

LEGISLATIVE COMMITTEE MINUTES

# **SB131**

# Bill as Introduced

SB 131-FN - AS INTRODUCED

2021 SESSION

21-0839  
06/04

SENATE BILL        ***131-FN***

AN ACT            adopting omnibus legislation relative to vehicles, municipal water maintenance certificates, safety certificates, nondrivers's picture I.D.s, decals, and private roads.

SPONSORS:        Sen. Watters, Dist 4

COMMITTEE:       Transportation

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ANALYSIS

This bill adopts legislation relative to:

I. Electric vehicle supply equipment and infrastructure and relative to state motor vehicle fleet management.

II. Removal of abandoned or disabled vehicles by towing.

III. The municipal winter maintenance certification program.

IV. Implementing a mandatory OHRV and snowmobile safety certificate program.

V. Eligibility for the issuance of a nondriver's picture identification card.

VI. The operation of bicycles at or approaching intersections.

VII. Certificate of boating safety.

VIII. Allowing emergency medical services chiefs and fire chiefs to issue decals for multi-use decal plates.

IX. Private roads.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT            adopting omnibus legislation relative to vehicles, municipal water maintenance certificates, safety certificates, nondrivers's picture I.D.s, decals, and private roads.

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

1            1 Sponsorship. This act consists of the following proposed legislation:

2            Part I. LSR 21-0839, relative to electric vehicle supply equipment and infrastructure and  
3 relative to state motor vehicle fleet management, sponsored by Sen. Watters, Prime/Dist. 4; Sen.  
4 Prentiss, Dist. 5; Sen. Sherman, Dist. 24; Rep. P. Schmidt, Straf. 19; Rep. Sykes, Graf. 13.

5            Part II. LSR 21-0324, relative to removal of abandoned or disabled vehicles by towing,  
6 sponsored by Sen. Birdsell, Prime/Dist. 19.

7            Part III. LSR 21-0523, relative to the municipal winter maintenance certification program,  
8 sponsored by Sen. Morse, Prime/Dist. 22.

9            Part IV. LSR 21-0869, relative to implementing a mandatory OHRV and snowmobile safety  
10 certificate program, sponsored by Sen. Watters, Prime/Dist. 4; Sen. Ward, Dist. 8; Rep. Sykes, Graf.  
11 13.

12            Part V. LSR 21-0896, relative to eligibility for the issuance of a nondriver's picture  
13 identification card, sponsored by Sen. Watters, Prime/Dist. 4; Rep. Sykes, Graf. 13.

14            Part VI. LSR 21-0986, relative to the operation of bicycles at or approaching intersections  
15 sponsored by Sen. Daniels, Prime/Dist. 11; Rep. Ammon, Hills. 40; Rep. Sheehan, Hills. 23.

16            Part VII. LSR 21-0325, relative to certificate of boating safety, sponsored by Sen. Birdsell,  
17 Prime/Dist. 19.

18            Part VIII. LSR 21-1055, relative to allowing emergency medical services chiefs and fire  
19 chiefs to issue decals for multi-use decal plates, sponsored by Sen. Prentiss, Prime/Dist. 5; Sen.  
20 Watters, Dist. 4; Sen. Sherman, Dist. 24; Rep. Merchant, Sull. 4; Rep. Goley, Hills. 8; Rep. McGuire,  
21 Merr. 29.

22            Part IX. LSR 21-1065, relative to private roads, sponsored by Sen. Carson, Prime/Dist. 14;  
23 Rep. Abramson, Rock. 37.

24            2 Legislation Enacted. The general court hereby enacts the following legislation:

25

PART I

26

Relative to electric vehicle supply equipment and infrastructure and

27

relative to state motor vehicle fleet management.

28

1 Findings. The general court finds that:

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1 I. Transportation emissions contribute approximately 40 percent of the greenhouse gas  
2 emissions in the mid-Atlantic and northeastern regions of the United States. There is a compelling  
3 economic and environmental need to make a significant reduction in greenhouse gas emissions. It is  
4 therefore in the public interest to minimize our transportation system's reliance on high-carbon  
5 fuels, promote sustainable growth, and help build the clean energy economy.

6 II. Availability of electric vehicle supply equipment (EVSE) is critical to facilitating the  
7 development of the overall electric vehicle (EV) market in the region and will support our tourism-  
8 based economy. Adequate EVSE in New Hampshire, and in particular direct current fast chargers  
9 (DCFC) along major travel corridors in the state, is necessary to enable travel within and through  
10 the state, promote tourism, generate jobs, and support consumers, businesses, and automobile  
11 dealers and manufacturers. The state should commit to the development of zero emission vehicles  
12 (ZEV) technology and infrastructure, including the state, private and rental residence, business, and  
13 municipal installation of EVSE.

14 III. Electric utility investments in grid infrastructure to support the installation of EVSE  
15 lowers the barriers to such installation. Electric distribution companies (EDC) are uniquely  
16 positioned to enable strategic electrification as part of larger investments in grid modernization  
17 capabilities, specifically investments in electric vehicle charging infrastructure. EDC owned or  
18 funded behind the meter enabling infrastructure, also known as "make-ready" infrastructure, can  
19 accelerate charging infrastructure deployment, and it has the potential to put downward pressure on  
20 rates by spreading fixed costs over a greater volume of electric sales.

21 IV. Initial investment from the Volkswagen Settlement and other potential sources should  
22 prioritize EVSE installation along the interstate highway system, the New Hampshire turnpike  
23 system, and other roadways, with careful consideration of the needs of rural areas and tourism  
24 centers, prioritized as determined by the office of strategic initiatives, the New Hampshire  
25 department of environmental services, and the New Hampshire department of transportation, in  
26 consultation with interested parties.

27 2 Electric Vehicle Charging Stations Infrastructure Commission; Final Recommendations  
28 Adopted. State agencies and departments and the New Hampshire transportation council shall  
29 utilize the recommendations of the Electric Vehicle Charging Stations Infrastructure Commission.

30 3 Office of Strategic Initiatives; Rebate Program Established. The office of strategic initiatives  
31 shall allocate a portion of the New Hampshire Volkswagen Trust for a non-proprietary Level 2 EVSE  
32 rebate program for municipalities for publicly accessible chargers, to be administered by a non-  
33 governmental entity.

34 4 Utilities; Support of Installation of EVSE. Regulated utilities may include EVSE make-ready  
35 programs to fund upgrades necessary to support the installation of EVSE in the systems benefits  
36 charge or other mechanisms.

37 5 Electric Vehicle Charging Station Requirements. Amend RSA 236:133, III to read as follows:

1           III. All publicly funded chargers, *including those funded by the Volkswagen Trust*  
2 *Settlement or by federal or other competitively awarded funds*, installed after the effective  
3 date of this paragraph that are accessible to the public shall be equipped to enable universal access.

4           6 Motor Vehicles; Additional Fees for Registration Permits. Amend RSA 261:154 to read as  
5 follows:

6           261:154 Additional Fees for Registration Permits. The governing bodies of towns and cities of a  
7 population greater than 50,000 as determined by the last federal census may, subject to the  
8 provisions of RSA 261:155, direct the city treasurer or the town clerk to collect in addition to the fees  
9 imposed in RSA 261:153, fees for such permits as follows: a sum not to exceed 5 mills on each dollar  
10 of the maker's list price for a current model year vehicle, a sum not to exceed 4 mills on each dollar  
11 of the maker's list price for the first preceding model year vehicle, a sum not to exceed 3 mills on  
12 each dollar of the maker's list price for the second preceding model year vehicle, a sum not to exceed  
13 2 mills on each dollar of the maker's list price for the third preceding model year vehicle, and a sum  
14 not to exceed one mill on each dollar of the maker's list price for the fourth preceding model year  
15 vehicle and any model year prior thereto. In no event, however, shall the fee be less than one dollar.  
16 The director shall make the final determination of any vehicle model year in any case in which a  
17 dispute arises. All fees collected under this section shall be used for the construction, operation and  
18 maintenance of public parking facilities as provided in RSA 231:114-129 *and electric vehicle*  
19 *supply equipment*.

20           7 New Subparagraph; Motor Vehicles; Registration Fees; Plug-In Hybrid and Electric Vehicles.  
21 Amend RSA 261:141, III by inserting after subparagraph (dd) the following new subparagraph:

22           (ee) In addition to any other fee required by this paragraph, for each hybrid and electric  
23 vehicles -\$20, to be used exclusively by the department of transportation for construction of electric  
24 vehicle supply equipment on state highways and turnpikes.

25           8 New Section; Community Revitalization Tax Relief; Electric Vehicle Supply Equipment.  
26 Amend RSA 79-E by inserting after section 7-a the following new section:

27           79-E:7-b Public Benefit; Electric Vehicle Supply Equipment. Cities and towns may provide tax  
28 relief under this chapter on the value of electric vehicle supply equipment installed in residential  
29 homes and rental properties, businesses, and industries.

