter the roadway.

(f) Except when the authority having jurisdiction over the intersection prohibits such a turn and a sign located at the intersection so indicates, vehicular traffic facing a steady circular red signal alone or a steady red arrow indication shall stop as required in this section and may after making such stop make a right turn if such right turn is lawful at that intersection. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

IV. Signal not at an Intersection. In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

Source. RSA 262-A:9. 1963, 330:1. 1973, 24:1-3. 1975, 102:1-3. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:11

265:11 Pedestrian Control Signals. –

Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" are in place such signals shall indicate as follows:

I. Walk-Pedestrians facing such steady or flashing signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles. There shall be no right turn allowed for any vehicle while a steady or flashing walk signal is being displayed.

II. Don't Walk-No pedestrian shall start to cross the roadway in the direction of such signals whether steady or flashing, but any pedestrian who has partially completed his crossing on the "Walk" signal shall proceed to a sidewalk or safety island.

Source. RSA 262-A:10. 1963, 330:1. 1973, 24:4. 1981, 146:1. 1994, 135:1, eff. Jan. 1, 1995.

Section 265:11-a

265:11-a Prohibiting Avoidance of Traffic Signals. – At any traffic control signal or sign, it shall be unlawful for the driver of a motor vehicle to cut across public or private property at or near the intersection which is not a roadway to avoid the traffic control signal or sign. Any person who violates the provisions of this section shall be guilty of a violation.

Source. 1986, 127:1, eff. Jan. 1, 1987.

Section 265:12

265:12 Flashing Signals. –

I. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

II. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by RSA 265:49.

Source. RSA 262-A:11. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:13

265:13 Lane Use Control Signals. –

When lane use control signals are placed over individual lanes, said signals shall indicate and apply to drivers of vehicles as follows:

I. Green indication-vehicular traffic may travel in any lane over which a green signal is shown;

II. Steady yellow indication-vehicular traffic is thereby warned that a lane control change is being made;

III. Steady red indication-vehicular traffic shall not enter or travel in any lane over which a red signal is shown;

IV. Flashing yellow indication-vehicular traffic may use the lane only for the purpose of approaching and making a left turn.

Source. RSA 262-A:12. 1963, 330:1. 1981, 146:1; 479:30, eff. Jan. 1, 1982 at 12:01 a.m.

Section 265:14

265:14 Display of Unauthorized Signs, Signals or Markings. –

I. No person shall place, maintain or display upon or in view of any way any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

II. No person shall place or maintain nor shall any public authority permit upon any way any traffic sign or signal bearing thereon any commercial advertising.

III. This section shall not be deemed to prohibit the erection upon private property adjacent to ways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

IV. Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the way is hereby empowered to remove the same or cause it to be removed without notice.

Source. RSA 262-A:13. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:15

265:15 Interference With Traffic Devices, Signs, or Signals. –

I. No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down other than accidentally, remove, or possess any of the following items, or any part thereof, which have been previously installed by lawful authority:

(a) Any official control device; or

(b) Any railroad sign or signal; or

(c) Any inscription, shield or insignia found on any of the above.

II. (a) No person shall use or attempt to use any device designed or intended to change, disrupt, or interfere with the operation of a traffic signal.

(b) A person shall be guilty of a misdemeanor if convicted under this paragraph.

(c) This paragraph shall not apply to the following persons, who shall be permitted to use traffic signal preemption technology for emergency response purposes:

(1) Federal, state, or local law enforcement personnel while in the course of their official duties.

(2) Firefighters while in the course of their official duties.

(3) Emergency medical services personnel while in the course of their official duties.

(4) State or municipal department of transportation or highway personnel while in the course of their official duties.

(d) The exemptions set forth in subparagraphs (c)(1)-(c)(4) shall only apply to such personnel when they are operating licensed ambulances, licensed fire apparatus, or government-owned vehicles.

(e) This paragraph shall not apply to personnel operating fixed-route public transportation buses while in regularly-scheduled service, who shall be permitted to use traffic signal prioritization technology for congestion management purposes.

III. The fine for a violation of this section shall be \$150.

Source. RSA 262-A:14. 1963, 330:1. 1979, 199:1. 1981, 146:1. 2004, 250:1. 2005, 177:35. 2010, 221:2, eff. June 28, 2010. 2017, 113:1, 2, eff. Jan. 1, 2018.

Section 265:16

265:16 Drive on Right Side of Roadway; Exceptions. –

I. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

- (a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
- (b) When an obstruction exists making it necessary to drive to the left of the center of the way; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the way within such distance as to constitute an immediate hazard;
- (c) Upon a roadway divided into 3 marked lanes for traffic under the rules applicable thereon;
- (d) Upon a city street designated and signposted for one-way traffic.

II. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

III. Upon any roadway having 4 or more lanes for moving traffic and providing for 2-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under I(b) hereof.

[Paragraph IV effective January 1, 2019.]

IV. Motor vehicles shall not be operated continuously in the left lane of a multilane roadway whenever it impedes the flow of other traffic at or below the posted speed limit unless reasonable and prudent under the conditions having regard to the actual and potential hazards then existing.

[Paragraph V effective January 1, 2019.]

V. Any person who violates this section shall be guilty of a violation and shall be fined \$50 plus penalty assessment.

Source. RSA 262-A:15. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982. 2018, 281:1, eff. Jan. 1, 2019.

Section 265:17

265:17 Approaching Vehicles. –

I. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least 1/2 of the main-traveled portion of the roadway as nearly as possible.

II. The fine for a violation of this section shall be \$75.

Source. RS 63:1. CS 67:1. GS 69:8. GL 75:11. PS 76:17. PL 90:1. RL 106:1. 1945, 188:1, part 20:1. RSA 250:1. 1963, 330:1. RSA 262-A:16. 1981, 146:1. 2005, 177:27, eff. July 1, 2005.

Overtaking and Passing, Highway Markings, Right of Way

Section 265:18

265:18 Overtaking a Vehicle on the Left. –

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

I. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

II. The driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of the vehicle until completely passed by the overtaking vehicle.

Source. PS 76:18. PL 90:2. RL 106:2. 1945, 188:1, part 20:2. RSA 250:2. 1963, 330:1. RSA 262-A:17. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:19

265:19 When Overtaking on the Right is Permitted. –

The driver of a vehicle may overtake and pass on the right of another vehicle only under the following conditions:

I. When the vehicle overtaken is making or about to make a left turn;

II. Upon a roadway with unobstructed pavement of sufficient width for 2 or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle;

III. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway.

Source. RSA 262-A:18. 1963, 330:1. 1973, 49:1. 1981, 146:1; 479:31, eff. Jan. 1, 1982 at 12:01 a.m.

Section 265:20

265:20 Limitations on Overtaking on the Left. – No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this chapter and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the driving of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any approaching vehicle.

Source. RSA 262-A:19. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:21

265:21 Further Limitations on Driving to Left of Center of Roadway. –

I. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

(a) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(b) When approaching within 100 feet of or traversing any intersection or railroad grade crossing, unless otherwise indicated;

(c) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.

II. The foregoing limitations shall not apply upon a one-way roadway.

Source. RSA 262-A:20. 1963, 330:1. 1981, 146:1. 1989, 85:1, eff. June 30, 1989.

Section 265:22

265:22 Highway Markings. –

I. The commissioner of transportation and, subject to his approval, selectmen of any town or board of mayor and aldermen or group having similar powers in any city, having control of any highway may order such marking of ways, by painted lines, as is deemed necessary to the safe and efficient use of any such way. In ordering or approving such marking the commissioner of transportation insofar as is practicable shall conform to nationally accepted standards and any marking of the way by painted lines shall prima facie be deemed to be approved or ordered by the commissioner of transportation. When the single center line highway marking method is used, no driver of a vehicle shall, while proceeding along a way, drive any part of such vehicle to the left of or across an unbroken painted line marked on the way by order of or with the approval of the said commissioner, except as herein otherwise provided and when the barrier line highway marking system is employed, no driver of a vehicle shall, while proceeding along a way, drive any part of such vehicle to the left of or across an unbroken painted line marked on the way in such driver's lane by order of or with the approval of said commissioner except:

(a) In an emergency; or

(b) To permit ingress or egress to side roads or property adjacent to the highway; or

(c) In case such driver has an unobstructed view and can see the end of the said unbroken painted line; or

(d) In order to pass a pedestrian or a device moved by human power, including a bicycle, skateboard, or foot-scooter, provided such movement can be made safely.

II. The fine for a violation of this section shall be \$100.

Source. RSA 262-A:21. 1963, 330:1. 1981, 146:1. 2004, 257:33. 2005, 177:46, eff. July 1, 2005. 2018, 46:1, eff. July 14, 2018.

Section 265:23

265:23 One-Way Roadways and Roadways and Rotary Traffic Islands. –

I. The commissioner of transportation may designate any way or any separate roadway under his jurisdiction for one-way traffic and shall erect appropriate signs giving notice thereof.

II. Upon a roadway designated and sign-posted for one-way traffic a vehicle shall be driven only in the direction designated.

III. A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

IV. The fine for a violation of this section shall be \$100.

Source. RSA 262-A:22. 1963, 330:1. 1981, 146:1. 2005, 177:28, eff. July 1, 2005.

Section 265:24

265:24 Driving on Roadways Laned for Traffic. –

Whenever any roadway has been divided into 2 or more lanes clearly marked for traffic, the following rules in addition to all others consistent herewith shall apply:

I. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;

II. Upon a roadway which is divided into 3 lanes and provides for 2-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn

or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic control devices;

III. Official traffic control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign;

IV. Official traffic devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

Source. RSA 262-A:23. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:25

265:25 Following Too Closely. –

I. The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the way.

II. The driver of any motor truck or vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

III. Vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so driven as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

IV. The fine for a violation of this section shall be \$100.

Source. 1949, 216:1. RSA 263:31. 1963, 330:1. RSA 262-A:24. 1981, 146:1. 2005, 177:31, eff. July 1, 2005.

Section 265:26

265:26 Driving on Divided Ways. –

I. Whenever any way has been divided into 2 or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space or at a cross-over or intersection as established, unless specifically permitted by public authority.

II. With the exception of any state, federal, county or municipal vehicle or any agent thereof, operating in furtherance of their official duties or any vehicle in an emergency, no vehicle shall be driven to the right of the unbroken painted line marking the barrier between the travel portion of a divided way and the emergency breakdown lane, or to the left of the unbroken painted line marking the barrier between the travel portion of a divided way and the dividing space or barrier.

III. The fine for a violation of this section shall be \$150.

Source. RSA 262-A:25. 1963, 330:1. 1981, 146:1. 1987, 404:15. 1990, 62:22. 2005, 177:26, eff. July 1, 2005.

Section 265:26-a

265:26-a Driving Upon Sidewalk. – No person shall drive any vehicle upon a sidewalk or sidewalk area except when a permanent or authorized temporary driveway crosses the sidewalk area.

Source. 1981, 479:32, eff. Jan. 1, 1982 at 12:01 a.m.

Section 265:27

265:27 Restricted Access. – No person shall drive a vehicle onto or from any controlled access roadway except at such entrances and exits as are established by public authority.

Source. RSA 262-A:26. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:28

265:28 Vehicle Approaching or Entering Intersection. –

I. The driver of every vehicle approaching or entering an intersection on the left shall yield the right of way to the vehicle on the right, unless otherwise designated by an official traffic control device or otherwise directed by a police officer.

II. The right of way rule declared in paragraph I is modified at through highways and otherwise as provided in this chapter.

Source. RS 63:2. CS 67:2. GS 69:9. 1878, 31:1. GL 75:12. PS 76:19. 1923, 78:1. PL 90:3. 1935, 117:6. RL 106:3. 1945, 188:1, part 20:3. RSA 250:3. 1963, 330:1. RSA 262-A:27. 1981, 146:1. 1983, 434:8, eff. June 24, 1983.

Section 265:29

265:29 Vehicle Turning Left. – The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

Source. RSA 262-A:28. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:30

265:30 Vehicle Entering Stop or Yield Intersection or Highway. –

I. Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by RSA 265:31, II, and after having stopped shall yield the right of way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

II. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right of way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection. If such a driver is involved in a collision with a vehicle in the intersection after driving past a yield sign without yielding, such collision shall be deemed prima facie evidence of his failure to yield right of way.

III. The driver of a vehicle using an entrance ramp onto a highway shall yield to the vehicles on the highway, regardless of whether there is a yield sign on the entrance ramp.

Source. RSA 262-A:29. 1955, 178:2. 1963, 330:1. 1981, 146:1. 1989, 305:15, eff. July 1, 1989.

Section 265:31

265:31 Stop Signs; Yield Signs. –

I. Preferential right of way at an intersection may be indicated by stop signs or yield signs.

II. Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none,

then at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

III. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection, or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

IV. The fine for violation of this section shall be \$100.

Source. RSA 262-A:50. 1955, 178:2. 1963, 330:1. 1981, 146:1. 2005, 177:43, eff. July 1, 2005.

