

Bill as Introduced

HB 1159 - AS INTRODUCED

2010 SESSION

10-2286

10/01

HOUSE BILL **1159**

AN ACT relative to the classification of snowmobile trails maintenance vehicles.

SPONSORS: Rep. D. Reed, Merr 2; Rep. Palfrey, Merr 2

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill classifies snowmobile trails maintenance vehicles as snowmobiles for purposes of regulation under RSA 215-C.

This bill is a request of the fish and game department.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Ten

AN ACT relative to the classification of snowmobile trails maintenance vehicles.

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

1 1 Snowmobiles; Definition; Trails Maintenance Vehicles; Classification. Amend RSA 215-C:1,
2 XVIII to read as follows:

3 XVIII. "Snowmobile trails maintenance vehicle" means any mechanically-propelled vehicle
4 used to maintain snowmobile trails or cross country ski trails, classified by the chief of the bureau of
5 trails. When such vehicle is registered as a snowmobile trails maintenance vehicle, it shall not be
6 used for recreational purposes. *Notwithstanding the definition of a snowmobile under*
7 *paragraph XV, all snowmobile trails maintenance vehicles shall be classified as*
8 *snowmobiles for purposes of this chapter.*

9 2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 88
HB 1159 – FINAL VERSION

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10-2286
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10-2286
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10 Approved: May 25, 2010

11 Effective Date: July 24, 2010

Committee Minutes

SENATE CALENDAR NOTICE

TRANSPORTATION AND INTERSTATE COOPERATION

- ✓ Senator Robert Letourneau Chairman
- Senator Peggy Gilmour V Chairman
- Senator Martha Fuller Clark
- ✓ Senator Molly Kelly
- ✓ Senator David Boutin

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

*Open 11:30
Close 11:34*

Date: April 15, 2010

HEARINGS

Thursday

4/22/2010

TRANSPORTATION AND INTERSTATE COOPERATION

LOB 101

10:30 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

Comments: THE PURPOSE OF THIS AMENDED NOTICE IS TO ADD HB 1390, WHICH WAS PREVIOUSLY RECESSED ON 4/15/10.

- 10:30 AM HB1181 naming a portion of route 43 after the Honorable Robert A. Johnson.
- 10:40 AM HB1419 (New Title) naming a bridge across the Connecticut River from Hinsdale, New Hampshire to Brattleboro, Vermont, informally known as the Hinsdale Bridge, the Anna Hunt Marsh Bridge, relative to seasonal highway limits for certain vehicles.
- 10:50 AM HB1249 relative to the operation of OHRVs and snowmobiles adjacent to public highways.
- 11:05 AM HB1269 relative to the classification of snowmobile trails maintenance vehicles.
- 11:20 AM HB1159 relative to the minimum age for the operation of commercial vessels.
- 11:35 AM HB1390

Sponsors:

HB1181

Rep. Maureen Mann
Rep. John Reagan

Rep. Susi Nord
Rep. James Sullivan

Sen. John Barnes, Jr.

Rep. Frank Case

HB1419

Rep. Steven Lindsey

HB1249

Rep. Paul Ingersoll
Rep. William Hatch

Rep. Robert Theberge

Rep. Yvonne Thomas

Sen. John Gallus

HB1269

Rep. Sherman Packard
Sen. Robert Letourneau

Rep. Paul Ingersoll

Rep. Eric Stohl

Sen. John Gallus

HB1159

Rep. Dennis Reed

Rep. David Palfrey

HB1390

Rep. Alida Millham

Rep. James Pilliod

Rep. David Russell

Transportation & Interstate Cooperation Committee

Hearing Report

TO: Members of the Senate
FROM: Gene Martin, Legislative Aide

RE: Hearing report on **HB 1159** - *AN ACT relative to the classification of snowmobile trails maintenance vehicles.*

HEARING DATE: April 22, 2010

MEMBERS OF THE COMMITTEE PRESENT: Senators Letourneau, Kelly, Boutin

MEMBERS OF THE COMMITTEE ABSENT: Senators Gilmour and Fuller Clark

Sponsor(s): Rep. D. Reed, Merr 2; Rep. Palfrey, Merr 2

What the bill does: This bill classifies snowmobile trails maintenance vehicles as snowmobiles for purposes of regulation under RSA 215-C. This bill is a request of the fish and game department.

