

# Bill as Introduced

HB 399 - AS INTRODUCED

2011 SESSION

11-0563

03/04

HOUSE BILL           **399**

AN ACT               relative to nonresident registration of motor vehicles.

SPONSORS:          Rep. Major, Rock 8

COMMITTEE:         Transportation

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ANALYSIS

This bill limits nonresident registration of motor vehicles to vehicles garaged exclusively in this state.

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                      Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to nonresident registration of motor vehicles.

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

1 1 Nonresident Registration. Amend RSA 261:46 to read as follows:

2 261:46 Nonresident Registration. Notwithstanding RSA 261:45, a nonresident who garages a  
3 vehicle [~~primarily~~] **exclusively** in this state may register such vehicle in this state as a nonresident.  
4 [~~A vehicle is garaged primarily in this state if it is garaged in this state for at least 350 days of the~~  
5 ~~registration year.~~] No exemption from the payment of a permit fee shall be granted by reason of  
6 nonresidence except by the director, who shall in all cases require proof satisfactory to him or her of  
7 residence elsewhere, and of the liability of a nonresident owner, otherwise entitled to such  
8 exemption, to pay a property tax on the vehicle for the current year in the state of his or her  
9 residence.

10 2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 16  
HB 399 - FINAL VERSION

2011 SESSION

11-0563  
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STATE OF NEW HAMPSHIRE

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10 16:2 Effective Date. This act shall take effect 60 days after its passage.  
11 Approved: April 25, 2011  
12 Effective Date: June 24, 2011

# Committee Minutes

**SENATE CALENDAR NOTICE  
TRANSPORTATION**

Senator Jim Rausch Chairman  
 Senator David Boutin V Chairman  
 Senator James Forsythe  
 Senator Molly Kelly  
 Senator Nancy Stiles

For Use by Senate Clerk's  
Office ONLY

Bill Status

Docket

Calendar

Proof  Calendar  Bill Status

**Date: March 3, 2011**

**HEARINGS**

**Thursday**

**3/10/2011**

**TRANSPORTATION**

**LOB 103**

**9:00 AM**

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION MAY FOLLOW**

9:00 AM	SB195	naming the Manchester Airport Access Road for Raymond Wieczorek.
9:15 AM	HB116	relative to the rulemaking requirement for establishing operating restrictions on certain bodies of water.
9:30 AM	HB117	allowing additional weight for vehicles using idle reduction technology in order to promote reduction of fuel use and emissions.
9:45 AM	HB188	relative to division responsibility for road toll administration, hazardous waste transport, truck weight enforcement, and the international registration plan by the department of safety and relative to clerical support for the advisory board of fire control.
10:15 AM	HB192	relative to commercial motor vehicle registration.
10:30 AM	HB363-L	relative to Depot Street in the town of Andover.
<input checked="" type="checkbox"/> 10:45 AM	HB399	relative to nonresident registration of motor vehicles.

Sponsors:

*Start: 10:45 am*  
*End: 10:55 am*

Danielle Barker 271-3091

Sen. Jim Rausch

Chairman

**SENATE CALENDAR NOTICE  
TRANSPORTATION**

Senator Jim Rausch Chairman  
 Senator David Boutin V Chairman  
 Senator James Forsythe  
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For Use by Senate Clerk's Office ONLY	
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**LOB 103**

**9:00 AM**

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION MAY FOLLOW**

**SB195**

Sen. David Boutin  
 Sen. Lou D'Allesandro  
 Sen. Molly Kelly  
 Sen. Bob Odell  
 Rep. Jeffrey Goley

Sen. John Barnes, Jr.  
 Sen. Tom De Blois  
 Sen. Sylvia Larsen  
 Sen. Jim Rausch  
 Rep. Larry Gagne

Sen. Jeb Bradley  
 Sen. Jeanie Forrester  
 Sen. Jim Luther  
 Sen. Andy Sanborn  
 Rep. William Infantine

Sen. Sharon Carson  
 Sen. James Forsythe  
 Sen. Chuck Morse  
 Sen. Nancy Stiles  
 Rep. Kathleen Cusson-Cail

**HB116**

Rep. Betsey Patten

Rep. J. David Knox

**HB117**

Rep. Brian Rhodes

Sen. Gary Lambert

Rep. Richard Hinch

**HB188**

Rep. Candace Bouchard

Rep. John Graham

**HB192**

Rep. Brian Rhodes

Rep. Daniel Sullivan

Rep. Richard Hinch

Sen. Gary Lambert

**HB363-L**

Rep. Jennifer Coffey  
 Rep. Gregory Hill

Rep. Sean Cox  
 Sen. Matthew Houde

Rep. Kenneth Kreis

Rep. Seth Cohn

**HB399**

Rep. Norman Major



# Transportation Committee

## Hearing Report

**TO:** Members of the Senate

**FROM:** Danielle Barker, Legislative Aide

**RE:** Hearing report on HB 399 -- relative to nonresident registration of motor vehicles.

**HEARING DATE:** March 10, 2011

**MEMBERS OF THE COMMITTEE PRESENT:** Sen. Rausch, Sen. Boutin, Sen. Kelly and Sen. Stiles

**MEMBERS OF THE COMMITTEE ABSENT:** Sen. Forsythe

**Sponsor(s):** Rep. Major, Rock 8

**What the bill does:** This bill limits nonresident registration of motor vehicles to vehicles garaged exclusively in this state.