Section 265:32

265:32 Vehicle Entering Way From Private Road or Driveway. – The driver of a vehicle about to enter or cross a way from a private road or driveway shall yield the right of way to all vehicles approaching on said way.

Source. RSA 262-A:30. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:33

265:33 Driving of Vehicles on Approach of Authorized Emergency Vehicles. – Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals or of a police vehicle properly and lawfully making use of an audible or visual signal, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the way.

Source. RSA 262-A:31. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982.

Pedestrians' Rights and Duties

Section 265:34

265:34 Pedestrians Subject to Traffic Signs and Regulations. – A pedestrian shall obey the instructions of any traffic sign or regulation specifically applicable to him, unless otherwise directed by a police officer.

Pedestrians shall be subject to traffic and pedestrian control signals as provided in RSA 265:9 unless required by local ordinance to comply strictly with such signals. At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter.

Source. RSA 262-A:32. 1963, 330:1. 1981, 146:1; 479:33, eff. Jan. 1, 1982 at 12:01 a.m.

Section 265:35

265:35 Pedestrian's Right of Way in Crosswalks. –

I. When traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

II. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

III. Paragraph I shall not apply under the conditions stated in RSA 265:36.

IV. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to

permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Source. 1949, 212:1. RSA 263:45. 1963, 330:1. RSA 262-A:33. 1981, 146:1; 479:34, 35, eff. Jan. 1, 1982 at 12:01 a.m.

Section 265:36

265:36 Crossing at Other Than Crosswalks. –

I. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

II. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

III. Between adjacent intersections at which traffic control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

IV. No pedestrian shall cross a roadway intersection diagonally unless authorized by traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

Source. RSA 262-A:34. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:37

265:37 Drivers to Exercise Due Care. – Notwithstanding the foregoing provisions of this chapter or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human-powered vehicle and shall give an audible signal when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person.

Source. 1915, 129:6. 1921, 119:11. PL 103:13. RL 119:22. RSA 263:44. 1963, 330:1. RSA 262-A:35. 1981, 146:1; 479:36, eff. Jan. 1, 1982 at 12:01 a.m.

Section 265:37-a

265:37-a Motorist Duties When Approaching Highway Emergencies. –

I. When in or approaching an incident involving a fire, collision, disaster, utility construction or maintenance, or other emergency resulting in partial or complete blockage of a highway, or a location where a police officer has made a traffic stop, every driver other than the driver of an emergency response vehicle, shall:

(a) Maintain a reduced speed.

(b) Obey the directions of any authorized person directing traffic and of all applicable emergency signals and traffic control devices.

(c) Vacate as soon as possible any lane wholly or partially blocked.

(d) Give a wide berth, without endangering oncoming traffic, to public safety personnel, any persons in the roadway, and stationary vehicles displaying blue, red, or amber emergency or warning lights.

II. Any person violating this section shall be fined \$75 plus penalty assessment for a first offense and \$250 plus penalty assessment for a subsequent offense in a 12-month period.

Source. 2004, 193:3. 2008, 146:1, eff. Aug. 5, 2008. 2015, 112:2, eff. Aug. 7, 2015; 202:3, eff. Jan. 1, 2016.

Section 265:37-b

265:37-b Avoidance of Lane Blockage. –

I. No person shall stop or park a vehicle in such manner as to impede or render dangerous the use of the roadway by others except to avoid a collision, at the direction of an authorized official, or in the event of a

mechanical breakdown.

II. In the event of a mechanical breakdown, the hazard flashers of such vehicle shall be activated if so equipped and in working order.

III. If a vehicle stopped in the roadway is movable and its driver is capable of moving it, the driver shall immediately move the vehicle to the shoulder or to another safe area off of the traveled portion of the roadway.

IV. A law enforcement officer or the incident commander at an incident involving a fire, collision, or other emergency may order the removal of a vehicle that is impeding emergency operations or impeding expedited restoration of traffic flow at the owner's expense.

Source. 2004, 193:3, eff. Jan. 1, 2005.

Section 265:37-c

265:37-c Signs Advising Motorists Approaching Emergency Vehicles in the Breakdown Lane; Fund Established. –

I. There is established a nonlapsing fund to be known as the emergency vehicle warning sign fund which shall be continually appropriated to the department of transportation and which shall be funded by moneys paid through public-private agreements to post signs on the following highways, advising motorists to give one lane of clearance to emergency vehicles in the breakdown lane:

(a) I-93 northbound, one sign at the Massachusetts border, one sign between Salem and Manchester, and 2 signs between Concord and the Vermont border.

(b) I-93 southbound, one sign at the Vermont border, one sign between the Vermont border and Concord, and 2 signs between Concord and the Massachusetts border.

(c) I-89 northbound, 2 signs between Concord and the Vermont border.

(d) I-89 southbound, one sign at the Vermont border and one sign between the Vermont border and Concord.

(e) Route 101 eastbound, one sign at the intersection with I-93 and one sign between the intersection with I-93 and Hampton.

(f) Route 101 westbound, one sign at Hampton and one sign between Hampton and the intersection with I-93.

II. The moneys in the fund shall be expended solely for the purpose of posting the signs in paragraph I. When all such signs have been posted, any balance in the fund shall lapse to the general fund.

Source. 2016, 58:1, eff. July 4, 2016; 223:3, eff. Aug. 8, 2016.

Section 265:38

265:38 Pedestrians to Use Right Half of Crosswalks. – Pedestrians shall move, whenever practicable upon the right half of crosswalks.

Source. RSA 262-A:36. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:39

265:39 Pedestrians on Roadway. –

I. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

II. Where a sidewalk is not available, any pedestrian walking along and upon a way shall walk only on a shoulder, as far as practicable from the edge of the roadway. Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a way shall walk as near as practicable to an outside edge of the roadway, and if on a two-way roadway, shall walk only on the left side of the roadway.

III. Except as otherwise provided in this chapter, any pedestrian upon a roadway shall yield the right of way to all vehicles upon the roadway.

Source. 1955, 295:1. RSA 263:45-a. 1963, 330:1. RSA 262-A:37. 1981, 146:1; 479:37, eff. Jan. 1, 1982 at 12:01 a.m.

Section 265:40

265:40 Pedestrians Soliciting Rides or Business. –

I. No person shall stand on the travelled portion of a roadway for the purpose of soliciting a ride, employment, business or contributions from the occupant of any vehicle.

II. No person shall stand on or in proximity to the traveled portion of a street or way for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or way.

III. It shall be lawful for any person to hitchhike or solicit a ride from the occupant of any vehicle upon any road or way, or limited access road and highway provided that the individual is not, when so doing, standing on the paved portion of the road or way.

IV. No person shall signal a moving vehicle or stop a vehicle on any public way in order to solicit or sell a ticket of admission to an entertainment or sports event.

Source. RSA 262-A:38. 1963, 330:1. 1971, 532:1. 1974, 31:1. 1981, 146:1; 479:8, 38. 1999, 243:1, eff. July 9, 1999.

Section 265:41

265:41 Care Required. – Whenever a totally or partially blind pedestrian, guided by a dog trained for the purpose or carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, crosses or attempts to cross a way, the driver of every vehicle approaching the place where such pedestrian is crossing or attempting to cross shall bring his vehicle to a full stop, and before proceeding shall take such precautions as may be necessary to avoid injuring such pedestrian. Nothing contained in this section shall be construed to deprive any totally or partially blind person, not carrying such a cane or walking stick or not being guided by a dog trained for the purpose, of the rights and privileges conferred by law upon pedestrians crossing ways.

Source. 1939, 65:1. RL 119:34. RSA 263:58. 1957, 184:1. 1959, 240:1. 1963, 61:1. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:41-a

265:41-a Approaching a Service Animal. – The driver of a vehicle approaching a person using a service animal shall take all necessary precautions to avoid injury to that person, and any driver who fails to take such precautions shall be liable in damages for any injury caused to that person.

Source. 1983, 275:3. 2011, 170:5, eff. Jan. 1, 2012.

Turning and Starting and Signals on Stopping and Turning

Section 265:42

265:42 Required Position; Method of Turning at Intersections. –

The driver of a vehicle intending to turn at an intersection shall do so as follows:

I. Right Turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

II. Left Turns.

(a) The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable, a left turn shall be made to the left of the center of the intersection and so as to leave the intersection or other location in the extreme left hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.

(b) The commissioner of transportation and local authorities in their respective jurisdictions may cause traffic signs to be placed and thereby require and direct that a different course from that specified in this section be

travelled by turning vehicles. When such signs are so placed, no driver shall drive a vehicle other than as directed and required by such signs.

(c) Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic control devices, a left turn shall not be made from any other lane; and a vehicle shall not be driven in the lane except when preparing for or making a left turn from or onto the roadway or when preparing or making a U-turn or other move permitted by law.

III. Left Turns on Other Than 2-Way Roadways. At an intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

IV. Local authorities in their respective jurisdictions may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons or signs are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

Source. RSA 262-A:39. 1963, 330:1. 1981, 146:1; 479:39, eff. Jan. 1, 1982 at 12:01 a.m.

Section 265:43

265:43 Turning on Curve or Crest of Grade Prohibited. – No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.

Source. RSA 262-A:40. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:44

265:44 Moving a Vehicle. – No person shall turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall turn a vehicle or move right or left upon a roadway without giving an appropriate signal in a manner hereinafter provided.

Source. RSA 262-A:41. 1963, 330:1. 1981, 146:1; 479:40, eff. Jan. 1, 1982 at 12:01 a.m.

Section 265:45

265:45 Turning Movements and Required Signals. –

I. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in RSA 265:42, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

II. A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

III. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

IV. The signals provided for in RSA 265:46, II, shall be used to indicate an intention to turn, change lanes, or start from a parked position and shall not be flashed on one side only on a parked or disabled vehicle, or flashed as a courtesy or "do pass" signal to drivers of other vehicles approaching from the rear.

Source. 1949, 232:1, par. 18-a. RSA 263:34. 1963, 330:1. RSA 262-A:42. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:46

265:46 Signals by Hand and Arm or Signal Lamps. –

I. Any stop or turn signal when required herein shall be given either by means of the hand and arm or by lighted signal lamps, except as otherwise provided in paragraph II.

II. Any vehicle in use on a way shall be equipped with, and required signal shall be given by, lighted signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle, and to any combination of vehicles.

Source. 1949, 232:1, par. 18-b. RSA 263:35. 1955, 53:1. 1963, 330:1. RSA 262-A:43. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:47

265:47 Method of Giving Hand-and-Arm Signals. –

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

I. Left turn-Hand and arm extended horizontally.

II. Right turn-Hand and arm extended upward. Or optionally, when on a bicycle, by extending the right hand and arm horizontally.

III. Stop or decrease speed-Hand and arm extended downward.

Source. 1948, 232:1, par. 18-c. RSA 263:26. 1963, 330:1. RSA 262-A:44. 1981, 146:1, eff. Jan. 1, 1982. 2018, 46:2, eff. July 14, 2018.

Special Stops Required

Section 265:48

265:48 Obedience to Signal Indicating Approach of Train. –

I. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(b) A crossing gate is lowered or a flagman gives or continues to give a signal of the approach or passage of a railroad train;

(c) A railroad train approaching within approximately 1500 feet of the way crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;

(d) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

II. No person shall drive any vehicle through, around or under any crossing or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

Source. RSA 262-A:45. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:49

265:49 All Vehicles Must Stop at Certain Railroad Grade Crossings. – The commissioner of transportation is hereby authorized to designate particularly dangerous highway grade crossings of railroads and to order stop signs erected at such crossings. It shall be the duty of the commissioner to erect such stop signs at such designated crossings where said highways are under his jurisdiction. Local communities shall when ordered by commissioner erect such stop signs on highways within their jurisdiction. When such stop signs are erected the driver of any vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

Source. RSA 262-A:46. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:50

265:50 Certain Vehicles Must Stop at All Railroad Grade Crossings. –

I. The driver of any vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.

II. No stop need be made at any such crossing when a police officer or a traffic control signal directs traffic to proceed, or by vehicles engaged in the common or contract carriage of passengers for hire, or school buses transporting school students, when such vehicles or buses are exempt by order of the commissioner of transportation.

III. Every vehicle used for the transportation of flammable liquids in cargo tanks, whether loaded or empty, or for the transportation of cylinders of liquefied petroleum gas shall, upon approaching any railroad grade crossing, be brought to a full stop not more than 50 feet and not less than 15 feet from the nearest rail of such grade crossing, and shall not proceed until due caution has been taken to ascertain that the course is clear, except that a full stop need not be made at a railroad grade crossing where a police officer or a traffic control signal (not a railroad flashing signal) directs traffic to proceed; nor at an abandoned or exempted grade crossing which is clearly marked as such by or with the consent of the proper state authority, when such marking can be read from the driver's position.

IV. The term "cylinders of liquefied petroleum gas" as used in this section, shall not be deemed to include the following:

(a) Portable jugs of the nature used by tradesmen such as steamfitters, painters, plumbers, etc.; or

(b) Bottled gas cylinders when attached to house trailers in transit.

