

# Committee Report

**CONSENT CALENDAR**

**April 24, 2018**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Transportation to which was referred  
SB 398,**

**AN ACT relative to information contained in certain  
motor vehicle records. Having considered the same,  
report the same with the following amendment, and the  
recommendation that the bill OUGHT TO PASS WITH  
AMENDMENT.**

**Rep. Thomas Walsh**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	Transportation
Bill Number:	SB 398
Title:	relative to information contained in certain motor vehicle records.
Date:	April 24, 2018
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2018-1746h

### STATEMENT OF INTENT

This bill allows records of motor vehicle accidents to be accessed by authorized legal representatives. Current law states that only the owner, operator, and passenger can request that information. The committee amendment clarifies the change and adds language dealing with insurance companies and pedestrians involved in an accident.

Vote 15-0.

Rep. Thomas Walsh  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Transportation

**SB 398**, relative to information contained in certain motor vehicle records. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas Walsh for Transportation. This bill allows records of motor vehicle accidents to be accessed by authorized legal representatives. Current law states that only the owner, operator, and passenger can request that information. The committee amendment clarifies the change and adds language dealing with insurance companies and pedestrians involved in an accident. **Vote 15-0.**

Original: House Clerk  
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Amendment to SB 398

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

2

3 1 Release of Motor Vehicle Accident Reports. Amend RSA 260:14, VII-a to read as follows:

4 VII-a. Nothing in this section shall prohibit a law enforcement agency of a political  
5 subdivision or its employees from releasing the following *reports of information, upon request of*  
6 *the parties identified herein, on a form prescribed by the department*:

7 (a) Copies of reports of motor vehicle accidents prepared by the agency, and filed with  
8 the division pursuant to RSA 264:25 and RSA 264:26, to an owner, operator, or passenger of a  
9 vehicle involved in said accident, pedestrian hit by a vehicle in said accident, owner of property  
10 damaged in said accident, ~~[or]~~ the insurance company of any of the foregoing parties, *or the*  
11 *authorized legal representative of any of the aforementioned*. Such agency may charge a  
12 reasonable fee therefor, to be deposited into the general fund of said political subdivision.

13 (b) Copies of reports of motor vehicle accidents prepared by the agency that are not  
14 required to be reported pursuant to RSA 264:25 and RSA 264:26, to an owner, operator, or  
15 passenger of a vehicle involved in said accident, pedestrian hit by a vehicle in said accident, owner  
16 of property damaged in said accident, ~~[or]~~ the insurance company of any of the foregoing parties, *or*  
17 *the authorized legal representative of any of the aforementioned*. Such agency may charge a  
18 reasonable fee therefor, to be deposited into the general fund of said political subdivision.

19 (c) Information obtained by the law enforcement agency that accident participants are  
20 required to exchange pursuant to RSA 264:25, to an owner, operator, or passenger of a vehicle  
21 involved in said accident, pedestrian hit by a vehicle in said accident, ~~[or]~~ owner of property  
22 damaged in said accident, *or the authorized legal representative of any of the*  
23 *aforementioned*.

# COMMITTEE REPORT

COMMITTEE: Transportation

BILL NUMBER: SB 398

TITLE: Relative to information contained in  
certain motor vehicle records.

DATE: 4-24-18 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.  
2018-1746h

## STATEMENT OF INTENT:

THIS BILL ALLOWS RECORDS OF MOTOR VEHICLE  
ACCIDENTS TO BE ACCESS<sup>ED</sup> BY AUTHORIZED LEGAL  
REPRESENTATIVES. CURRENT LAW STATES THAT ONLY  
THE OWNER, OPERATOR AND PASSENGER CAN REQUEST  
THAT INFORMATION. THE COMMITTEE AMENDMENT  
CLARIFIES THE CHANGE AND ADDS LANGUAGE DEALING  
WITH INSURANCE COMPANIES AND PEDESTRIANS INVOLVED  
IN AN ACCIDENT. THE COMMITTEE BELIEVES THIS WILL  
HELP PEOPLE INVOLVED IN AN ACCIDENT BY AT LEAST