**Who supports the bill:** Rep. Major

**Who opposes the bill:** No one

### **Summary of testimony received:**

Senator Rausch opened the public hearing on House Bill 399 and recognized Representative Major to introduce the bill.

Representative Major, the prime sponsor, explained he sponsored the bill at the request of the Town Clerks Association. He told the Committee the current law was passed in 2007 and when it was passed the Town Clerks Association was not aware of the language. He explained the current bill would put the law back to where it was prior to its change in 2007, which is what the Town Clerks Association wants. Representative Major presented and read a letter from the Town Clerks Association. The letter summarized the fact the Town Clerks Association believes the current law opens up the door for fraud. He told the Committee essentially the current law is very complicated for town clerks to enforce.

Senator Boutin commented that he remembered seeing this language before, but does not remember the Town Clerks Association testifying.

Senator Kelly remembered the verbiage was where the confusion came because there was a misunderstanding in the definitions of "exclusive" and "primary". Senator Kelly said the intent of the 2007 change was to clarify something that was vague. The intent was to use "primary", which would mean 350 days. She asked Representative Major if the State went back to the word "exclusive," how many days that would be.

Representative Major explains he was not part of this bill the last time. He said he did know that they were happy with the word exclusive. He told the Committee his town clerk feels it is a problem.

Senator Stiles gave a hypothetical saying if she lived in Pennsylvania and she had a home here at a lake that she used three months a year and left her vehicle there would she be able to register that vehicle in New Hampshire even though she lived in Pennsylvania and whether or not that was what this bill was trying to do.

Representative Major answered yes she could. He said the problem is that nonresidents register their car here, but then they take it with them when they go back to their home state. Therefore, the current law is not meeting the intent of the original law. He commented that the reason nonresidents register their car here is because it is less expensive. He said there is really no way to prove this so they are worried about the abuse of the system.

Senator Stiles asked if in that hypothetical she left her car here would she be in compliance with the law.

Representative Major said yes.

Senator Rausch asked about a nonresident registration and whether it is more expensive and what the difference between a citizen and a legal resident was.

Representative Major said anyone can register a car as if they were a resident, but the car cannot leave the State to be stored or used elsewhere.

Senator Rausch asked how anyone would ever know if the car left the State.

Representative Major said that was the problem.

Senator Rausch further commented that does not solve the problem with the words "primary" and "exclusive".

Senator Kelly stated "primary" actually defines 350 days and "exclusive" does not define anything.

Senator Boutin asked Representative Major if he would be able to represent on behalf of the Town Clerks Association that they believe going back to the 2007 language would make the law enforceable in court.

Representative Major answered yes that that was his sense.

With no one else wishing to speak Senator Rausch closed the public hearing.

**Action:** No action was taken at this time.

DCB

[file: HB 399 report]

Date: March 11, 2011

# Speakers



# Testimony



NEW HAMPSHIRE CITY AND TOWN CLERKS' ASSOCIATION  
(ORGANIZED OCTOBER 19, 1926)

February 8, 2011

Transportation Committee  
NH House of Representatives  
Concord NH 03301

Honorable Chairman Packard and Members of the Committee:

My name is Debra Cornett, and I serve as Co-Chair for the Lakes Region on the New Hampshire City & Town Clerks' Executive Board and I submit this testimony in support of HB 399 on behalf of the New Hampshire City & Town Clerks Association (NHCTCA).

The RSA, 261:46. Non Resident Registration was changed in 2007 to include the language, "...A vehicle is garaged primarily in this state if it is garaged in this state for at least 350 days of the registration year..." The NHCTCA was unaware of this legislative change until after its passage and had we known we would not have supported it.

This law as it currently reads, in effect opens a large loophole for those looking to commit fraud in our state as well as their state(s) and with insurance companies. Due to the fifteen days currently allowed by RSA 261:46 for non-residents to garage their vehicles out of state, it makes it virtually impossible to prove and enforce how many days the vehicle is actually out of state. Every one of the 15 days allowed could be "day one." This is prominently a problem for our Municipalities which border surrounding states as well as vacation areas where there are many vacation homes owned by non-residents, and finds its way even into the smaller communities impacting every town and city to some degree.

Not all non-residents purposely commit fraud; some are simply ignorant to the laws. Those that *do* knowingly commit fraud of vehicle registrations and insurance are costing all New Hampshire residents in what we pay for our insurance rates as well as the costs of investigations and prosecution of these cases. It is not within the budgetary constraints of the state or municipalities to enforce this law as it is now written.