Source. 1939, 69:1. RL 119:19. RSA 263:38. 1949, 127:1. RSA 263:78. 1961, 72:1. 1963, 330:1. RSA 262-A:47. 1981, 146:1. 1985, 213:20, eff. Jan. 1, 1986.

Section 265:50-a

265:50-a Failure to Stop at Railroad Crossings; Fine. – The fine for a violation of the provisions of RSA 265:48, RSA 265:49, or RSA 265:50 shall be \$100 plus penalty assessment for a first offense and \$250 plus penalty assessment for a subsequent offense in a 12-month period.

Source. 2005, 177:30, eff. July 1, 2005. 2015, 202:4, eff. Jan. 1, 2016.

Section 265:51

265:51 Moving Heavy Equipment at Railroad Grade Crossing. –

- I. No person shall drive or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal driving speed of 10 or less miles per hour or a vertical body or load clearance of less than 1/2 inch per foot of the distance between any 2 adjacent axles or in any event of less than 9 inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.
- II. Notice of any such intended crossing shall be given to a station agent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.
- III. Before making any such crossing the person driving or moving any such vehicle or equipment shall first stop the same not less than 15 feet nor more than 50 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.
- IV. No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

V. Any person violating this section shall be fined \$125 plus penalty assessment for a first offense and \$250 plus penalty assessment for a subsequent offense in a 12-month period.

Source. RSA 262-A:48. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982. 2015, 202:5, eff. Jan. 1, 2016.

Section 265:52

265:52 Penalty for Violation of Railroad Crossing Provision. – If any person is convicted of an offense under any provision of RSA 265:50 or 265:51, such person shall be guilty of a violation for the first offense, and, for any subsequent offense committed during any calendar year, such person shall be guilty of a misdemeanor. The director may revoke such person's driver's license and no new license shall be issued to such person for at least 90 days after the date of such revocation.

Source. RSA 262-A:49. 1963, 330:1. 1973, 528:141; 529:48. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:52-a

265:52-a Penalty for Violation of Railroad Crossing Provision by Commercial Drivers. –

- I. In addition to the penalties in RSA 265:52, a person is disqualified from driving a commercial motor vehicle for the period of time specified in paragraph II if he or she is convicted of one of the following offenses at a railroad grade crossing while operating a commercial motor vehicle in violation of a federal, state, or local law or regulation:
- (a) For commercial drivers who are not required to stop at all railroad grade crossings, failing to slow down and check that the tracks are clear of an approaching train.
 - (b) For commercial drivers who are not required to stop at all railroad grade crossings, failing to stop before reaching the crossing, if the tracks are not clear.
 - (c) For commercial drivers who are required to stop at all railroad grade crossings, failing to stop before driving onto the crossing.
 - (d) For all commercial drivers, failing to have sufficient space to drive completely through the crossing without stopping.
 - (e) For all commercial drivers, failing to obey a traffic control device or the directions of a law enforcement officer at the crossing.
 - (f) For all commercial drivers, failing to negotiate a crossing because of insufficient undercarriage clearance.
- II. A person is disqualified from driving a commercial motor vehicle for a period of:

(a) Not less than 60 days if the driver is convicted of or is found to have committed a first offense of a railroad grade crossing violation.

(b) Not less than 120 days if the driver is convicted of a second railroad grade crossing violation in separate incidents within a 3-year period.

(c) Not less than one year if the driver is convicted of a third or subsequent railroad grade crossing violation in separate incidents within a 3-year period.

Source. 2010, 95:5, eff. Jan. 1, 2011.

Section 265:53

265:53 Emerging From Alley, Driveway or Building. – The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

Source. RSA 262-A:51. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982.

Buses

Section 265:54

265:54 Overtaking and Passing School Bus. –

I. The driver of a vehicle upon a way upon meeting or overtaking from either direction any school bus, plainly marked with school bus signs or such other distinguishing identification as the director may require, which has stopped on the highway for the purpose of receiving or discharging school children shall stop his or her vehicle before reaching such school bus at least 25 feet away from such school bus. The driver shall not proceed until such school bus resumes motion, or until flashing red lights cease to operate.

I-a. Testimony under oath from the school bus driver or other witness that a vehicle failed to stop and remain stopped as required by paragraph I shall be sufficient evidence to prove that the owner of the vehicle was driving and has violated the provisions of paragraph I, unless such evidence is rebutted or contradicted.

I-b. Except as provided in paragraph IV, a person who violates the provisions of paragraph I shall be guilty of a violation and shall be fined \$150 plus penalty assessment for a first offense, and shall be fined not less than \$250 nor more than \$1,000 for a subsequent offense. In addition, the director may suspend the person's license to drive or nonresident driving privilege for a period of 30 days for a second or subsequent offense.

II. Whenever road conditions and space permit and whenever the number of vehicles following a moving school bus is 5 or more, the driver of the school bus shall pull over and let the following vehicles pass. A driver passing the school bus must do so without driving any part of his vehicle to the left of or across any unbroken painted line marked on the highway.

III. The driver of a vehicle upon a divided highway with separate roadways need not stop when meeting or passing a school bus which is traveling in the opposite direction on the other half of the divided highway, or when upon a controlled access highway if a school bus is stopped in a loading zone which is part of or adjacent to such highway and pedestrians are not permitted to cross the roadway.

IV. Except as provided in paragraph III, no driver of a vehicle who is required to stop his or her vehicle in accordance with paragraph I shall overtake and pass a school bus on the right. A person who violates the provisions of this paragraph shall be guilty of a violation and shall be fined \$500 plus penalty assessment. In addition, the director shall suspend the person's license to drive or nonresident driving privilege for a period of up to 30 days for a first offense. For a second or subsequent offense, the person must appear before the court and shall be fined not less than \$500 nor more than \$1,200 plus penalty assessment. The director shall suspend

the person's license to drive or nonresident driving privilege for a period of 30 days for a second offense, and for a period of not less than 30 days nor more than 120 days for a third or subsequent offense.

Source. 1949, 114:1. 1953, 56:1. RSA 263:43. 1961, 251:6. 1963, 330:1. 1975, 46:1. RSA 262-A:52. 1981, 146:1; 479:41. 1983, 355:1. 1986, 127:27. 2001, 132:2, eff. June 29, 2001. 2015, 202:6, 7, eff. Jan. 1, 2016.

Section 265:55

265:55 Approaching Buses, Etc. – The driver of any vehicle approaching or passing a bus, streetcar, or other vehicle used for transporting passengers, which has been stopped to allow passengers to alight or embark, shall slow down his vehicle and, if necessary for the safety of the public, bring it to a full stop.

Source. 1915, 129:6. 1921, 119:11. PL 103:12. 1935, 107:1. RL 119:21. RSA 263:42. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:56

265:56 School Bus Signs. – No school bus used for the purpose of transporting school children shall be driven upon the ways of the state unless it carries the designation "School Bus" in a conspicuous place showing to the front and rear thereof in lettering not less than 8 inches in height, and has such other distinguishing marks as the director may prescribe. When a school bus is being driven upon a way for purposes other than the transportation of school children, all designating marks thereon indicating school bus shall be covered or concealed.

Source. 1935, 107:2. RL 119:13. 1949, 114:2. 1951, 20:9. RSA 263:25. 1961, 251:1. 1963, 330:1. RSA 262-A:53. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:57

265:57 Driving of School Buses. –

I. The driver of a school bus shall decrease speed when approaching a school bus stop and activate the amber warning lights a minimum of 100 feet prior to the stop.

II. (a) The driver shall stop the bus as far to the right of the highway as possible, yet remain on the traveled portion of the roadway. If facilities and stopping areas are available, the school bus shall be stopped completely off the highway.

(b) The bus shall be stopped in a position at least 10 feet from the students or in a position which allows students to cross at least 10 feet in front of the bus.

III. As the driver approaches a school bus stop, the driver shall check oncoming traffic, traffic to the rear of the school bus, and traffic to both sides of the school bus to ascertain whether traffic is stopping. When the school bus has come to a complete stop and it is safe to take on or discharge students, the driver shall open the service door and thereby activate the red flashing lights.

IV. If the school bus is equipped with strobe lights, the strobe lights shall be kept in continuous operation at all times throughout the regular route, home-to-school and school-to-home.

V. The fine for a violation of this section shall be \$250.

Source. RSA 263:38-a. 1961, 251:7. 1981, 146:1; 479:11, 42. 2001, 81:1. 2005, 177:33, eff. July 1, 2005.

Section 265:58

265:58 School Bus Driving Rules. – The director shall adopt pursuant to RSA 260:5 and enforce all needful rules to govern the driving of all school buses used for the transportation of school children when owned and driven by any school district, publicly or privately owned, or driven while under contract in this state. The rules shall also apply to buses owned or used by a religious organization or a nonprofit organization used exclusively as a bus for the transportation of the organization's members in connection with functions of the organization.

Source. 1951, 113:1. RSA 263:39. 1981, 146:1. 1989, 305:9, eff. July 1, 1989.

Section 265:59

265:59 Vehicle Formerly Used as School Bus to be Repainted. – Any person who drives a vehicle formerly used as a school bus, as defined in RSA 259:96, on the ways of the state shall cause it to be painted a color readily distinguishable from national school bus chrome yellow.

Source. RSA 262-A:53-a. 1969, 3:1. 1981, 146:1, eff. Jan. 1, 1982.

Speed Limitations

Section 265:60

265:60 Basic Rule and Maximum Limits. –

I. No person shall drive a vehicle on a way at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the way in compliance with legal requirements and the duty of all persons to use due care.

II. Where no hazard exists that requires lower speed for compliance with RSA 265:60, I, the speed of any vehicle not in excess of the limit specified in this section or established as hereinafter authorized shall be prima facie lawful, but any speed in excess of the limit specified in this section or established as hereinafter authorized shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

(a) In a posted school zone, at a speed of 10 miles per hour below the usual posted limit from 45 minutes prior to each school opening until each school opening and from each school closing until 45 minutes after each school closing.

(b) 30 miles per hour in any business or urban residence district as defined in RSA 259:118;

(c) 35 miles per hour in any rural residence district as defined in RSA 259:93, and on any class V highway outside the compact part of any city or town as defined in RSA 229:5, IV;

(d) 55 miles per hour in other locations, except as provided in (e);

(e) 65 miles an hour on the interstate system, the central New Hampshire turnpike and the eastern New Hampshire turnpike in locations where said highways are 4-lane divided highways or other divided highways of 4 or more lanes, except that the speed limit on the portion of I-93 from mile marker 45 to the Vermont border shall be 70 miles per hour.

(f) On a portion of a highway where officers or employees of the agency having jurisdiction of the same, or any contractor of the agency or their employees, are at work on the roadway or so close thereto as to be endangered by passing traffic, at a speed of at least 10 miles per hour below the usual posted limit. The speed shall be displayed on signs as required by RSA 265:6-a.

(g) For a vehicle equipped with a transponder, 25 miles per hour through a toll booth or gate that is equipped with a transponder reader for automated toll collection except for an open road tolling lane and except that at toll booths staffed by toll collectors drivers whose vehicles are not equipped for automated tolling shall come to a full stop at the toll booth so that the attendant may collect the toll.

(h) In the toll collection area of an open road tolling lane, at a speed greater than is reasonable and prudent for the conditions and actual and potential hazards existing at the time or greater than a per se maximum speed of 65 miles per hour, whichever is less.

III. The limits specified in subparagraphs II(e) and II(g) shall be the maximum lawful speed and no person shall drive a vehicle on said ways at a speed in excess of such maximum limit. The prima facie speed limits set forth in this section may be altered as authorized in RSA 265:62.

IV. The driver of every vehicle shall, consistent with requirements of paragraph I, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and

going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic by reason of weather or highway conditions.

V. The fines for violation of subparagraphs II(a)-(d) shall be as follows:

Miles per hour above the limit specified:

1-10 \$50
11-15 75
16-20 100
21-25 200
26+ \$350

The fines listed in this paragraph shall be plus penalty assessment.

VI. The fines for violations of subparagraph II(e) shall be as follows:

Miles above the 65 mph limit:

1-5 \$65
6-10 100
11-15 150
16-20 250
21+ 350

Miles above the 70 mph limit:

1-5 \$65
6-10 100
11-15 200
16-20 300
21+ 400

The fines listed in this paragraph shall be plus penalty assessment.

Source. 1905, 86:8. 1909, 154:4. 1911, 133:13. 1921, 119:13. PL 103:17. 1927, 76:2. 1937, 125:1. RL 119:29. 1949, 286:1. RSA 263:53. 1963, 330:1. RSA 262-A:54. 1965, 335:1. 1979, 358:4. 1981, 146:1. 1987, 217:1. 1988, 245:11. 1989, 164:1. 1997, 11:1. 1999, 73:1. 2005, 177:42. 2010, 51:2, 3. 2013, 192:1, eff. Jan. 1, 2014. 2015, 202:8, eff. Jan. 1, 2016. 2018, 160:1, eff. Aug. 3, 2018.

