

# Bill as Introduced

HB 540-FN-A - AS INTRODUCED

2009 SESSION

09-0416  
03/01

HOUSE BILL            **540-FN-A**

AN ACT                relative to fees for motor vehicle records.

SPONSORS:            Rep. Welch, Rock 8; Rep. Weare, Rock 14; Rep. Pantelakos, Rock 16

COMMITTEE:          Ways and Means

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ANALYSIS

This bill increases the fees for motor vehicle records charged to insurance companies.

This bill was requested by the department of safety.

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Explanation:        Matter added to current law appears in **bold italics**.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nine*

AN ACT                   relative to fees for motor vehicle records.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1 Copies of Motor Vehicle Records; Fees. Amend RSA 260:15, II to read as follows:

2           II. The department may issue a copy of any motor vehicle record upon the request of an  
3 insurance company or any other authorized agent, and ***notwithstanding RSA 91-A shall require***  
4 ***payment by the insurance company or authorized agent of a fee of [~~\$8~~] \$14 for email or other***  
5 ***computer-generated requests where payment is debited against an account established***  
6 ***with the department, or \$15 for all other requests***, which shall be deposited in the fire standards  
7 and training and emergency medical services fund established in RSA 21-P:12-d.

8           2 Effective Date. This act shall take effect 60 days after its passage.

LBAO  
09-0416  
01/15/09

**HB 540-FN-A - FISCAL NOTE**

AN ACT           relative to fees for motor vehicle records.

**FISCAL IMPACT:**

The Department of Safety states this bill will increase state restricted revenue by an indeterminable amount in FY 2009 and each year thereafter. This bill will have no fiscal impact on county and local revenues or state, county, and local expenditures.

**METHODOLOGY:**

This bill increases the fee for motor vehicle records charged to the insurance companies. The Department of Safety states this bill increases the fee charged to insurance companies for motor vehicle records from \$8 to \$14 if the request is submitted electronically and to \$15 for all other requests. Due to the uncertainty of how many requests would be submitted electronically and thus be charged a \$14 fee instead of a \$15 fee, the Department states that the increase in revenue to the Fire and EMS fund is indeterminable. However, the Department notes that based on FY 2008 revenue generated from the \$8 fee, a \$7 increase would have generated an additional \$4,375,000 of revenue for the Fire and EMS fund.

# Committee Minutes

*Committee Work Session*

HOUSE COMMITTEE ON WAYS AND MEANS

~~REGULAR~~ <sup>WORK</sup> SESSION on HB

BILL TITLE: *H3540*

DATE: *3/18/09*

LOB ROOM: 202

Amendments: *#1* See letter attached for Earl Sweeney, line 4 of original bill *#17* to closed *to 12*; & also insert *held in for* Sweeney letter to page 2, et al *of line 7 of original bill*  
10 to 10  
*#2* Amount amended *to 50*  
*Passed 12 to 5*

Sponsor: Rep. *Hatch*

OLS Document #:

Sponsor: Rep. *Shattuck*

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Vadon*

Seconded by Rep. *Price*

Vote: *12 to 5* (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. William Butynski, Clerk

WAYS AND MEANS

Bill #: 540 Title: relating to fees for motor vehicle records

PH Date: 1/12/09 Session Date: 3/18/09

Motion: not by Hatch + Shattuck on time of original bill 4 is from 3 weeks letter  
not by Vachon + Price see Bolded text in above work Amendment #: To be determined  
10-50

MEMBER	YEAS	NAYS	absent	MEMBERS
Almy, Susan W, Chairman	✓	✓		
Hatch, William A, V Chairman	✓	✓		
Davis, Frank W	✓	✓		
Butynski, William, Clerk	✓	✓		
Vachon, Dennis P		✓	✓	
Shattuck, Gilman	✓	✓		
Kelley, John D	✓	✓		
Mack, Ron J	✓	✓		
Johnson, William G	✓	✓		
Price, Susan G		✓	✓	
Walsh, Robert M	✓	✓		<del>✓</del>
Major, Norman L			✓	✓
Griffin, Mary E			✓	✓
Lockwood, Priscilla P	✓	✓		
Boutin, David R			✓	✓
Bettencourt, David J			✓	✓
Ober, Russell T			✓	✓
Sapareto, Frank V			✓	✓
Ulery, Jordan G			✓	✓
Osgood, Joe			✓	✓

10 12 10 8

Vachon + Price Move bill forward: 12 Yes  
 8 No

HB 540-FN-A – AS INTRODUCED

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HOUSE BILL *540-FN-A*

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SPONSORS: Rep. Welch, Rock 8; Rep. Weare, Rock 14; Rep. Pantelakos, Rock 16

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nine*

AN ACT relative to fees for motor vehicle records.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

I. Copies of Motor Vehicle Records; Fees. Amend RSA 260:15, II to read as follows:

II. The department may issue a copy of any motor vehicle record upon the request of an insurance company or any other authorized agent, and *notwithstanding RSA 91-A*



#12

shall require payment by the insurance company or authorized agent of a fee of [~~\$8~~] ~~\$14~~ for email or other computer-generated requests where payment is debited against an account established with the department, or \$15 for all other requests, which shall be deposited in the fire standards and training and emergency medical services fund established in RSA 21-P:12-d.

2 Effective Date. This act shall take effect 60 days after its passage.

LBAO

09-0416

01/15/09

**HB 540-FN-A - FISCAL NOTE**

AN ACT relative to fees for motor vehicle records.

**FISCAL IMPACT:**

The Department of Safety states this bill will increase state restricted revenue by an indeterminable amount in FY 2009 and each year thereafter. This bill will have no fiscal impact on county and local revenues or state, county, and local expenditures.

**METHODOLOGY:**

This bill increases the fee for motor vehicle records charged to the insurance companies. The Department of Safety states this bill increases the fee charged to insurance companies for motor vehicle records from \$8 to \$14 if the request is submitted electronically and to \$15 for all other requests. Due to the uncertainty of how many requests would be submitted electronically and thus be charged a \$14 fee instead of a \$15 fee, the Department states that the increase in revenue to the Fire and EMS fund is indeterminable. However, the Department notes that based on FY 2008 revenue generated from the \$8 fee, a \$7 increase would have generated an additional \$4,375,000 of revenue for the Fire and EMS fund.

for  
329  
9800

instructive in that it says, "This bill increases the fees for motor vehicle records charged to *insurance companies* and the language of the bill itself says the fee in the bill is for copies of motor vehicle records "upon the request of an insurance company or any other authorized agent..." It does not therefore apply to the bulk users.

To alleviate the concerns of the bulk data users that we might arbitrarily increase their rates and thereby invalidate existing contracts during the term of those contracts, if HB 540-FN passes, we wish to go on record that it is our intention to amend our current administrative rule Saf-C 5602.08 (b) regarding bulk data requests, by deleting the sentence that reads, "Any fee increases during the 2 year period (of the contract) shall be applicable to the requestor." This would leave that paragraph in the rules reading, "The bulk data user agreement shall be in effect for 2 years from the date of the Commissioner's approval." This will assure them that we intend to honor their existing contracts. When those contracts expire they will be subject to renegotiation as they have been in the past, and whatever prices are agreed upon will certainly reflect not only the demand but also current market conditions at the time. We recognize that it is in their interest to get the data and it is in the Department's interest to continue this business relationship wherever possible.

If the Committee feels that the Department's pledge to amend the administrative rule as indicated above is not sufficient, you could amend the bill so that RSA 260:15, II, reads as follows, with recommended changes from the text in HB 540-FN indicated in bold face type:

"II. The department may issue a copy of any motor vehicle record upon the request of an insurance company or any other authorized agent or person, and notwithstanding RSA 91-A shall require payment by the insurance company or authorized agent of a fee of " (insert here \$12 as in HB-2 FN or \$14 as in HB 540-FN, whichever amount your Committee ultimately may determine) "for email or other computer-generated requests where payment is debited against an account established with the department, or \$15 for all other requests, which shall be deposited in the fire standards and training and emergency medical services fund established in RSA 21-P: 12 d. **Agreements for records made available to bulk data users shall continue to be negotiated as provided in RSA 260: 14, XV (b).**"

I would be pleased to discuss this in detail with the Committee if it would be helpful, and have provided copies of this letter to several of the bulk data users in the hope that this may alleviate the concerns they expressed at the hearing.

Very truly yours,

Earl M. Sweeney

Assistant Commissioner

EMS: e.

Amendment  
to HB 540

**HOUSE COMMITTEE ON WAYS AND MEANS**

**BILL NUMBER:** HB 540-FN-A

**BILL TITLE:** relative to fees for motor vehicle records.

**DATE:** 4/1/09

**THE COMMITTEE HAS VOTED TO RETAIN THIS BILL.**

A handwritten signature in black ink, appearing to read "Susan W. Almy", is written over a horizontal line.

**Susan W. Almy, Chairman**

# Speakers



# Hearing Minutes

HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON HB 540-FN-A

**BILL TITLE:** relative to fees for motor vehicle records.

**DATE:** 2/10/09

**LOB ROOM:** 202      **Time Public Hearing Called to Order:** 1:04 p.m.

**Time Adjourned:** 2:29 p.m.

(please circle if present)

**Committee Members:** Reps. Alm, Hatch, Davis, Butvnski, Vachon, Shattuck, J. Kelley, Mack,  
W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, Boutin, Bettencourt, R. Ober, S. Pareto,  
Hier and Osgood.

**Bill Sponsors:** Reps. Welch, Weare, Pantelakos

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. David Welch**, prime sponsor, supporting bill

-To replace funds taken away by HB 30 passage.

**\*Earl Sweeney**, Assistant Commissioner, Dept. of Safety, supporting bill

-Introduced bill for Dept. of Safety. Bill is vital for Fire Standards and Training and Emergency Medical Services fund. Reserve in fund has been eroded. Customers for motor vehicle records are primarily insurance companies and research companies, just experienced worst years for fire, and have had recent disasters.

-Every \$1 increase in the fee will bring in \$600,000

-Request fee increase of \$3.6M from \$8 to \$14. Will send the committee a thorough fiscal analysis.

-Will submit written testimony for committee.

**Ted Hotham**, representing Experian, opposing bill

-Collect information to do recall notices, mail notice to last registered address based on VIN number. We respect the work of the Fire Academy. Pay flat annual fee based on update of company records, but bill makes no provision for bulk record purchases. Our company could not afford to pay \$14 per record. Could provide appropriate language for bulk record purchases. Company has annually reviewed contract with NH DOS.

**\*Bill Degnan**, NH State Fire Marshall, supporting the bill, submitted written testimony

**Larry Alan** of Cobblestone Farm, Storrs, Ct., representative for Nationwide Insurance

-Opposes the bill. Bill would provide a 75% cost increase for our company and mutual owners. Would not oppose a small reasonable cost increase. This additional cost would be passed through to auto insurance customers in New Hampshire.

**Dave Lang**, President, Professional Fire Fighters of New Hampshire, supporting bill  
-Fire Academy needs to be funded at an appropriate level to protect NH citizens

**Peter McCardle**, VP Acadia Insurance, Bedford, NH, opposing bill  
-Could accept an increase from \$8 to \$10 but oppose 7.5% increase to \$14. Costs in other states include: Maine=\$7; Massachusetts=\$6; Rhode Island =\$19.50; Vermont=\$13; Connecticut=\$15  
-Rates may also vary by company

**Chris Pope**, Director, NH Dept of Safety, Homeland Security & Emergency Management – supports this bill  
-More monies are necessary to provide critical services to communities and citizens (currently working on 7 districts)  
-Need state monies to match federal monies

**Jim Hatem**, representing State Farm of Manchester, opposes the bill  
-State Farm is New Hampshire's largest insurer  
-Ordered 160,000 motor vehicle records in 2008. We cannot afford a \$1million fee increase

**Chris Christopoulos**, Fire Chief of Lebanon and President of NH Fire Chiefs – support the bill  
-Training provided by state for fire and emergency professionals is essential.

**\*George Roussos** of Orr & Reno, representing AIA & New Hampshire Association of Domestic Insurers – opposes the bill  
-Submitted testimony that shows most states have State Record Fees much lower than being proposed in HB 540. Fees should bear a relation to cost of services provided

**\*Richard Mason** of Portsmouth, representing NH Safety, Fire Training and EMS - supporting the bill  
-Dedicated fund has save general fund monies. Have trained numerous professionals.  
-Are proposing fee increases from 25% to 35% of actual cost to JLCAR  
-Believe that fees hold down the insurance costs

**\*Assistant Commissioner Sweeney**, representing Dept. of Safety, supporting bill  
-Responded to questions – bulk revenue = \$692,000 in '08' driver records by insurers \$4,769,500 in '08;  
miscellaneous MV records = \$91,000; expenditures were about \$1M over revenue level.

Respectfully submitted,



Rep. William Butynski  
Clerk of the Committee



page 1  
of 3 pages  
on H 13540

HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON HB 540-FN-A

BILL TITLE: relative to fees for motor vehicle records.

DATE: 2/10/09

LOB ROOM: 202 Time Public Hearing Called to Order: 1:04 PM

Time Adjourned: 2:29 PM

(please circle if present)

Committee Members: Reps. Almy, Hatch, Davis, Butynski, Vachon, Shattuck, J. Kelley, Mack, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, Boutin, Bettencourt, K. Oba, Sapareto, Ulery and Osgood.