We ask for your support in the passage of HB 399 to continue to allow non-residents to register vehicles so they may continue to enjoy their New Hampshire investments; but also to amend RSA 261:46 with the language "**exclusively garaged**" to make it tangible and practical by giving this law some "teeth" for enforcement agencies and so



**NEW HAMPSHIRE CITY AND TOWN CLERKS' ASSOCIATION**  
(ORGANIZED OCTOBER 19, 1926)

that the non-resident registration law is clear to those who choose to register vehicles, those who must administrate and for those who must enforce Non-Resident Registrations.

Thank you for your consideration of House Bill 399.

Respectfully Submitted,

Deb Cornett, Executive Board Member  
New Hampshire City & Town Clerks' Association





NEW HAMPSHIRE CITY AND TOWN CLERKS' ASSOCIATION

(ORGANIZED OCTOBER 19, 1926)

March 17, 2011

Transportation Committee  
New Hampshire State Senate  
Concord NH 03301

RE: HB 399 Non-Resident Registration

Honorable Chairman Rausch and Members of the Committee:

The New Hampshire City & Town Clerks' Association supports House Bill 399. Our Association submitted this legislation to change the language in RSA 261:46 Non-Resident Registrations to require a vehicle to be "exclusively garaged" within the state.

In 2007, RSA 261:46 was changed to include the language, "...a vehicle is garaged primarily in this state if it is garaged in this state for at least 350 days of the registration year..." The Association was unaware of this change until after its passage and had we known, we would not have supported it.

The current language in the law allows non-residents to garage their vehicle out of state for up to fifteen days. It is virtually impossible to prove and enforce how many days the vehicle is actually out of state, as every one of the fifteen days allowed could be considered "day one". This opens up a large loophole to those looking to commit fraud in our state. This is prominently a problem for our municipalities which border surrounding states as well as vacation areas where there are many vacation homes owned by non-residents. Non-residents that knowingly commit motor vehicle and insurance fraud are costing all New Hampshire residents. Increased insurance rates as well as the cost of investigations and prosecutions of fraud cases cost the residents of New Hampshire money.

We ask for your support in the passage of HB 399 to allow non-residents to continue to register vehicles as non-residents while continuing to enjoy their New Hampshire investments; but also to amend RSA 261:46 with the language "**exclusively garaged**" to give this law some "teeth" for enforcement agencies and to make the language clear to those who are required to register vehicles as non-residents.

Thank you for your consideration on HB 399.

Respectfully submitted,

Sue McKinnon, President  
New Hampshire City & Town Clerks' Association

# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: March 17, 2011

THE COMMITTEE ON Transportation

to which was referred House Bill 399

AN ACT relative to nonresident registration of motor vehicles.

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

**OUGHT TO PASS**

BY A VOTE OF: 4-1

AMENDMENT # s

Senator David R. Boutin  
For the Committee

Danielle Barker 271-3091

## New Hampshire General Court - Bill Status System

**Docket of HB399**

Docket Abbreviations

**Bill Title:** relative to nonresident registration of motor vehicles.*Official Docket of HB399:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/21/2011	H	Introduced 1/6/2011 and Referred to Transportation; <b>HJ 11</b> , PG. 185
2/1/2011	H	Public Hearing: 2/8/2011 2:15 PM LOB 203
2/16/2011	H	Executive Session: 2/16/2011 1:45 PM LOB 203
2/17/2011	H	Committee Report: Ought to Pass for Feb 23 (Vote 13-2; CC); <b>HC 15</b> , PG.273
2/23/2011	H	Ought to Pass: MA VV; <b>HJ 21</b> , PG.465
2/23/2011	S	Introduced and Referred to Transportation; <b>SJ 8</b> , Pg.81
3/3/2011	S	Hearing: 3/10/11, Room 103, LOB, 10:45 a.m.; <b>SC14</b>
3/17/2011	S	Committee Report: Ought to Pass, 3/23/11; <b>SC16</b>
3/23/2011	S	Ought to Pass, MA, VV; OT3rdg; <b>SJ 10</b> , Pg.186
3/23/2011	S	Passed by Third Reading Resolution; <b>SJ 10</b> , Pg.188
4/13/2011	S	Enrolled; <b>SJ 13</b> , Pg.260
4/13/2011	H	Enrolled; <b>HJ 37</b> , Pg.1304
4/28/2011	H	Signed by the Governor 04/25/2011; Effective 06/24/2011; Chapter 0016

NH House

NH Senate

# Other Referrals

# COMMITTEE REPORT FILE INVENTORY

ORIGINAL REFERRAL       RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE 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
- HEARING REPORT
- HANDOUTS FROM THE PUBLIC HEARING
- PREPARED TESTIMONY AND OTHER SUBMISSIONS
- SIGN-UP SHEET(S)

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

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 1/21/11 Sanielle Barker  
 BY COMMITTEE AIDE