30           9 State Facility Energy Cost Reduction; Use of State-Owned Vehicles; Definitions. RSA 21-I:19-  
31 g, III-a is repealed and reenacted to read as follows:

32           III-a. In this section:

33           (a) "Light duty truck" means a land vehicle which has a gross vehicle weight rating of up  
34 to 10,000 pounds and which does not fall within the definition of a passenger vehicle as defined in  
35 subparagraph (b).

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1 (b) "Passenger vehicle" means a land vehicle that is defined by the department of  
2 administrative services' fleet manager as a passenger sedan, sports activity vehicle, sports utility  
3 vehicle, cross-over vehicle, or station wagon.

4 10 Fleet Efficiency and Redistribution; Definition; Motor Vehicle. RSA 21-I:19-i, II(b) is  
5 repealed and reenacted to read as follows:

6 (b) "Motor vehicle" means a passenger vehicle or light duty truck as defined by RSA 21-  
7 I:19-g.

8 11 New Section; Fleet Efficiency; Zero Emissions. Amend RSA 21-I by inserting after section  
9 19-j the following new section:

10 21-I:19-k Zero Emissions.

11 I. The intent of this section is that all state purchased and leased vehicles shall be the  
12 lowest emission vehicles available, to the extent feasible, practicable, and cost effective based on  
13 total cost of ownership, exclusive of the cost of electric vehicle supply equipment (EVSE), using  
14 projected actual ownership time, and that all purchased or leased vehicles shall be zero emission  
15 vehicles by 2041, to the extent feasible, practicable and cost effective. Due consideration shall be  
16 given to purchasing such vehicles from New Hampshire dealerships that sell and service electric  
17 vehicles.

18 II. In this section, the term "zero emissions vehicle" or ZEV means a vehicle that emits no  
19 exhaust gas from the on-board source of power, such as an electric vehicle powered solely by a  
20 battery or by the use of a hydrogen fuel cell.

21 III. Notwithstanding any provision in RSA 21-I:19-i, the department of administrative  
22 services shall establish procedures intended to ensure that to the maximum extent feasible, and  
23 consistent with the ability of vehicles to perform their intended functions, all the state's motor  
24 vehicles will be ZEVs by the year 2042. The procedures shall be subject to the approval of the ZEV  
25 2042 committee established in paragraph VI. These procedures shall not be subject to the  
26 rulemaking requirements of RSA 541-A, but shall be binding on all state officials and state agencies.

27 IV. By 2026, all new leases or purchases of light duty trucks or passenger vehicles as defined  
28 in RSA 21-I:19-g shall be ZEVs and by 2032 any new leases or purchase of trucks and other vehicles  
29 in excess for 10,000 pounds in weight shall be ZEVs.

30 V. Any agency or department of the state that purchases, leases, or otherwise acquires or  
31 currently operates a motor vehicle shall develop a plan to transition its vehicles entirely to ZEVs, to  
32 the extent feasible for particular vehicles and vehicle classes by 2042. Agencies and departments  
33 shall consult with the ZEV 2042 committee established in paragraph VI in developing such  
34 feasibility plans and such plans shall only be adopted with the approval of the committee.  
35 Transition plans shall be developed by all state agencies and departments for submission to the  
36 office of strategic initiatives by June 30, 2022 and revised and submitted every 2 years thereafter  
37 until all of the state's motor vehicles are ZEVs. Such plans shall be predicated upon the adequacy of

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1 funding and shall take the existence of adequate funding into account. If ZEV vehicles are not  
2 determined to be a feasible option for a particular vehicle acquisition, or for a class of vehicles  
3 intended for use by emergency response agencies, then the lowest emission vehicle available that is  
4 suitable for that purpose may be considered. Agencies and departments shall include funding for  
5 this program each biennium in requests for funding in the general court and the capital budget.

6 VI.(a) There is established the ZEV 2042 committee which shall consult with any agency or  
7 department of state that purchase, leases, or otherwise acquires or currently operates motor vehicles  
8 in order to transition such vehicles entirely to ZEVs by 2042.

9 (b) Membership of the committee shall be as follows:

10 (1) The commissioner of the department of administrative services.

11 (2) The director of the division of procurement and support services of the  
12 department of administrative services, or designee.

13 (3) The commissioner of the department of transportation, or designee.

14 (4) The commissioner of the department of safety, or designee.

15 (5) The commissioner of the department of environmental services, or designee.

16 (c)(1) The committee shall consult with agencies and departments in developing plans to  
17 transition such agency or department's vehicles entirely to ZEVs to the extent feasible for particular  
18 vehicles and classes by 2042. The committee shall identify in such plans the cost of EVSE, and  
19 develop a comprehensive plan and cost analysis for this infrastructure.

20 (2) Within 90 days of receiving an agency or department's plan to transition the  
21 committee shall review and may approve such plans if they comply with this section prior to their  
22 adoption by a department or agency. If such plans are not approved the submitting agency or  
23 department may revise and resubmit such plan to the committee for approval within 30 days of  
24 denial of the initial approval.

25 12 Low Carbon Fuel Standards Programs; State Participation. Amend RSA 21-O:23 to read as  
26 follows:

27 21-O:23 Low Carbon Fuel Standards Programs; State Participation.

28 I. The state of New Hampshire shall not join~~[, implement,]~~ or participate in any state,  
29 regional, or national low carbon fuel standards program or any similar program that requires  
30 quotas, caps, or mandates on any fuels used for transportation, industrial purposes, or home heating  
31 without seeking and receiving prior legislative approval.

32 II. The department of environmental services *and the department of transportation* may  
33 engage in regional and national discussions of such programs.

34 ~~III. The department of environmental services shall report all expenses resulting from its  
35 discussions to the fiscal committee of the general court on a semi-annual basis.]~~

36 13 New Subdivision; Electric Vehicle Charging Station Rate Design Standards. Amend RSA  
37 378 by inserting after section 54 the following new subdivision:



Electric Vehicle Charging Station Rate Design Standards

378:55 Electric Vehicle Charging Station Rate Design Standards. In determining the schedule of rates, fares, charges, and prices applicable to electric vehicle supply equipment pursuant to RSA 378:1, every public utility shall adhere to the following rate design standards:

I. Initial electric vehicle charging rate design shall reflect the marginal cost of providing electric vehicle charging services to the maximum extent practicable, provided that these rates will be updated and reconciled on a regular basis to ensure they reflect costs associated with customer usage patterns.

II. Declining block rates shall not be used for electric vehicle charging for separately metered electric vehicle supply equipment; provided that where declining block rates are already offered, such rates may be appropriate for customers that do not want to separately meter electric vehicle supply equipment.

III. Seasonal rates may be charged to account for the seasonality of winter and summer cost drivers on the electric system. Such rate changes may occur coincident with other rate changes.

IV. Interruptible rates are not appropriate for electric vehicle charging.

V. Load management offerings may be an appropriate strategy for electric vehicle rate design, especially when offered in conjunction with electric vehicle time of use rate offerings.

VI. Demand charges may be appropriate rate design for high demand draw electric vehicle supply equipment, but not for residential charging applications.

VII. Time of use rates are appropriate for electric vehicle charging, provided that utilities propose a separately metered electric vehicle time of use rate.

VIII. Any separately metered residential electric vehicle charging rate shall:

(a) Be based directly on cost causation.

(b) Incorporate time varying energy supply, transmission, and distribution components.

(c) Have off-peak, mid-peak, and peak periods.

(d) Be seasonably differentiated.

(e) Have an average price differential between off-peak and peak of no less than 3:1 for the entire year.

(f) Have a peak period no longer than 5 hours.

IX. Each utility seeking approval of an electric vehicle time of use rate shall provide a quantification of costs, including but not limited to billing, metering, and marketing costs.

14 Effective Date. Part I of this act shall take effect January 1, 2022.

PART II

Relative to removal of abandoned or disabled vehicles by towing.

1 New Section; Abandoned Vehicles; Use of Tow List Required. Amend RSA 262 by inserting after section 31 the following new section:

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1           262:31-a Use of Tow List Required. In the event the state police in the interest of public safety  
2 and pursuant to applicable statutes and rules, including but not limited to clearing roads and  
3 entrances of disabled or abandoned vehicles, seeks to tow any vehicle, the tow company responsible  
4 for removal and storage shall be chosen from a tow list in accordance with RSA 106-B:26 through  
5 RSA 106-B:34.

6           2 New Subdivision; Removal of Abandoned Vehicles by State Police. Amend RSA 106-B by  
7 inserting after section 25 the following new subdivision:

8           Removal of Abandoned Vehicles by State Police

9           106-B:26 Applicability.

