

Bill as Introduced

SB 26 - AS INTRODUCED

2011 SESSION

11-0423

03/10

SENATE BILL **26**

AN ACT establishing a committee to study the classification of motor vehicles.

SPONSORS: Sen. Carson, Dist 14; Sen. Rausch, Dist 19; Sen. Boutin, Dist 16; Rep. Packard,
Rock 3; Rep. Hikel, Hills 7

COMMITTEE: Transportation

ANALYSIS

This bill establishes a committee to study the classification of motor vehicles.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 establishing a committee to study the classification of motor vehicles.

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

1 1 Committee Established. There is established a committee to study the classification of motor
2 vehicles.

3 2 Membership and Compensation.

4 I. The members of the committee shall be as follows:

5 (a) Two members of the senate, one of whom shall be a member of the transportation
6 and interstate cooperation committee, appointed by the president of the senate.

7 (b) Four members of the house of representatives, 2 of whom shall be members of the
8 transportation committee, appointed by the speaker of the house of representatives.

9 II. Members of the committee shall receive mileage at the legislative rate when attending to
10 the duties of the committee.

11 3 Duties. The committee shall study the laws that establish classifications for motor vehicles
12 and the laws used to determine what classifications a new vehicle type fits into. The committee shall
13 explore alternatives to the current system that would facilitate the classification of nontraditional
14 vehicles in light of trends in the industry that look to reduce size, improve efficiency, and use
15 alternative energy sources and alternative vehicle configurations.

16 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
17 among the members. The first meeting of the committee shall be called by the first-named senate
18 member. The first meeting of the committee shall be held within 45 days of the effective date of this
19 section. Four members of the committee shall constitute a quorum.

20 5 Report. The committee shall report its findings and any recommendations for proposed
21 legislation to the president of the senate, the speaker of the house of representatives, the senate
22 clerk, the house clerk, the governor, and the state library in an interim report on or before November
23 1, 2011, and a final report on or before November 1, 2012.

24 6 Effective Date. This act shall take effect upon its passage.

CHAPTER 58
SB 26 - FINAL VERSION

02/03/11 0095s
04/20/11 1446eba

2011 SESSION

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CHAPTER 58
SB 26 – FINAL VERSION

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04/20/11 1446eba

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT establishing a committee to study the classification of motor vehicles.

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

1 58:1 Committee Established. There is established a committee to study the classification of
2 motor vehicles.

3 58:2 Membership and Compensation.

4 I. The members of the committee shall be as follows:

5 (a) Two members of the senate, one of whom shall be a member of the transportation
6 committee, appointed by the president of the senate.

7 (b) Four members of the house of representatives, 2 of whom shall be members of the
8 transportation committee, appointed by the speaker of the house of representatives.

9 II. Members of the committee shall receive mileage at the legislative rate when attending to
10 the duties of the committee.

11 58:3 Duties. The committee shall study the laws that establish classifications for motor vehicles
12 and the laws used to determine what classifications a new vehicle type fits into. The committee shall
13 explore alternatives to the current system that would facilitate the classification of nontraditional
14 vehicles in light of trends in the industry that look to reduce size, improve efficiency, and use
15 alternative energy sources and alternative vehicle configurations.

16 58:4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
17 among the members. The first meeting of the committee shall be called by the first-named senate
18 member. The first meeting of the committee shall be held within 120 days of the effective date of
19 this section. Four members of the committee shall constitute a quorum.

20 58:5 Report. The committee shall report its findings and any recommendations for proposed
21 legislation to the president of the senate, the speaker of the house of representatives, the senate
22 clerk, the house clerk, the governor, and the state library in an interim report on or before November
23 1, 2011, and a final report on or before November 1, 2012.

24 58:6 Effective Date. This act shall take effect upon its passage.