Who supports the bill: Tim Acerno, NH Fish & Game;

Who opposes the bill: No one

Takes no position the bill:

Summary of testimony received:

Senator Boutin introduces the bill...

Maj. Tim Acerno of Fish & Game testified in support of the bill as it was a request from the department. He stated RSA 215-C was created and separated snowmobiles from OHRVs. The split was supported to help facilitate the operation of different recreation vehicle programs. We thought the process was all inclusive but we found that RSA 215-A is not considered as a snowmobile for purposes of RSA 215-C, this bill will correct that.

Future Action: Senator Kelly moved OTP and Senator Boutin seconded the motion; which passed on a vote of 3-0. Senator Boutin will report the bill out of committee.

e
epm
[file HB1159]
Date: April 23, 2010

Date: April 22, 2010
Time: 11:30 A.M.
Room: LOB 101

The Senate Committee on Transportation and Interstate Cooperation held a hearing on the following:

HB 1159 relative to the classification of snowmobile trails
 maintenance vehicles.

Members of Committee present: Senator Letourneau
 Senator Gilmour
 Senator Fuller Clark
 Senator Kelly
 Senator Boutin

The Chair, Senator Robert J. Letourneau, opened the hearing on HB 1159 and invited Senator Boutin to introduce the legislation on behalf of the prime sponsor, Representative Dennis Reed.

Senator David R. Boutin, D. 16: Thank you, Mr. Chairman, members of the Senate. I'm pleased to introduce House Bill 1159 relative to the classifications of snowmobile trails maintenance vehicles. And, this bill clarifies snowmobile trails maintenance vehicles that are snowmobiles for purposes of regulation under RSA 215-C, and the bill is a request of the Fish & Game Department, and Major Acerno will now address the bill. Thank you.

Senator Robert J. Letourneau, D. 19: Thank you. Recognize Major Acerno.

Major Timothy Acerno: Thank you, Mr. Chairman.

Senator Robert J. Letourneau, D. 19: Welcome back. We haven't seen you in a long time.

Major Timothy Acerno: I try to make these easy. Good morning, Mr. Chairman, and members of the Committee. For the record, my name is Tim Acerno. I'm the Assistant Chief of Law Enforcement for Fish & Game. I am

also the program coordinator for the OHRV and snowmobile program, with respect to law enforcement and safety education.

This bill was at a request of the Fish & Game Department and the Fish & Game Commission, voting unanimously to support it. During the 2005 Legislative session, the Snowmobile Association undertook a massive project, and prior to 2005, snowmobiles, ATVs and trail bikes were all classified in 215-A, and they were all considered as OHRVs, which are off-highway recreational vehicles. One small tweak in there and the definition of a trails maintenance vehicle, which at that time was a wheeled vehicle and the snowmobile trails maintenance vehicles, there was a little sentence in it said, these shall be classified as OHRVs. That split that created 215-C. The purpose with that is snowmobiles wanted to be distinct, independent and wanted to remove all connections with OHRV's, because of the way that the sport was growing. Did a massive undertake, a massive job of basically taking all of 215-A, copying it, and then removing language of OHRVs so that they could be that independent part of it.

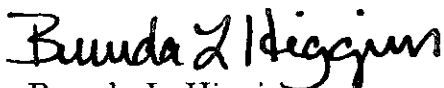
When they had the definition of a trails maintenance vehicle, they took that sentence out, these should not be considered as OHRVs because they didn't want that part of it. What we had forgotten to add was..., these shall be considered as snowmobiles. That's all we're asking for this, is just for regulatory purposes with the Fish & Game Department to consider these as a snow traveling vehicle, for our purposes there.