Section 265:61

265:61 Speed Exception. – The speed limitations set forth in RSA 265:60 shall not apply to vehicles when driven with due regard for safety under the direction of the peace officers in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violation, nor to fire department or fire patrol vehicles when traveling in response to a fire alarm, nor to public or private ambulances or other emergency vehicles when traveling in emergencies. This exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

Source. 1937, 125:2. RL 119:33. RSA 263:57. 1959, 179:1. 1963, 330:1. RSA 262-A:55. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:62

265:62 Establishment of State Speed Zones. –

I. Whenever the commissioner of transportation shall determine, upon the basis of an engineering and traffic investigation, or in the event of vehicle or weather emergencies, that any prima facie speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the state highway system, outside the compact part of cities or towns, said

commissioner may determine and declare a reasonable and safe prima facie speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected. Such signs may carry either a fixed speed limit legend or a changeable message so designed as to permit display of different speed limits at various times of the day or night. Such a prima facie speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs. The said commissioner shall keep and maintain a full and complete record of all speed zones established by him and all alterations, amendments or removal thereof.

II. Notwithstanding the provisions of paragraph I and RSA 265:60, II, or any other law to the contrary, upon recommendation of the commissioner of transportation and a determination by the governor and council that it is in the public interest to conserve motor vehicle fuels or to conform with other national goals, the governor and council may establish temporary prima facie speed limits upon any part, including, but not limited to, the ways specified in RSA 265:60, II(e), of the state highway system outside the compact part of cities and towns. Such temporary speed limits shall become effective when appropriate signs giving notice of the limits thereby established are erected.

III. The commissioner of transportation shall keep and maintain a full and complete record of all temporary speed zones established pursuant to paragraph II and all alterations, amendments or removal thereof. Such temporary speed limits shall remain in effect until rescinded by the governor and council, or 12 months from the effective date of establishment, whichever occurs first. Said temporary speed limit may be reimposed, with or without lapse, as hereinbefore provided.

IV. (a) The commissioner of transportation, upon the petition of the governing body of a municipality, shall determine if any prima facie speed limit hereinbefore set forth should be reduced to provide reasonable and safe conditions upon any part of the state highway system within the compact part of cities or towns; provided, however, the resulting speed limit shall not be less than 25 miles per hour.

(b) The petition shall designate the area of the state highway system and the reasons for the reduction in the speed limit. The review of the petition shall include an engineering and traffic investigation and consultation with the petitioners. The commissioner shall provide the petitioners, in writing, the results of his findings. The commissioner may recommend a decrease in the posted prima facie speed limit, but in no case shall the resulting speed limit be below 25 miles per hour.

V. (a) Notwithstanding the provisions of paragraph I and RSA 265:60, II, or any other law to the contrary, the commissioner of transportation, upon the petition of the governing body of a municipality, shall determine if any prima facie speed should be reduced to provide reasonable and safe conditions upon any part of the state highway system that is seasonally congested by pedestrian and bicycle traffic, as determined by the governing body of the municipality.

(b) The petition shall designate the area of the state highway system and the reasons for the reduction in the speed limit. The review of the petition shall include consultation with the petitioners. The commissioner shall provide the petitioners, in writing, the results of his findings. The commissioner may recommend a seasonal decrease in the posted prima facie speed limit, but in no case shall the resulting speed limit be below 20 miles per hour.

(c) There shall be only one seasonal speed limit, of a maximum duration of 4 months, in any 12-month period.

(d) Any municipality using a seasonal speed limit shall bear the cost of signage. However, the design, construction, and installation of such signage shall be approved by the department.

Source. 1937, 125:2. 1939, 130:2, 3. RL 119:30. 1949, 286:2. RSA 263:54. 1963, 330:1. RSA 262-A:56. 1965, 335:2. 1974, 45:9. 1981, 146:1. 1989, 175:1. 1999, 73:2, eff. July 27, 1999. 2015, 80:1, eff. Aug. 1, 2015.

Section 265:63

265:63 Alteration of Limits. –

I. Whenever local authorities in their respective jurisdictions determine on the basis of an engineering or traffic investigation that the prima facie speed permitted under this chapter is greater or less than is reasonable and safe under the conditions found to exist upon a way or part of a way, the local authority may determine and declare a reasonable and safe prima facie limit thereon which:

- (a) Decreases the limit at intersections;
 - (b) Increases the limit within an urban district but not to more than 60 miles per hour;
 - (c) Decreases the limit outside an urban district but not to less than 25 miles per hour; or
 - (d) Decreases the limit within any business or urban residence district but not to less than 25 miles per hour.
- II. Local authorities in their respective jurisdictions shall determine by an engineering or traffic investigation the proper prima facie speed for all arterial streets and shall declare a reasonable and safe prima facie limit thereon which may be greater or less than the prima facie speed permitted hereunder for an urban district.
- II-a. Local authorities shall not be required to hire outside consultants to determine the proper prima facie speed limits as provided in paragraphs I and II if the local community has sufficient staff to conduct the required engineering or traffic investigation.
- III. Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or way.
- IV. Any alteration of limits on state highways or extensions thereof in a municipality by local authorities shall not be effective until such alteration has been approved by the commissioner of transportation.
- V. Notwithstanding the other provisions of this section, local authorities shall modify the speed limits authorized herein so that said speed limits shall not exceed the temporary prima facie speed limits established for the state highway system under RSA 265:62, II, so long as the same are in effect.
- Source.** RSA 262-A:56-a. 1965, 335:3. 1974, 45:10. 1981, 146:1. 1989, 306:1. 1990, 74:1, 2, eff. June 9, 1990.

Section 265:64

265:64 Minimum Speed Regulation. –

- I. No person shall drive a vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law. Under this provision a minimum speed limit of 45 miles per hour shall be posted and prevail on the interstate highway system in the state.
 - II. Whenever the commissioner of transportation determines on the basis of engineering and traffic investigation that slow speeds on any part of a way consistently impede the normal and reasonable movement of traffic, said commissioner may determine and declare a minimum prima facie speed limit.
- Source.** 1937, 125:2. RL 119:31. RSA 263:55. 1955, 119:1. 1963, 330:1. RSA 262-A:57. 1971, 202:1. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:65

- 265:65 Special Speed Limitation on Motor-driven Cycles. –** No person shall drive any motor-driven cycle in the night time at a speed greater than 35 miles per hour unless such motor-driven cycle is equipped with a lighted headlamp or lamps which are adequate to reveal a person or vehicle at a distance of 300 feet ahead.
- Source.** RSA 262-A:58. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:66

265:66 Special Speed Limitations. –

- I. No person shall drive a vehicle which is towing a house trailer at a speed greater than a maximum of 45 miles per hour.
- II. No person shall drive any vehicle equipped with solid rubber or cushion tires at a speed greater than a maximum of 10 miles per hour.
- III. No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a way at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or

structure, when such structure is signposted as provided in this section.

IV. The commissioner of transportation upon request from any local authority shall, or upon his own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if he shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this chapter, said commissioner shall determine and declare the maximum speed of vehicles which such structure can safely withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of 100 feet before each end of such structure.

V. Upon the trial of any person charged with a violation of this section, proof of said determination of the maximum speed by said commissioner and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

Source. RSA 262-A:59. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:67

265:67 Charging Violations and Rule in Civil Actions. –

I. In every charge of violation of any speed regulation in this chapter the complaint shall set forth the manner in which the alleged speed was unreasonable and imprudent or shall specify the speed at which the defendant is alleged to have driven and the prima facie speed applicable within the district or at the location.

II. The provision of this chapter declaring prima facie speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

Source. RSA 262-A:60. 1963, 330:1. 1965, 80:1. 1981, 146:1, eff. Jan. 1, 1982.

Stopping, Standing or Parking

Section 265:68

265:68 Stopping, Standing or Parking Outside Business or Residence Districts. –

I. Upon any way outside of a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the way when it is practicable to stop, park or so leave such vehicle off such part of said way, but in every event an unobstructed width of the way opposite a standing vehicle shall be left for the free passage of other vehicles and clear view of such stopped vehicles shall be available from a distance of 200 feet in each direction upon such way.

II. This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a way in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

Source. 1927, 76:3. RL 119:26. 1949, 136:1. RSA 263:50. 1963, 330:1. RSA 262-A:70. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:69

265:69 Stopping, Standing or Parking Prohibited in Specified Places. –

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person, except a person driving an emergency vehicle, shall:

I. Stop, stand or park a vehicle:

(a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(b) On a sidewalk;

(c) Within an intersection;

(d) On a crosswalk;

(e) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the

ends of a safety zone;

(f) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

(g) Upon any bridge or other elevated structure upon a way or within a highway tunnel;

(h) On any railroad tracks;

(i) At any place where official signs prohibit stopping;

(j) In any parking place, whether on public or private property, specially designated for a person with a walking disability by means of a sign as required by RSA 265:73-a stating that the space is reserved for a person with a walking disability or displaying the international accessibility symbol, unless that person has a special plate or placard issued or recognized pursuant to RSA 261:86 or RSA 261:88, and the person who qualifies for the plate or placard is being transported to or from the parking place. Notwithstanding the provisions of title LXII or any other provision of law, a person who violates the provisions of this subparagraph shall be fined a minimum of \$250 of which 20 percent is payable to the town or city where the violation occurred;

(k) On any controlled access highway;

(l) In the area between roadways of a divided highway, including crossovers;

(m) In or overlapping into any access aisle. Notwithstanding the provisions of title LXII or any other provision of law, a person who violates the provisions of this subparagraph shall be fined a minimum of \$50 for a first offense and a minimum of \$100 for each subsequent offense.

II. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(a) In front of a public or private driveway;

(b) Within 15 feet of a fire hydrant;

(c) Within 20 feet of a crosswalk at an intersection;

(d) Within 30 feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a roadway;

(e) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly signposted;

(f) At any place where official signs prohibit standing.

III. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

(a) Within 50 feet of the nearest rail of a railroad crossing;

(b) At any place where official signs prohibit parking. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

Source. RSA 262-A:71. 1963, 330:1. 1981, 146:1; 284:2, 3; 479:43, 44. 1988, 65:3. 2003, 71:2, eff. Jan. 1, 2004. 2016, 304:3, eff. Jan. 1, 2017.

Section 265:69-a

265:69-a Enforcement of Parking Prohibition in Parking Spaces and Access Aisles Designated for Persons With a Walking Disability. –

I. Testimony under oath with clear photographic evidence from a person with a walking disability pursuant to RSA 261:86 or RSA 261:88 or the driver of a vehicle transporting such a person that a vehicle that does not display a special plate or placard issued or recognized pursuant to RSA 261:86 or RSA 261:88 was parked in a designated parking space for persons with a walking disability or any vehicle parked in or overlapping into an access aisle shall be sufficient evidence to prove that the owner of the vehicle has violated RSA 265:69, I(j) or (m), unless such evidence is rebutted or contradicted.

II. Upon receipt of testimony under paragraph I by the appropriate law enforcement agency, such agency shall fine the violator a minimum of \$250 pursuant to RSA 265:69, I(j).

Source. 2003, 71:3, eff. Jan. 1, 2004. 2017, 68:1, eff. Jan. 1, 2018.

Section 265:70

265:70 Local Ordinances Not Superseded. – The provisions of RSA 265:69 shall not supersede the provisions of any local ordinance which has been adopted to regulate parking in restricted areas in the compact part of any city or town.

Source. RSA 262-A:71-a. 1971, 127:1. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:71

265:71 Additional Parking Regulations. –

I. Except as otherwise provided in this section every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to the right-hand curb, or if upon a roadway where there are no curbs said vehicle shall be so stopped or parked with the right-hand wheels of such vehicle parallel to the right-hand side of the traveled portion of the way.

II. Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway, or its left-hand wheels within 12 inches of the left-hand curb or edge of the roadway.

III. Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state way unless authorized by the commissioner of transportation.

IV. The commissioner of transportation with respect to ways under the department's jurisdiction may place signs to prohibit or restrict the stopping, standing or parking of vehicles on any way where in the commissioner's opinion such stopping, standing or parking is dangerous to those using the way or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon or to control the parking of vehicles at a park and ride facility. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs.

Source. RSA 262-A:72. 1963, 330:1. 1967, 342:1. 1981, 146:1. 2008, 210:6, eff. Aug. 15, 2008.

Section 265:72

1. **265:72 Unattended Vehicle.** –

I. No person driving or in charge of a vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key, and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the way, unless such vehicle has been started by remote control car starter. **This paragraph does not prohibit a person in charge of a vehicle from idling the vehicle unattended on his or her own property.**

II. No person shall start a vehicle by remote control unless the doors of the vehicle are locked; the doors shall remain locked until the operator arrives at the vehicle.