25 Approved: May 9, 2011

26 Effective Date: May 9, 2011

Amendments

Senate Transportation
January 27, 2011
2011-0095s
03/04

Amendment to SB 26

1 Amend the bill by replacing section 4 with the following:

2

3 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
4 among the members. The first meeting of the committee shall be called by the first-named senate
5 member. The first meeting of the committee shall be held within 120 days of the effective date of
6 this section. Four members of the committee shall constitute a quorum.

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	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: January 19, 2011

HEARINGS

Thursday

1/27/2011

TRANSPORTATION

LOB 103

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

- ✓ 9:00 AM SB26
- 9:30 AM SB29
- 10:00 AM SB31

establishing a committee to study the classification of motor vehicles.

relative to the definition of "moped."

relative to revocation or denial of a driver's license for drug or alcohol involvement by persons under 21 years of age.

Sponsors:

SB26

Sen. Sharon Carson
Sen. David Boutin

Sen. Jim Rausch

Rep. Sherman Packard

Rep. John Hikel

SB29

Sen. Jim Rausch

Rep. Sherman Packard

Rep. Kevin Waterhouse

SB31

Sen. Matthew Houde

Rep. Gregory Sorg

Transportation Committee

Hearing Report

TO: Members of the Senate

FROM: Danielle Barker, Legislative Aide

RE: Hearing report on SB 26 - establishing a committee to study the classification of motor vehicles.

HEARING DATE: January 27, 2011

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

MEMBERS OF THE COMMITTEE ABSENT: Sen. Forsythe

Sponsor(s): Sen. Carson, Dist 14; Sen. Rausch, Dist 19; Sen. Boutin, Dist 16; Rep. Packard, Rock 3; Rep. Hikel, Hills 7

What the bill does: This bill establishes a committee to study the classification of motor vehicles.

Who supports the bill: Sen. Carson, Sen. Rausch, Sen. Boutin, Rick Bailey of the Division of Motor Vehicles, and Earl Sweeney of the Department of Safety

Who opposes the bill: No one

Summary of testimony received:

Senator Rausch opened the public hearing on Senate Bill 26 and recognized Senator Boutin to introduce the bill.

Senator Boutin, a co-sponsor of the bill, explained the bill would set up a study committee to examine the types, uses and safety of motor vehicles and then update the classification system of motor vehicles.

Senator Boutin suggested changing the language of the bill which requires the first meeting of the study committee to be within 45 days of the effective date to require the first meeting of the study committee to be within 120 days of the effective date. The change would occur on line 18 and read, *the first meeting of the committee shall be held within 45 120 days of the effective date of this section.* Senator Boutin reasoned the change was needed so as not to

establish the first meeting of the study committee during the middle of the current legislative session. Senator Rausch agreed.

Senator Kelly raised a question about the language on line 13, which reads, *...explore alternatives to the current system that would facilitate the classification of nontraditional...* Senator Kelly's concern is that there may never be a worthy definition for 'nontraditional' vehicles in today's day and age. That being said, she wonders if it should be a charge of the study committee to define 'nontraditional' vehicles.

Senator Boutin thinks that is a good idea.

Senator Rausch recognized Rick Bailey, the Director of the Division of Motor Vehicles (DMV) under the Department of Safety.

Rick Bailey explained the DMV had asked Senator Carson to bring this language forward in an effort to determine things like what is a motor vehicle? What are the classifications? What should be allowed to be driven on the highway? What vehicles pose safety concerns? Through this legislation the DMV would get ahead of the game and also play catch up with existing vehicles. The DMV believes a study committee would be the best way to examine everything.

Mr. Bailey referenced the example of 'Gators'. Gators were previously considered to be a tractor, but in reality, Gators could be considered to be a three-wheeled truck. He explained motorcycles also used to have a simple definition, but now there are many different types of motorcycles, wheels and weights. There are also plug-in, electric vehicles like the Nissan Leaf and the Chevrolet Volt, which should be properly categorized by the DMV.

Senator Stiles asked if the DMV anticipated how many categories there would be and whether there would be a different registration approach for each.