10           I. This subdivision shall apply to the enforcement of provisions of the motor vehicle laws by  
11 the state police, including clearing roads and entrances of stolen, unregistered, illegally parked,  
12 disabled or abandoned vehicles, vehicles involved in accidents or crimes or other situations,  
13 regarding the removal, storage, and release of such vehicles towed and transported by wreckers,  
14 towing, and emergency road service organizations in a fair and equitable manner, upon request of  
15 the division of state police:

16           (a) In response to requests from owners or custodians of vehicles that have encountered  
17 mechanical problems that rendered them inoperable or unsafe to be driven;

18           (b) In response to requests from a state trooper when a vehicle has been abandoned on  
19 private property without consent of the property owner;

20           (c) When a vehicle is found obstructing the passage of vehicles from a public street or  
21 highway onto the driveway of such private property or public building;

22           (d) When a vehicle was involved in a traffic accident or crime or its driver is  
23 incapacitated or under arrest, or is without a valid driver's license;

24           (e) When a vehicle is interfering with snow removal or highway maintenance;

25           (f) When a vehicle has been left unattended within a state-owned park and ride facility  
26 for a period greater than 21 days; or

27           (g) When a vehicle is without proper registration or apparently unsafe to be driven.

28           II. Nothing in this subdivision shall restrict the authority of town and city law enforcement  
29 agencies to enforce relevant state statutes, to enact local bylaws or ordinances not in conflict with  
30 any state law or administrative rule regarding the clearance of disabled, abandoned, illegally  
31 parked, unregistered, or stolen vehicles or vehicles involved in crimes or collisions in areas where the  
32 local police have sole or shared jurisdiction with state police, or to enter into contractual agreements  
33 with tow companies for the removal of vehicles at the request of local authorities.

34           106-B:27 State Police; Use of Tow List.

35           I. In the event the division of state police seeks to tow or remove any vehicle pursuant to  
36 applicable laws and rules, whenever practicable the tow company responsible for such towing or  
37 removal shall be chosen from a tow list in accordance with this subdivision.

1           II. To facilitate the timely and effective towing and removal of vehicles pursuant to this  
2 subdivision, the division of state police is authorized to develop and maintain a rotating list of  
3 qualified tow services within each geographical troop. Where long distances could cause  
4 unreasonably long wrecker response times, the director of state police or designee may authorize a  
5 separate rotation list by county or group of municipalities within a troop. The director from time to  
6 time may enlarge or shrink an area if necessary, to ensure an adequate number of qualified tow  
7 businesses to handle the call workload and travel distances involved, and shall review the lists  
8 periodically to ensure that needs are being met. The list may be further segmented to distinguish  
9 between heavy and light/medium duty wreckers, recovery vehicles, rollback carriers and other  
10 specialized equipment.

11           III. Rotation lists shall include notations identifying tow businesses that maintain heavy  
12 duty wreckers, heavy duty recovery vehicles, and recovery vehicles, and whenever there is a specific,  
13 identified need for one of those vehicles it shall be summoned from the rotating list in the order in  
14 which it appears. Nothing herein shall prevent a tow business on a tow list from responding to a call  
15 with a larger, heavier, or more sophisticatedly equipped vehicle where only a lighter wrecker is  
16 required, provided the tow business does not exceed its normal charge for a lighter duty wrecker.

17           IV. The director of state police with the approval of the commissioner of safety may adopt  
18 rules pursuant to RSA 541-A consistent with relevant provisions of this subdivision setting forth  
19 minimum qualifications of tow companies and their employees to participate in the state police tow  
20 list, including qualifications, training, and minimum standards for equipment, response times,  
21 storage and release of towed vehicles and their contents, and criminal history and motor vehicle  
22 record checks of tow truck drivers.

23           V. State troopers handling an incident shall not call a tow business that, in their opinion,  
24 lacks a vehicle of sufficient size and equipment for a particular job. Under such conditions a tow  
25 business not called shall retain its position on the rotation list.

26           VI. Whenever a desired tow business is unable to respond to a call in a timely manner with  
27 the proper equipment, the tow business next on the rotation list shall be called.

28           VII. Tow businesses may also be called for service, such as for fuel, tire changes, dead  
29 battery, and removal of disabled, stolen, or abandoned vehicles according to placement on the  
30 appropriate rotation list and shall have a service vehicle suitably equipped and personnel capable of  
31 handling the assignment.

32           106-B:28 Definitions. In this subdivision:

33           I. "Heavy duty wrecker" means a wrecker intended and suitably equipped for towing  
34 vehicles in excess of 10,000 pounds gross weight, such as a tractor-trailer, large truck, or similar  
35 vehicle but excluding carriers and flatbeds, and meeting the following requirements, provided that  
36 come-a-longs, chains, or other similar devices shall not be used as substitutes for winch and cable:

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- 1 (a) A truck chassis having a minimum gross vehicle weight rating of not less than 54,500  
2 pounds;
- 3 (b) Tandem axles, or a cab-to-axle length of not less than 102 inches;
- 4 (c) A combined winch capacity of not less than 50,000 pounds, as rated by the winch  
5 manufacturer;
- 6 (d) A single winch in good operating condition with a capacity of 50,000 pounds, as rated  
7 by the winch manufacturer, or if equipped with 2 winches, a combined rating of 50,000 pounds;
- 8 (e) A manufactured wheel-lift in good operating condition, with retracted lifting capacity  
9 of not less than 20,000 pounds, as rated by the lift manufacturer, with safety chains or a tow bar of  
10 equal capacity;
- 11 (f) A winch cable rated as specified by the winch manufacturer, in good condition;
- 12 (g) Light and airbrake hookups for the towed vehicle; and
- 13 (h) Additional safety equipment as specified in this chapter and consistent with United  
14 States Department of Transportation inspection requirements.

15 II. "Light/Medium duty wrecker" means a wrecker intended and suitably equipped for safely  
16 towing vehicles weighing 26,000 pounds or less gross weight, including passenger cars, pickup  
17 trucks, motorcycles, small trailers, and similar vehicles, that meets the following requirements,  
18 provided that come-a-longs, chains, or other similar devices shall not serve as substitutes for a winch  
19 and cable:

- 20 (a) A minimum gross vehicle weight rating of not less than 14,500 pounds;
- 21 (b) Individual boom capacity of not less than 8,000 pounds, as rated by the boom  
22 manufacturer;
- 23 (c) Individual power takeoff or hydraulic power or electric winch capacity of not less  
24 than 8,000 pounds, as rated by the manufacturer, and wire rope of a capacity and length consistent  
25 with the device manufacturer;
- 26 (d) A manufactured wheel-lift with a retracting lifting capacity of not less than 3,500  
27 pounds, as rated by the manufacturer, with safety chains;
- 28 (e) Dual rear wheels;
- 29 (f) Two chock blocks that will prevent rolling or slippage of the wrecker; and
- 30 (g) Additional safety equipment as specified in this chapter and consistent with United  
31 States Department of Transportation inspection requirements.

32 III. "Recovery vehicle" means a motor vehicle consisting of a commercially available truck  
33 chassis equipped with a commercially manufactured tow body or bed and that is rated and issued a  
34 serial number by the manufacturer, designed and equipped for and used in the towing or recovery of  
35 vehicles, in good condition and capable of towing a vehicle by means of a tow bar, sling, or wheel lift,  
36 and capable of recovering a vehicle by means of a hoist, winch, or towline.

1 IV. "Rollback carrier" means a flatbed vehicle in good condition that meets the following  
2 requirements, provided that come-a-longs, chains, or similar devices shall not be used as substitutes  
3 for a winch and cable:

4 (a) A minimum gross vehicle weight rating of at least 19,500 pounds;

5 (b) A specially equipped chassis with a ramp on wheels and a hydraulic lift with a  
6 capacity to haul or tow another vehicle;

7 (c) At least one 8,000 pound winch, as rated by the winch manufacturer, with at least 50  
8 feet of cable, as recommended by the winch manufacturer; and

9 (d) Additional safety equipment as specified in this chapter and consistent with United  
10 States Department of Transportation inspection requirements.

11 V. "Tow business" means a person, enterprise, partnership, company, LLC, or other  
12 corporation having a registered trade name, an active New Hampshire tax identification number, an  
13 active New Hampshire workers' compensation insurance policy or exemption papers, an active New  
14 Hampshire employment security account, and that meets all state and local legal requirements  
15 including, but not limited to, those related to payment of business related taxes, fees, and insurance  
16 coverage, and that regularly engages in the impoundment, recovery, transport, or storage of towed or  
17 abandoned vehicles, or in the disposal of abandoned vehicles.

18 VI. "Tow list" means a list or lists of qualified New Hampshire businesses compiled by the  
19 division of state police and used by them to dispatch wreckers and recovery and road service vehicles  
20 to tow, recover, and temporarily store a vehicle when the owner, driver, or other person responsible  
21 for the vehicle is not present or wishes to have the vehicle removed and expresses no choice or  
22 preference of a specific tow business, or when public safety requires the law enforcement official in  
23 charge at the scene to clear the vehicle from the location believing, in his or her sole opinion, the  
24 vehicle is causing a public hazard or safety issue or is stolen, unregistered, was involved in a crime,  
25 or is in violation of a statute that requires immediate removal.

26 VII. "Vehicle storage area" means a suitable yard or enclosed building where a qualified tow  
27 business keeps or stores towed or impounded vehicles.

28 VIII. "Wrecker" for purposes of this chapter and except where the context clearly indicates  
29 otherwise, means a tow truck, road service vehicle, or carrier and recovery vehicle used by tow  
30 businesses on the state police tow list.