Source. 1921, 119:11. PL 103:15. RL 119:24. RSA 263:47. 1963, 330:1. RSA 262-A:73. 1981, 146:1. 1997, 314:6, eff. Jan. 1, 1998. 2018, 22:1, eff. July 14, 2018.

Section 265:73

265:73 Free Parking for Disabled and for Official Purposes. – Any motor vehicle carrying special number plates issued to paraplegic, amputee or blind war veterans pursuant to RSA 261:86 and 87, and any motor vehicle used for a purpose, or by a person, designated by a city council or town meeting, shall be allowed free parking time in any city or town so long as said motor vehicle is under the direct control of the owner. The provisions of this section shall apply to a veteran who suffers a disability incurred in or aggravated by such

service, upon satisfactory proof that the veteran has been evaluated by the United States department of veterans affairs to be permanently and totally disabled from such service connected disability.

Source. 1949, 143:1, par. 12-b. RSA 249:4. 1971, 305:1. 1973, 320:4; 374:1. 1974, 45:17. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:73-a

265:73-a Parking Signs; Disabled. – A parking space on private or public property that is reserved for persons who are disabled shall be marked by a sign affixed to a post or a building. Said sign shall be clearly visible to anyone directly approaching that particular space. Van-accessible spaces shall be allocated according to the requirements of the Americans with Disabilities Act of 1990 and regulations and guidelines promulgated pursuant thereto. One "van only" spot for every 5 spaces which are reserved for persons who are disabled is recommended. Failure to comply with the sign placement requirements of this section shall subject the property owner to a \$250 fine, provided that the owner shall not be fined more than once in any 120-day period for the same violation.

Source. 1983, 50:1. 1990, 140:2, X. 2010, 252:1, eff. Jan. 1, 2011. 2016, 304:4, eff. Jan. 1, 2017.

Section 265:74

265:74 Parking Privileges for Persons With Walking Disability. – Any motor vehicle carrying the special plates or hanging windshield placard issued to a person with a walking disability under RSA 261:88, or a similar license plate displaying the international accessibility symbol shall be allowed free parking in any city or town, including any state or municipal parking facility where a fee is charged. Each city or town shall have the discretion to set the time periods using guidelines which shall be provided by the governor's commission on disability. The free parking shall only be allowed if the person who qualifies for the special plates or hanging placard is being transported in the vehicle to or from the parking place. Parking places designated for persons with walking disabilities shall be utilized only if a person with a walking disability is being transported in the vehicle to or from the parking place. Notwithstanding the provisions of any local ordinance which has been adopted to regulate parking in places designated for persons with walking disabilities, any person who is convicted under this section shall be guilty of a violation and fined \$250 plus penalty assessment of which 20 percent is payable to the town or city where the violation occurred.

Source. RSA 249:4-a. 1957, 160:2. 1977, 301:2. 1978, 26:2. 1979, 417:4. 1981, 146:1. 1988, 65:4. 1993, 268:2. 1995, 16:1. 1998, 266:1, eff. Jan. 1, 1999. 2015, 202:9, eff. Jan. 1, 2016. 2016, 304:5, eff. Jan. 1, 2017.

Section 265:74-a

265:74-a Obstruction of Parking Place for Persons With Walking Disability. –

I. No property owner shall:

(a) Allow any unreasonable obstruction of any parking place, or access aisle reserved for a person with a walking disability after 24 hours following the conclusion of an adverse weather event.

(b) Allow the accumulation of debris or large objects, such as trash containers, to unreasonably obstruct any parking place or access aisles reserved for a person with a walking disability without providing suitable on-site, equivalent, alternative parking spaces.

II. Paragraph I shall apply to both public and private property where a parking place or access aisle is specifically designated for a person with a walking disability by means of a sign or stenciling as required by RSA 265:73-a stating that the space is reserved for a person with a walking disability or displaying the international accessibility symbol.

III. Any property owner who violates this section shall be guilty of a violation and fined up to \$250 of which 20 percent is payable to the town or city where the violation occurred.

Source. 2008, 304:1, eff. Jan. 1, 2009. 2016, 304:6, eff. Jan. 1, 2017.

Road Racing

Section 265:75

265:75 Racing on Highways. –

I. No person shall drive any vehicle on a highway in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record; and no person shall in any manner participate in any such race, competition, contest, test or exhibition.

II. The driving of 2 or more vehicles from a point side-by-side at accelerating speeds in a competitive attempt to outdistance each other, or the driving of one or more vehicles over a common selected course, where the starting and finishing points are the same, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit on a highway is prohibited.

III. The use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes on a highway is prohibited.

IV. Any person convicted of violating this section shall be guilty of a violation.

Source. 1937, 34:1. RL 119:35. RSA 263:59. 1973, 528:143. 1981, 146:1; 479:45. 1990, 60:3, eff. Jan. 1, 1991.

Section 265:76

265:76 Organized Time Trials. – Notwithstanding the provisions of RSA 265:75 to the contrary, the selectmen of any town may, upon such conditions as they may specify, permit the holding of time trials of motor vehicles on class V and class VI highways and the director of parks and recreation, **department of natural and cultural resources**, may, upon such conditions as he may specify, permit the holding of time trials of motor vehicles on class III highways within the town, provided that such roads shall be closed to other vehicle traffic during the time of such trials, and provided further that the trials are sponsored and supervised by a duly organized corporation or association registered for the purpose with the secretary of state.

Source. RSA 263:59-b. 1971, 237:1. 1981, 146:1, eff. Jan. 1, 1982. 2017, 156:14, I, eff. July 1, 2017.

Section 265:78

265:78 Competitive Bicycle or Moped Races. – No person shall conduct or participate in any competitive bicycle or moped race on any class I, class III, or class III-a highway or on the state-maintained part of any class II highway, unless such race is sponsored by a recognized bicycle or moped organization and the sponsor of such race has obtained, prior to such race, the written approval of the commissioner and of the police department of each city, town or place in which such race is to be held. In the case of a competitive bicycle or moped race on a class III-a highway, the sponsor of the race shall also obtain the approval of the executive director of the fish and game department. The commissioner and the executive director of the fish and game department may require insurance, police coverage or other regulations to insure the safety and protection of the public, and the permit may exempt competitors from such requirements of this chapter relative to rules of the road as are not inconsistent with public safety.

Source. RSA 250:17-b. 1975, 117:1. 1981, 146:1. 1982, 12:3. 1992, 265:19, eff. July 1, 1992.

Serious Traffic Offenses

Section 265:79

265:79 Reckless Driving; Minimum Penalty. – Whoever upon any way drives a vehicle recklessly, or causes a vehicle to be driven recklessly, as defined in RSA 626:2, II(c), or so that the lives or safety of the public shall be endangered, or upon a bet, wager, or race, or who drives a vehicle for the purpose of making a record, or who drives a vehicle at a speed of 100 miles per hour or greater, and thereby violates any of the provisions of this title or any rules adopted by the director, shall be, notwithstanding the provisions of title LXII, guilty of a violation and fined not less than \$500 plus penalty assessment for the first offense and \$750 plus penalty assessment for the second offense nor more than \$1,000 plus penalty assessment and his or her license or operating privilege shall be revoked for a period of 60 days for the first offense and from 60 days to one year for the second offense.

Source. 1911, 133:19. 1919, 161:5. 1921, 119:18. 1923, 24:1. PL 102:11. 1931, 81:1. RL 118:12. 1951, 180:1. RSA 262:15. 1955, 109:1. 1963, 330:1. RSA 262-A:61. 1973, 129:1. 1981, 146:1. 1983, 373:9. 1985, 290:1. 1989, 410:5. 2000, 287:3. 2001, 254:1. 2005, 177:49, eff. July 1, 2005. 2014, 252:1, eff. Sept. 20, 2014.

Section 265:79-a

265:79-a Vehicular Assault. – Any person who causes death or serious bodily injury as defined in RSA 625:11, VI to another while using a vessel or propelled vehicle as defined in RSA 637:9, III shall be guilty of a class A misdemeanor, where such person's negligent operation of the propelled vehicle or vessel causes or materially contributes to the collision.

Source. 2000, 319:1, eff. Jan. 1, 2001. 2015, 51:1, eff. Jan. 1, 2016.

Section 265:79-b

265:79-b Negligent Driving. – Whoever upon any way drives a vehicle negligently or causes a vehicle to be driven negligently, as defined in RSA 626:2, II(d), or in a manner that endangers or is likely to endanger any person or property shall be guilty of a violation and shall be fined not less than \$250 nor more than \$500 for a first offense and not less than \$500 nor more than \$1,000 for a second or subsequent offense.

Source. 2001, 254:2. 2005, 267:1, eff. Jan. 1, 2006. 2015, 52:1, eff. June 2, 2015.

Section 265:79-c

265:79-c Use of Mobile Electronic Devices While Driving; Prohibition. –

I. (a) No person, while driving a moving motor vehicle upon a way or temporarily halted in traffic for a traffic control device or other momentary delay, shall use any hand-held mobile electronic device capable of providing voice or data communication, including but not limited to: reading, composing, viewing, or posting any electronic message; or initiating, receiving, or conducting a conversation; or initiating a command or request to access the Internet; or inputting information into a global positioning system or navigation device; or manually typing data into any other portable electronic device. An operator of a motor vehicle who holds a cellular telephone or other electronic device capable of voice communication in the immediate proximity of his or her ear while such vehicle is in motion is presumed to be engaging in a call within the meaning of this section.

(b) "Driving," for the purposes of this section, shall not include when a person is behind the controls of a vehicle that has pulled to the side of or off the road at a location where it is legal to do so and where the vehicle remains stationary.

II. It shall not be an offense under this section for any person driving a motor vehicle upon a way:

(a) To make use of a cellular telephone or other electronic device capable of voice communication to report an

emergency to the enhanced 911 system or directly to a law enforcement agency, fire department, or emergency medical provider.

(b) To use one hand to transmit or receive messages on any non-cellular 2-way radio.

(c) To use a Bluetooth enabled or other hands-free electronic device, or a similar device that is physically or electronically integrated into a motor vehicle, for such a purpose to send or receive information provided the driver does not have to divert his or her attention from the road ahead. As used in this section, "hands-free electronic device" means a mobile electronic device that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such mobile electronic device, by which a user engages in conversation without the use of either hand; provided, however, this definition shall not preclude the use of either hand merely to activate, deactivate, or initiate a function of the telephone.

(d) To perform any action required by an ignition interlock device.

III. Any person who violates this section shall be guilty of a violation and shall be fined \$100 plus penalty assessment for a first offense, \$250 plus penalty assessment for a second offense, and \$500 plus penalty assessment for any subsequent offense within a 24-month period.

IV. No person less than 18 years of age shall use a cellular or mobile telephone or other mobile electronic device, whether hands-free or not, while driving a motor vehicle in motion or temporarily stopped in traffic upon any way, except to report an emergency to the enhanced 911 system **or any public safety agency.** A person violating this paragraph shall be subject to the fines in paragraph III and license suspension or revocation under RSA 263:14, III.

V. Nothing in this section shall prohibit a driver, regardless of age, from receiving aural routing information from a hands-free global positioning device or navigation service through a mobile electronic device; or receiving turn-by-turn routing information from the screen of a global positioning device or navigation service through a mobile electronic device that is integrated into the vehicle or mounted on the dashboard, windshield, or visor of the vehicle.

Source. 2014, 256:1, eff. July 1, 2015. 2016, 154:1, eff. May 27, 2016; 168:2, eff. June 3, 2016.

Section 265:91-b

265:91-b Administrative Review and Hearings. –

I. (a) Any person whose license is suspended or revoked under this subdivision or RSA 263:96 may request either an administrative review or a hearing. The request shall be in writing and shall state the grounds upon which the person seeks to have the order of suspension or revocation rescinded, which grounds shall be limited to those provided in paragraph II. The filing of the request shall not stay the suspension or revocation. A request for either administrative review or hearing received by the department after 30 days from the date the notice is issued shall be denied as untimely.

(b) If the request is for an administrative review, the request may be accompanied by any statement or other evidence which the person wants the department to consider. Upon receiving the request the department shall review the order, the evidence upon which it is based, including whether the person was driving or in actual physical control of a motor vehicle, and any other information brought to the attention of the department, and shall determine whether sufficient cause exists to sustain the order.

(c) If the request is for a hearing, the request shall also indicate whether or not the person desires to have the law enforcement officer present. The hearing shall be held within 20 days after the filing of the request unless the person requests a continuance. A request for a continuance by the person shall not stay the order of suspension or revocation. The hearing shall be recorded, and be conducted by the department's designated agent. The hearing may be conducted upon a review of the law enforcement officer's report if there is no request to have the officer present. If there is a request that the law enforcement officer be present at the hearing and the officer fails to appear without good cause shown, the case shall be dismissed and the order rescinded. If the person requesting the hearing fails to appear without good cause shown, the right to a hearing shall be waived and the order sustained.

II. The scope of the administrative review or hearing shall be limited to the issue of whether the person had

been arrested.