Mr. Chairman, thank you for the opportunity to come before this Committee and request that you vote to support this.

Please see Attachment #1 – Major Acerno's typewritten testimony
Please see Attachment #2 – Letter in support from Chris Gamache, Chief, DRED, Bureau of Trails, submitted by Major Acerno

Senator Robert J. Letourneau, D. 19: Thank you. Questions from the Committee? Seeing none, thank you very much. Nobody else is signed up to speak on House Bill 1159. I'll close the hearing on House Bill 1159.

Hearing closed at 11:33 A.M.
Respectfully submitted,



Brenda L. Higgins
Senate Committee Secretary
April 22, 2010
2 Attachments



New Hampshire Fish and Game Department

HEADQUARTERS: 11 Hazen Drive, Concord, NH 03301-6500
(603) 271-3421
FAX (603) 271-1438

www.WildNH.com
e-mail: info@wildlife.nh.gov
TDD Access: Relay NH 1-800-735-2964

**New Hampshire Fish and Game Department
Testimony in support of HB 1159
An act relative to the classification of snowmobile trails maintenance vehicles**

**Senate Transportation and Interstate Cooperation Committee
April 22, 2010**

Good morning Mr. Chairman and members of the Committee. For the record my name is Timothy Acerno and I am the Assistant Chief of Law Enforcement for the Fish and Game Department. I am also the OHRV and Snowmobile Program Coordinator with respect to Law Enforcement and Safety Education. The Department requested this bill and the Fish and Game Commission voted to support it.

During the 2005 Legislative Session RSA Chapter 215-C was created, separating snowmobiles from OHRVs. This split was supported by the Department to better facilitate the operation of the different recreational vehicle programs. While working with the Legislature and the various organizations involved we thought the proposal was all inclusive. Recently the Department discovered that while an OHRV Trails Maintenance Vehicle is considered as an OHRV for the purposes of RSA Chapter 215-A, a Snowmobile Trails Maintenance Vehicle is not considered as a snowmobile for the purposes of RSA Chapter 215-C. This proposal will correct that matter

Mr. Chairman, thank you for the opportunity to testify before the Committee this morning and the Department urges the Committee to vote in support of this proposal.

REGION 1

629B Main Street
Lancaster, NH 03584-3612
(603) 788-3164
FAX (603) 788-4823
email: reg1@wildlife.nh.gov

REGION 2

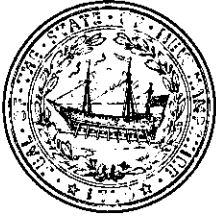
PO Box 417
New Hampton, NH 03256
(603) 744-5470
FAX (603) 744-6302
email: reg2@wildlife.nh.gov

REGION 3

225 Main Street
Durham, NH 03824-4732
(603) 868-1095
FAX (603) 868-3305
email: reg3@wildlife.nh.gov

REGION 4

15 Ash Brook Court
Keene, NH 03431
(603) 352-9669
FAX (603) 352-8798
email: reg4@wildlife.nh.gov



STATE OF NEW HAMPSHIRE
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT
DIVISION of PARKS and RECREATION
BUREAU OF TRAILS

172 Pembroke Road P.O. Box 1856 Concord, New Hampshire 03302-1856
PHONE: (603) 271-3254 FAX: (603) 271-3553 E-MAIL: nhtrails@dred.state.nh.us
WEB: www.nhtrails.org

April 22, 2010

Chairman Robert Letourneau and members of
The Senate Transportation and Interstate Cooperation Committee

Re: Support for HB 1159

Dear Chairman Letourneau and Members of the Committee:

The NH Bureau of Trails, Division of Parks & Recreation, Department of Resources and Economic Development respectfully request your support for passage of House Bill 1159 as presented to you today. I apologize for not being able to testify in person before you today but hope this written testimony will show our support for the passage of this bill.