31 106-B:29 Use of Tow List.

32 I. When a towing situation being handled by state police involves a vehicle that requires  
33 recovery, towing, or removal from the scene, the trooper in charge shall make a best effort attempt to  
34 allow the owner, operator, or other person lawfully responsible for the vehicle to contact a preferred  
35 tow business, unless doing so will delay the timely restoration of safe traffic movement, prolong a  
36 serious hazard, or compromise the preservation or collection of evidence. The preferred tow business  
37 when called shall notify state police communications of its estimated time of arrival. The trooper on

1 scene shall determine if that time will unduly continue a hazardous condition or cause serious  
2 inconvenience for the public and, if so, state police communications shall summon the next  
3 appropriate tow business from the tow list. If there is no one on site who is the owner, operator, or  
4 other person lawfully responsible for the vehicle, and in the opinion of the trooper the vehicle  
5 presents a hazard or unreasonable delay to the public, the trooper on site shall request that state  
6 police communications contact the next appropriate tow business on the list.

7 II. To help ensure a timely and professional response and to promote fairness to individual  
8 towing businesses, the division of state police shall maintain a separate rotation list for each state  
9 police geographical troop area. In any case where distances involved could cause unreasonably long  
10 wrecker responses, the director of state police may authorize a separate rotational list by county or  
11 group of communities for that troop. The director may enlarge or shrink an area if necessary to  
12 provide a sufficient number of tow businesses to handle the number of calls in the area and the  
13 travel distances involved, and shall review the zones periodically to determine if needs are being  
14 met.

15 III. If the desired tow business is unable to respond to a call in a timely manner with the  
16 proper equipment, the tow business next in line on the rotation list will be called.

17 IV. Placement on the tow list shall be by order of application. Whenever a new tow business  
18 becomes authorized, it shall be placed on the bottom of the appropriate list or lists for which the  
19 director finds the tow business qualified. The director shall have authority to determine when a tow  
20 list is adequately staffed with towing businesses and may refuse to add a business to the list if he or  
21 she determines the amount and type of calls in that zone is insufficient to justify a larger list.

22 V. Separate rotation lists shall be maintained for each category of wrecker. When a  
23 situation requires services of a specific category of wrecker, such wrecker shall be called from the  
24 appropriate tow list unless the person responsible for the vehicle is present and has a preference for  
25 a different tow business with that category of wrecker, in which case the preferred wrecker shall be  
26 summoned if available within a reasonable response time.

27 VI. Nothing in this chapter shall be construed to confer any vested property rights upon a  
28 tow business to continue on the rotating list.

29 VII. Calling a tow company from the list does not create a contract with or obligation on the  
30 part of the state police or state police personnel to reimburse any fee or towing charge, except when  
31 towing a vehicle owned or leased by the state police or that is later forfeited to the state police, or if a  
32 court determines that the state police wrongfully authorized the tow and orders the state police to  
33 pay transportation and storage fees.

34 VIII. Placement on the rotation list does not guarantee a particular number of calls, an  
35 equal number of calls to every tow business on the list, nor any compensation as a consequence of  
36 not being called in accordance with the list, or when removed from the rotation list. If a towing  
37 business responds to a state police call and the call is later canceled due to the vehicle no longer

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1 being disabled, or the circumstances change such that after calling a tow company the vehicle must  
2 be stored in a manner that preserves all evidence in or on the vehicle and the tow business is not so  
3 equipped, the tow business shall go back to the top of the list.

4 IX. A tow business shall, upon receiving a request from the state police, use its own  
5 equipment and shall not refer a call to another tow business.

6 X. A tow business may terminate or temporarily suspend its designation as a service  
7 provider and be removed from the rotation list by providing prompt written notice to state police  
8 communications. In the event of unforeseen circumstances such as death, fire, bankruptcy, or loss of  
9 equipment from accident or failure, a tow business on the tow list shall timely notify the director of  
10 state police in writing of its intent to suspend its designation as a service provider. If and when it  
11 desires to return to service, such tow company shall send a new application to the director. If  
12 approved to resume operation, they shall be placed at the bottom of the rotation list.

13 XI. New tow businesses, when qualified and accepted, shall be placed on the bottom of the  
14 rotation list.

15 XII. The trooper in charge at the scene of a towing situation shall have discretionary  
16 authority to deny a request for a specific tow business whenever time is of the essence and the  
17 request will delay the restoration of safe traffic movement.

18 XIII. If a motorcycle is to be towed, a tow sling, wheel lift, car carrier, or other comparable  
19 device shall be used that has the capability to transport motorcycles.

20 XIV. The division shall not call a tow business that, in its opinion, does not have a vehicle of  
21 sufficient size and equipment for a specific job. Under these conditions, the tow business not called  
22 will remain on the top of the rotation list.

23 XV. A tow business shall not sell, assign, transfer, pledge, surrender, encumber, or dispose  
24 of its place on the rotation list. By applying to be placed on the list, a tow business agrees to respond  
25 to all state police calls 24 hours a day, 7 days a week. If for any reason the business cannot respond  
26 to a call, it rotates to the bottom of the list. Businesses that develop a pattern of non-response to  
27 calls may be subject to removal from the rotation list.

28 XVI. A tow business shall appear on the rotation list only once. The listing shall use the  
29 name of the business submitted at the time of application and a designation for any specialty in  
30 which the business is qualified. A tow business conducting business at a location shall not receive  
31 multiple listings or classifications by utilizing a different or fictitious name for trucks operating from  
32 the same location or trucks operating with the same name out of different locations within that zone.

33 XVII. When emergency conditions necessitate, the state police may request the services of  
34 the tow business that is best equipped to handle the emergency and can reach the scene in the  
35 shortest time, regardless of its position on the rotation list. A call made under these circumstances  
36 shall count as such business's next rotation call.

1 XVIII. Whenever heavy equipment or large vehicles are involved in an incident, and it is  
2 determined that the tow business next up on the rotation list lacks adequate equipment to handle  
3 the incident, the division may call a larger piece of equipment from a business on the list that can  
4 handle the situation. In such case, the tow business shall be repositioned on the rotation list  
5 accordingly. Having only one large rotation wrecker shall not justify for being called to all truck  
6 accidents.

7 XIX. In the event of an overturned truck, the state police shall determine at the time if the  
8 situation requires the use of only one tow business or if additional vehicles are required. The first  
9 named tow business shall determine the amount of assistance necessary to remove any public  
10 hazards. The tow business responding to the law enforcement request shall be responsible for  
11 contacting others meeting the qualifications to operate in New Hampshire and shall be the business  
12 responsible for efficient and safe handling of the recovery. Decisions made pursuant to this  
13 paragraph shall be based on the public safety concerns.

14 XX. At no time shall any towing vehicle exceed its manufacturer's gross vehicle weight  
15 rating or the manufacturer's rated capacity for the towing assembly or be attached to a vehicle which  
16 by its size and or weight would make towing it an unsafe movement.

17 106-B:30 Requirements for Placement on the Tow List.

18 I. Any tow business that wishes to be placed on the rotation list with appropriate  
19 designation shall make application to the director of state police.

20 II. The tow business shall provide as part of its application a list of all tow truck operator  
21 personnel, including full name, current address, date and place of birth, driver's license number and  
22 type, and any restrictions, license expiration date, and social security number. The application shall  
23 be updated with state police communications within 5 days of whenever a new employee is hired, or  
24 an employee leaves the employ of the business.

25 III. The application shall include an individual form approved by the director of state police  
26 for each tow truck operator and for the owner and manager of the business and any supervisors,  
27 listing under penalty of unsworn falsification their full name, date and place of birth, driver license  
28 number and type and any restrictions or limitations, and a listing of all motor vehicle offense  
29 convictions in this or any other state or Canadian province including type, court, and year in the  
30 preceding 5 years, and a list of any criminal convictions in this or any other state or Canadian  
31 province within the past 10 years, including type of offense, year of conviction, court, and sentence  
32 imposed, and whether the person is currently on probation or parole or has ever been a registered  
33 sex offender or subject to a domestic violence protective order. Nothing in this paragraph shall  
34 restrict the employer or state police in case of doubt from verifying the information through a record  
35 check or checks.

36 IV. Any criminal history of convictions involving a felony against persons or property  
37 involving fraudulent activity, aggravated assaults, sex offenses, burglary or thefts resulting in a



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1 felony conviction within the last 3 years, or a serious or repetitive motor vehicle violation history of  
2 any such individual shall be grounds for refusing to place on or removing the business from the  
3 rotation list.

4 V. If an operator is employed by more than one listed towing company, each company shall  
5 maintain an independent and separate driver file on such individual. When a driver, manager, or  
6 supervisor ceases employment at the business or a new such employee is hired, the company shall  
7 notify the state police director in writing within 10 days and include a copy of the application  
8 including a copy of the form described in paragraph III. It shall be the responsibility of the operator  
9 to maintain appropriate records of driving times showing full compliance with all applicable laws,  
10 rules, and regulations.