Mr. Bailey responded that the DMV had not previously determined how many categories there would be, but he thought maybe six to eight types of classifications. Mr. Bailey explained he did not want to get too broad with the categorization, but he would like categories to define what vehicles are allowed on what roadways for safety purposes.

In reference to Senator Kelly's earlier comments regarding the definition of 'nontraditional', Senator Rausch suggested leaving the duty of defining 'nontraditional' to the study committee.

Senator Kelly expressed her concern that using the word 'nontraditional' would limit the scope of work for the study committee.

Senator Rausch recognized Senator Carson, the bill's prime sponsor, to speak.

Senator Carson explained people are getting creative with what makes a motor vehicle a motor vehicle and therefore this study committee is necessary. She also sees no problem with Senator Boutin's suggestion regarding the change on line 18 and appreciates the Committee amending the bill therein.

Senator Carson ended her testimony by stating she had previously discussed this bill with the House Transportation Chair, Representative Sherman Packard, and he stated he was going to see legislation on the House side examining the same issues this session.

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

Action: Senator Boutin moved and Senator Kelly seconded an amendment changing line 18 of the bill. Senator Rausch called the vote and the Committee adopted the amendment. Senator Boutin moved Ought to Pass as Amended with a second from Senator Kelly. Senator Rausch called the vote and the Committee voted 4-0 OTP/A, amendment #2011-0095s.

DCB

[file: SB 26 report]

Date: 1-27-11

Speakers

Testimony



The Senate of the State of New Hampshire

107 North Main Street, Room 302, Concord, N.H. 03301-4951

SHARON M. CARSON
District 14

Office 271-2674

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1-800-735-2964

NOV 15 2011

November 9, 2011

The Honorable John Lynch
Governor of New Hampshire
State House, Room 208
Concord, New Hampshire 03301

The Honorable Peter Bragdon
President of the Senate
State House, Room 302
Concord, New Hampshire 03301

The Honorable William O'Brien
Speaker of the House
State House, Room 308
Concord, New Hampshire 03301

**RE: SB 26, Chapter Law 58:1, Laws of 2011, Committee to study the
Classification of Motor Vehicles**

Dear Governor Lynch, Senate President Bragdon and Speaker O'Brien:

Pursuant to SB 26, Chapter 58:1, Laws of 2011, enclosed please find the "Interim Report" of the study committee.

Should you have any questions or comments regarding the report please do not hesitate to contact me.

Respectfully,

Senator Sharon Carson
Chair

SC/dac

SB 26 Interim Report 11-1-11.doc

cc/Tammy L. Wright, Senate Clerk ✓
Karen O. Wadsworth, Clerk of the House
Michael York, State Librarian
Members of SB 26 Study Committee

SB 26

Chapter Law 58:1, Laws of 2011

An act establishing a committee to study the laws that establish classifications for motor vehicles and the laws used to determine what classifications a new vehicle type fits into. The committee shall explore alternatives to the current system that would facilitate the classification of nontraditional vehicles in light of trends in the industry that look to reduce size, improve efficiency, and use alternative energy sources and alternative vehicle configurations.

Interim Report

The above named Joint Legislative Study Committee selected to study issues related to the classification of motor vehicles having duly met offers the following Interim Report.

- o An organizational meeting was held September 20, 2011 at 10:00 a.m., SH RM 100

Members of the Committee Present:

Senator Sharon Carson
Senator Jim Rausch
Rep. Frank R. Holden
Rep. Sherman Packard
Rep. Timothy Twombly

Members of the Committee Absent:

Rep. Brian Rhodes

Others Present:

Kevin O'Brien, Chief of Policy and Planning, Commissioner's Office, Department of Safety
Adam Schmidt, GM, Bianco

Testimony and discussions during the meeting highlighted the need for thoughtful consideration of revising or adding new classifications for vehicles that are registered to be driven on our highways and off road trails. A brief discussion was held on the acceptableness of making left hand turns on a red light after coming to a full stop. It is probably not a good idea and should not be pursued.