Bill Sponsors: Reps. Welch, Weare, Pantelakos

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

Rep. David Welch, prime sponsor - support this bill. To replace funds taken away by HB 30 ~~for~~ <sup>to</sup> ~~damage~~ <sup>support the bill; it was</sup>

NOW DID NOT, BUT SAID WOULD SUBMIT WRITTEN TESTIMONY

\* Earl Sweeney, Assistant Commissioner, DOS - ~~that~~ <sup>introduced for DOS</sup> & is vital for Fire Standards Training & Emergency Medical Services Fund. Insurance companies, & research companies, just experienced most year for fires, & have had recent disasters; every ~~fire~~ <sup>fire</sup> ~~with~~ <sup>with</sup> ~~loss~~ <sup>loss</sup> ~~of~~ <sup>of</sup> ~~\$3.6M~~ <sup>\$3.6M</sup> increase in the fee will bring in \$600,000. request fee increase of \$8 to \$14; will send the Committee a thorough fiscal analysis

Ted Hathorn of Maine, rep for Experient Automotive - oppose the bill. collect information to do recall notices, mail notices to last registered address based on VIN number. no ~~that~~ <sup>that</sup> respect the work of the Fire Academy; pay fleet annual fee based on updates of company records, but bill makes no provision for bulk record purchase; our company could not afford to pay \$14 per record; could provide appropriate language for bulk record purchase; company had annually renewed contract with NH DOS

\* Bill Deegan, NH State Fire Marshal - support the bill;  
see written testimony

Larry Alan, of Cobblestone Farms, Stone, CT, rep for Nationwide  
Insurance - ~~is a mutual company~~ Oppose the bill;  
bill would provide a 75% cost increase for our company  
& mutual owners. would not oppose a smaller reasonable  
cost increase. this additional cost would be passed through to  
auto insurance customers in NH

President  
Dave Long, Professional Fire Fighters of NH - support the bill.  
Fire Academy needs to be funded at an appropriate level to protect  
NH citizens

Peter McArdle, VP Acadia Insurance, Bedford, NH -  
oppose the bill. could accept an increase from \$8 to \$10  
but oppose 75% increase to \$14; costs in other states include:  
NH = \$7; MA = \$6, RI = \$19.50, VT = \$13, + CT = \$15;  
also rates may vary by company

(will provide copy of testimony)

\* Chris Pape, Dir., NH DOS Homeland Security & Emergency  
Management - support the bill. more money are necessary  
to provide critical services to communities & citizens (currently  
working on 7 disasters); need state money to match federal  
money

Jim Harem, State Farm, Manchester - Oppose the bill.  
State Farm is NH's largest insurer, ordered 160,000 MV records in 2008

+ we cannot afford a \$1 million fee increase

Chris Christopoulos ~~President~~ ~~of~~ ~~the~~ ~~State~~ ~~of~~ ~~NH~~ ~~Fire~~ ~~Chief~~ - support the bill. Training provided by State for fire ~~and~~ + emergency professionals is essential

\* George Rouner, of OWO + Kenos, rep from AIA + NH Association of Domestic Insurers - oppose the bill. see handout that shows most states have State Record Fee much lower than being proposed in HB 540. fees should have a relation to cost of services provided

\* Richard Mason of Portsmouth, rep for NH Safety, Fire Training + EMS - support the bill; dedicated fund has used General Fund money. have trained numerous professionals. are proposing a fee increase from 25% to 35% ~~of actual~~ of actual cost to JLCAK; believe that fees hold down the insurance costs

Assistant Commissioner Sweeney - responded to questions, bills revenue = \$697,000 in 08. Service records by motor = \$4,769,500 in 08; miscellaneous ~~and~~ MV records = \$91,000. expenditure more about \$1M over revenue level

# Sub-Committee Minutes

HOUSE COMMITTEE ON WAYS AND MEANS  
SUBCOMMITTEE WORK SESSION ON HB 540-FN-A

**BILL TITLE:** relative to fees for motor vehicle records.

**DATE:** 3/05/09

**Subcommittee Members:** Reps. Hatch, Ulery, Shattuck, Mack, Major

**Comments and Recommendations:** Agency will forward additional information.

**Amendments:**

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Wm. Hatch  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON WAYS AND MEANS  
SUBCOMMITTEE WORK SESSION ON HB 540-FN-A

**BILL TITLE:** relative to fees for motor vehicle records.

**DATE:** 3/05

**Subcommittee Members:** Reps. Hatch, Elery, Shattuck, Mack, Major

**Comments and Recommendations:** Agency will forward additional information

**Amendments:**

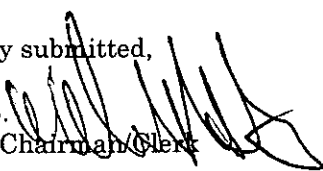
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.  
Seconded by Rep.  
Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.  
Seconded by Rep.  
Vote:

Respectfully submitted,  
Rep.   
Subcommittee Chairman/Clerk

1 and notes shall be made from the general fund.

2 III. The bond authorization provided by paragraph II is intended to provide funds for a  
3 portion of the expenditure made in fiscal year 2009 pursuant to 2007, 262, PAU 06-03-02-02-02, for  
4 school building aid.

5 11 Copies of Motor Vehicle Records; Fees. Amend RSA 260:15, II to read as follows:

6 II. The department may issue a copy of any motor vehicle record upon the request of an  
7 insurance company or any other authorized agent, and *notwithstanding RSA 91-A shall require*  
8 *payment by the insurance company or authorized agent of a fee of [~~\$8~~] \$10.50 for email or other*  
9 *computer-generated requests where payment is debited against an account established*  
10 *with the department, or \$15 for all other requests*, which shall be deposited in the fire standards  
11 and training and emergency medical services fund established in RSA 21-P:12-d. *Agreements for*  
12 *records made available to bulk data users shall continue to be negotiated as provided in*  
13 *RSA 260:14, XV(b).*

14 12 Fees Collected from Drivers. Amend RSA 263:42, II to read as follows:

15 II. For every certified copy of a registration, license, or driving record, [~~\$10~~] \$15, except that  
16 the commissioner shall waive the fee for local, state, and federal law enforcement and criminal  
17 justice agencies requesting such information for investigative purposes and may, for good cause,  
18 waive the fee in cases involving other government agencies or the public defender if the  
19 commissioner determines that such a waiver is in the public interest.

20 13 Department of Safety; Personnel Reallocations Authorized. For the biennium ending  
21 June 30, 2011, the commissioner of safety, whenever he or she deems it will improve the efficiency  
22 and effectiveness of the delivery of service within the department, may, with approval of the fiscal  
23 committee of the general court and governor and council and further subject to approval of the  
24 position classifications by the director of personnel, eliminate certain personnel positions that may  
25 become vacant during the biennium and establish in their place other personnel positions from the  
26 same funding source, provided the cost of the new positions does not exceed the amounts budgeted  
27 for the positions being eliminated. The commissioner of safety shall submit reports on or before  
28 December 1, 2009, June 30, 2010, and December 1, 2010 to the chairmen of the house and senate  
29 executive departments and administration committees on any actions taken as a result of this  
30 authorization.

31 14 Division of State Police; Transfers Authorized. Notwithstanding the provisions of RSA 9:16-  
32 a, RSA 9:17, RSA 9:17-a, and RSA 9:17-c, the commissioner of administrative services, upon the  
33 request of the commissioner of safety, is authorized to transfer within and among any and all  
34 components and class codes of the budget of the division of state police for the biennium ending June  
35 30, 2011, regardless of funding source or mix, sufficient funds to cover overtime obligations for state  
36 police activities within the traffic bureau and detective bureau, witness fees, and the accompanying  
37 benefits. The total amount transferred shall not exceed \$300,000. When making the transfers, every

# FILE COPY

March 14, 2009

Representative Susan Almy, Chair

House Ways and Means Committee

Legislative Office Building

Concord, New Hampshire 03301

Re: HB 540-FN Fees for Motor Vehicle Records

Dear Representative Almy:

The passage of this bill is vital to continuing the maintenance level of services provided by three Divisions of the Department of Safety – Fire Safety, Fire Standards and Training and Emergency Medical Services, and Homeland Security and Emergency Management.

Having listened to the testimony at your public hearing on the bill, I am aware that some of the bulk data users who have contracts with the Department of Safety for bulk feeds of some of this data for purposes such as research and tracking vehicle safety recalls, have expressed legitimate concerns that the present and proposed laws are written explicitly enough to permit them to continue to access this data at bulk rates rather than paying the \$14 proposed in this bill or the \$12 that is contained in HB 2-FN, and that they want some assurance that contracts that they have negotiated and that are still in effect will continue to be honored by the Department. It is important to recognize that these requests for data from bulk users require far less detailed and individualized information than the requests for complete driver records that are received from insurance companies and attorneys and this is the reason they are not subject to the same “per record” rates.

It is my belief and that of the Department’s attorneys that existing provisions of RSA 260:14, which authorize the Commissioner to grant requests from legitimate businesses for multiple uses, subject to certain safeguards of the data, and that provide that these legitimate businesses be charged a reasonable fee as determined by the Commissioner that reflects the “number of multiple uses authorized, the volume of the legitimate business’ resale business, and the market value of the information” provides ample legal authorization to continue this long-standing practice. As has always occurred in the past, when a contract is entered into with one of these businesses it results from a negotiation and as with all contracts, requires a willing buyer and a willing seller at whatever reasonable rate is negotiated. We believe that the Analysis that describes HB 540-FN in the bill is explicit and



instructive in that it says, "This bill increases the fees for motor vehicle records charged to *insurance companies* and the language of the bill itself says the fee in the bill is for copies of motor vehicle records "upon the request of an insurance company or any other authorized agent..." It does not therefore apply to the bulk users.

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"II. The department may issue a copy of any motor vehicle record upon the request of an insurance company or any other authorized agent **or person**, and notwithstanding RSA 91-A shall require payment by the insurance company or authorized agent of a fee of " (insert here \$12 as in HB-2 FN or \$14 as in HB 540-FN, whichever amount your Committee ultimately may determine) "for email or other computer-generated requests where payment is debited against an account established with the department, or \$15 for all other requests, which shall be deposited in the fire standards and training and emergency medical services fund established in RSA 21-P: 12-d. **Agreements for records made available to bulk data users shall continue to be negotiated as provided in RSA 260: 14, XV (b).**"

I would be pleased to discuss this in detail with the Committee if it would be helpful, and have provided copies of this letter to several of the bulk data users in the hope that this may alleviate the concerns they expressed at the hearing.

Very truly yours,

Earl M. Sweeney

Assistant Commissioner

EMS: e

Cc: Commissioner John J. Barthelmes

Director of Administration Wesley J. Colby

Joan LaPlante, Reed Elsevier Co.

Bruce Berke, Experian Corp.

Henry Veilleux, Sheehan, Phinney Capital Group

HOUSE COMMITTEE ON WAYS AND MEANS  
SUBCOMMITTEE WORK SESSION ON HB 540-FN-A

**BILL TITLE:** relative to fees for motor vehicle records.

**DATE:** 3/16/09  
~~3/16/09~~

**Subcommittee Members:** Reps. Hatch, Chair, Shattuck, Kelley, Major, Osgood

**Comments and Recommendations:** Continued to

**Amendments:**

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,  
  
Rep. Gilman Shattuck  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON WAYS AND MEANS  
SUBCOMMITTEE WORK SESSION ON HB 540-FN-A

**BILL TITLE:** relative to fees for motor vehicle records.

**DATE:** 3/16/09

**Subcommittee Members:** Reps. HATCH (CHR), SHATTUCK, KELLEY,  
MAJORS, OSGOOD

**Comments and Recommendations:**

CONTINUED TO

**Amendments:**

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. SHATTUCK  
Subcommittee Chairman/Clerk



**HOUSE COMMITTEE ON WAYS AND MEANS**  
**SUBCOMMITTEE WORK SESSION ON HB 587**

**BILL TITLE:** revising the property tax relief program in order to cap education tax payments at one percent of adjusted gross income.

**DATE:** 4/21/09

**Subcommittee Members:** Reps. Almy, Chair - Sapareto, Mack, Davis, Johnson, Shattuck, Ober, Butynski, Vachon

**Comments and Recommendations:** Comm. Sweeney is to provide additional information about services that will be cut without an increase. He will also provide data from the EMS director regarding our overview of the volunteer services provided to the state towns.

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,  
  
Rep. Robert Walsh  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON WAYS AND MEANS  
SUBCOMMITTEE WORK SESSION ON HB 540

**BILL TITLE:** relative to fees for motor vehicle records.

**DATE:** 4/21/09

**Subcommittee Members:** Reps. Hatch, Chair, Griffin, Ulery, ~~Kelley~~, Walsh

**Comments and Recommendations:**

**Amendments:**

Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.  
Seconded by Rep.  
Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.  
Seconded by Rep.  
Vote:

*Commissioner  
Sweeney is to  
provide additional  
information services  
that will be cut  
without an increase*

*Commissioner Sweeney  
is to provide data  
from the EMS director  
regarding an overview  
of the volunteer  
services provided  
to the State towns*

Respectfully submitted,  
*Robert Walsh*  
Rep. Walsh  
Subcommittee Chairman/Clerk

# Testimony



# State of New Hampshire

DEPARTMENT OF SAFETY  
JAMES H. HAYES BLDG. 33 HAZEN DR.  
CONCORD, N.H. 03305  
603/271-2559

JOHN J. BARTHELMES  
COMMISSIONER OF SAFETY

EARL M. SWEENEY  
ASSISTANT COMMISSIONER

February 19, 2009

## FILE COPY

Representative Susan W. Almy, Chair  
and Members  
House Ways and Means Committee  
Rm. 202, Legislative Office Building  
Concord, New Hampshire 03301

Re: HB 540-FN and the Fire and EMS Fund

Dear Chair Almy and Members:

This is my follow-up response to the questions that you posed during my testimony in favor of the above bill, the passage of which is vital to the continued operation of the Divisions of Fire Safety, Fire Standards and Training and Emergency Medical Services, and Homeland Security and Emergency Management in the Department of Safety.