COMMITTEE VOTE: 15-0

RESPECTFULLY SUBMITTED,

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

Rep. Thomas Webb  
For the Committee

# Executive Session

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on SB 398

**BILL TITLE:** relative to information contained in certain motor vehicle records.

**DATE:** April 24, 2018

**LOB ROOM:** 203

**MOTIONS: OUGHT TO PASS WITH AMENDMENT**

Moved by Rep. T. Walsh  
motion

Seconded by Rep. Horn

AM Vote: withdrew

Amendment # 2018-1568h

**MOTIONS; OUGHT TO PASS**

Moved by Rep. Cleaver

Seconded by Rep. Horn

Vote: unanimous vv

Amendment # 2018-1746h

**MOTIONS: OUGHT TO PASS WITH AMENDMENT**

Moved by Rep. Walsh

Seconded by Rep. Horn

Vote: 15-0

Amendment # 2018-1746h

**CONSENT CALENDAR: YES**

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

Respectfully submitted,



Rep Thomas Laware, Clerk



HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on SB 398

BILL TITLE: relative to information contained in certain motor vehicle records.

DATE: ~~04/17/2018~~ 4/24/18 ~~received tel~~ 04/24/2018

LOB ROOM: 203

MOTION: (Please check one box)

OTP  ITL  Retain (1st year)  Adoption of Amendment # <sup>1746h</sup> ~~1568h~~ 1568 (if offered)  Interim Study (2nd year)

Moved by Rep. Walsh Seconded by Rep. Novy Vote: Withdraw motion  
Withdraw motions

MOTION: (Please check one box)

OTP  OTP/A  ITL  Retain (1st year)  Adoption of Amendment # 1746h (if offered)  Interim Study (2nd year)

Moved by Rep. Clawson Seconded by Rep. Horn Vote: U-V

Unanimous

MOTION: (Please check one box)

OTP  OTP/A  ITL  Retain (1st year)  Adoption of Amendment # 1746h (if offered)  Interim Study (2nd year)

Moved by Rep. Walsh Seconded by Rep. Horn Vote: 15-0

MOTION: (Please check one box)

OTP  OTP/A  ITL  Retain (1st year)  Adoption of Amendment # \_\_\_\_\_ (if offered)  Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

CONSENT CALENDAR:  YES  NO

Minority Report? \_\_\_\_\_ Yes \_\_\_\_\_ No If yes, author, Rep: \_\_\_\_\_ Motion \_\_\_\_\_

Respectfully submitted: Thomas W Laware  
Rep Thomas Laware, Clerk

Amendment to SB 398

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5 subdivision or its employees from releasing the following *reports of information, upon request of*  
6 *the parties identified herein, on a form prescribed by the department:*

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11 *authorized legal representative of any of the aforementioned.* Such agency may charge a  
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20 required to exchange pursuant to RSA 264:25, to an owner, operator, or passenger of a vehicle  
21 involved in said accident, pedestrian hit by a vehicle in said accident, ~~[or]~~ owner of property  
22 damaged in said accident, *or the authorized legal representative of any of the*  
23 *aforementioned.*