III. In the case of either an administrative review or a hearing, the hearing examiner shall issue his or her recommendation on the order of suspension or revocation within 15 days of the request for administrative review or the hearing date. The recommendation shall be in writing and a copy shall be provided to the parties. The recommendation shall be final unless a review or appeal is filed under RSA 265:91-d or RSA 265:91-e.

Source. 1992, 258:7. 1993, 48:13. 1995, 64:6. 1999, 295:1. 2006, 260:25, eff. Jan. 1, 2007.

Section 265:91-c

265:91-c Period of License Suspension. – Where a license or driving privilege has been suspended under RSA 265:91-a and the person is also convicted on criminal charges arising out of the same event both the suspension and the court ordered revocation shall be imposed but the total period of suspension and revocation shall not exceed the longer of the 2 periods; provided, however, that any suspension for refusing to submit to a test under the provisions of RSA 265:92 shall not run concurrently with any other penalty imposed under the provisions of this title.

Source. 1992, 258:7, eff. Jan. 1, 1993.

Section 265:91-d

265:91-d Review. – Within 10 days following the examiner's ruling, a person whose license has been suspended or revoked, or the law enforcement officer, may petition the director for a review of the ruling. The filing of the petition shall not stay a suspension or revocation of the person's driver's license or privilege to drive if imposed, or the restoration of the person's driver's license or privilege to drive. The review shall determine whether the ruling is erroneous as a matter of law or cannot be sustained by the facts as presented at the hearing. After a review of the ruling, the director shall issue within 10 days a finding either affirming the ruling or granting a new hearing. Any grant of a new hearing shall be accompanied by a written explanation setting forth the specific error of law or the reason why the ruling cannot be sustained by the facts.

Source. 1992, 258:7. 1993, 190:13. 1999, 295:2, eff. Jan. 1, 2000.

Section 265:91-e

265:91-e Appeal. – Any person aggrieved by a decision of the department under this section, after the administrative hearing or review, may appeal the decision as provided in RSA 263:75. The court shall have the full authority to determine whether any license suspension or revocation should be stayed during the pendency of the appeal.

Source. 1999, 295:3, eff. Jan. 1, 2000.

Special Rules

Section 265:94

265:94 Limitations on Backing. –

I. The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic. The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled access way.

II. The fine for a violation of this section shall be \$150.

Source. RSA 262-A:74. 1963, 330:1. 1981, 146:1. 2005, 177:32, eff. July 1, 2005.

Section 265:95

265:95 Obstruction to Driver's View or Riding Mechanism. –

- I. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding 3, as to obstruct the view of the driver, to the front or side of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.
- II. No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.
- III. (a) Except as permitted by subparagraph (b), no person shall drive upon any way any vehicle with any sign, poster, sticker, or other nontransparent material upon or adjacent to the front windshield, side wings, or side or rear windows of such vehicle which shall obstruct the driver's clear view of the way or any intersecting way, unless authorized by the director so to do. No person shall drive upon any way any vehicle with after market tinting on the windshield or on the windows to the left and right of the driver, as prohibited under RSA 266:58-a.
- (b) Stickers or other nontransparent material shall be permitted on a rear window if the vehicle is equipped with exterior rearview mirrors on the right and left side of the vehicle that provide the driver with a clear and unobstructed view of the way to the rear of the vehicle and the stickers or other nontransparent material are attached along the perimeter of the rear window in such a manner that the inside rearview mirror provides a view of the way to the rear of the vehicle through the center portion of the rear window.
- IV. Any person who violates the provisions of paragraph I, II, or III of this section shall be subject to a fine of \$75.

Source. 1947, 181:1, par. 12-b. RSA 262-A:76; 263:24. 1959, 104:1. 1963, 330:1. 1981, 146:1. 1989, 160:3. 2005, 177:38. 2010, 205:1, eff. June 22, 2010.

Section 265:96

265:96 Opening and Closing Vehicle Doors. – No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Source. RSA 262-A:77. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:97

265:97 Riding in Trailers. – No person or persons shall occupy any type of house trailer or automobile utility trailer as defined by RSA 259:5, while it is being moved upon a way.

Source. RSA 262-A:78. 1963, 330:1. 1973, 180:1. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:98

265:98 Driving on Mountain Ways. – The driver of a vehicle traveling through defiles or canyons or on mountain ways shall hold such vehicle under control and as near the right-hand edge of the way as reasonably possible and, upon approaching any curve where the view is obstructed within a distance of 200 feet along the way, shall give audible warning with the horn of such vehicle.

Source. RSA 262-A:79. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:99

265:99 Coasting Prohibited. –

I. The driver of any vehicle when traveling upon a downgrade, other than motorcycles or private passenger automobiles, as defined in RSA 259:80, I, traveling under 15 miles per hour, shall not coast with the gears of such vehicle in neutral.

II. The driver of a truck or bus when traveling upon a downgrade shall not coast with the clutch disengaged.

III. The fine for a violation of this section shall be \$100.

Source. RSA 262-A:80. 1963, 330:1. 1981, 146:1. 2005, 177:25, eff. July 1, 2005. 2016, 235:1, eff. June 10, 2016.

Section 265:100

265:100 Following Fire Apparatus Prohibited. – The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

Source. RSA 262-A:81. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:101

265:101 Crossing Fire Hose. – No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

Source. RSA 262-A:82. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:102

265:102 Littering; Penalty. –

I. No person shall put or place, or cause to be put or placed, in or upon any way, right-of-way, street, square, lane, alley, public bathing place or the approaches thereto, or into or on the ice over any public water, streams or watercourse or the approaches thereto or land bordering the same or other public place in any city or town any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, old automobile or parts thereof, or refuse of any nature whatsoever or any noxious thing; provided that nothing herein shall be construed as affecting authorized collections of such articles as garbage or refuse.

I-a. No person shall deposit household garbage, leaves, clippings, prunings or gardening refuse in any highway or department of natural and cultural resources litter receptacle.

II. Any person who drops, or permits to be dropped or thrown upon any highway any destructive or injurious materials shall immediately remove the same or cause it to be removed.

III. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

IV. Any person who violates any provision of this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

Source. 1897, 61:1, 2. PL 92:16, 18. RL 108:16, 18. 1945, 188:1, part 19:22. 1953, 102:1. RSA 249:27. 1959, 50:1; 306:4. 1963, 330:1. RSA 262-A:83. 1971, 195:1. 1973, 90:2; 530:38. 1981, 146:1; 479:46. 1987, 344:5. 1990, 137:1, eff. Jan. 1, 1991. 2017, 156:14, I, eff. July 1, 2017.

Section 265:103

265:103 Evidence of Littering. – When any violation of RSA 265:102 has been observed by any person, and the matter disposed of has been ejected from a vehicle, such observation is prima facie evidence that the driver of such vehicle has committed the violation.

Source. RSA 262-A:83-a. 1971, 195:2. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:104

265:104 Approaching Horses. – Every person having control or charge of a vehicle shall, whenever upon any way and approaching any horse, drive, manage, and control such vehicle in such a manner as to exercise every reasonable precaution to prevent the frightening of such horse, and to insure the safety and protection of any person riding or driving the same.

Source. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:105

265:105 Use of Amateur or Citizen Band Radio. – Notwithstanding any other provision of law, it shall be lawful for any person to use an amateur or citizen band radio, radio telephone, radio telegraph equipment or any other electronic receiving device while driving a vehicle upon a way.

Source. RSA 262-A:85. 1977, 375:1. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:105-a

265:105-a Prohibited Text Messages and Device Usage While Operating a Motor Vehicle. –

I. A person operating a moving motor vehicle who writes a text message or uses 2 hands to type on or operate an electronic or telecommunications device, is guilty of a violation. A person does not write a text message when he or she reads, selects, or enters a phone number or name in a wireless communications device for the purpose of making a phone call.

II. The fine for a violation of this section shall be \$100.

Source. 2009, 291:1, eff. Jan. 1, 2010.

Section 265:106

265:106 Carrying Passengers in Trucks Prohibited. – Any person who shall drive or permit, allow or cause to be driven, any vehicle designed or constructed by the manufacturer exclusively for the transportation of goods, materials, commodities, freight, or merchandise, for the purpose of carrying passengers for a consideration, express or implied, shall be guilty of a violation.

Source. 1941, 170:1. RL 119:49. RSA 263:79. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:107

265:107 Rules for Carrying Passengers. – Nothing in RSA 265:106 shall be construed to prevent the transportation under such rules as shall be adopted pursuant to RSA 260:5 by the director of those enrolled at summer camps or students, teachers, or employees of colleges and schools when it is for recreational or religious purposes; or prevent the transportation of employees of any town, city, county or the state, federal government, or any agency thereof, or of employees of the owner of such vehicle when in the course of going to

or from their place of employment; or when transportation is in a vehicle approved by the director under RSA 266:7.

Source. 1941, 170:1. RL 119:50. RSA 263:80. 1957, 161:1. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:107-a

265:107-a Child Passenger Restraints Required. –

I. No person shall drive a motor vehicle on any way while carrying as a passenger a person less than 18 years of age unless such person is wearing a seat or safety belt which is properly adjusted and fastened. Except as provided in paragraph II, no person shall drive a motor vehicle on any way while carrying as a passenger a person less than 18 years of age unless the motor vehicle was designed for and equipped with child passenger restraints in accordance with the safety standards approved by the United States Department of Transportation in 49 C.F.R. section 571.213.

I-a. No person who is less than 18 years of age shall drive a motor vehicle or autocycle on any way unless such person is wearing a seat or safety belt which is properly adjusted and fastened.

I-b. No person shall drive a motor vehicle on any way while carrying as a passenger a person less than 7 years of age unless such passenger is properly fastened and secured by a child restraint system which is in accordance with the safety standards approved by the United States Department of Transportation in 49 C.F.R. section 571.213. If the passenger is 57 inches or more in height, the provisions of this paragraph shall not apply.

II. A person shall not be guilty of a violation of this section if the motor vehicle the person is driving is regularly used to transport passengers for hire, is a school bus weighing more than 10,000 pounds or is a school bus weighing less than 10,000 pounds that was manufactured without safety belts, or there is an individualized education program statement contraindicating the use of restraints, is a vehicle manufactured before 1968, is a motorcycle as defined in RSA 259:63, is an antique motor car or motorcycle as defined in RSA 259:4, or is being operated in a parade authorized by law or ordinance, provided that the parade vehicle is travelling at a speed of no more than 10 miles per hour.

III. Any driver who violates the provisions of this section shall be guilty of a violation, and shall be subject to the following fines:

(a) \$50 for a first offense.

(b) \$100 for a second or subsequent offense.

IV. A violation of this section shall not be used as evidence of contributory negligence in any civil action.

V. A conviction for violating the provisions of this section shall not preclude prosecution of any other offense for which violation of this section might constitute an element.

VI. [Repealed.]

Source. 1983, 45:1. 1987, 240:1. 1989, 302:1. 1993, 21:1. 1995, 6:1. 1997, 244:1-4. 1999, 227:1. 2000, 19:1. 2003, 55:1. 2005, 177:24. 2006, 142:1, 2. 2008, 274:32. 2013, 246:1, eff. Jan. 1, 2014. 2015, 222:6, eff. July 1, 2015.

Section 265:108

265:108 Certain Towing Prohibited. –

I. Except as otherwise provided in this section, no vehicle, truck-tractor, or tractor may tow on any way more than one vehicle, truck-tractor, trailer or semi-trailer, except one used exclusively for agricultural purposes. This provision shall not apply to:

(a) Towing by duly authorized wrecking vehicles.

(b) Transportation of new and used trucks in saddlemount combinations, provided no more than 3 saddlemounts may be used in any combination, and provided that all vehicles comply with the regulations of the federal Bureau of Motor Carrier Safety regarding driveaway-towaway operations as provided in title 49 of the Code of Federal Regulations, part 393.71.

(c) Commercial vehicle combinations consisting of a truck-tractor, semi-trailer and not more than one full trailer driven on:

- (1) Any interstate and defense highway.
- (2) On sections of the state turnpike system with 4 lanes under conditions and rules as adopted under RSA 541-A by the commissioner of transportation.
- (3) On such access routes to terminals, facilities for food, fuel, repairs and rest as the commissioner of the department of transportation shall designate by rules adopted under RSA 541-A.

II. Access routes for truck-tractor, semi-trailer or full trailer combinations to and from the interstate system and state turnpike system from and to terminal facility sites may be granted by permit upon application in writing to the commissioner of the department of transportation by the terminal facility operator or owner. Access to points of loading and unloading for household goods carriers may be granted on an individual basis by application to the department of transportation. Said approval, based on reasonably safe highways and driving conditions, may be granted for class I and class II highways, and, with concurrence of local officials, for class IV and class V highways.

Source. RSA 263:7-b. 1977, 167:1. 1981, 146:1. 1983, 434:9. 1985, 213:21, eff. Jan. 1, 1986.