A concern was also expressed that some alternative fuel type vehicles do not pay the traditional fuel tax that funds highway maintenance.

- A regular meeting was held October 4, 2011 at 11:00 a.m., SH RM 100

Members of the Committee Present: Senator Sharon Carson
Senator Jim Rausch
Rep. Frank R. Holden
Rep. Sherman Packard
Rep. Timothy Twombly

Members of the Committee Absent: Rep. Brian Rhodes

Others Present:

Richard Bailey, Director of Motor Vehicles, Commissioner's Office, Department of Safety

William Cass, Director of Project Development, Commissioner's Office, Department of Transportation

Stephen Kace, State Police Sergeant, Assistant Troop Commander, Troop G, Department of Safety

Daniel Bennett, New Hampshire Automobile Dealers Association

Discussion primarily addressed two topics; the first being highways within the state and the second being classifications of vehicle types.

There are seven classes of highways. The state is responsible for the major highways: classes I and II. It is also responsible for classes III and III-a, which are recreational roads. Classes IV, V and VI are the responsibility of cities and towns. Speed limits, weight limits and local ordinances all impact the safety of NH roads.

NH vehicle classification currently covers commercial vehicles, passenger vehicles, motorcycles, construction equipment, agriculture vehicles, tractors, farm vehicles and trailers. Town clerks sometimes require the assistance of the Department of Motor Vehicle (DMV) in calculating the correct registration fee for construction equipment, agriculture vehicles, tractors and farm vehicles. These vehicles have charges based on usage and distances driven not on actual machine weight.

NH has challenges in the classification of ATV/ROV/OHRV, motorized foot scooters, roadable aircraft, see www.terraflugia.com; floatable cars, inline 3 wheeled motorcycles, motorized bicycles and 6 wheeled utility vehicles.

- o A regular meeting was held October 25, 2011 at 10:00 a.m., SH RM 100

Members of the Committee Present: Senator Sharon Carson
Senator Jim Rausch
Rep. Sherman Packard
Rep. Brian Rhodes
Rep. Timothy Twombly

Members of the Committee Absent: Rep. Frank R. Holden

Others Present:

Richard Bailey, Director of Motor Vehicles, Commissioner's Office,
Department of Safety
Daniel Bennett, New Hampshire Automobile Dealers Association
Ed Dupont, Alliance of Motor Vehicle Manufacturers
Stephen Kace, State Police Sergeant, Assistant Troop
Commander, Troop G, Department of Safety

Discussion primarily addressed the concerns of the New Hampshire Automobile Dealers Association (NHADA) and the forecast of the Alliance of Motor Vehicle Manufacturers.

NHADA was established in 1921 and represents the motor vehicle industry. This includes new car and new truck dealers as well as sellers of RVs, farm equipment, snowmobiles and OHRV. Auto body collision repair shops and motor vehicle parts sales facilities are also members.

NHADA dealers are not manufacturers. They sell what manufacturers provide. The NHADA represents 530 small businesses in all corners of the state. These small businesses employ over 14,400 citizens and make up 25% of the states retail sales. Currently, 40 motorcycle/OHRV/Snowmobile dealers are in their membership.

At a recent NHADA meeting, OHRV's was a topic of discussion. OHRV's are not engineered or designed for on-road use. NHADA members are not supportive of that type of use. They are concerned about safety, liability, federal regulations and their reputations if these vehicles are used improperly on roadways and incur increased accidents.

NHADA has worked on defining motorcycle/moped, but finds it very difficult as a handout from the Motorcycle Industry Council demonstrates. Only 24 states are in substantial conformity with the National Committee on Uniform Traffic Laws and Ordinances and with the federal definition at 49 CFR § 571.3. Twenty-six

other states depart slightly or substantially from both of these. Details and reasons for the differences are explained in the handout.