# Voting Sheets



2018 SESSION

TRANSPORT

Bill #: SB 398

*Relative to information contained in  
certain motor vehicle records.*

PH Date: 04/03/2018

Exec Session Date: 04/17/2018

Motion: OTV-A

Amendment #: 1746h

MEMBER	YEAS	NAYS
Smith, Steven D. Chariman	✓	
Walsh, Thomas C. Vice Chairman	✓	
Chirichiello, Brian K.		
Crawford, Karel A.		
Laware, Thomas W. Clerk	✓	
Horn, Werner D.	✓	
True, Chris	✓	
Dickey, Glen		
Moore, Craig C.	✓	
Torosian, Peter E.		
Valera, John J.		
Sykes, George E.	✓	
O'Brien, Michael B.	✓	
Soucy, Timothy A.		
Johnsen, Gladys		
Vann, Ivy C.		
Cleaver, Skip	✓	
St. Clair, Charlie	✓	
Lerner, Kari	✓	
Conley, Casey M.	✓	
<b>TOTAL VOTE:</b>		
<i>Rep Pearson</i>	✓	
<i>Rep Kevin Scully</i>	✓	
<i>Rep Marsh</i>	✓	
	15	0

# Hearing Minutes

HOUSE COMMITTEE ON TRANSPORTATION

PUBLIC HEARING ON SB 398

**BILL TITLE:** relative to information contained in certain motor vehicle records.

**DATE:** April 3, 2018

**LOB ROOM:** 203                      **Time Public Hearing Called to Order:** 10:40 a.m.

**Time Adjourned:** 10:52 a.m.

**Committee Members:** Reps. Steven Smith, Laware, Chirichiello, Crawford, C. Moore, Torosian, Sykes, O'Brien, Soucy, Vann, Cleaver and Conley

**Bill Sponsors:**

Sen. Watters

Sen. Carson

Sen. Lasky

Sen. Birdsell

Rep. Wall

**TESTIMONY**

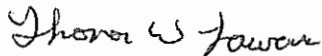
\* Use asterisk if written testimony and/or amendments are submitted.

**Sen. Birdsell**, co-sponsor. Introduced for Sen. Watters. Supports bill.

Question: How doe this bill square with the practice of "discovery?"

**Dave Hiltz**, DOS. clarification. Answered earlier question on "discovery," saying that it has to be approved by the person in the case because of the privacy act. Recent changes in the privacy act do the same thing as this bill does.

Respectfully submitted,



Rep. Thomas Laware,  
Clerk

HOUSE COMMITTEE ON TRANSPORTATION

PUBLIC HEARING ON SB 398

BILL TITLE: relative to information contained in certain motor vehicle records.

DATE: 04/03/2018

ROOM: 203

Time Public Hearing Called to Order: 10:40

Time Adjourned: 10:52

(please circle if present)

Committee Members: Reps. Steven Smith, T. Walsh, Laware, Chirichiello, Crawford, Horn, True, Dickey, G. Moore, Torosian, Valera, Sykes, O'Brien, Soucy, G. Johnsen, Vann, Cleaver, St. Clair, Lerner and Conley

Bill Sponsors:

Sen. Watters  
Sen. Birdsell

Sen. Carson  
Rep. Wall

Sen. Lasky

TESTIMONY

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

① Sen Birdsell introduces for Sen. Watters - supports  
Question - how does this bill square with the  
practice of "Discovery"

② Dave Hilty - DOS - clarification  
Answered earlier question on "Discovery"  
saying that it has to be approved by the  
person ~~and~~ in the case. because of the Privacy Act  
recent changes in the Privacy Act do the same thing  
as this bill does.





**Amendments  
Not adopted**

Amendment to SB 398

*Withdrawn*  
*Not adopted*

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6 *the parties identifies herein, on a form prescribed by the department:*

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8 the division pursuant to RSA 264:25 and RSA 264:26, to an owner, operator, or passenger of a  
9 vehicle involved in said accident, pedestrian hit by a vehicle in said accident, owner of property  
10 damaged in said accident, [Ø] the insurance company of any of the foregoing parties, *or the*  
11 *authorized legal representative of any of the aforementioned.* Such agency may charge a  
12 reasonable fee therefor, to be deposited into the general fund of said political subdivision.

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20 required to exchange pursuant to RSA 264:25, to an owner, operator, or passenger of a vehicle  
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23 *aforementioned.*

**Bill as  
Introduced**

SB 398 - AS INTRODUCED

2018 SESSION

18-2734  
03/01

SENATE BILL       **398**

AN ACT           relative to information contained in certain motor vehicle records.