11 VI. In the event the ownership of a tow business changes for any reason including but not  
12 limited to the sale of the business, death, or retirement of the owner, the tow business shall reapply  
13 before the effective date of the change in ownership for approval or the tow business shall be  
14 removed from the rotation list until such time as the new owner complies with the application  
15 process.

16 VII. The business shall have a telephone number listed in its name and shall also have an  
17 after-hours telephone number where it can be contacted after normal business hours. The business  
18 shall be staffed Monday through Friday from at least 9 a.m. to 5 p.m. with someone who will be  
19 available for administrative matters and the release of a vehicle or other related items stored on  
20 premises. After normal business hours and on weekends or holidays a responsible person shall be on  
21 call to provide those services.

22 VIII. Wreckers dispatched shall arrive at the scene within 30 minutes of being called, except  
23 for cases where the travel distance, posted speeds, or traffic and weather conditions and volume of  
24 traffic make this unreasonable. For heavy duty calls the company shall respond within a maximum  
25 of 60 minutes regardless of the time of day. If the time exceeds the above limit and the tow business  
26 does not provide state police communications or the trooper in charge at the scene a valid reason for  
27 the delay within that time, a second rotation wrecker may be dispatched. If a second wrecker is  
28 requested before the arrival of the initially dispatched rotation wrecker, the initially requested  
29 wrecker shall forfeit the call and leave the incident scene. Repeated tardiness may result in  
30 suspension or removal from the rotation list.

31 IX. If a tow business responds to a rotation call and through no fault of its own, does not tow  
32 the vehicle, the business shall retain its position on the rotation list.

33 X. Towing personnel shall wear reflective clothing meeting Federal Highway Administration  
34 specifications at all times when working in or adjacent to the roadway.

35 XI. The tow business shall maintain a reasonably secure area for the safe storage of motor  
36 vehicles or other items stored at the request of the state police. Storage facilities shall be clearly  
37 marked as belonging to that tow business and shall have adequate lighting to illuminate the

1 enclosed area. If a vehicle must be stored for processing after a crime, death, or serious injury then  
2 storage facilities shall include a gated or fenced area adequate to reasonably secure the storage  
3 facility and prevent unauthorized entrance. Camera surveillance is recommended but not  
4 mandatory.

5 XII. A secure building that provides written proof that it meets all applicable state and local  
6 codes and which is suitably alarmed may substitute for a fenced area if the tow business provides for  
7 total inside storage.

8 XIII. The tow business shall provide reasonable accommodations for after-hours release of  
9 personal property in stored vehicles or other related storage once the state police releases any hold  
10 on personal or other property not affixed to the towed vehicle, and upon payment in full or mutual  
11 agreement for payment of all towing and storage fees. The towing of a vehicle at the request of law  
12 enforcement shall grant a lien to the tow business, equal to the cost of recovery and storage.

13 XIV. Under no circumstance may a tow business withhold wallets, purses, life essential  
14 clothing, mail, legal documents, child safety seats, eyeglasses or contact lenses, medicines, medical  
15 equipment, license plates, or house or place of business keys pending payment of fees.

16 XV. Any towing or recovery vehicle used by the tow business shall display lettering on both  
17 sides of the vehicle in letters that contrast in color with the background and are readily legible  
18 during daylight hours from a distance of 50 feet while the vehicle is stationary, and kept and  
19 maintained in a manner that retains such legibility, indicating the name or trade name of the  
20 wrecking service or owner thereof, the city or town and state in which the vehicle is customarily  
21 based, and the business telephone number on each front door of the truck. The identification  
22 number issued by the Federal Motor Carrier Safety Administration to the motor carrier, preceded by  
23 the letters "USDOT"; shall also be included in such lettering.

24 XVI. The tow business participating in the tow list shall maintain tow and hook, liability,  
25 and garage-keepers' liability insurance in an amount not less than that designated under New  
26 Hampshire law or administrative rule. This shall include a minimum coverage of \$1,000,000 in  
27 liability including garage-keeper's insurance coverage. The tow business shall also comply with all  
28 other business requirements and taxes required under state or federal law.

29 XVII. The tow business shall not place or imprint on its vehicles, buildings, equipment,  
30 clothing, or correspondence anything that suggests or implies an official relationship between the  
31 company and any emergency services provider or law enforcement agency. This shall extend to  
32 paint schemes, colors, shoulder patches, or decals similar in design to department of safety or state  
33 police vehicles or any name or logo implying an official connection. State police may design and  
34 issue a suitable decal to indicate that a tow vehicle's owner is on the rotating list. Termination of  
35 services or suspension, even if temporary, from the rotation list shall require any decal provided,  
36 issued, or approved by state police to be removed immediately from the tow vehicle if such vehicle  
37 will be operated on public roads.

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1 XVIII. The tow business shall provide state police with a complete updated list of all rates  
2 for the services it performs related to the towing and storage of vehicles, on the letterhead of the  
3 business, and shall update such list when prices change. State Police shall not set the fees for these  
4 services nor use the rate schedule provided in determining placement on a rotation schedule. Price  
5 lists shall remain confidential except when determining the reasonable fee in a requested hearing  
6 conducted by the department of safety.

7 XIX. Whenever the owner of a towed or impounded vehicle or their agent pays a towing  
8 company for those services, the company shall provide a detailed receipt to the owner or agent for  
9 the services rendered.

10 XX. Motorists using a wrecker under the rotation list shall have the option of paying by cash  
11 or major debit or credit card. The tow business may inquire, prior to accepting a dispatch, as to how  
12 the motorist will be paying. The owner of a towed or impounded vehicle who believes an exorbitant  
13 or unreasonable fee was charged for towing the vehicle if such service rendered was covered by RSA  
14 262:31 through RSA 262:40-c, may file a complaint with the commissioner of safety and request  
15 review pursuant to RSA 262:35-a. If not covered by RSA 262:31 through RSA 262:40-c, the owner or  
16 his or her agent shall be notified of his or her ability to make a complaint to the consumer protection  
17 division of the department of justice.

18 XXI. A tow business shall not be operated without a Federal Motor Carrier Safety  
19 Administration safety registration, an active United States Department of Transportation number,  
20 and valid New Hampshire registration.

21 106-B:31 Requirements to Remain on the Tow List.

22 I. Tow personnel shall perform a general cleanup of an accident area before leaving the  
23 scene, and remove any glass, vehicle parts, debris, or other substances dropped or spilled prior to  
24 leaving an incident scene. Vehicle fluids or hazardous substances shall not be intentionally drained  
25 or left on the road or surrounding environment. There will be no charge for normal highway cleanup  
26 of 30 minutes or less unless cleanup is a regular part of the itemized bill. If the debris field was  
27 caused by more than one vehicle all tow personnel shall share in the cleanup duties under the  
28 direction of the trooper in charge at the scene.

29 II. The tow business shall be responsible for securing and preserving personal property in a  
30 vehicle to be towed, unless the owner or person responsible is present and wishes to take custody of  
31 it.

32 III. The tow business shall employ reasonable safeguards and procedures so that all  
33 personal belongings and contents in the towed vehicle are intact and returned to the vehicle's owner  
34 or authorized agent upon release of the vehicle upon payment in full or mutual agreement for  
35 payment of fees with the exception of those essential items as provided.

36 IV. All personal property left in a vehicle and unclaimed shall be handled in accordance with  
37 applicable state laws.

1 V. No tow business shall accept a call if the employee who will be responding is under the  
2 influence of any substance that could cause impairment or has the odor of alcohol on his or her  
3 breath, nor shall a tow business employee respond in such a condition.

4 VI. The tow business shall maintain a log or ledger of all vehicles towed at the request of  
5 state police. It shall contain the date, time, and location of the tow, a description of the vehicle  
6 towed including the owner's name and address, vehicle identification number, registration plate  
7 number and state of registration, name of the tow vehicle operator, name and address of the person  
8 to whom the vehicle was released, and location to which the vehicle was towed. This record and any  
9 other records and equipment associated with compliance with these applicable state statutes and  
10 these rules shall be open to inspection by department of safety personnel during normal business  
11 hours and retained for the year when the record was made and one full year beyond.

12 VII. The owner, operator, and any employee of the tow business on the list shall comply with  
13 all applicable state and federal laws and local ordinances. In matters where conflict of laws arises  
14 the tow business shall follow the lawful direction of the law enforcement officer controlling the scene  
15 of the investigations and shall be held harmless from any conflicts.

16 VIII. All wrecker drivers shall have a valid driver's license for the class of vehicle they are  
17 operating. Wrecker drivers shall have a motor vehicle record free of convictions of serious motor  
18 vehicle offenses, or license revocations, or suspensions for serious motor vehicle offenses for the past  
19 3 years.

20 IX. Tow companies on the tow list shall not permit any person to drive a wrecker if said  
21 person has been convicted for any felony against persons or property involving fraudulent activity,  
22 sex offenses, aggravated assaults, burglary, theft resulting in a felony conviction within the last 3  
23 years. No tow company shall permit any person to drive a wrecker if the person is currently subject  
24 to probation, parole restrictions, or court order restricting the area the person may or may not be  
25 present in at any time.