I know that Fire Marshal Degnan had already delivered to you a very comprehensive packet of information about the Fire Fund. However, the Committee expressed to me that in the interest of time, you would appreciate it if I would summarize the answers to your questions in case you did not have time to review the entire packet. The below information, in question and answer format, is my attempt to do that:

- 1. How do we know what the expenditures out of this fund are, and how is it decided how much these three Divisions receive?** The three Divisions are required to submit a budget every two years at the biennial session of the Legislature. Their budgets are submitted to the Governor, who with his staff reviews them in detail, and after making whatever cuts or adjustments he deems advisable, puts the result in the Governor's Budget which he sends on to the Legislature. As required by the State Constitution, the House Finance Committee reviews the budget first. Division II handles the Department of Safety and sits with us and reviews the budget, line by line and requires us to justify it to them. Eventually, the Finance Committee produces House bill 1 (the budget bill) and House Bill 2 (the so-called "trailer" bill that trails the budget and contains the footnotes, statutory changes, etc.) and incorporates whatever amounts they have decided to give to these three Divisions in that bill. There is then a public hearing on these two bills. They are eventually voted on by the full House on the House floor and if it passes, it goes on to the Senate Finance Committee where there is a public hearing on the House version and the whole process of meeting with the agency, requiring us to justify our requests, etc., is repeated. The Senate Finance Committee makes whatever adjustments they decide on the bill, and it is debated and a Senate version eventually passed on the Senate floor. Because the bill will typically vary from the House



version, a Committee of Conference of House and Senate members is appointed and works out a compromise budget, which must be passed by both the House and the Senate. It goes on to the Governor for his signature, and unless he vetoes it, it becomes law on June 30. The State Comptroller then issues spending warrants to our agency that denote exactly what we can spend in each budget category – salaries, supplies, equipment, etc.

To make any adjustments to the budget after that requires approval of the Governor and Council and often, the Legislative Fiscal Committee. The final expenditures for the year are called our “Adjusted Authorized” spending and can be seen in the Governor’s Budget for the following year. Thus, this information is totally transparent, a matter of public record, and available to legislators or the general public.

2. **Why are you asking for this increase in fees?** The fees for motor vehicle records are the principal source of revenue for two of these Divisions and a significant source of revenue for the third, the Division of Homeland Security and Emergency Management. This dedicated fund was established in 1991, at \$6 to fund the operations of Fire Standards and Training (the Fire Academy) and has had two increases of \$1 each in the intervening years. The Legislature, in order to relieve pressure on the General Fund, and because there was a reserve in the Fund, gradually decided to fund the Division of Fire Safety (the Fire Marshal’s operations), the Bureau of Emergency Medical Services, and a portion of the Division of Homeland Security and Emergency Management, from this Fund. Along with normal increases in the cost of goods these 3 Divisions must purchase to run their operations and the wage and benefit costs in the collective bargaining agreements (all budgeted expenses by the Legislature, as outlined above) plus bond payments on the Fire Academy buildings, the reserve in the fund has been gradually depleting. The Director of Fire Standards and Training notified the prior Commissioner of Safety in 2003 that he had been watching the reserve in this fund and that he felt it could face a deficit in the years ahead, so appropriate plans could be made. It was decided that as long as there was a reserve of \$2 million or more in the fund, there would be little likelihood the Legislature would look with favor on a rate increase and that this should not be requested until three or four years before the reserve would be likely depleted. Based on the projected reserve at the end of the current biennium, it was decided that it was time to make the request. The request was not triggered by the Legislature’s diversion of \$2 million from this fund to the General Fund, as we expected that the fund would be depleted before the end of the FY 10-11 biennium without making some severe cuts to the budgets of these three Divisions. Among the factors at play here was a budgeting decision that each of these three Divisions should pay an internal indirect cost for their share of the services of the Division of Administration and the Commissioner’s Office, services that had heretofore been funded 100% from the Highway Fund, regardless of which Division was being serviced. This internal indirect cost amounts to \$225,501 for FY 10 and \$338,252 for FY 11 for the Division of Homeland Security and Emergency Management; \$151,311 in FY 10 and \$226,967 in FY 12 for the Division of Fire

Standards and Training and Emergency Medical Services; and \$87,791 in FY 10 and \$131,687 in FY 11 for the Division of Fire Safety. The reason the charge is substantially higher the second year is that it is being phased in over a two-year period so its effects will be less dramatic to the Divisions. As with all aspects of the Governor's Budget, this will be scrutinized by the House and Senate Finance Committees in their work on the budget bill, HB 1.

3. **How did you arrive at the figure you are requesting, a fee of \$14 rather than the present \$8?**  
This figure was set in order to have sufficient funds to support the maintenance level budgets of the three Divisions (i.e. the budget we estimate is required to maintain the present level of service provided by the three Divisions) for FY 10 and FY 11 and begin to rebuild a prudent reserve. Each \$1 increase in the fee will bring in an estimated \$600,000 a year, so a \$6 increase will result in \$3,600,000 in additional revenue. Even with the \$2 million diversion to the General Fund in HB 30, we should end FY 11 with a \$3.2 million reserve to go into the following biennium.
4. **Why do you need a reserve in the Fund?** By law, the State cannot run a deficit in the budget of any of its Departments and Divisions. To avoid having to come back year after year and adjust this fee, it was determined to set it at an amount that would allow it to remain solvent for at least four years into the future. We feel this is better than having to compete for fee increases every year. Also, because these are self-funded Divisions and the State is self-insured, there must be a sufficient balance in the fund to pay any catastrophic losses and to fund any lawsuits that may be filed against a Division. Because of the hazardous work undertaken by these Divisions, catastrophic losses and lawsuits are always a possibility. Furthermore, given the current world economic conditions it is prudent to expect that one or more of the bulk purchasers of data may go out of business and this, too, indicates the need for a small reserve in the fund.
5. **What is the least fee increase you could have and remain solvent for just the FY 10-11 biennium?** An increase to \$12 rather than \$14 would allow us to end the biennium with an estimated \$866,115, which would provide a sufficient amount to have an adequate cash flow going into FY 12 (cash flow is important because the revenues are not realized in equal amounts every month). At \$12 we could probably survive for the FY 12-13 biennium but would need another increase after that.
6. **With the requested increase, how would New Hampshire's fee for these records compare with other states?** We would be among the most expensive in the nation but not the most expensive in New England. Connecticut charges \$20 and Massachusetts charges \$15. Many of the southern and Midwestern states charge considerably less, but many of those states have a premium tax or surcharge on fire and casualty insurance premiums that funds their Fire Academy or Fire Marshal's Office, an expense that insurance companies doing business in NH do not have.

7. **Does the NH Fire Academy also charge a tuition fee for its courses?** Yes, the Academy currently charges up to 25% of the cost of a course, and the remainder comes from the Fire and EMS Fund. A pending rulemaking would increase that to 35% of the cost. The cost is borne by the Fire Department sending the student to class or by the student him or herself. This is treated as Agency Income, accounted for in the State Budget and paid out of a specific budget component so the Legislature can track it. This income plus the income from the Fire and EMS fund, funds the operation of the Academy and the Bureau of Emergency Medical Services.
8. **Why do insurance companies purchase driving records from the Department?** They use these records in rating risk when issuing or renewing vehicle liability insurance policies. Every year when they renew a policy they access this record to determine whether anyone who will be driving that vehicle has had an accident, a violation or a license suspension during the prior year.
9. **Are there also bulk purchasers of these records?** Yes, Certain research firms that provide research to the automotive industry, insurance underwriters and traffic safety researchers execute contracts with DMV for bulk purchase of these records. A large bulk purchaser will typically pay \$90,000 a year or more. These contracts are negotiated and re-priced periodically. These are generally not driving records but rather records regarding registered vehicles, such as how many 2001 Honda Pilots were involved in accidents in NH last year, how many 1992 Volvos are still on the road, etc., and to locate the last known mailing address of the owner of a particular vehicle to send out a safety recall notice to them. Because this data is much simpler and less detailed than a person's driving history it costs less to produce and bulk rates are appropriate.
10. **What statute enables the Department to use these bulk rates?** RSA 260:14, XV I(b) states, "All legitimate businesses approved under this paragraph shall be charged a reasonable fee as determined by the Commissioner that reflects the number of multiple uses authorized, the volume of the legitimate business' resale business, and the market value of the information."
11. **What assurance does the Committee have that these revenues are being tracked?** The State Comptroller has established four separate revenue source accounts, 3435, 3450, 3480, and 7470 on the State's books for tracking them. For example in FY 08 we received \$692,000 from the contract with bulk data purchasers, \$191,000 from requests at the public counter at DMV for non-certified driving records, \$543,000 for miscellaneous record copies such as certified copies, accident report copies, etc., and \$4,769,500 from the sale of driver history records to insurance companies.
12. **What other revenue bills have been proposed that would benefit this Fund, this year?** The main one is the Fireworks Tax, which I understand is being recommended for ITL. There are also some isolated small fee increases for some of the services of the Fire Marshal but those will bring in relatively insignificant amounts of money, given the potential deficit we are looking at.

Representative Susan W. Almy, Chair  
and Members House Ways and Means Committee  
February 19, 2009  
Page 4 of 5

I trust that this information has been responsive to your questions. If not, please do not hesitate to contact me for further details.

Very truly yours,

A handwritten signature in black ink, appearing to read "Earl M. Sweeney", with a long horizontal flourish extending to the right.

Earl M. Sweeney  
Assistant Commissioner

EMS:eep  
enclosures

Received 2/10/09 from George Rousso on HB 540

11-109

MVR TURNAROUND SCHEDULE

December 2008

Times are Central Standard Time Shading indicates schedule or rate change - see bottom of page for details

\*\* indicates Database MVRs available \*\*\* indicates Archive available

^ indicates DriverAdvisor® monitoring available

State	Quick Time MVRs	No Hit Credit	liX State Record Fee	Request Cut-Off for Batch Reports	Expected Turnaround	Batch Reports Back
ALABAMA ***	Yes		\$7.00	9:30am, 2:30pm, 8:30pm	Same Day	11:00am, 4:00pm, 6:00am
ALASKA		\$5.00	\$5.00	5:30pm	Next Day	10:00am
ARIZONA 39 Mo. Report	Yes ^	\$1.25	\$3.25	7:45am, 11:45am, 3:45pm, 7:45pm	Same Day	10am, 2pm, 6:15pm, 9pm
ARKANSAS Standard Report Commercial Report	Yes		\$8.50 \$11.50	4:00pm	Same Day	8:00pm
CALIFORNIA	Yes^ 0		\$2.00	6:00pm	Next Day	7:00am
COLORADO ^	Yes	\$2.20	\$2.20	5:30pm	Same Day	11:00pm
CONNECTICUT	Yes		\$15.00	7:55am, 5:15pm	Same Day	Noon, 8:00pm
DIST OF COLUMBIA ***	Yes		\$13.00	5:00pm	Same Day	9:00pm
DELAWARE	Yes		\$15.00	4:00pm	Same Day	6:00pm
FLORIDA *** ^	Yes^		\$2.10 \$3.10 \$3.10	5:00pm	Next Day	9:00am
GEORGIA 3 Yr. Report 7 Yr. Report	Yes	\$3.00 \$5.00	\$6.00 \$8.00	5:30pm	Next Day	5:30am
HAWAII ***			\$10.00	11:00am	Next Day	12:00 Noon
IDAHO***	Yes		\$6.00	5:30pm	Next Day	1:00am
ILLINOIS ***	Yes		\$12.00	8:00pm	Next Day	4:00am
INDIANA ***	Yes	\$7.50	\$7.50	5:45pm	Next Day	6:00am
IOWA	Yes	\$8.50	\$8.50	4:00pm	Same Day	5:30pm
KANSAS ***	Yes^		\$6.00	6:00pm	Next Day	5:00am
KENTUCKY	Yes		\$5.00	5:00pm	Same Day	6:00pm
LOUISIANA	Yes		\$6.00	2:30pm	Next Day	9:30am
MAINE *** ^	Yes		\$7.00	1:30pm	Next Day	8:40am
MARYLAND***	Yes		\$9.00	12:00 Noon	Next Day	9:15am
MASSACHUSETTS	Yes		\$6.00	4:30pm	Next Day	4:00am
MICHIGAN *** ^	Yes		\$7.00	6:30pm	Next Day	6:00am
MINNESOTA ** *** ^	Yes	\$1.25	\$1.25	11:35am	Same Day	2:00pm
MISSISSIPPI	Yes	\$11.00	\$11.00	5:00pm	Same Day	7:00pm
MISSOURI *** ^	Yes^^		\$1.25	9:50pm	Next Day	7:00am
MONTANA ***	Yes		\$7.25	4:30pm	Same Day	10:00pm
NEBRASKA ***	Yes		\$3.00	7:30pm	Next Day	8:30am
NEVADA	Yes		\$7.00	4:45pm	Next Day	5:00am
NEW HAMPSHIRE	Yes		\$8.00	1:00pm	Next Day	8:45am
NEW JERSEY	Yes		\$10.00	5:20pm	Next Day	6:00am
NEW MEXICO***	Yes	\$2.50	\$2.50	12:45pm, 5:15pm	Same Day	3:30pm, 8:30pm
NEW YORK***	Yes		\$7.00	8:30am, 1:30pm, 5:30pm	Same Day	11:30am, 5:00pm, 8:00am
NORTH CAROLINA*** 3 Yr. Report 7 Yr. Report	Yes	\$8.00 \$8.00	\$8.00 \$8.00	5:00pm	Same Day	8:45pm
NORTH DAKOTA	Yes	\$3.00	\$3.00	8:00pm	Next Day	6:00am
OHIO ***	Yes		\$2.00	7:45am, 9am, 10:15am, 11:30am, 12:45pm, 2pm, 3:15pm, 5pm	Same Day	9am, 10:15am, 11:30am, 12:45pm, 2pm, 3:15pm, 4:30pm, 6:15pm
OKLAHOMA ***	Yes		\$12.50	4:15pm	Next Day	7:30am
OREGON ^ Non-Employment Report Employment Report Court Print	Yes		\$5.00 \$5.00 \$5.00	4:30pm	Next Day	1:00pm
PENNSYLVANIA	Yes		\$5.00	5:15pm	Next Day	6:00am
RHODE ISLAND	Yes		\$19.50	2:45pm	Same Day	11:00pm
SOUTH CAROLINA 3 Yr. Report 10 Yr. Report	Yes	\$7.25 \$7.25	\$7.25 \$7.25	12:50pm	Next Day	10:45am
SOUTH DAKOTA ***	Yes	\$4.00	\$4.00	3:00pm	Same Day	5:00pm
TENNESSEE*** ^	Yes		\$7.00	6:30pm	Same Day	10:00pm
TEXAS*** 3 Yr. Report 5 Yr. CDL Report	Yes		\$6.50 \$7.50	5:15pm	Next Day	6:00am
UTAH ***	Yes		\$9.00	4:30pm	Next Day	8:00am
VERMONT	Yes		\$13.00	3:00am, 11:55am, 6:00pm	Same Day	4:00am, 1:00pm, 8:00pm
VIRGINIA 5 Yr. Report 7 Yr. Report - Employment	Yes		\$7.00 \$7.00	2:15pm	Next Day	7:30am
WASHINGTON	Yes	\$10.00	\$10.00	6:30pm	Next Day	5:00am
WEST VIRGINIA	Yes		\$8.00	6:00pm	Same Day	10:00pm
WISCONSIN	Yes^		\$5.00	10:55am	Next Day	1:30pm
WYOMING			\$3.00	8:00pm	Next Day	6:00am