SPONSORS:       Sen. Watters, Dist 4; Sen. Carson, Dist 14; Sen. Lasky, Dist 13; Sen. Birdsell,  
Dist 19; Rep. Wall, Straf. 6

COMMITTEE:      Transportation

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ANALYSIS

This bill allows access to records of motor vehicle accidents by authorized legal representatives.

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Explanation:     Matter added to current law appears in *bold italics*.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
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 Eighteen*

AN ACT relative to information contained in certain motor vehicle records.

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

1 1 Release of Motor Vehicle Accident Reports. Amend RSA 260:14, VII-a(a) to read as follows:

2 (a) Copies of reports of motor vehicle accidents prepared by the agency, and filed with  
3 the division pursuant to RSA 264:25 and RSA 264:26, to an owner, operator, or passenger of a  
4 vehicle involved in said accident, pedestrian hit by a vehicle in said accident, owner of property  
5 damaged in said accident, ~~or~~ the insurance company of any of the foregoing parties, *or the*  
6 *authorized legal representative of any of the aforementioned.* Such agency may charge a  
7 reasonable fee therefor, to be deposited into the general fund of said political subdivision.

8 2 Conduct After Accident. Amend RSA 264:25, I to read as follows:

9 I. The driver of a vehicle who knows or should have known that he or she has just been  
10 involved in any accident which resulted in death, personal injury or damages to property, shall  
11 immediately stop such vehicle at the scene of the accident and give to the driver or owner of any  
12 other vehicle involved in said accident, and to any person injured, and to the owner of any property  
13 damaged, the driver's name and address, the driver's license number, the driver's or owner's  
14 insurance provider and policy information, if applicable, the registration number of the vehicle, and  
15 the name and address of each occupant. If by reason of injury, absence or removal from the place of  
16 the accident, or other cause, such injured person, or driver of such other vehicle, or owner of the  
17 property damaged, or any of them, is unable to understand or receive the information required in  
18 this section, such information shall be given to any uniformed police officer arriving at the scene of  
19 the accident or immediately to a police officer at the nearest police station. Police officers receiving  
20 such information, and other employees of such officers' law enforcement agencies, shall be  
21 authorized to provide that information to such injured persons, drivers, ~~or~~ owners, *or the*  
22 *authorized legal representative of such injured persons, drivers, or owners.* Any person  
23 driving a vehicle which is in any manner involved in an accident or any person who owns a vehicle  
24 which was illegally parked when it was involved in an accident shall within 15 days after such  
25 accident report in writing to the division the facts required hereunder together with a statement of  
26 the circumstances if any person is injured or killed, or if damage to property is in excess of \$1,000,  
27 unless the accident is investigated by a police officer, in which case a report filed by such officer  
28 shall satisfy the requirements of this section; provided, however, that any person not otherwise  
29 required by this paragraph to file a report, who owns a vehicle which was involved in an accident,  
30 may file a report as provided by this paragraph. Voluntary intoxication shall not constitute a  
31 defense in the matter of knowledge under the provisions of this section. All reports, filed as

SB 398 - AS INTRODUCED

- Page 2 -

1 required in this paragraph, shall be in the form prescribed by the director and shall contain  
2 information to enable the division to determine whether the requirements for the deposit of security  
3 under RSA 264:3 are inapplicable by reason of the existence of insurance or other exceptions  
4 specified in that section. If such driver is physically or mentally incapable of making such report,  
5 the owner of the vehicle involved in such accident or the owner's representative shall, after learning  
6 of the accident, forthwith make such report. The driver or the owner shall furnish such additional  
7 relevant information as the division shall require. The provisions of this section shall be of general  
8 application and shall not be restricted to a way as defined in RSA 259.

9       3 Effective Date. This act shall take effect 60 days after its passage.