26 X. Wreckers at the scene of a service call may be asked to provide minor on-site repairs,  
27 such as jump-starting a dead battery or changing a tire.

28 XI. Each tow vehicle shall carry at a minimum the following supplies and equipment in good  
29 working order, in addition to meeting the requirements herein for each class of vehicle that will be  
30 responding to wrecker calls:

31 (a) Emergency lights meeting statutory requirements, visible at 3/4 of a mile when  
32 illuminated, and visible over any vehicle being towed. Sirens are prohibited.

33 (b) At least one working spotlight capable of being aimed.

34 (c) One fire extinguisher, 5-lb. carbon monoxide or dry powder, fully charged and able to  
35 be operated.

36 (d) At least one heavy duty push broom and garbage container.

37 (e) A steering lock mechanism or capability to properly lock steering.

- 1 (f) A first aid kit.
- 2 (g) A reflectorized safety vest for each employee on the vehicle.
- 3 (h) For heavy duty vehicles and heavy-duty recovery vehicles, portable lighting  
4 equipment.
- 5 (i) Heavy duty wreckers and heavy-duty recovery vehicles shall have 10 of at least 2 of  
6 the following: reflector flare, road flare, colored LED flashing road flare. Lighter vehicles shall have  
7 at least 3 of 2 or more of the following: reflector flare, road flare, colored LED flashing road flare.  
8 Traffic cones may be substituted for one of the above on a clear day during the hours from dawn to  
9 dusk.
- 10 (j) At least one flat scoop type shovel.
- 11 (k) For heavy duty wreckers and heavy-duty recovery vehicles, necessary equipment to  
12 perform the tasks necessary for towing a vehicle.
- 13 (l) For any wreckers called to recover vehicles with air assisted brakes, the capability to  
14 provide air to the towed vehicle to facilitate brake operation.
- 15 (m) A current, valid motor vehicle registration and a current, valid state safety  
16 inspection sticker.
- 17 (n) An FCC licensed 2-way business radio or a wireless telephone.
- 18 (o) Portable lights for any vehicle being towed including taillights, stop lights, and  
19 directional signals.
- 20 (p) A minimum of 40 pounds of sand or other appropriate absorbent material designed  
21 and verified by the manufacturer to absorb hazardous waste and spills in an efficient and effective  
22 manner.

23 XII. The management of a towing business on the rotating list shall be primarily responsible  
24 to the division of state police to inspect and maintain an ongoing awareness of compliance with  
25 relevant rules, regulations, and laws affecting the business and to make prompt corrections of any  
26 discrepancies. Each tow business on the list shall annually, on or before January 15 of the following  
27 year, certify to the director of state police under penalty for unsworn falsification that it has  
28 conducted an internal inspection and that the business is in compliance with the provisions of this  
29 subdivision and any administrative rules adopted pursuant to it.

30 XIII. State troopers or other designated department of safety personnel may be assigned at  
31 the discretion of the state police director to conduct reviews from time to time of towing businesses,  
32 their records, and equipment to ensure compliance with relevant rules and laws and make a  
33 recommendation through the state police communications commander to the director as to the level  
34 of compliance and any appropriate action. Tow businesses participating in the tow list shall make,  
35 during normal business hours, their records, vehicles, facility, and equipment available for  
36 examination for such reviews by troopers or other department of safety employees. In cases of non-  
37 compliance, the state police communications commander shall recommend appropriate action to the

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1 director, which may include a verbal or written reprimand, suspension, or revocation from continued  
2 participation in the rotating list. Such action is discretionary and shall be based on the nature and  
3 seriousness of the discrepancy and any prior record of the business.

4 XIV. Before being removed from the rotating list for disciplinary reasons, a tow business or  
5 employee shall be served with a written notice of intent describing the reasons, and notified that it  
6 may request a hearing before the department of safety bureau of hearings prior to any such removal.  
7 A tow business that is removed from the list may contest the result of the hearing in superior court.  
8 Nothing in this subdivision shall be construed to confer any vested property rights upon a tow  
9 business or employee to remain on the state police rotating tow list.

10 XV. Tow vehicle owners, operators, and employees shall not be abusive, disrespectful, or use  
11 profane language when dealing with the public or officials and shall cooperate with the members of  
12 the state police.

13 XVI. Tow businesses shall employ only drivers who demonstrate an ability to perform  
14 required services in a safe, timely, courteous and civil manner and who satisfy all applicable state  
15 and federal laws and regulations.

16 XVII. The tow business shall tow disabled vehicles to any destination requested by the  
17 vehicle owner or person in charge of the vehicle after financial obligations have been finalized to the  
18 satisfaction of the tow business providing the service. The tow business may hold the vehicle for  
19 payment of services at the business location if not satisfied with payment on site.

20 XVIII. Access to the storage facility or yard by insurance inspectors, appraisers, attorneys  
21 and their assistants and private investigators shall be at their own risk and the tow business shall  
22 not be responsible for any injury sustained. A vehicle owner or the owner's authorized agent, upon  
23 presentation of suitable identification, may enter the yard at their own risk under supervision by the  
24 tow business to remove personal items or belongings.

25 XIX. A wrecker operator on the rotation list shall not offer towing services to the owner or  
26 operator of a vehicle currently under the supervision of state police unless dispatched by the rotation  
27 list or specifically hailed for service by the trooper or other law enforcement officer under emergency  
28 circumstances. Any activity done or designed for the purpose of circumventing the list shall be cause  
29 for the division to remove the business from the rotating list permanently or for a specific time  
30 determined by the division.

31 XX. Tow service vehicles shall not be driven at an unsafe or unreasonable speed, commit  
32 other moving motor vehicle violations or drive recklessly on the way to or from a towing service call,  
33 and may be removed from the list for such behavior.

34 XXI. State police shall not show any favoritism or circumvent the tow list to favor one or  
35 more businesses and shall be subject to divisional discipline for doing so.

36 106-B:32 Recordkeeping; Mandatory Records.

1 I. Each operator or business on the rotating list shall maintain a record system covering all  
2 services performed in roadside service, pulling, towing, or transporting vehicles in response to calls  
3 from the state police, which shall include the following information:

4 (a) The date and time of day the business was contacted and requested to the scene and  
5 the times of arrival and departure from the scene.

6 (b) The name of the person requesting the service.

7 (c) The location of the vehicle or incident.

8 (d) A description of the vehicle including license plate and vehicle identification number.

9 (e) The name and address of the owner or lessee of the vehicle, if known.

10 (f) The name and address, date of birth, driver license number, and licensing state or  
11 province of the driver of the vehicle, if known.

12 (g) The service or towing charge and other related fees.

13 II. All such records shall be available for inspection and copying by state troopers or agents  
14 of the department of safety during normal business hours at the place of business of the wrecker  
15 business, and shall be maintained for the current calendar year and the year immediately prior to  
16 the current calendar year.

17 106-B:33 Confiscated Vehicles; Impoundment. A state trooper may impound or confiscate a  
18 vehicle towed by a tow business that is on the rotation list in furtherance of law enforcement duties,  
19 such as when the vehicle is reported stolen or involved in a crime, is unsafe to be driven, or is to be  
20 processed for possible forensic evidence of a crime. In such events:

21 I. The vehicle may be towed to a location specified by the processing officer to facilitate  
22 evidence preservation, collection, or processing, otherwise it shall be securely stored on the premises  
23 of the towing service.

24 II. The towing and storage of the vehicle shall be at the expense of the state police. The  
25 wrecker business shall not release the vehicle to anyone unless and until authorized to do so by the  
26 trooper who arranged for the hold or a state police officer superior in rank to that trooper, or on an  
27 order by the court.

28 III. The tow business shall not allow anyone except a member of the law enforcement agency  
29 having jurisdiction or someone having written permission from the state police to enter, inspect, or  
30 touch the vehicle or any parts from the vehicle.

31 IV. When the vehicle is released, the tow business shall require that the person to whom the  
32 vehicle is released display a valid photo driver license or other official government photo  
33 identification, and the tow business shall keep a photocopy of such card or document.

34 106-B:34 Compliance Action; Disciplinary Enforcement. Participation in the state police tow list  
35 is a privilege, not a right. The director of state police is charged with the responsibility of ensuring  
36 that the towing, storage, roadside emergency service, and recovery of vehicles at the direction or  
37 request of the division of state police is accomplished consistent with state law and administrative

1 rules and in a manner that maintains the confidence and respect of the motoring public. To  
2 accomplish this, the director may take appropriate action to uphold the integrity and efficiency of the  
3 tow list and the duties and responsibilities of businesses participating in the list and their owners,  
4 managers, and employees. The director may take appropriate action including removal of a tow  
5 business or a tow business employee from participating in the tow list, and which may include upon  
6 satisfactory evidence of violations or deliberate noncompliance, a verbal or written warning,  
7 suspending the business or employee or both from the list for a period of one to 120 days, or removal  
8 from the list and ineligibility for restoration for up to 2 years, depending on the seriousness of the  
9 offense, any prior history of violations, and any resulting harm. Causes for such action shall include  
10 violations of the equipment and other requirements set forth in RSA 106-B:28, and the provisions of  
11 RSA 106-B:29 through 106-B:33. Disciplinary actions may be appealed to the department of safety  
12 bureau of hearings and to the superior court as provided in RSA 106-B:31, XIV.