Batch report turnaround is based on experience and is subject to change by State Motor Vehicle Depts and delays due to communication and/or processing problems. liX state record fees can change at any time without notice. No hit credits are automatically credited back to customer accounts.

^^ QuickTime for Database only, regular turnaround time applies for State ordered Reports.

0 California QuickTime MVRs available through ExpressNet only.

^Additional fees are associated with QuickTime MVRs: AZ add \$1.00; CA add \$.15; FL add \$.03; KS add \$.50; WI add \$.05.



## **NEW HAMPSHIRE ASSOCIATION OF FIRE CHIEFS, INC.**

REPLY ADDRESS:

547 Charles Bancroft Highway  
Litchfield, NH 03052

### House Bill 540-FN-A-Local

Statement of Lebanon Fire Chief Chris Christopoulos, Jr. representing the New Hampshire Association of Fire Chiefs regarding House Bill 540 relative to an Act raising the fees associated with motor vehicle records checks.

1. Good afternoon honorable Chairwomen and Members of the Ways and Means Committee. My name is Chris Christopoulos. I am the Fire Chief in the City of Lebanon. I am here today as the President of the NH Association of Fire Chiefs to speak on behalf of the Association. My testimony today does not reflect any position that the City of Lebanon may have either positive or negative on this legislation.
2. I am here to speak in favor of House Bill 540. House Bill 540 will offset the detrimental budget decreases with the recently proposed House Bill 30 which as part of operating budget reductions in a number of state agency operating budgets, seeks to transfer two million dollars from the fire standards and training and emergency medical services fund to offset the large state deficit.
3. The New Hampshire Association of Fire Chiefs certainly recognizes the current economic conditions that have forced reductions to the Fire Standards and Training and Emergency Medical Services Fund. We as Fire Chiefs throughout the state in our local communities are being asked to make significant budget sacrifices due to the economy. However, as we in the fire and EMS service realize greater demands for our services during these hard economic times, the training and support services provided by New Hampshire Fire Standards and Training and Emergency Medical Services, State Fire Marshal's Office and Office of Homeland Security and Emergency Management are vital to the public safety community. The Fire Academy and Fire Marshals Office critical services to the NH Fire and EMS services each and every day.

4. Based on my experience in the City of Lebanon I can see no greater time to ensure that all of our first responders receive a high level of training and preparedness. The Lebanon Fire Department due to staffing increases and retirements currently is staffed by a department where over 50% of our fire and EMS providers have 3 years or less of experience. Without the training opportunities provided by the Fire Academy we place the safety of our personnel at risk due to this inexperience.
  
5. The Fire Standards and Training and Emergency Medical Services Fund was specifically created to avoid an impact to the State of New Hampshire general fund. For a number of years the Fire Academy was victim to a lack of funding and facilities because there was no dedicated fund to support their operations. After many years of attempting to gain this funding, the New Hampshire Fire Chiefs in partnership with the legislative study committee obtained the creation of this dedicated fund that is supported by driver record fees to provide funding for the Fire Academy and Emergency Medical Services. Two years later the Fire Marshal's office and Emergency Management were added to the fund. The sponsors of this Legislation made it clear that these funds should never be used for anything other than the training and safety of NH's Firefighters and Emergency Medical Technicians. Today we have one of the most progressive and respected fire service training institutes that is in jeopardy of losing critical programs due to funding cuts. The restoration of funds to maintain the level of services provided by Fire Standards and Training and Emergency Medical Services, the State Fire Marshal's Office and Emergency Management is critical to public safety in the State of New Hampshire.
  
6. In Closing, I ask the Ways and Means Committee to support this Legislation and maintain the services provided to the New Hampshire Fire and EMS Community.
  
7. Thank you for your time. I am available to answer any questions the committee may have.

Chris Christopoulos, Jr

President, New Hampshire Association of Fire Chiefs

[Chris.christopoulos@lebcity.com](mailto:Chris.christopoulos@lebcity.com)

NH DEPARTMENT OF SAFETY  
DIV OF FIRE STANDARDS & TRAINING  
& EMERGENCY MEDICAL SERVICE



**RICHARD MASON, CFO, MIFireE**  
DIRECTOR

33 Hazen Drive, Concord, NH 03305

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FAX: 603-271-1091

E-MAIL: [richard.mason@dos.nh.gov](mailto:richard.mason@dos.nh.gov)



Testimony: February 10, 2009, Ways & Means Committee, HB540  
Director Richard A. Mason (in favor of HB540 as written)

Honorable Chair, Vice-Chair and members of the Ways and Means Committee, for the record I am Richard Mason of Portsmouth, Director for the Department of Safety, Division of Fire Standards and Training and Emergency Medical Services, a position I have held for nearly 13 years.

I remember when we charged our actual costs of training to offer programs. Nearly every fire department wanted to assure their members were at least certified to the Firefighter I level, which is upwards of 200 hours to complete...a very long time but with safety being the root of all our training we can not adequately certify in a lesser time frame. This class is very expensive to run and averages \$1,740 per student to run. Needless to say it was too expensive for many communities.

In 2000 the New Hampshire Legislative bodies created a study committee to review how fire training and emergency medical services could be best served, but also not be a burden to the General Fund. It was that study committee that developed the plan in place to fund fire training and EMS. The last item of business for this committee was to assure we established fees for our services and that the student or local New Hampshire Fire Service member had to pay a small amount toward their training...it was recommended to charge twenty-five percent of our actual cost, or \$435 per Firefighter I student at the current fee structure, which is deposited in our instruction account collected from tuition fees, book sales and the like. This instruction account represents about 7-percent of our annual budget.

Since 2001 not only have we not been a burden on the general fund and have actually saved the general fund more than thirty-million dollars by having a dedicated funding source. Also since July 1, 2001 we have certified 2,355 students to the Firefighter I Certification and by charging only twenty-five percent we have saved the local communities \$3,073,275 in tuition fees we would have had to charge if we were still a General Fund agency. This is one example of the more than twenty certification topics we offer and we can accommodate this training due to our funding mechanism.

Just due to the times we are going to JLCAR to raise the tuition to 35% percent with the approval of the New Hampshire Fire Chiefs, to assure we keep with the changing trends in our training curriculum.

I believe in many things, however the belief that is most prevalent when it comes to the training and education of emergency responders is simple...Safety! I want everyone to go home at the end of their duty day or the incident they are mitigating. We need to keep training at our present level which will require these requested funds.

I ask your indulgence with the request on the table; please allow us to accomplish the great things we have since 2001 by granting us the resources to continue. I would entertain questions and offer my thanks!

HB 540



# State of New Hampshire

DEPARTMENT OF SAFETY  
JAMES H. HAYES BLDG. 33 HAZEN DR.  
CONCORD, N.H. 03305  
603/271-2559

JOHN J. BARTHELMES  
COMMISSIONER OF SAFETY

EARL M. SWEENEY  
ASSISTANT COMMISSIONER

February 12, 2009

The Honorable  
Representative William Butynski  
PO Box # 105  
Hinsdale, NH 03451-0105

Dear Representative Butynski:

Thank you for the courtesy that you and the other members of the Ways and Means Committee afforded to Assistant Commissioner Earl Sweeney and the Directors of our Divisions of Fire Standards and Training and Emergency Medical Services, Fire Safety, and Homeland Security and Emergency Management, when they appeared before you recently along with members of the state's fire service, in support of HB 540-FN, the bill that would enact an increase in the fees for the purchase of motor vehicle records, that supports the dedicated Fire Standards and Training and Emergency Medical Services fund.

The Assistant Commissioner is preparing responses to the questions the Committee asked during the hearing and you should be receiving them shortly.


I am writing to you individually to express how important it is to enact these fee increases and ensure the fiscal health and stability of this fund, and maintain our ability to continue to train firefighters and emergency medical personnel, investigate suspicious fires and arsons, to perform inspections of public buildings, places of assembly and multi-unit dwellings and enforce the fire code, conduct fire prevention programs, and maintain the alertness and "lean forward" posture of homeland security and emergency management.

We regret having to come before you asking fee increases during the current economic conditions, but the reserve in this fund has been steadily depleting over the past few years. Even without the \$2 million diversion to the General Fund via HB 30-FN, we would have had to request a fee adjustment this year. We hesitated to ask for a fee adjustment earlier than this because there was still a reserve in the fund.

Representative William Butynski  
February 12, 2009  
Page 2 of 2

The fee for these records was set at \$7 in 1991 and increased to \$8 in 2003 and has remained at that level ever since. Consumer price index data in the intervening years indicates that it takes \$11 in 2009 to have the same purchasing power as \$7 had in 1991, and if the current extremely low inflation rate continues through the next biennium, by 2011 it will take \$11.15 to have the same purchasing power as that original \$7 did in 1991 when the fund was established. When you factor in that in order to relieve pressure on the General Fund over the years, the Fire and EMS Fund has been required to assume responsibility for two other Divisions – Fire Safety and a portion of Homeland Security and Emergency Management, it makes the justification for the increase readily apparent. Just as surely as the premiums on the insurance policies that we all have on our automobiles have increased over the years, so have the expenses of running these important functions of government which in the end, make all of our lives safer and reduce insurance claims.

Sincerely,

  
\_\_\_\_\_  
John J. Barthelmes  
Commissioner

JJB:eep



P.O. Box 517  
Rumford, ME 4276-0517  
207-369-3653 Telephone  
207-364-7674 Facsimile  
207-441-8970 Cell Phone

February 12, 2009

Honorable Susan Almy  
New Hampshire House of Representatives  
House Ways and Means Committee  
Legislative Office Building, Room 202  
Concord, NH

Reference: House Bill 540

Honorable Chairperson Susan Almy,

I wish to personally thank you for indulging me with my testimony before your Ways and Means Committee on Tuesday, February 10, 2009 regarding House Bill 540.

My comments were largely impromptu but I have attached a synopsis of my remarks. I welcome the opportunity to address any questions that you or your Ways and Means members may have.

I am also willing to participate in any work-session should it be decided that I might have something worthwhile to add to the proceedings. You may contact me at any time.

I invite you to contact our local representative, Henry Veilleux of Sheehan, Phinney Capitol Group at 228-2370. Mr. Veilleux and his associates are empowered by Experian to speak on our behalf.

Respectfully,

Theodore D. Hotham  
Director, Government Affairs

Cc: Rep. William Butynski, Clerk, House Ways and Means  
Barbara Moynihan, Secretary, House Ways and Means  
Henry Veilleux, SPBG

The following is a brief review of my comments;

My name is Ted Hotham and I represent Experian Automotive with our headquarters in Schaumburg, Illinois.

I am here today to speak on **House Bill 540**; a proposal to raise the fees for motor vehicle records charged to insurance companies.

Experian Automotive would like the record to reflect that we support the New Hampshire Fire Training Academy and the affiliated groups funded by the revenue derived from the sale of motor vehicle records.

As a personal note; I will state that I was a lieutenant and training officer in a volunteer fire department in Maine for several years. In addition, I have taught a number of courses to full-time and volunteer departments alike.

About Experian Automotive; we are not an insurance company but we do assist the insurance industry with various anti-fraud tools and services permitted under both Federal and New Hampshire laws. Our ability to 'verify' customer data for our clients is a tremendous tool in deterring ID fraud and consumer deception.

Experian is currently paying \$140,000 in fees, annually, in order to purchase motor vehicle title, registration, and accident records from the Department of Safety, Division of Motor Vehicles.