Section 265:108-a

265:108-a Parade Vehicles. –

I. No person may operate a vehicle in a parade unless the following safety precautions are taken:

- (a) No person may use any type of vehicle with protruding or outrigger wheels in a parade unless the vehicle is suitably modified to protect both riders and pedestrians from the wheel assembly.
- (b) At least one adult, other than the driver, shall supervise children riding on a vehicle in a parade and have a reasonable means of immediate communication with the driver. The number of adults supervising the children shall not be less than one adult per every 4 children and sufficient to ensure that each child is visible to a supervising adult.
- (c) Children riding on a vehicle in a parade shall remain entirely within the perimeter of the vehicle and, if standing, shall be reasonably protected from probable injury if the vehicle suddenly starts or stops.

II. Any person operating a vehicle without following all of the safety precautions listed in paragraph I shall be guilty of a violation, and shall be subject to the following fines:

- (a) \$50 for a first offense.
- (b) \$100 for a second or subsequent offense.

Source. 2007, 378:1, eff. Sept. 16, 2007.

Use of Lights

Section 265:109

265:109 Period of Lighting. – Every vehicle or combination of vehicles, whether stationary or in motion, on any way or bridge, shall have attached to it a light or lights, which shall be so displayed as to be visible from the front and rear, during the period from 1/2 hour after sunset to 1/2 hour before sunrise.

Source. 1913, 105:1. 1919, 26:1. 1921, 126:1. 1925, 105:1. PL 90:5. RL 106:5. 1945, 188:1, part 20:5. RSA 250:5. 1965, 359:1. 1967, 31:2. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:110

265:110 Party Responsible. – The driver or custodian of a vehicle shall be deemed the responsible party, liable to such penalty under the provisions of RSA 262:41.

Source. 1913, 105:5. PL 90:10. RL 106:10. 1945, 188:1, part 20:10. RSA 250:10. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:111

265:111 Enforcement. – The director, his agents and examiners, sheriffs and their deputies, peace officers, constables and selectmen shall have authority to enforce the provisions of this subdivision.

Source. 1913, 105:7. 1921, 126:2. 1925, 105:2. PL 90:11. RL 106:11. 1945, 188:1, part 20:11. RSA 250:11. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:112

265:112 Parking Lights. – Parking lights shall be displayed by all vehicles parked wholly or partially on a way, from 1/2 hour after sunset to 1/2 hour before sunrise, and at other times whenever rain, snow, or fog shall interfere with clear vision, unless said vehicles are plainly visible because of street or other lights.

Source. 1935, 116:2. RL 119:27. RSA 263:51. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:113

265:113 Reflective Warning Devices. –

Every truck, bus, or truck-tractor, over 10,000 pounds manufactured gross vehicle weight, when driven outside of the lighted area of towns and cities shall be equipped with 3 bidirectional reflective warning devices approved by the director and in compliance with title 49 CFR part 393.95(F) of the motor carrier safety regulations. These warning devices shall be utilized as follows, except when stopping momentarily under conditions described in RSA 265:112:

I. On divided highways and one-way roads a warning device shall be placed within 10 feet of the rear of the vehicle, one warning device shall be placed 100 feet and one warning device 200 feet in the direction of on-coming traffic on the traffic side of vehicle.

II. On all other ways one warning device shall be placed 10 feet on the front or rear of the vehicle on the traffic side, one warning device shall be placed 100 feet to the rear and one warning device 100 feet to the front of the vehicle on the traffic side.

Source. 1935, 116:2. RL 119:28. 1947, 80:1. RSA 263:52. 1981, 146:1. 1985, 213:22. 1987, 404:9, eff. July 25, 1987.

Section 265:114

265:114 Dimming Lights. – The driver of any vehicle upon approaching, overtaking or while following within a distance of approximately 150 feet of another vehicle on a way during the period from 1/2 hour after sunset to 1/2 hour before sunrise shall dim his headlights.

Source. RSA 263:52-a. 1955, 295:2. 1981, 146:1, eff. Jan. 1, 1982.

Transporting Hazardous Materials and Explosives

Section 265:115

265:115 Transporting Explosives. –

Any person driving any vehicle transporting any explosives as a cargo or part of a cargo upon a way shall at all times comply with the following provisions:

I. Blasting caps, blasting caps with safety fuses, blasting caps with metal clad mild detonating fuse, and electric blasting caps may be transported with other explosives in the same vehicle only in accordance with such rules as may be adopted by the director of the division of state police in accordance with RSA 158:9-f.

II. Every vehicle used for transporting explosive materials and certain oxidizing materials shall be marked in accordance with such rules as may be adopted by the director of the division of state police in accordance with

RSA 158:9-f.

III. (a) Each vehicle used for transporting explosive materials shall be equipped with 2 fire extinguishers having a combined rating of at least 2-A, 10 B:C as defined in national fire protection association standards. Such extinguishers shall be filled, ready for immediate use, and located near the driver's seat.

(b) A vehicle transporting explosives shall be inspected daily by the driver prior to driving in order to determine that it is in proper condition for safe transportation of explosives and the fire extinguishers are filled and in working order.

(c) No person shall smoke, carry matches or any other flame producing device or carry any unauthorized firearms or loaded cartridges while in or near a vehicle transporting explosive materials, or drive, load or unload such vehicle in a careless or reckless manner.

IV. Vehicles used for transporting explosive materials shall be strong enough to carry the load without difficulty or exceeding the manufacturer's recommended gross vehicle weight and be in good mechanical condition. If vehicles do not have a closed body, the body shall be covered with a flame retardant and moisture proof tarpaulin or other effective protection against moisture and sparks. All vehicles used for the transportation of explosive materials shall have tight floors and any exposed spark producing metal on the inside of the body shall be covered with wood or other nonsparking material to prevent contact with packages of explosives. Packages of explosive materials shall not be loaded above the sides of an open body vehicle. Explosive materials shall not be transported in trailers.

V. Every vehicle transporting any quantity of class A high or class B low explosives as defined by the director of the division of state police shall at all times be attended by a driver or a designee of the motor carrier driving the vehicle. This attendant shall have been made aware of the class of the explosive material in the vehicle and of its inherent dangers by the carrier and shall have been instructed in the measures and procedures to be followed in order to protect the public from those dangers. He shall have been made familiar with the vehicle he is assigned to attend, and shall be trained, supplied with the necessary means, and authorized to move the vehicle when required. For the purpose of this paragraph, a vehicle shall be deemed to be attended only when the driver or other attendant is physically on or in the vehicle or has the vehicle within his range of vision and can reach it quickly without any kind of interference. Attended also means that the driver or attendant is awake, alert and not engaged in other duties or activities which may divert his attention from the vehicle, except for necessary communication with public officers, or representatives of the carrier, shipper or consignee, or except for necessary absence from the vehicle to obtain food or to provide for his physical comfort.

VI. Explosive materials shall not be transported over any prohibited bridge, roadway, or elevated roadway. Except under emergency conditions, no vehicle transporting explosives shall be parked before reaching its destination, even though attended, on any public street adjacent to or in proximity of any bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble.

Source. 1941, 142:1, 3. RL 119:47. 1951, 20:12. RSA 263:76. 1979, 358:6. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:116

265:116 Exceptions. – Nothing in this subdivision shall be construed as affecting the transportation of military or naval forces or their equipment by the federal or the state government. Fixed ammunition for small arms, firecrackers or matches shall not be held to be explosives when the individual units contain any of the articles mentioned above in such limited quantity or of such nature and in such packing that it is impossible to produce an explosion of such units to the injury of life, limb or property.

Source. 1941, 142:4. RL 119:48. RSA 263:77. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:117

265:117 Transporting Hazardous Materials or Wastes. – Notwithstanding RSA 265:115 relative to the transportation of explosives, any person driving any vehicle transporting any hazardous materials or wastes upon a way shall at all times comply with rules adopted by the commissioner pursuant to RSA 106-A:18.

Source. RSA 263:77-b. 1979, 344:7. 1981, 146:1. 1983, 393:7, eff. Aug. 21, 1983.

Section 265:118

265:118 Penalty. – The driver, owner, and custodian of any vehicle which is driven in violation of the provisions of this subdivision or any rule adopted under this subdivision shall be guilty of a violation for a first offense and, notwithstanding the provisions of title LXII, shall be fined not more than \$250 plus penalty assessment if a natural person or not more than \$500 plus penalty assessment if any other person. Any person convicted of an offense under this subdivision who was convicted of an offense relating to the transportation of explosives or 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 explosives or 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.

Source. RSA 263:77-c. 1979, 344:7. 1981, 146:1. 1983, 393:8, eff. Aug. 21, 1983. 2015, 202:10, eff. Jan. 1, 2016.

Special Rules for Motorcycles

Section 265:119

265:119 Traffic Laws Apply to Persons Driving Motorcycles. – Every person driving a motorcycle shall be granted all the rights and shall be subject to all the duties applicable to the driver of any other vehicle under this title, except as to provisions of this title which indicate otherwise and except as to those provisions of the title which by their nature can have no application.

Source. RSA 263:29-h. 1969, 82:1. 1981, 146:1; 479:47, eff. Jan. 1, 1982 at 12:01 a.m.

Section 265:120

265:120 Riding Upon Motorcycles. –

I. A person driving a motorcycle shall ride only upon the permanent and regular seat attached thereto. Such driver shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which case a passenger may ride upon the permanent and regular seat if designated for 2 persons, or upon another seat firmly attached to the motorcycle at the rear or side of the driver, or in a sidecar firmly attached to the side of the motorcycle.

II. A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

III. No person shall drive a motorcycle while carrying any package, bundle, or other article which prevents him from keeping both hands on the handlebars.

IV. No driver shall carry any person, nor shall any person ride in a position which will interfere with the driving or control of the motorcycle or with the view of the driver.

V. Any person who violates the provisions of paragraph I, II, or III of this section shall be subject to a fine of \$75.

Source. RSA 263:29-d. 1967, 443:1. 1981, 146:1; 479:48. 2005, 177:37, eff. July 1, 2005.

Section 265:121

265:121 Driving Motorcycles on Roadways Laned for Traffic. –

- I. All motorcycles are entitled to the full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane; provided, however, that 2 motorcycles may ride abreast in a single lane.
- II. The driver of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- III. No person shall drive a motorcycle on a roadway between lanes of traffic or between adjacent lines or rows of vehicles.
- IV. Motorcycles shall not be driven more than 2 abreast in a single lane.
- V. Paragraphs II and III shall not apply to police officers in the performance of their official duties.
- VI. No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle, except a sidecar, on the roadway.

Source. RSA 263:29-e. 1967, 443:1. 1981, 146:1; 479:49, eff. Jan. 1, 1982 at 12:01 a.m.

Section 265:122

265:122 Protective Headgear. –

- I. No person less than 18 years of age may drive or ride upon a motorcycle or autocycle unless he or she wears protective headgear of a type approved by the director. Such headgear shall be equipped with either a neck or chin strap.
- II. The director is hereby authorized and empowered to adopt rules pursuant to RSA 260:5 covering the types of protective headgear and the specifications therefor and to establish and maintain a list of approved headgear which meet established specifications.
- III. If federal law is altered so that the mandatory wearing of protective headgear on motorcycles **or autocycles** by persons less than 18 years of age is not required as a condition to the receipt by the state of any federal funds, paragraphs I and II shall be void.
- IV. Any motorcycle **or autocycle operator** who transports a person under the age of 18 years, when such person is in violation of paragraph I, shall be guilty of a violation.

Source. RSA 263:29-b. 1967, 443:1. 1977, 173:1. 1981, 146:1. 1990, 79:7, eff. June 9, 1990. 2015, 222:7, eff. July 1, 2015.

Section 265:123

265:123 Eye and Face Protection. – If a motorcycle is not equipped with a windshield or screen which protects the driver's eyes and face when the driver is sitting erect, the driver shall wear either eyeglasses, goggles or a protective face shield when driving the motorcycle while the motorcycle is in motion.

Source. RSA 263:29-c. 1967, 443:1. 1981, 146:1. 1989, 208:1, eff. July 21, 1989.

Rules of the Road; Pocket Bike

Section 265:123-a

265:123-a Operation Prohibited. – No person shall operate a pocket bike upon any way or allow a pocket bike owned by him or her to be operated upon any way. No pocket bike shall be issued a vehicle registration or certificate or title.

Source. 2005, 108:3, eff. Jan. 1, 2006

Section 265:123-b

265:123-b Disclosure to Purchaser. – Every seller of pocket bikes shall provide a written disclosure to buyers at the time of purchase that advises buyers that their existing insurance policies may not provide coverage for these devices and that they should contact their insurance agent or company to determine if coverage is provided. Such disclosure shall also advise buyers that the devices are not legal for operation upon public ways.

Source. 2005, 108:3, eff. Jan. 1, 2006.

Special Rules for Bicycles and Mopeds

Section 265:143

265:143 Application of Motor Vehicle Laws to Bicycles. –

I. Every person propelling a vehicle by human power or riding a bicycle shall have all of the rights and be subject to all of the duties applicable to the driver of any other vehicle under the rules of the road, except as provided in paragraph II and as to special regulations in this subdivision and except as to those provisions which by their nature can have no application.