13 3 Effective Date. Part II of this act shall take effect 60 days after its passage.

14 PART III

15 Relative to the municipal winter maintenance certification program.

16 1 Salt Applicator Certification; Definitions. New Paragraph; Municipal Winter Maintenance  
17 Certification Program. Amend RSA 489-C to 489-C:1 by inserting after paragraph IV the following  
18 new paragraph:

19 IV-a "Municipal winter maintenance certification program" means a program implemented  
20 by a governmental unit as defined in RSA 507-B:1, I to maintain public roads, parking areas, and  
21 walkways in the winter months to be safe for public passage.

22 2 Commercial Applicators; Certification Option.. Amend RSA 489-C:2 to read as follows:

23 489-C:2 **Commercial Applicator** Certification Option.

24 **I.** Commercial applicators may elect to be [annually] certified by the department. Applicator  
25 certificates shall be issued by the department **and may be renewed annually.**

26 **II.** Any business that employs multiple commercial applicators may obtain a master  
27 certificate for the owner or chief supervisor, and commercial applicators employed by the business  
28 may obtain [certificates] **either an individual certificate or a subordinate certificate** to qualify  
29 under the master certificate. Any business holding a master certificate shall ensure that all  
30 commercial applicators operating **with a subordinate certificate** under its master certificate  
31 receive the required training and shall provide the required record keeping on behalf of all  
32 commercial applicators **working under the master certificate.**

33 **III.** **The department shall charge an annual fee for master, individual, and**  
34 **subordinate certificates.** Annual fees for [certificates] **a subordinate certificate** obtained under  
35 a master certificate shall be significantly less than the fees for a master certificate. **Annual fees for**  
36 **individual certificates shall be higher than the fee for a subordinate certificate but less**  
37 **than the fee for a master certificate.**



1           3 New Section; Municipal Winter Maintenance Certification Program Option. Amend RSA 489-  
2 C by inserting after section 2 the following new section:

3           489-C:2-a Municipal Winter Maintenance Certification Program Option.

4           I. Any governmental unit that has a municipal winter maintenance program may elect to  
5 have the program certified by the department. Municipal winter maintenance certification program  
6 certificates shall be issued by the department and may be renewed annually.

7           II. Any governmental unit holding a municipal winter maintenance program certificate shall  
8 ensure that each applicator operating under its certificate receives the required training approved by  
9 the department and shall provide record keeping on behalf of all applicators working under the  
10 municipal winter maintenance certificate. A governmental unit may meet the training requirement  
11 by requiring its employees to obtain commercial applicator individual certificates.

12           III. The department may create more than one class of certificate to recognize different  
13 complexity levels of municipal winter maintenance programs. If such classes are created, the  
14 department shall, through rules adopted pursuant to RSA 541-A, identify the criteria, required  
15 record keeping, and other requirements as may apply to each level.

16           IV. The department shall charge an annual fee for a municipal winter maintenance program  
17 certificate.

18           4 Salt Applicator Certification; Rulemaking. Amend RSA 489-C:3, V to read as follows:

19           V. Recordkeeping [~~required for commercial applicators to maintain certification~~] **and**  
20 **reporting requirements for certificate holders.**

21           5 New Paragraph; Salt Applicator Licenses; Rulemaking. Amend RSA 489-C:3 by inserting  
22 after paragraph VI the following new paragraph:

23           VII. Procedures for governmental units to obtain certification for their municipal winter  
24 maintenance programs.

25           6 Snow, Ice, and Other Weather Hazards. Amend RSA 507-B:2-b to read as follows:

26           507-B:2-b Snow, Ice, and Other Weather Hazards. Notwithstanding RSA 507-B:2, a  
27 governmental unit shall not be liable for damage arising from insufficiencies or hazards on any  
28 premises owned, occupied, maintained, or operated by it, even if it has actual notice of them, when  
29 such hazards are caused solely by snow, ice, or other inclement weather, and the governmental  
30 unit's failure or delay in removing or mitigating such hazards is the result of its implementation,  
31 absent gross negligence or reckless disregard of the hazard, of a winter or inclement weather  
32 maintenance policy or set of priorities with respect to such premises, adopted in good faith by the  
33 official responsible for such policy. All governmental units, officials, and agents shall be presumed to  
34 be acting pursuant to such a policy or set of priorities in the absence of proof to the contrary.  
35 ***Municipal winter maintenance programs certified under RSA 489-C:2-a shall be presumed***  
36 ***to meet the standards herein for all public roads, parking areas, and walkways in the***  
37 ***absence of proof to the contrary.***

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1 7 Liability Limited for Winter Maintenance. Amend RSA 508:22 to read as follows:

2 508:22 Liability Limited for Winter Maintenance.

3 I. No commercial applicator as defined in RSA 489-C:1, II and certified under RSA 489-C:2,  
4 **or his or her employer or principal**, or **an** owner, occupant, or lessee of land whose premises is  
5 maintained by a commercial applicator certified under RSA 489-C:2, **whether by contract with the**  
6 **commercial applicator or his or employer or principal**, shall be liable for damages arising from  
7 insufficiencies or hazards on any premises owned, occupied, maintained, or operated by them, even  
8 with actual notice thereof, when such hazards are caused solely by snow or ice, and the ~~commercial~~  
9 ~~applicator's, owner's, occupant's, or lessee's~~ failure or delay in removing or mitigating such hazards  
10 is the result of ~~its~~ **the** implementation, absent gross negligence or reckless disregard of the hazard,  
11 of best management practices for winter road, parking lot, and sidewalk maintenance adopted and  
12 published by the department of transportation and the department of environmental services. All  
13 commercial applicators, owners, occupants, or lessees who adopt such best management practices  
14 shall be presumed to be acting pursuant to the best management practices in the absence of proof to  
15 the contrary.

16 II. In order to receive the liability protection provided in paragraph I, a commercial  
17 applicator as defined in RSA 489-C:1, II, or an owner, occupant, or lessee of land shall keep a written  
18 record describing its winter road, parking lot and property maintenance practices. The written  
19 record shall include the type ~~and rate of application~~ of de-icing materials used, **the rate or**  
20 **quantity of deicing materials used**, the dates of treatment, and the weather conditions for each  
21 event requiring de-icing. Such records shall be kept for a period of 3 years.

22 8 Effective Date. Part III of this act shall take effect July 1, 2021.

23 PART IV

24 Relative to implementing a mandatory OHRV and snowmobile safety certificate program.

25 1 Off Highway Recreational Vehicles; Snowmobile or OHRV Training Program. RSA 215-A:32-a  
26 is repealed and reenacted to read as follows:

27 215-A:32-a Snowmobile or OHRV Training Program; Statistics.

28 I. No person shall operate an OHRV on land not owned or leased by such person or such  
29 person's parent, grandparent, or guardian unless such person carries a valid temporary or  
30 permanent certificate evidencing completion of an approved snowmobile or OHRV training program  
31 as required by this section. Any person may voluntarily complete program requirements and obtain  
32 the certificate earlier than required in this section. The temporary certificate requirement shall take  
33 effect January 1, 2023. The lifetime permanent certificate requirement shall be implemented for all  
34 operators on the following schedule:

35 Operator Date of Birth:	Certificate Required:
36 January 1, 1998	January 1, 2023
37 January 1, 1988	January 1, 2024

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1	January 1, 1978	January 1, 2025
2	January 1, 1968	January 1, 2026
3	January 1, 1958	January 1, 2027
4	All	January 1, 2028

5           II. The executive director shall administer the snowmobile or OHRV training program in  
6 accordance with rules adopted pursuant to RSA 541-A which shall be consistent with the following:

7           (a) A program guideline that covers the inherent risks of operation on and off the trails,  
8 recommendations for personal protective equipment, basic theory of equipment parts, maintenance,  
9 and repairs, skills and measures available to reduce or eliminate such risks, and rules of operation  
10 at highway crossings and along approved highways in accordance with statutory rules of the road.

11           (b) Minimum requirements for courses, whether offered by live instructors or by  
12 electronic or other means, that will result in the issuance of either a temporary safety education  
13 certificate or a lifetime safety education certificate.

14           (c) Minimum qualification and other requirements for an instructor to be approved to  
15 offer any live course in the program.

16           (d) Provision for administration of an examination to a registrant at the conclusion of  
17 each course that demonstrates competency in the materials presented in the program guideline.

18           (e) Issuance by the department or its agents of a temporary safety education certificate  
19 to a person 16 years of age or older who passes an approved examination administered by the  
20 department or its agents, which shall be valid for a period of up to 10 days after the effective date  
21 noted on the certificate and allow operation by nonresidents in accordance with RSA 215-A:23, V-b,  
22 and equipment registered to a New Hampshire licensed dealer or rental operation. No person shall  
23 receive more than one such certificate in any calendar year.