This data also enables us to assist the vehicle manufacturers with their need to send recall notices or safety announcements to the citizens of New Hampshire. In addition, we assist consumers and vehicle dealers with our vehicle history service know as AutoCheck®.

Experian is one of only two companies with the resources necessary to facilitate either of these services. R.L. Polk & Co. and Experian are the only companies that maintain a national database of ALL vehicles registered and titled in the United States.

While we support the mission of the Fire Academy we are concerned that this bill, if passed, would make it cost-prohibitive for us to continue purchasing New Hampshire data.

Because there is no apparent recognition of the bulk-record purchaser in this proposed legislation we could be expected to pay in excess of \$15 million per year just for New Hampshire data.

I have been informed by the Department of Public Safety's Assistant Commissioner, Earl Sweeney, that we are not excluded from the pricing reflected in this bill.

Commissioner Sweeney did say that our pricing "...is negotiable." I have to assume he is referring to certain sections of the current agency rules which seem to grant this authority. I would argue that existing rules are not very specific. None of them reflects an explicit price-point or clear cost perimeters.

I have known Commissioner Sweeney for many years and I am confident that he is being completely honest in his assessment. However, the next Commissioner may not be so considerate. The lack of concrete pricing guidelines would grant successive administrator the authority to raise our costs significantly.

Please note that if bulk buyers were to discontinue doing business with the Department of Safety they would lose over a **half-million dollars** in bulk-purchase fees annually.

Simply put, the subject bill does not designate a pricing model that meets our needs and we could be left with no recourse but to cease buying and wait until we can come before the legislature seeking your assistance.

The real 'value' in the data we compile is that our database is complete and as current as possible. It is critical to our overall mission that we gather the raw-data needed from **all**

jurisdictions in a timely manner. We must then spend a large portion of our resources to compile this unrefined material into the products and services we currently provide.

It is also noteworthy that the current per-record cost for New Hampshire vehicle data, approximately [\$11¢] puts your state in the top 3% of all states.

Based on our experience in purchasing vehicle data from all jurisdictions the national average is less than 4¢ per record. That is without taking into consideration the limited number of allowable uses for the data.

These permitted uses range broadly from state to state; the more uses allowed the more valuable the data.

An increase of any size would be a serious blow to anyone's ability to assist manufacturers with recall campaigns. Also, the two commercial vehicle history services, AutoCheck and Carfax would no longer contain critical and timely information for consumers considering the purchase of a used vehicle.

In addition to recalls and vehicle history reports Experian produces various statistical products that are widely used in the private sector and at all levels of government. Vehicle statistics are a benign, very accurate form of analysis, and an excellent predictor of behavior.

Even though our access to and use of vehicle data is highly regulated we are still able to legitimately provide a small number of useful products and services.

It is unlikely that anyone wants to see our ability impeded in any way.

Thank you for your time and attention.

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The following was not a part of any direct testimony due to time constraints. However, it is no less relevant to these proceedings:

New Hampshire **RSA 260:14 XV** states, in part, the following:

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XV. (A) MOTOR VEHICLE RECORDS OBTAINED FROM THE DEPARTMENT UNDER THE PROVISIONS OF SUBPARAGRAPH V(A)(4) AND (8) SHALL BE OBTAINED SEPARATELY FOR EACH USE SPECIFIED UNDER SUBPARAGRAPH V(A)(4) AND (8), ONE USE TO A REQUEST, PROVIDED THAT THE COMMISSIONER MAY GRANT A REQUEST FROM A LEGITIMATE BUSINESS FOR MULTIPLE USES IF:

---

...(B) ALL LEGITIMATE BUSINESSES APPROVED UNDER THIS PARAGRAPH SHALL BE CHARGED A REASONABLE FEE AS DETERMINED BY THE COMMISSIONER THAT REFLECTS THE NUMBER OF MULTIPLE USES AUTHORIZED, THE VOLUME OF THE LEGITIMATE BUSINESS' RESALE BUSINESS, AND THE MARKET VALUE OF THE INFORMATION.

Current agency rules reflect a modest consideration for bulk requesters in Saf-C 5602.08 Bulk Requests. There is no specific mention of what the data costs shall be other than the following:

(B) THE BULK DATA USER AGREEMENT SHALL BE IN EFFECT FOR 2 YEARS FROM THE DATE OF THE COMMISSIONER'S APPROVAL. ANY FEE INCREASES DURING THE 2 YEAR PERIOD SHALL BE APPLICABLE TO THE REQUESTOR.

Experian finds the preceding highlighted portion of this agency rule to be troubling.

There is simply no way to know if any of this is sufficient to create a niche for bulk access that is different from the pricing for individual record requesters.

We feel that the Commissioner may be compelled, beyond his control, to raise our fees for bulk access if HB 540 is passed into law as written.

Representative Ulery asked if I would be willing to submit proposed changes to the bill.

We certainly are willing to help in any way possible. It is suggested, however, that any projected changes to the bill should come from the appropriate administrator or legislative staff.

As indicated in the cover letter we can be available for any work-sessions on this bill that are deemed necessary. We can also meet with Deputy Commissioner Sweeney and/or Director Beecher and members of her staff to look at alternative language.

Arguably, our current price-point is regulated. However, we feel that the introduction of HB 540 could have an adverse consequence, unintended that it may be.

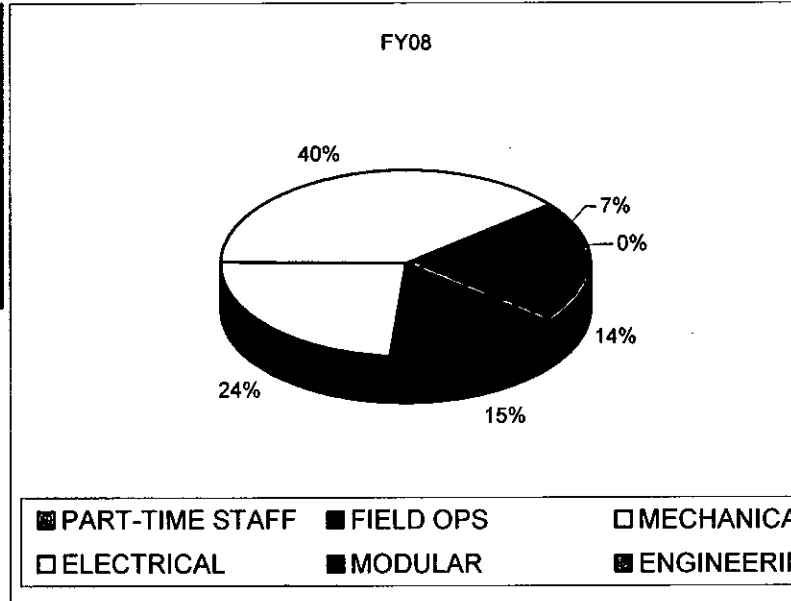
We believe that more specific consideration for "... *a legitimate business for multiple uses*" that operates primarily through the access and use of bulk data is in order.

Any consideration for our position would be appreciated.

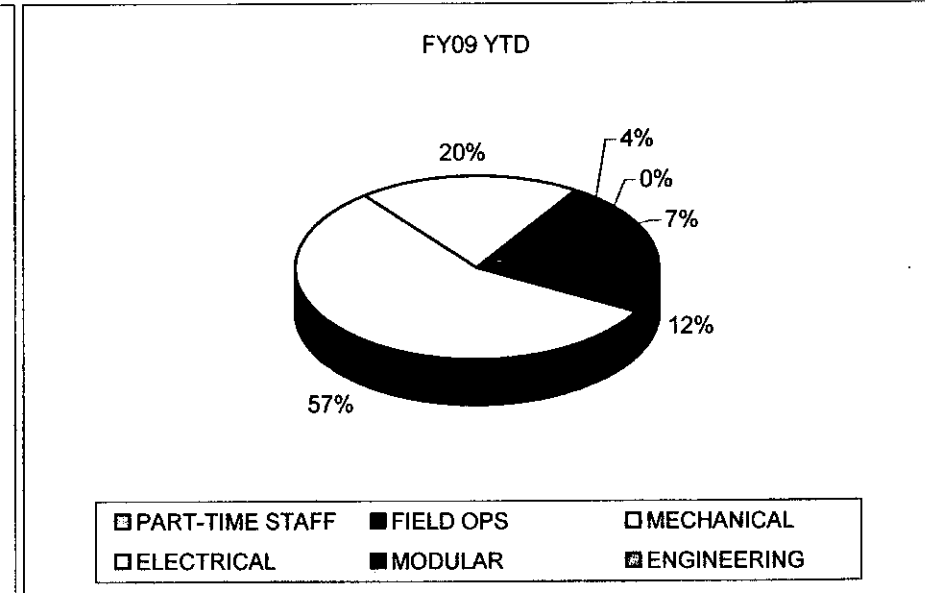
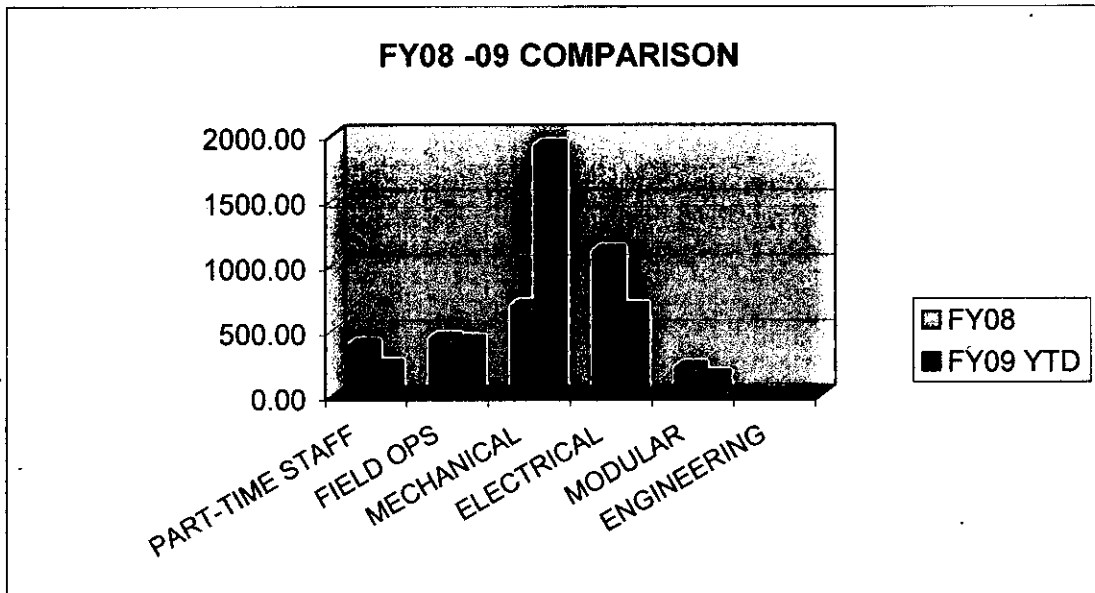
Thank you.

NH DIVISION OF FIRE SAFETY  
INSPECTION HOURS SUMMARY

SECTION	FY08	FY09 YTD
PART-TIME STAFF	390.25	233.50
FIELD OPS	440.00	418.50
MECHANICAL	687.00	1915.50
ELECTRICAL	1109.75	667.50
MODULAR	213.50	150.50
ENGINEERING	12.50	6.50
<b>TOTAL</b>	<b>2853.00</b>	<b>3392.00</b>



QTY	DESCRIPTION	AMOUNT	TOTAL
2	Part-time plan reviewers	\$25.16	\$75,882.56
1	Part-time plan reviewer	\$21.97	\$33,130.76
	Sub-total		\$109,013.32
	Benefits		\$8,721.07
	Office Expense		\$12,000.00
	Travel		\$1,361.29
	<b>Total</b>		<b>\$240,109.00</b>







STATE OF NEW HAMPSHIRE DEPARTMENT OF SAFETY

John J. Barthelmes, Commissioner

Division of Fire Safety

Office of the State Fire Marshal

J. William Degnan, State Fire Marshal

Office: 110 Smokey Bear Blvd. Concord, N.H.

Mailing Address: 35 Hazen Drive, Concord, N.H. 03305

603-271-3294 FAX 603-271-3206



February 9, 2009

Representative Susan Almy, Chair  
House Ways and Means Committee

During the hearings for HB 193, HB 194 and HB 472 I was requested to provide to you certain information relative to the statutes if the Fire and EMS Fund that has been established pursuant to RSA 21: P12-d.

Requested information in support of HB 193

During the public hearing on HB 193 establishing a certification fee for the reduced ignition propensity cigarettes I was requested to provide my projected budget for this use of the funds that would be generated by the fees collected. The budget is listed below:

Budget proposal

Class 50	Part Time Salary \$22/hr 29 hour/week	\$33,176.00
Class 20	educational materials etc.	\$43,000.00
Class 30	computer/docking station/camera	\$2,500.00
Class 60	Benefits@7.65%	\$2,540.00
Class 70	In State Travel	\$9,500.00
	<b>TOTAL =</b>	<b>\$88,176.00</b>

**\$88,176.00 X 3 = \$264,528.00 averaged for the three year certification**

The Division of Fire Safety has the responsibility pursuant to RSA 153:10-c to establish a "Program to Promote Fire Safety Education". This person will be responsible for developing and promoting fire safety, injury prevention programs. This person will also be responsible for coordinating other fire and building code related educational programs for public safety officials.

The Program Specialist III/Public Education Administrator part time position at labor grade 23 (approximately \$22/hour) will allow us to attract a person that is technically qualified in this area of developing educational materials and promoting this to the public and local code enforcement officials.