This bill will correct RSA 215-C to classify that snowmobile trail maintenance vehicles are subject to RSA 215-C when operating on the NH Snowmobile Trails System. Prior to the split of OHRV laws into OHRV and Snowmobile statutes the trail maintenance vehicles were classified for the laws to apply to them. When the statutes were separated for each type of vehicle this section was unintentionally not inserted.

Thank you for your time and consideration and we would thank you for your anticipated support for passage of House Bill 1159. Please feel free to contact me with any questions that may arise.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Gamache".

Chris Gamache
Chief

Speakers

Voting Sheets

Senate Transportation & Interstate Cooperation Committee EXECUTIVE SESSION

Bill # HB 1159

Hearing date: 4/22/10

Executive session date: 4/22/10

Motion of: OTIP

VOTE: 3-0

Made by Letourneau
Senator: Gilmour
 Kelly
 Fuller Clark
 Boutin

Seconded Letourneau
by Senator: Gilmour
 Kelly
 Fuller Clark
 Boutin

Reported Letourneau
by Senator: Gilmour
 Kelly
 Fuller Clark
 Boutin

Motion of: _____

VOTE: _____

Made by Letourneau
Senator: Gilmour
 Kelly
 Fuller Clark
 Boutin

Seconded Letourneau
by Senator: Gilmour
 Kelly
 Fuller Clark
 Boutin

Reported Letourneau
by Senator: Gilmour
 Kelly
 Fuller Clark
 Boutin

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Letourneau, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Gilmour, Vice-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Kelly	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Fuller Clark	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Boutin	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: April 22, 2010

THE COMMITTEE ON Transportation and Interstate Cooperation
to which was referred House Bill 1159

AN ACT relative to the classification of snowmobile trails
 maintenance vehicles.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS

BY A VOTE OF: 3-0

AMENDMENT # s

Senator David R. Boutin
For the Committee

Brenda Higgins 271-8631

New Hampshire General Court - Bill Status System

Docket of HB1159

Docket Abbreviations

Bill Title: relative to the classification of snowmobile trails maintenance vehicles.*Official Docket of HB1159:*

Date	Body	Description
12/10/2009	H	Introduced 1/6/2010 and Referred to Resources, Recreation and Development; HJ 6 , PG.230
02/02/2010	H	Public Hearing: 2/9/2010 9:45 AM LOB 305
02/03/2010	H	Executive Session: 2/11/2010 9:30 AM LOB 305
02/11/2010	H	Committee Report: Ought to Pass for Mar 3 CC (Vote 17-0); HC 17 , PG.811
03/03/2010	H	Ought to Pass: MA VV; HJ 20 , PG.1156
03/24/2010	S	Introduced and Referred to Transportation & Interstate Cooperation; SJ 11 , Pg.260
04/08/2010	S	Hearing: April 22, 2010, Room 101, LOB, 11:20 a.m.; SC15
04/22/2010	S	Committee Report: Ought to Pass 4/28/10; SC17
04/28/2010	S	Ought to Pass, MA, VV; OT3rdg; SJ 16 , Pg.351
04/28/2010	S	Passed by Third Reading Resolution; SJ 16 , Pg.353
05/12/2010	H	Enrolled; HJ 41 , PG.2097
05/12/2010	S	Enrolled
05/26/2010	H	Signed by the Governor 05/25/2010; Effective 07/24/2010; Chapter 0088

NH House

NH Senate

Contact Us

New Hampshire General Court Information Systems
 107 North Main Street - State House Room 31, Concord NH 03301

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB115A ORIGINAL REFERRAL

_____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

HEARING TRANSCRIPT (verbatim transcript of hearing)

List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: 1, 2

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

_____ - AMENDMENT # _____ _____ - AMENDMENT # _____
_____ - AMENDMENT # _____ _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED _____ AS AMENDED BY THE HOUSE
 FINAL VERSION _____ AS AMENDED BY THE SENATE

_____ PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: _____

EXECUTIVE SESSION REPORT

_____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

7/8/10

Brenda Z. Higgins
COMMITTEE SECRETARY