II. (a) Any peace officer, wearing a distinctive uniform, operating a bicycle during the course of his or her duties is exempt from the provisions of this subdivision, except as those provisions relate to driving under the influence of alcoholic beverages or drugs, if the bicycle is being operated under any of the following circumstances:

(1) In response to an emergency call.

(2) While engaged in a rescue operation.

(3) In the immediate pursuit of an actual or suspected violator of the law.

(b) This paragraph shall not relieve a peace officer from the duty to operate a bicycle with due regard for the safety of all persons using the public way.

Source. 1939, 164:1. RL 106:17. 1945, 188:1, part 20:17. RSA 250:17. 1973, 440:1. 1981, 146:1; 422:9. 2000, 63:1, eff. June 16, 2000.

Section 265:143-a

265:143-a Drivers to Exercise Due Care When Approaching Bicycle. – Every driver of a vehicle, when approaching a bicyclist, shall insure the safety and protection of the bicyclist and shall exercise due care by leaving a reasonable and prudent distance between the vehicle and the bicycle. The distance shall be presumed to be reasonable and prudent if it is at least 3 feet when the vehicle is traveling at 30 miles per hour or less, with one additional foot of clearance required for every 10 miles per hour above 30 miles per hour.

Source. 2008, 209:2, eff. Jan. 1, 2009.

Section 265:144

265:144 Riding on Bicycles. –

I. A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached to the bicycle.

II. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

III. No person riding upon any bicycle, coaster, roller skates, skateboard, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

IV. No person operating a bicycle shall carry any package, bundle or article which prevents the driver from

keeping at least one hand upon the handlebars.

V. Persons riding bicycles 2 or more abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

VI. Bicyclists intending to turn right or left shall not be required to give a continuous hand or arm signal if the hand is needed in the control or operation of the bicycle.

VII. A person propelling a bicycle may pass a slower-moving vehicle in the same lane provided such movement can be made with reasonable safety. A person propelling a bicycle may pass a stationary or stopped motor vehicle on the right.

VIII. Any bicyclist shall stop upon demand of a peace officer and permit his bicycle to be inspected.

IX. No bicycle shall be operated unless the steering, brakes, tires and other required equipment are in safe condition.

X. No person less than 16 years of age may operate or ride upon a bicycle on a public way unless he or she wears protective headgear of a type approved by the commissioner of health and human services.

XI. A person propelling a bicycle upon a way at a speed less than the normal speed of traffic moving in the same direction at that time and place shall remain on the right portion of the way as far as practicable except when it is unsafe to do so or:

(a) When overtaking and passing another bicycle or any other vehicle proceeding in the same direction.

(b) When preparing for or making a left turn at an intersection or into a driveway.

(c) When proceeding straight in a place where right turns are permitted.

(d) When necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, broken pavement, glass, sand, puddles, ice, or opening doors of parked vehicles.

XII. A bicyclist shall wear at least one item of reflective outerwear apparel, such as a reflective vest, jacket, or helmet strip, during the period from 1/2 hour after sunset to 1/2 hour before sunrise.

Source. RSA 250:17-a. 1973, 440:2. 1981, 146:1; 422:10. 2005, 100:2. 2008, 209:3, 4, eff. Jan. 1, 2009.

Section 265:145

265:145 Clinging to Vehicles Prohibited. – No person riding a motorcycle, bicycle, moped, coaster, sled, skateboard, or toy vehicle, or wearing roller skates, shall hold fast to, or hitch onto any streetcar, or any other vehicle moving upon a way.

Source. 1939, 164:1. RL 106:18. 1945, 188:1, part 20:18. RSA 250:18. 1981, 146:1. 1983, 431:12, eff. Aug. 23, 1983.

Section 265:146

265:146 Permits. – The mayor of a city, or selectmen of a town, may, in their discretion, upon any special occasion, grant permits to any persons to ride bicycles or mopeds, at any rate of speed, for a time not exceeding one day upon specified portions of the public ways of such city or town, and may annex such other reasonable conditions to such permits as they may deem proper.

Source. 1897, 93:3. PL 90:16. RL 106:16. 1945, 188:1, part 20:16. RSA 250:16. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:148

265:148 Sidewalks Outside Compact Area. – Upon petition of 5 or more legal voters, the selectmen of a town or the mayor of a city, upon notice and hearing, shall have the power to include within the foregoing provisions, sidewalks outside the compact part of the town or city that are built or improved by said town or city or by the abutters; but in such case, notices to that effect shall be posted near said walks at least one week before they shall be so included.

Source. 1897, 93:2. PL 90:14. RL 106:14. 1945, 188:1, part 20:14. RSA 250:14. 1981, 146:1; 422:12, eff. Jan. 1, 1982 at 12:01 a.m.

Section 265:149

265:149 Ordinances and Bylaws. – Any city or town shall have the power to make ordinances, bylaws or regulations respecting the use and equipment of bicycles, except mopeds as defined in RSA 259:57, on its ways, provided that any such ordinances, bylaws or regulations enacted with respect to such equipment shall be at least as stringent as the requirements of RSA 266:85-89. Any city or town may require that bicycles, except mopeds as defined in RSA 259:57, be licensed and may charge reasonable fees for such licensing.

Source. 1939, 164:2. RL 106:19. 1945, 188:1, part 20:19. 1953, 154:1. RSA 250:19. 1971, 319:2. 1976, 4:3. 1981, 146:1; 422:13, eff. Jan. 1, 1982 at 12:01 a.m.

Section 265:150

265:150 Penalty. – Any person violating the provisions of RSA 265:145 or any ordinance, bylaw, or rule made under the provisions of RSA 265:149, shall be deprived of his bicycle or moped by the law enforcement agents until such provisions and requirements have been complied with.

Source. 1939, 164:3. RL 106:20. 1945, 188:1, part 20:20. 1953, 154:2. RSA 250:20. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:151

265:151 Limitation of Prosecution. – Prosecutions under this subdivision shall be instituted within 60 days from the time the offense was committed.

Source. 1897, 93:4. PL 90:17. RL 106:21. 1945, 188:1, part 20:21. RSA 250:21. 1981, 146:1, eff. Jan. 1, 1982.

Section 265:152

265:152 Bicycle Parking. –

- I. A person may park a bicycle on a sidewalk unless prohibited or restricted by an official traffic control device.
- II. A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.
- III. A person shall not park a bicycle on a roadway in such a manner as to obstruct the movement of a legally parked motor vehicle.
- IV. In all other respects, bicycles parked on a way shall conform with provisions of law regulating the parking of vehicles.

Source. 1981, 422:14, eff. Jan. 1, 1982 at 12:01 a.m.

Section 265:153

265:153 Penalty. –

- I. Any person violating the provisions of this subdivision or of any ordinance, bylaw or rule made under the provisions of this subdivision shall be guilty of a violation.
- II. The maximum fine for a violation of RSA 265:144, X shall be \$35 for each occurrence.
- III. The fine for a violation of RSA 265:143-a shall be \$100.

Source. 1981, 422:14. 2005, 100:3. 2008, 209:5, eff. Jan. 1, 2009.

Special Rules for Wreckers

Section 265:154

265:154 Occupants in Towed Vehicle; Penalty. – At no time when a vehicle is in tow by a wrecker shall the towed vehicle be occupied by any person, unless directed by a police officer. Any person guilty of violating this section shall be guilty of a violation.

Source. 1986, 216:3, eff. Aug. 5, 1986.

Special Rules for Funeral Processions

Section 265:155

265:155 Definitions. –

In this section:

I. "Funeral procession" means 2 or more vehicles accompanying the body of a deceased person, or traveling to the church, chapel, or other location at which the funeral service is to be held, in the daylight hour, including a funeral lead vehicle or a funeral escort vehicle.

II. "Funeral lead vehicle" means any non-law enforcement vehicle being used to lead and facilitate the movement of a funeral procession. A funeral hearse may serve as a funeral lead vehicle.

III. "Funeral escort" means a person or entity that provides escort services for funeral processions, including law enforcement personnel and agencies.

Source. 2001, 196:1, eff. Jan. 1, 2002.

Section 265:156

265:156 Funeral Procession Right-of-Way; Funeral Escort Vehicles; Funeral Lead Vehicles. –

Notwithstanding any provision of this chapter to the contrary, the following provisions shall apply:

I. The operator of a funeral lead vehicle shall comply with stop signs and traffic control signals. When the funeral lead vehicle has proceeded across an intersection in accordance with a signal or after stopping as required by a stop sign, all vehicles in the funeral procession may proceed without stopping, regardless of the sign or signal. The lead vehicle and the vehicles in the funeral procession shall proceed with due caution. Operators of vehicles in a funeral procession shall have the right-of-way.

II. All vehicles comprising a funeral procession shall follow the preceding vehicle in the funeral procession as closely as is practical and safe. Each vehicle of the funeral procession shall be appropriately marked by having funeral flags or windshield signage, and headlights, taillights, and, if so equipped, hazard flasher on. A funeral escort or funeral lead vehicle shall use and be equipped with a purple flashing or emergency light.

Source. 2001, 196:1, eff. Jan. 1, 2002.

Section 265:157

265:157 Prohibited Acts. –

I. Operators of vehicles not a part of the funeral procession may not form a procession and have the vehicle's headlights lighted for the purpose of securing the right-of-way granted by this subdivision to funeral processions. No driver of a vehicle not part of the funeral procession shall drive between the vehicles comprising the funeral procession while in motion except when authorized to do so by a police officer or when such vehicle is an emergency vehicle giving an audible or visible signal.

II. Operators of vehicles not part of a funeral procession shall not join a funeral procession for the purpose of

securing the right-of-way granted in RSA 265:156, I.

III. An operator of a vehicle not in a funeral procession shall not attempt to pass vehicles in a funeral procession on a 2-lane highway or roadway.

IV. When a funeral procession is proceeding through a red signal as permitted by RSA 265:156, I, a vehicle that is not in the funeral procession may not enter the intersection, even if the vehicle is facing a green signal, unless it can do so without crossing the path of the funeral procession.

Source. 2001, 196:1, eff. Jan. 1, 2002.

Special Rules for Neighborhood Electric Vehicles

Section 265:158

265:158 Neighborhood Electric Vehicles. – No person shall operate a neighborhood electric vehicle except on a way where the posted speed limit is 35 miles per hour or less. This section shall not prohibit a person from operating a neighborhood electric vehicle across an intersection with a way that has a posted speed limit of more than 35 miles per hour.

Source. 2003, 5:2, eff. June 21, 2003.

Special Rules for Manufactured or Modular Building Transportation

Section 265:159

265:159 Manufactured or Modular Building Transportation. – Transporters of manufactured or modular housing shall be responsible for causing the least possible inconvenience to other traffic by using every opportunity to allow following traffic to pass. If traffic buildup behind the transporting unit becomes 6 or more vehicles, the entire transporting unit shall pull off of the traveled way to allow traffic to pass. The transporter shall locate a safe place, which allows the towing load to clear from the roadway, so that traffic following the load can safely pass.

Source. 2004, 182:6, eff. July 31, 2004.

Special Rules for Utility Vehicles

Section 265:160

265:160 Utility Vehicles and Compact Utility Tractors; Operation on Ways Restricted. – No person shall operate a utility vehicle, including an agricultural/industrial utility vehicle as defined in RSA 259:2-a, a compact utility tractor, as defined in RSA 259:13-a, or an off highway recreational vehicle as defined in RSA 259:69, except on a way where the posted speed limit is 40 miles per hour or less or, in the case of compact utility tractor, 35 miles per hour or less, and the route or crossing being used is open to such vehicles and at such times and under any other special operating conditions established by the government authority having control of the way. Any person operating or in actual physical control of such a vehicle upon a way shall hold a valid driver's license.

Source. 2010, 309:3, eff. Sept. 11, 2010. 2014, 282:5, eff. July 28, 2014. 2016, 260:3, eff. July 1, 2017.

Section 265:161

265:161 Utility Vehicles; Crossing of Ways Restricted. –

A person may operate a utility vehicle, including an off highway recreational vehicle as defined in RSA 259:69, across any way, except for an interstate highway, toll road, or other multi-lane divided highway where the operation of such vehicle is not otherwise prohibited by law, but said person shall comply with the following provisions:

- I. The crossing shall be made at an angle of approximately 90 degree to the direction of the public way and at a place where no obstruction prevents a quick and safe crossing; and
- II. The operator shall bring the vehicle to a complete stop before crossing the shoulder, or if no shoulder, the public way, before proceeding; and
- III. The operator shall yield the right of way to all motor vehicle traffic on such public way which constitutes an immediate hazard to such crossing; and
- IV. The operator shall possess a valid motor vehicle driver's license or shall have successfully completed the approved snowmobile or off highway recreational vehicle safety training course. Persons with a suspended or revoked operating privilege shall not operate a utility vehicle, including an off highway recreational vehicle across a way.

Source. 2014, 282:6, eff. July 28, 2014.