**The Primary Responsibilities are listed below:**

1. Promote and coordinate public fire safety educational programs throughout the state by identifying high-risk populations, using demographic and/or geographic identifiers to ensure effective use of available resources;
  - o NH's fast-changing population, immigrations of new and varied cultures,

*and vast commercial/industrial growth present increasing challenges in identifying and reaching high-risk citizens.*

2. Serve as a liaison and point of contact between the 10 area agencies responsible for overseeing care and funding distribution for community care providers in the 1100 programs/homes they oversee.
  - o *Ensure that fire prevention training and information is made available to providers and caregivers in the approximately 1150 Community Residences, 1400 children in foster homes, 1108 licensed daycare centers and more recently the Granite Care Initiative.*
3. Ensure standardized implementation of inspection criteria by State Fire Code occupancy classification and Department of Health and Human Services Rules throughout the state;
  - o *248 fire departments in NH are charged with enforcing the State Fire Code, providing inspections for various different occupancy types for the Department of Health and Human Services, as well as providing numerous other fire prevention services to the 234 communities in which they serve.*
  - o *Clarification and consistency in enforcement of the State Fire Code and NH Department of Health and Human Services requirements are vital to ensuring the safety of our residents and visitors.*
  - o *The program administrator will facilitate training classes for fire departments and ensure that every community has equal access to fire inspection training programs, and that related resources and materials are made available.*
4. Develop and implement a statewide fire safety and child injury prevention curriculum for use and distribution in schools.
  - o *This position will lend support throughout the state by assisting local officials to introduce and advocate fire safety and child prevention programs in the schools and develop a teamwork approach to enable communities to sustain programs such as Risk Watch.*
5. Promote use of fire safety and injury prevention materials in daycares and after-school programs.
  - o *The program administrator will be able to examine available programs and determine the best methods of providing fire safety and injury prevention education through this often over-looked opportunity. NH DHHS currently licenses ##### daycares.*
6. Develop and implement a statewide fire and injury prevention curriculum specific to the needs of older adults;
  - o *Every year the importance of providing fire prevention education to NH's most experienced population is underscored by the needless accidental*

*fire deaths of elderly victims. Simple and effective presentations, such as NFPA's "Remembering When" program, are available to help communities deliver these urgent fire safety and injury prevention messages.*

7. interact regularly with television, radio, internet, and print media to promote fire safety education.
  - o *Today's media, particularly the internet, provide endless opportunities to share information with the public about fire safety and injury prevention. In addition to coordinating PSA's and media releases, the program administrator will create and maintain a kid's page on the Division of Fire Safety's web site.*
8. Establish a juvenile fire setter prevention and intervention program for statewide implementation;
  - o *Nationwide, and in NH, fires set by children account for half of all arsons, and it is estimated that only 10% of fires set by juveniles are even reported. Effective methods of identifying and treating these children are available, but not affordable for most communities. Currently there are very few programs operating in NH, and none are available in the North Country. The program administrator will be responsible for implementing a statewide program, support existing programs, and work to train and expand the network of trained professionals available.*

**Additional Responsibilities:**

- Provide assistance and guidance to local fire departments in the development and implementation of best practice fire safety education and injury prevention activities and programs.
- Coordinate statewide seasonal fire safety campaigns annually throughout the state, such as Fire Prevention Week, Arson Awareness Week, fireworks safety, holiday safety and others;
- Participate as a member of the New Hampshire Safe Kids Coalition and provide necessary support to the Coalition;
- Research and apply for grants to support the fire safety education and juvenile fire setter intervention missions

The cost to the division to certify a cigarette is calculated as approximately \$51 per certification. Other costs to the state and local fire service are suppression and investigative costs for cigarette related fire incidents. These costs would cost more than the fees we are collecting.

Page 4 of 6

February 9, 2009

House Ways and Means Committee

I personally feel that this is a small price to pay for the gain in safety education we would get. The savings goes beyond the suppression and investigations cost, it extends to health care costs, loss of work, loss of productivity by family members, loss of taxable property, loss of business taxes, loss of rooms and meals tax and when losses are high the insurance companies are going to increase your rates so you will pay also. As you can see ultimately you are the person who pays in the end, we all pay!

During the public hearing for HB 194 that would establish a fee structure for plan review and certain inspections I was requested to provide the committee with an overview of plans reviewed from last year and expense and projected income for that service based on the fees described to the committee.

The Plans Review requirement comes from:

- RSA 153:8-a requires the review of all plans for construction or revision of all state buildings and properties, including the university system.
- RSA 153:8-a. also requires the State Fire Marshal to review variances and to take into account the written opinion of the local officials.
- RSA 155-A1 adopts the minimum standard for the statewide building code of which section 106.3 requires plan review.
- RSA 153:5 adopts the minimum standard for fire codes in the state known as the State Fire Code of which NFPA 1 the Uniform Fire Code section 1.14 references plan review.
- RSA 153:10-bV requires the review of all fire protection plans for health care facilities.
- State Department of Education's rules require plan review for schools receiving state funds
- The state statutes (RSA 153:12) require us to assist local communities as needed.

The SFM is using part time employees to accomplish these reviews. These inspectors have been taken off of inspections that they previously assisted local fire officials with.

This is an important aspect of code enforcement for several reasons. The most important is to make sure the buildings being constructed comply with the requirements of the State Fire Code (Saf-C-6000) and RSA 155-A1 before they are erected. The time that is spent reviewing plans helps avoid costly retrofits for code compliance and delays in construction.

The expense for this service using three part time professionals for plan review that work approximately 29 hours per week is as follows:

3 part time personnel	\$100,208
Benefits	\$6,013
Travel/mileage	\$1,362
Office	<u>\$12,000</u>
Total	\$119,583

This is an extremely cost effective means of accomplishing this task.

I had testified that our tracking system did not presently track square footage however I did a review of several plans to try and give you a better picture of plans being reviewed by my office for a twelve month period.

89 Building plans at 2,284,400 square feet X \$.07 =	\$159,908
31 Fire alarm plans at 523,000 square feet X \$.03 =	\$15,690
78 sprinkler plans at 750,000 square feet X \$.04 =	<u>\$30,000</u>
Total	\$205,598

February 9, 2009

House Ways and Means Committee

Requested information in support of HB193, HB194 and HB472

I was requested to provide a summary of statutes that are linked to the Fire and EMS Fund, they are:

RSA 153:16-b, RSA 160-C:3 VII, RSA 153:5-c, RSA 153:5-a, RSA 260:14 I, and XIII, RSA 21-P:14 III(p), RSA 261:60, RSA 263:42 II, RSA 261:141 IX, RSA 260:15 II

I was requested to provide budgeted amounts of appropriations from the fund. The following pages are the sections of the budgets that are appropriated from the Fire and EMS Fund for the FY 2009. These pages can be viewed on line at <http://www.sunspot.admin.state.nh.us/Reports/A149%20STATEMENT%20OF%20APPROPRIATION%20FISCAL%20YEAR%202009.023.PDF>

**Department of Safety  
Fire & EMS Fund 2008-2009**

Division	Expense Summary	
	2008 Actual Expenditures	2009 Adjusted Authorized
Fire Standards & Training & EMS Adm	\$ 4,391,880	\$ 4,937,880
Fire Safety Administration	\$ 1,578,585	\$ 1,563,539
HS&EM Administration (11%)	\$ 364,544	\$ 444,496
Fire Standards Debt Service	\$ 254,950	\$ 250,500
Fire Safety Debt Service	Starts in 2010	at \$72,100
Workers Comp	\$ 21,029	\$ 20,000
Unemployment Comp	\$ 110	\$ 750
State Indirect Cost	\$ 300,053	\$ 324,686
Less: Projected annual lapse		\$ (250,000)
Total Exp	\$ 6,911,150	\$ 7,291,851
 Revenue Summary		
2008 Fire & EMS Revenue Bal Chg	\$ (641,938)	
Less One time pickup from Gasfitters Statute change effective June 2008	\$ 453,157	
Net Change in Fire& EMS Bal	\$ (188,781)	
 SFY09 Beginning Balance		
Projected Annual Fund Income (same as 08)		\$ 6,269,212
Annual Fund Gain/Loss		\$ (1,022,639)
Estimated Ending Fund Balance		\$ 3,249,347
Less: \$2,000,000 Fund reduction from HB 30		Balance \$ 1,249,347

These figures clearly demonstrate that the need for the passage of these bills is essential for the department to continue to provide these critical life saving functions from this fund.

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AGENCY 023 SAFETY, DEPT OF  
FUND 010 GENERAL FUND

ACTIVITY 2370 FIRE STANDARDS & TRAINING

CLASS	APPROPRIATION	EST REVENUE	EXPENDITURES REVENUE	ENCUMBRANCES TRANSFERS	BAL-FORWARD	EXPENSE	AVAILABLE TOTAL	DATE
010-023-3791	CODES GRANT FY 03-08							
000 (PRV)	FEDERAL FUNDS		208.74	2,456.89	2,665.63			
020	CURRENT EXPENSE			1,592.24	1,592.24			
040	INDIRECT COST		205.97	361.33	570.30		205.97	1-01
041	AUDIT SET ASIDE		2.77	.22	2.99		2.77	1-01
070	IN STATE TRAVEL			500.00	500.00			
***	TOTAL FOR CODES GRANT FY 03-08		208.74	208.74			208.74	1-01

010-023-4065 FIRE STANDARDS ADMINISTRATION

003 (PRV)	REVOLVING FUNDS	3,274,898.00	1,515,244.12				1,759,653.88	
010	PERSONAL SERVICES - PERMANENT	915,921.00	526,583.90				389,337.10	
011	PERSONAL SERVICES-UNCLASSIFIED	87,345.00	57,332.24				30,012.76	
018	OVERTIME	4,246.00	12,607.27				8,361.27	
020	CURRENT EXPENSES	385,640.00	121,828.80	95,082.29	101,357.00	10,435.91	181,858.91	
023	HEAT, ELECTRICITY & WATER	242,000.00	94,650.49				147,349.51	
024	MAINT. OTHER THAN BLDG. & GRNDS	169,620.00	43,248.07	50,731.10	1,750.84		75,089.99	
026	ORGANIZATIONAL DUES	2,625.00	495.00				2,130.00	

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AGENCY 023 SAFETY, DEPT OF  
 FUND 010 GENERAL FUND

ACTIVITY 2370 FIRE STANDARDS & TRNG & EMS

CLASS	APPROPRIATION	EST REVENUE	EXPENDITURES REVENUE	ENCUMBRANCES TRANSFERS	ENCUMBRANCES BAL-FORWARD	LAPSED	AVAILABLE TOTAL	RAIR
010-023-4065 FIRE STANDARDS ADMINISTRATION								
027	TRANSFERS TO OIT		33,184.02	100,000.00			56,815.98	.34
030	EQUIPMENT NEW/REPLACEMENT 63,903.00		47,719.95		477.00	13,661.62	77,564.62	.63
048	CONTRACTUAL MAINT.-BUILD&GRNDS 107,957.00		50,184.72	393.84-	63,665.62	12,626.00	120,199.16	.05
050	PERSONAL SERVICE-TEMP/APPOINTE 541,631.00		319,237.76				192,393.24	.65
060	BENEFITS 581,960.00		314,831.04				267,128.96	.65
064	RETIREMNT PENSION & HEALTH INS 30,000.00						30,000.00	
070	IN-STATE TRAVEL 132,920.00		93,534.58				39,385.42	.71
080	OUT-OF STATE TRAVEL 9,950.00		3,365.07				5,694.93	.28
***	TOTAL FOR FIRE STANDARDS ADMINISTRATION	3,274,898.00	1,744,802.91	209,956.31		36,763.53	402,751.57-	1.25
		3,274,898.00	1,515,244.12				1,552,007.65	

010-023-4242 2007 NFA GRANT

000	(REV) FEDERAL FUNDS		842.86	2,987.56		3,830.42-		
020	CURRENT EXPENSES			1,041.52-		1,041.52		
040	INDIRECT COSTS		327.96	339.28-		667.24	327.96	1.00
041	AUDIT FUND SET ASIDE		4.42	3.01-		7.43	4.42	1.00
050	PERSONAL SERVICE-TEMP/APPOINTE		474.20	1,205.45-		1,679.65	474.20	1.00



F1+T

AGENCY 023 SAFETY, DEPT OF  
FUND 010 GENERAL FUND

ACTIVITY 2370 PIPE STANDARDS & TRNG & MHS

CLASS	APPROPRIATION	EST REVENUE	EXPENDITURES REVENUE	ENCUMBRANCES TRANSFERS	BAL. FORWARD	EXPENSED	AVAILABLE TOTAL	DATE
010-023-4689	NFA REVOLVING							
080	OUT-OF STATE TRAVEL 1,825.00		1,316.40				1,825.00	11
216	NFA-TRAINING FEES			14,977.24	14,977.24			
***	TOTAL FOR NFA REVOLVING 21,274.76	21,274.76	10,418.68 7,650.00		14,977.24		22,621.24	11
010-023-5480	EMERGENCY MEDICAL SERVICES							
003 (REV)	REVOLVING FUNDS	1,662,982.00	779,296.63				883,685.37	
010	PERSONAL SERVICES - PERMANENT 847,637.00		513,825.70				847,637.00	11
018	OVERTIME 2,123.00		2,692.96				2,123.00	11
020	CURRENT EXPENSES 176,400.00		42,097.26	5,513.11	9,980.26		186,390.26	11
022	RENTS&LEASES OTHER THAN STATE 76,000.00		42,416.89	15,751.50	4,050.00		86,050.00	11
024	MAINT. OTHER THAN BUIDL & GRNDS 52,200.00		52,496.00		10,621.88		62,821.88	11
026	ORGANIZATIONAL DUES 2,400.00		1,655.00				2,400.00	11
030	EQUIPMENT NEW/REPLACEMENT 39,402.00		9,177.74				39,402.00	11
050	PERSONAL SERVICE-TEMP/APPOINTE 29,722.00		20,238.65				29,722.00	11
060	BENEFITS 397,468.00		235,063.60				397,468.00	11
070	IN-STATE TRAVEL 30,600.00		12,964.52				30,600.00	11