The Alliance of Auto Manufacturers represents Ford, GM, Toyota, Chrysler, BMW and Fiat. 11.1 million vehicles were sold in 2010. They comprise twelve classifications from subcompact passenger cars through large light trucks and minivans. The Alliance forecast from 2010 to 2016 is a 6% increase in subcompact passenger cars and a 3% increase in compact passenger cars, while large light trucks will decline 8%. All other classifications will increase or decrease between 1% and 2% or remain at their current percentage.

Safety issues were discussed again. Concerns centered on improper usage of ATV's and Segways. As well as, the ease with which someone can obtain a license to ride a small motorcycle, less than 75cc, but then without additional training or testing buy and ride a larger more difficult to handle big bike such as a Harley.

The Committee does not want to stifle innovation as people experiment with various modes of powering vehicles.

The DMV has been working on a vehicle classification study. ***The Committee will meet by the end of February 2012 to review the vehicle classification study and incorporate appropriate suggestions into its report. A work session will be held after February's meeting to review the Committee's final report.**

*** NOTE: Due to Senate Study Committee's not meeting during Senate Session, please note that the above referenced meeting/work session will be held after the 2012 Senate Session to review the DMV vehicle classification study and to incorporate appropriate suggestions.**

SIGNATURE PAGE
NEXT PAGE

Respectfully submitted,

Sharon M. Carson

Senator Sharon Carson
Chair
District 14

Senator Jim Rausch
District 19

Representative Frank Holden
Hillsborough District 04

Representative Sherman Packard
Rockingham District 03

Representative Brian Rhodes
Hillsborough District 22

Representative Timothy Twombly
Clerk
Hillsborough District 25

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: January 27, 2011

THE COMMITTEE ON Transportation

to which was referred Senate Bill 26

AN ACT establishing a committee to study the classification of
motor vehicles.

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

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 4-0

AMENDMENT # 0095s

Senator David R. Boutin
For the Committee

Danielle Barker 271-3091

New Hampshire General Court - Bill Status System

Docket of SB26

Docket Abbreviations

Bill Title: establishing a committee to study the classification of motor vehicles.*Official Docket of SB26:*

Date	Body	Description
1/6/2011	S	Introduced and Referred to Transportation, SJ 2 , Pg.25
1/19/2011	S	Hearing: 1/27/2011, Room 103, LOB, 9:00 a.m.; SC8
1/27/2011	S	Committee Report: Ought to Pass with Amendment #2011-0095s, 2/3/2011; SC9
2/3/2011	S	Committee Amendment 0095s, AA, VV; SJ 4 , Pg.42
2/3/2011	S	Ought to Pass with Amendment 0095s, MA, VV; OT3rdg; SJ 4 , Pg.42
2/3/2011	S	Passed by Third Reading Resolution; SJ 4 , Pg.42
2/7/2011	H	Introduced (in Recess from 1/26/2011) and Referred to Transportation; HJ 14 , PG.265
3/22/2011	H	Public Hearing: 4/5/2011 10:00 AM LOB 203 ==Executive Session To Follow==
4/6/2011	H	Committee Report: Ought to Pass for April 13 (Vote 12-0; CC); HC 31 , PG.1039
4/13/2011	H	Ought to Pass: MA VV; HJ 37 , Pg.1296
4/13/2011	H	Enrolled Bill Amendment #1446e Adopted; HJ 37 , PG.1305
4/20/2011	S	Enrolled Bill Amendment #2011-1446e Adopted; SJ 14 , Pg.273
4/27/2011	H	Enrolled; HJ 40 , PG.1386
4/27/2011	S	Enrolled; SJ 15 , Pg.293
5/11/2011	S	Signed by the Governor on 05/9/2011; Effective 05/9/2011; Chapter 0058

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 # 0095 - 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 7/21/11 Jamie Baker
 BY COMMITTEE AIDE