FJ+T

STATE OF NEW HAMPSHIRE  
REPORT ID: A149

FISCAL YEAR 2009  
STATEMENT OF APPROPRIATION BY OFFICE

PERIOD ENDING 02/05/09 PAGE NO: 6  
REPORT DATE 02/05/09 347

AGENCY 023 SAFETY, DEPT OF  
FUND 010 GENERAL FUND  
ACTIVITY 2370 FIRE STANDARDS & TRUC & EMS

CLASS	APPROPRIATION	EST REVENUE	EXPENDITURES REVENUE	ENCUMBRANCES TRANSFERS	BAL-FORWARD	LAPSED	AVAILABLE TOTAL	RATE
010-023-5480 EMERGENCY MEDICAL SERVICES								
080	OUT-OF STATE TRAVEL		942.95				2,080.05	
	3,023.00						3,023.00	.32
102	CONTRACTS FOR PROGRAM SERVICES		3,256.00	958.17			2,186.53	
	6,000.00				400.70		6,400.70	.66
***	TOTAL FOR EMERGENCY MEDICAL SERVICES	***	937,827.27	22,222.81			155,000.69	
	1,662,982.00	1,662,982.00	779,996.63		25,052.76		805,049.39	1.19
010-023-8275 FIRE STANDARDS & EMER MED FND								
003	(PEV) PEVOTTING FUNDS						323,015.48	
	250,500.00		72,515.48				323,015.48	
044	DEBT SERVICE (OTHER AGENCIES)		45,123.06				205,376.04	
	250,500.00						250,500.00	.19
216	INTEREST & PRINCIPAL						4,271,985.61	
					4,271,985.61		4,271,985.61	
***	TOTAL FOR FIRE STANDARDS & EMER MED FND	***	45,123.06				4,154,347.07	
	250,500.00	250,500.00	72,515.48		4,271,985.61		4,199,470.13	.02
*****	FUND	*****	3,068,919.87	246,900.52			4,063,322.93	
	5,593,518.76	5,593,518.76	2,536,312.57		4,842,830.75		7,379,143.32	.45

AGENCY 023 SAFETY, DEPT OF  
 FUND 030 CAPITAL FUND

ACTIVITY 2370 FIRE STANDARDS & TRNG & ENG

CLASS	APPROPRIATION	EST REVENUE	EXPENDITURES REVENUE	ENCUMBRANCES TRANSFERS	RAIL-FORWARD	LAPSED	AVAILABLE TOTAL	PRCE
030-023-0465	05,259:19	FIRE STATION ADDN						
001 (REV)	TRANSFERS FROM OTHER AGENCIES		114.52		5,808.14-		5,693.62	
034	CAPITAL PROJECTS		114.52		5,808.14		5,693.62	
***	TOTAL FOR 05,259:19 FIRE STATION ADDN	***	114.52				114.52	
*****	FUND	*****	114.52				114.52	
*****	ACTIVITY	*****	3,069,034.39	246,900.52			4,063,712.89	
5,593,518.76		5,593,518.76	2,536,427.09		4,912,830.15		2,379,253.54	17

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STATE OF NEW HAMPSHIRE  
REPORT ID: A149

FISCAL YEAR 2009  
STATEMENT OF APPROPRIATION BY OFFICE

PERIOD ENDING 02/05/09 PAGE NO: 3  
REPORT DATE 02/05/09 351

AGENCY 023 SAFETY, DEPT OF  
FUND 010 GENERAL FUND

ACTIVITY 2380 FIRE SAFETY

CLASS	APPROPRIATION	EST REVENUE	EXPENDITURES REVENUE	ENCUMBRANCES TRANSFERS	BAL.-FORWARD	LAPSED	AVAILABLE TOTAL	RATE
010-023-4688	TRAINING & MAINTENANCE CANINE							
216	DONATIONS-TRAIN/MAINT CANINE					2,000.00	2,000.00	
***	TOTAL FOR TRAINING & MAINTENANCE CANINE					802.44	802.44	802.44
010-023-5002	FIRE SAFETY ADMINISTRATION							
* 009 (REV)	AGENCY INCOME	1,563,539.00	742,234.74				821,304.26-	
010	PERSONAL SERVICES - PERMANENT 649,096.00		404,685.91				244,410.09 649,096.00	.63
011	SALARY OF FIRE MARSHAL 95,841.00		58,664.44				37,176.56 95,841.00	.62
018	OVERTIME 58,383.00		56,734.07	11,513.00			13,161.93 69,896.00	.82
020	CURRENT EXPENSES 105,000.00		33,697.69	24,500.00-	4,398.35	1,926.10	44,330.06 83,426.10	.47
026	ORGANIZATIONAL DUES 2,000.00		2,000.00				2,000.00	1.00
028	TRANSFERS TO GENERAL SERVICES D 49,672.00		5,342.95				44,329.05 49,672.00	.11
030	EQUIPMENT NEW/REPLACEMENT 56,316.00		3,638.72	33,814.50		30,226.00	49,088.78 86,542.00	.44
050	PERSONAL SERVICE-TEMP/APPOINTE 86,843.00		71,552.77	9,289.00			24,570.23 96,132.00	.75
060	BENEFITS 380,073.00		245,798.04	3,698.00			137,977.96 383,771.00	.65
064	RETIREMNT PENSION & HEALTH INS 18,000.00						18,000.00 18,000.00	
070	IN-STATE TRAVEL 62,220.00		24,803.61				37,416.39 62,220.00	.40

File

STATE OF NEW HAMPSHIRE  
REPORT ID: A149

FISCAL YEAR 2009  
STATEMENT OF APPROPRIATION BY OFFICE

PERIOD ENDING 02/05/09 PAGE 100  
REPORT DATE 02/05/09

AGENCY 023 SAFETY, DEPT OF  
FUND 010 GENERAL FUND

ACTIVITY 2380 PIPE SAFETY

CLASS	APPROPRIATION	EST REVENUE	EXPENDITURES REVENUE	ENCUMBRANCES TRANSFERS	RAI - FORWARD	LAPSED	AVAILABLE TOTAL	BLD
010-023-5002	FIRE SAFETY ADMINISTRATION							
080	OUT-OF STATE TRAVEL						25.00	
	95.00							
***	TOTAL FOR PIPE SAFETY ADMINISTRATION		906,918.20	38,212.85			120,114.11	
	1,563,539.00	1,563,539.00	742,234.74		32,152.10		333,386.91	
010-023-5005	ELECTRICIANS' BOARD							
003 (FEV)	REVOLVING FUNDS						123,710.00	
	528,561.00		345,851.00				181,710.00	
010	PERSONAL SERVICES - PERMANENT		182,288.02				113,411.02	
	295,768.00						201,768.00	
018	OVERTIME		3,101.49				3,101.49	
	3,185.00						1,185.00	
020	CURRENT EXPENSES		16,111.91	3,419.00		175.48	19,611.51	
	39,000.00						39,175.19	
022	RENTS/LEASES OTHER THAN STATE		87.00			129.00	129.00	
026	ORGANIZATIONAL DUES		450.00				450.00	1.00
	450.00							
027	TRANSFERS TO OIT		1,674.55				38,811.45	
	30,552.00						29,552.00	
030	EQUIPMENT NEW/REPLACEMENT		4,047.46				3,772.00	1.52
	7,772.00							
060	BENEFITS		77,379.70				61,681.30	
	139,062.00						139,062.00	1.5
070	IN-STATE TRAVEL		6,983.75				3,617.05	
	10,600.00						10,600.00	1.0
080	OUT-OF STATE TRAVEL		1,852.74				313.00	
	2,172.00						2,172.00	1.0
***	TOTAL FOR ELECTRICIANS' BOARD		291,976.62	3,419.00		101.48	48,359.86	
	528,561.00	528,561.00	345,851.00				346,355.19	1.00

*Hst Em*

AGENCY 023 SAFETY, DEPT OF  
FUND 010 GENERAL FUND

ACTIVITY 2360 HOMELND SEC & EMER MGMT

CLASS	APPROPRIATION	EST REVENUE	EXPENDITURES REVENUE	ENCUMBRANCES TRANSFERS	LAPSED BAL.-FORWARD	AVAILABLE TOTAL	PATR
010-023-2730	DIR HOMELAND SEC & EMER MGMT						
***	TOTAL FOR DIR HOMELAND SEC & EMER MGMT	130,354.00	76,131.60			54,222.31	130,354.00
010-023-2740	EMERGENCY MGMT ADMIN						
000 (REV)	FEDERAL FUNDS	1,213,576.00	245,436.11		28,924.11-	997,061.00-	997,061.00-
005 (REV)	PRIVATE LOCAL FUNDS	2,383,466.00	774,891.77		82,965.72-	1,691,536.95-	1,691,536.95-
009 (REV)	AGENCY INCOME	443,834.00	182,934.10		7,303.44-	268,203.04	268,203.04-
010	PERSONAL SERVICES - PERMANENT	1,605,516.00	877,918.79			727,621.21	1,605,516.00
012	SALARY OF ASST BUREAU CHIEF	80,524.00	49,117.06			31,406.94	80,524.00
013	OVERTIME	82,797.00	124,021.60	17,132.00		24,092.60-	99,929.00
020	CURRENT EXPENSES	370,901.00	203,643.73	20,000.00-	13,531.20	156,863.08	363,532.20
022	RENTS&LEASES OTHER THAN STATE	24,450.00	7,578.55	6,369.34	4,010.67	14,512.78	28,450.67
024	MAINT.OTHER THAN BUILD.& GRNDS	2,000.00	156.00			1,844.00	2,000.00
026	ORGANIZATIONAL DUES	3,900.00	3,445.00			455.00	3,900.00
027	TRANSFERS TO OTT	174,905.00	63,231.38			111,673.62	174,905.00
028	TRANSFERS TO GENERAL SERVICES	299,491.00	62,221.48			237,266.52	299,491.00
030	EQUIPMENT NEW/REPLACEMENT	176,574.00	102,336.05	10,750.00	100,558.40	164,046.35	277,132.40

HSJEM

STATE OF NEW HAMPSHIRE  
REPORT ID: A149

FISCAL YEAR 2009  
STATEMENT OF APPROPRIATION BY OFFICE

PERIOD ENDING 02/05/09 PAGE NO. 5  
REPORT DATE 02/05/09 238

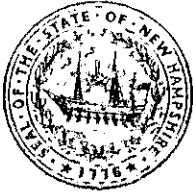
AGENCY 023 SAFETY, DEPT OF  
FUND 010 GENERAL FUND

ACTIVITY 2360 HOMELEND SEC & EMER MGMT

CLASS	APPROPRIATION	EST REVENUE	EXPENDITURES REVENUE	ENCUMBRANCES TRANSFERS	BAL-FORWARD	LAPSED	AVAILABLE TOTAL	DATE
010-023-2740	EMERGENCY MGMT ADMIN							
040	INDIRECT COSTS 83,000.00	E	25,035.56				57,964.44 83,000.00	01
041	AUDIT FUND SET ASIDE 1,190.00	D	830.69				359.31 1,190.00	01
046	CONSULTANTS 10,000.00						10,000.00 10,000.00	
050	PERSONAL SERVICE-TIME/APPOINTE 71,919.00		2,646.66				69,272.34 71,919.00	01
059	FULL TIME TEMPORARY 38,745.00		20,032.73				18,712.27 38,745.00	01
060	BENEFITS 846,134.00		395,148.90	2,868.00			450,985.10 846,002.00	01
064	RETIREMNT PENSION & HEALTH INS 77,500.00		30,645.25				46,854.75 77,500.00	01
070	IN-STATE TRAVEL 62,200.00		25,661.38				36,538.62 62,200.00	01
080	OUT-OF STATE TPVEL 30,000.00		7,284.20			1,093.00	22,716.80 21,093.00	01
***	TOTAL FOR EMERGENCY MGMT ADMIN 4,040,876.00		2,000,958.01 1,203,265.28	20,144.73			817,937.16 1,203,265.28	01

010-023-2748 RIM & C

000 (REV)	FEDERAL FUNDS	24,537.00	977.41		4,512.89-		28,071.11 28,072.41-	
005 (REV)	PRIVATE LOCAL FUNDS	57,286.00	3,127.04		7,850.81-		62,003.19 62,003.27-	
018	OVERTIME 3,185.00		1,690.01	3,426.00			4,920.99 5,611.00	01
020	CURRENT EXPENSES 21,250.00		2,533.80	4,000.00-	2,358.93		17,555.13 20,108.93	01



# State of New Hampshire

DEPARTMENT OF SAFETY  
JAMES H. HAYES BLDG. 33 HAZEN DR.  
CONCORD, N.H. 03305  
603/271-2559

JOHN J. BARTHELMES  
COMMISSIONER OF SAFETY

EARL M. SWEENEY  
ASSISTANT COMMISSIONER

March 14, 2009

**FILE COPY**

The Honorable  
Representative Susan Almy  
House – Ways and Means Committee  
Legislative Office Building – Room 202  
Concord, NH 03301

Re: HB 540-FN Fees for Motor Vehicle Records

Dear Representative Almy:

The passage of this bill is vital to continuing the maintenance level of services provided by three Divisions of the Department of Safety – Fire Safety, Fire Standards and Training and Emergency Medical Services, and Homeland Security and Emergency Management.

Having listened to the testimony at your public hearing on the bill, I am aware that some of the bulk data users who have contracts with the Department of Safety for bulk feeds of some of this data for purposes such as research and tracking vehicle safety recalls, have expressed legitimate concerns that the present and proposed laws are written explicitly enough to permit them to continue to access this data at bulk rates rather than paying the \$14 proposed in this bill or the \$12 that is contained in HB 2-FN, and that they want some assurance that contracts that they have negotiated and that are still in effect will continue to be honored by the Department. It is important to recognize that these requests for data from bulk users require far less detailed and individualized information than the requests for complete driver records that are received from insurance companies and attorneys and this is the reason they are not subject to the same “per record” rates.



The Honorable  
Representative Susan Almy  
March 16, 2009  
Page 2 of 3

It is my belief and that of the Department's attorneys that existing provisions of RSA 260:14, which authorize the Commissioner to grant requests from legitimate businesses for multiple uses, subject to certain safeguards of the data, and that provide that these legitimate businesses be charged a reasonable fee as determined by the Commissioner that reflects the "number of multiple uses authorized, the volume of the legitimate business' resale business, and the market value of the information" provides ample legal authorization to continue this long-standing practice. As has always occurred in the past, when a contract is entered into with one of these businesses it results from a negotiation and as with all contracts, requires a willing buyer and a willing seller at whatever reasonable rate is negotiated. We believe that the Analysis that describes HB 540-FN in the bill is explicit and instructive in that it says, "This bill increases the fees for motor vehicle records charged to insurance companies and the language of the bill itself says the fee in the bill is for copies of motor vehicle records "upon the request of an insurance company or any other authorized agent..." It does not therefore apply to the bulk users.

To alleviate the concerns of the bulk data users that we might arbitrarily increase their rates and thereby invalidate existing contracts during the term of those contracts, if HB 540-FN passes, we wish to go on record that it is our intention to amend our current administrative rule Saf-C 5602.08 (b) regarding bulk data requests, by deleting the sentence that reads, "Any fee increases during the 2 year period (of the contract) shall be applicable to the requestor." This would leave that paragraph in the rules reading, "The bulk data user agreement shall be in effect for 2 years from the date of the Commissioner's approval." This will assure them that we intend to honor their existing contracts. When those contracts expire they will be subject to renegotiation as they have been in the past, and whatever prices are agreed upon will certainly reflect not only the demand but also current market conditions at the time. We recognize that it is in their interest to get the data and it is in the Department's interest to continue this business relationship wherever possible.

If the Committee feels that the Department's pledge to amend the administrative rule as indicated above is not sufficient, you could amend the bill so that RSA 260:15, II, reads as follows, with recommended changes from the text in HB 540-FN indicated in bold face type:

The Honorable  
Representative Susan Almy  
March 16, 2009  
Page 3 of 3

"II. The department may issue a copy of any motor vehicle record upon the request of an insurance company or any other authorized agent or person, and notwithstanding RSA 91-A shall require payment by the insurance company or authorized agent of a fee of " (insert here \$12 as in HB-2 FN or \$14 as in HB 540-FN, whichever amount your Committee ultimately may determine) "for email or other computer-generated requests where payment is debited against an account established with the department, or \$15 for all other requests, which shall be deposited in the fire standards and training and emergency medical services fund established in RSA 21-P: 12-d. Agreements for records made available to bulk data users shall continue to be negotiated as provided in RSA 260: 14, XV (b)."

I would be pleased to discuss this in detail with the Committee if it would be helpful, and have provided copies of this letter to several of the bulk data users in the hope that this may alleviate the concerns they expressed at the hearing.

Very truly yours,



Earl M. Sweeney  
Assistant Commissioner

EMS: eep

cc: Commissioner John J. Barthelmes, NH Dept of Safety  
Director of Administration Wesley J. Colby, Dept of Safety  
Joan LaPlante, Reed Elsevier Co.  
Bruce Berke, Experian Corp.  
Henry Veilleux, Sheehan, Phinney Capital Group

2/10/09 ac HB 540



STATE OF NEW HAMPSHIRE DEPARTMENT OF SAFETY

John J. Barthelmes, Commissioner

**Division of Fire Safety**

**Office of the State Fire Marshal**

J. William Degnan, State Fire Marshal

Office: 110 Smokey Bear Blvd, Concord, N.H.

Mailing Address: 33 Hazen Drive, Concord, N.H. 03305

603-271-3294, FAX 603-271-3206



TESTIMONY FROM STATE FIRE MARSHAL J. WILLIAM DEGNAN IN SUPPORT OF HB 540-FN-LOCAL RELATIVE TO RELATIVE TO FEES FOR MOTOR VEHICLE RECORDS.

HOUSE WAYS AND MEANS COMMITTEE

TUESDAY, FEBRUARY 10, 2009

Good afternoon Chairman Almy and Honorable members of the committee. For the record, my name is J. William Degnan, and I am the Director of Fire Safety/ State Fire Marshal and I am here in support of HB 194-FN.

During the past few weeks I have been in front of you testifying on bills that would provide part of the necessary funding for the divisions that are funded out of the Fire and EMS Fund to continue to operate at a level that is in the best interest of public safety.

***It is the mission of the Division of Fire Safety, Office of the State Fire Marshal to prevent deaths, injury and property loss by promoting a safe fire, building and hazardous materials environment for the citizens and visitors of New Hampshire through education, engineering, investigation and enforcement.***

This mission saves lives every day of the year by being proactive with education of the public and businesses, engineering of buildings with a thorough plan review, conducting thorough investigations that identify hazards and the crime of arson and when needed appropriate enforcement to insure the safety of the public. All of these items not only are in the best interest of the safety of the public but they all have a financial impact on the citizens of New Hampshire!

As the State's economy and population continue to grow, so does the magnitude of the State's fire problem. New residential and commercial buildings must be built in accordance with current fire and building codes, and existing buildings are often renovated to meet current standards. Review of construction plans and inspections of buildings under construction is an efficient and cost-effective way of ensuring that building occupants will be afforded the best possible protection from fire hazards.

There is a cost benefit for every one of these actions and when there is failure, lives and property may be lost. In the end we all have to pay for these failures by lost revenue to the community, higher insurance premiums and health care to mention a few. This bill will provide part of the necessary funding to keep the mission alive and continuing our life saving work.

Thank you for considering this important legislation.

# State of New Hampshire

DEPARTMENT OF SAFETY  
JAMES H. HAYES BLDG. 33 HAZEN DR.  
CONCORD, N.H. 03305  
603/271-2559

JOHN J. BARTHELMES  
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March 14, 2009

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Representative Susan Almy  
House – Ways and Means Committee  
Legislative Office Building – Room 202  
Concord, NH 03301

Re: HB 540-FN Fees for Motor Vehicle Records

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The Honorable  
Representative Susan Almy  
March 16, 2009  
Page 2 of 3

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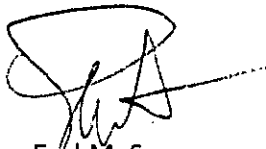
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The Honorable  
Representative Susan Almy  
March 16, 2009  
Page 3 of 3

"II. The department may issue a copy of any motor vehicle record upon the request of an insurance company or any other authorized agent or person, and notwithstanding RSA 91-A shall require payment by the insurance company or authorized agent of a fee of " (insert here \$12 as in HB-2 FN or \$14 as in HB 540-FN, whichever amount your Committee ultimately may determine) "for email or other computer-generated requests where payment is debited against an account established with the department, or \$15 for all other requests, which shall be deposited in the fire standards and training and emergency medical services fund established in RSA 21-P: 12-d. Agreements for records made available to bulk data users shall continue to be negotiated as provided in RSA 260: 14, XV (b)."

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Very truly yours,



Earl M. Sweeney  
Assistant Commissioner

EMS: eep

cc: Commissioner John J. Barthelmes, NH Dept of Safety  
Director of Administration Wesley J. Colby, Dept of Safety  
Joan LaPlante, Reed Elsevier Co.  
Bruce Berke, Experian Corp.  
Henry Veilleux, Sheehan, Phinney Capital Group

# Voting Sheets

HOUSE COMMITTEE ON WAYS AND MEANS

EXECUTIVE SESSION on HB 540-FN-A

**BILL TITLE:** relative to fees for motor vehicle records.

**DATE:** 3/18/09

**LOB ROOM:** 202

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.) **RETAIN**

Moved by Rep. HATCH

Seconded by Rep. SHATTUCK

Vote: 11-9 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep.Wm. Butynski, Clerk



HOUSE COMMITTEE ON WAYS AND MEANS

EXECUTIVE SESSION on HB 540-FN-A

BILL TITLE: <sup>2</sup> relative to fees for motor vehicle records.

DATE: 3/18/09

LOB ROOM: 202

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

*Retain*

Moved by Rep. *Hatch*

Seconded by Rep. *Shattuck*

Vote: *11/7/09* (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. William Butynski, Clerk

WAYS AND MEANS

Bill #: HB 540 Title: fees for motor vehicle fees

PH Date: 1/1/ Exec Session Date: 3/18/09

Motion: RETAIN Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Almy, Susan W, Chairman	✓	
Hatch, William A, V Chairman	✓	
Davis, Frank W	✓	
Butynski, William, Clerk	✓	
Vachon, Dennis P	✓	
Shattuck, Gilman	✓	
Kelley, John D	✓	
Mack, Ron J	✓	
Johnson, William G	✓	
Price, Susan G	✓	
Walsh, Robert M	✓	
Major, Norman L		✓
Griffin, Mary E		✓
Lockwood, Priscilla P		✓
Boutin, David R		✓
Bettencourt, David J		✓
Ober, Russell T		✓
Sapareto, Frank V		✓
Ulery, Jordan G		✓
Osgood, Joe		✓
	<u>11</u>	<u>9</u>

HOUSE COMMITTEE ON WAYS AND MEANS

EXECUTIVE SESSION on HB 540-FN-A

**BILL TITLE:** relative to fees for motor vehicle records.

**DATE:** October 28, 2009

**LOB ROOM:** 202

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Davis

Seconded by Rep. Price

Vote: 17-0 (Please attach record of roll call vote.)

**Motions:** OTP, OTP(A, ITL), Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE: 17-0 - YES**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. William Butynski, Clerk

HOUSE COMMITTEE ON WAYS AND MEANS

EXECUTIVE SESSION on HB 540-FN-A

**BILL TITLE:** relative to fees for motor vehicle records.

**DATE:** October 28, 2009

**LOB ROOM:** 202

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Danna*

Seconded by Rep. *Pruce*

Vote: *19/0* (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. William Butynski, Clerk

WAYS AND MEANS

Bill #: HB 540 Title: relates to fees for motor vehicle records

PH Date:      /      /      Exec Session Date: 10, 28, 09

Motion: ITL by Dennis & Price Amendment #:     

MEMBER	YEAS	NAYS
Almy, Susan W, Chairman	✓	
Hatch, William A, V Chairman	✓	
Davis, Frank W	✓	
Butynski, William, Clerk	✓	
Vachon, Dennis P	✓	
Shattuck, Gilman	✓	
Kelley, John D	✓	
Mack, Ron J	✓	
Johnson, William G	✓	
Price, Susan G	✓	
Walsh, Robert M	✓	
Major, Norman L	✓	
Griffin, Mary E	✓	
Lockwood, Priscilla P	✓	
Boutin, David R	✓	
<del>Bettencourt, David J</del>		
Ober, Russell T	✓	
Sapareto, Frank V	✓	
Ulery, Jordan G	✓	
Osgood, Joe	✓	
	<u>19</u>	<u>0</u>

# Committee Report

**CONSENT CALENDAR**

**November 5, 2009**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on WAYS AND MEANS to which was referred HB540-FN-A,**

**AN ACT relative to fees for motor vehicle records.**

**Having considered the same, report the same with the following Resolution: RESOLVED, That it is INEXPEDIENT TO LEGISLATE.**

**Rep. Frank W Davis**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>WAYS AND MEANS</b>
Bill Number:	<b>HB540-FN-A</b>
Title:	<b>relative to fees for motor vehicle records.</b>
Date:	<b>November 5, 2009</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### STATEMENT OF INTENT

The contents of this bill were contained in the House version of the budget, therefore this bill was retained so the budget process could be completed.

Vote 17-0.

Rep. Frank W Davis  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File



## **CONSENT CALENDAR**

### **WAYS AND MEANS**

**HB540-FN-A**, relative to fees for motor vehicle records. **INEXPEDIENT TO LEGISLATE.**

Rep. Frank W Davis for WAYS AND MEANS. The contents of this bill were contained in the House version of the budget, therefore this bill was retained so the budget process could be completed.

**Vote 17-0.**

Original: House Clerk  
Cc: Committee Bill File

HB 540

ITL

The contents of this bill were contained in the House version of the budget, therefore this bill was retained so the budget process could be completed.

Frank W. Davis

A handwritten signature in black ink, appearing to read 'FW Davis', located to the right of the typed name.

COMMITTEE REPORT

COMMITTEE: WAYS AND MEANS

BILL NUMBER: HB 540

TITLE: RELATIVE TO FEES FOR MOTOR VEHICLE RECORDS

DATE: OCT. 28, 2009 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No.  
\_\_\_\_\_

STATEMENT OF INTENT:

\* ATTACHED SHEET

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COMMITTEE VOTE: 19-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Frank W. Davis *SWA*  
For the Committee

HB  
540

The contents of this bill were contained in the House version of the budget, therefore this bill was retained so the budget process could be completed.