24           (f) Issuance of a lifetime safety education certificate by the department to a person 12  
25 years of age or older who passes an approved examination administered by the department or its  
26 agents which shall be valid for the lifetime of the person, provided that actual operation of an OHRV  
27 by such person under the age of 25 shall be restricted as otherwise provided in this chapter.

28           (g) Provision for the enforcement of the requirements of this program upon any operator  
29 who has been involved in an accident, or who has been cited, charged with, or warned for a violation  
30 of any other provision of this chapter, or any other offense under the laws of this state.

31           (h) Provision for imposition of a uniform schedule of administrative or court based fines  
32 for violation of this program.

33           (i) Provision for the suspension or revocation of a lifetime safety education certificate  
34 issued to a person for cause, following notice and opportunity for a hearing in accordance with RSA  
35 541-A, including for conviction by a court in this or any other state of an OHRV offense.

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1 (j) Provision for the suspension or revocation of any license or permit that would allow  
2 an agent of the department to issue a temporary or lifetime safety education certificate for cause,  
3 following notice and opportunity for a hearing, in accordance with RSA 541-A.

4 (k) A schedule of fees to be charged for the following services:

5 (1) Administration of an approved safety education course and competency  
6 examination, whether provided in person or by electronic means.

7 (2) Issuance of a temporary safety education certificate, which may be in paper or  
8 electronic format.

9 (3) Issuance of a lifetime safety education certificate, which shall be in a durable  
10 written format, suitable to be carried upon the person.

11 (4) Replacement of a lost or destroyed lifetime safety education certificate upon  
12 written request of the person entitled to the same.

13 (5) Reissuance of a lifetime safety education certificate if reinstated after a period of  
14 suspension or revocation for cause.

15 III. The executive director shall report annually to the registrar of vital records pursuant to  
16 RSA 5-C:2 on any deaths or injuries occurring in the state related to OHRV operation.

17 2 Snowmobiles; Snowmobile or OHRV Training Program. RSA 215-C:53 is repealed and  
18 reenacted to read as follows:

19 215-C:53 Snowmobile or OHRV Training Program; Statistics.

20 I. No person shall operate a snowmobile on land not owned or leased by such person or such  
21 person's parent, grandparent, or guardian unless such person carries a valid temporary or  
22 permanent certificate evidencing completion of an approved snowmobile or OHRV training program  
23 as required by this section. Any person may voluntarily complete program requirements and obtain  
24 the certificate earlier than required in this section. The temporary certificate requirement shall take  
25 effect January 1, 2023. The lifetime permanent certificate requirement shall be implemented for all  
26 operators on the following schedule:

Operator Date of Birth:	Certificate Required:
27 January 1, 1998	January 1, 2023
28 January 1, 1988	January 1, 2024
29 January 1, 1978	January 1, 2025
30 January 1, 1968	January 1, 2026
31 January 1, 1958	January 1, 2027
32 All	January 1, 2028

33  
34 II. The executive director shall administer the snowmobile or OHRV training program in  
35 accordance with rules adopted pursuant to RSA 541-A which shall be consistent with the following:

36 (a) A program guideline that covers the inherent risks of operation on and off the trails,  
37 recommendations for personal protective equipment, basic theory of equipment parts, maintenance,

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1 and repairs, skills and measures available to reduce or eliminate such risks, and rules of operation  
2 at highway crossings and along approved highways in accordance with statutory rules of the road.

3 (b) Minimum requirements for courses, whether offered by live instructors or by  
4 electronic or other means, that will result in the issuance of either a temporary safety education  
5 certificate or a lifetime safety education certificate.

6 (c) Minimum qualification and other requirements for an instructor to be approved to  
7 offer any live course in the program.

8 (d) Provision for administration of an examination to a registrant at the conclusion of  
9 each course that demonstrates competency in the materials presented in the program guideline.

10 (e) Issuance by the department or its agents of a temporary safety education certificate  
11 to a person 16 years of age or older who passes an approved examination administered by the  
12 department or its agents, which shall be valid for a period of up to 10 days after the effective date  
13 noted on the certificate and allow operation by nonresidents in accordance with RSA 215-A:23, V-b,  
14 and equipment registered to a New Hampshire licensed dealer or rental operation. No person shall  
15 receive more than one such certificate in any calendar year.

16 (f) Issuance of a lifetime safety education certificate by the department to a person 12  
17 years of age or older who passes an approved examination administered by the department or its  
18 agents which shall be valid for the lifetime of the person, provided that actual operation of a  
19 snowmobile by such person under the age of 25 shall be restricted as otherwise provided in this  
20 chapter.

21 (g) Provision for the enforcement of the requirements of this program upon any operator  
22 who has been involved in an accident, or who has been cited, charged with, or warned for a violation  
23 of any other provision of this chapter, or any other offense under the laws of this state.

24 (h) Provision for imposition of a uniform schedule of administrative or court based fines  
25 for violation of this program.

26 (i) Provision for the suspension or revocation of a lifetime safety education certificate  
27 issued to a person for cause, following notice and opportunity for a hearing in accordance with RSA  
28 541-A, including for conviction by a court in this or any other state of a snowmobile offense.

29 (j) Provision for the suspension or revocation of any license or permit that would allow  
30 an agent of the department to issue a temporary or lifetime safety education certificate for cause,  
31 following notice and opportunity for a hearing, in accordance with RSA 541-A.

32 (k) A schedule of fees to be charged for the following services:

33 (1) Administration of an approved safety education course and competency  
34 examination, whether provided in person or by electronic means.

35 (2) Issuance of a temporary safety education certificate, which may be in paper or  
36 electronic format.

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1 (3) Issuance of a lifetime safety education certificate, which shall be in a durable  
2 written format, suitable to be carried upon the person.

3 (4) Replacement of a lost or destroyed lifetime safety education certificate upon  
4 written request of the person entitled to the same.

5 (5) Reissuance of a lifetime safety education certificate if reinstated after a period of  
6 suspension or revocation for cause.

7 III. The executive director shall report annually to the registrar of vital records pursuant to  
8 RSA 5-C:2 on any deaths or injuries occurring in the state related to the operation of snowmobiles.

9 3 Effective Date. Part IV of this act shall take effect 60 days after its passage.

10 PART V

11 Relative to eligibility for the issuance of a nondriver's picture identification card.

12 1 Identification Cards; Eligibility. Amend RSA 260:21, I to read as follows:

13 I. The department shall upon application issue a nondriver's picture identification card to  
14 any resident who:

15 (a) Is 12 years of age or older and does not possess a driver's license, *or*

16 (b) Is disabled and does not possess a driver's license~~[-or~~

17 ~~(c) Is 65 years of age or older, whether or not said resident possesses a driver's license].~~

18 2 Identification Cards; Design and Validity. Amend RSA 260:21, III and IV to read as follows:

19 III. The identification card shall bear the name, address, date of birth, blood type (optional),  
20 gender indicated as "M" for "male," "F" for "female," or "X" for "other," veteran's status for the  
21 purposes of identification for receiving benefits and services under New Hampshire law (optional),  
22 **and the** picture and signature of the applicant~~[-and in the case of a card issued pursuant to RSA~~  
23 ~~260:21, I(c), said card shall bear the notation "Golden Granite State Discount Card."].~~ The  
24 identification card shall bear an approved security marking indicating that it was not issued in  
25 compliance with Public Law 109-13 and is therefore not acceptable for federal identification  
26 purposes.

27 IV. The identification card shall be valid for 5 years from the date of issuance; provided,  
28 however, that ~~[a card issued pursuant to RSA 260:21, I(c) shall be valid for as long as the holder is a~~  
29 ~~resident of the state and]~~ a card issued pursuant to RSA 260:21, XI shall be valid for 2 years from  
30 the date of issuance. If the director has adopted rules under RSA 263:10, II with respect to on-line  
31 renewal of licenses, the director shall provide the same on-line option for identification cards,  
32 provided that the applicant is eligible for identification card renewal and has a computerized image  
33 on file with the division. An identification card may be renewed on-line only once in every other  
34 license renewal cycle and the next cycle shall require appearance in person at a licensing facility.

35 3 Administration of Motor Vehicle Laws; Disposition of Fees; Reimbursement to the Highway  
36 Fund. Amend RSA 260:22 to read as follows:

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1 260:22 Disposition of Fees; Reimbursement to the Highway Fund. The necessary expenses  
2 incurred under RSA 260:21 shall be a charge against the operating budget of the department of  
3 safety, division of motor vehicles, motor vehicle and driver safety, driver licensing. Pursuant to RSA  
4 260:21, 50 percent of all fees collected shall be credited to the department to reimburse operating  
5 expenditures and are hereby appropriated for that purpose. Fifty percent of all fees collected shall  
6 be credited as unrestricted revenue to the highway fund[~~;- provided, however, that 50 percent of all~~  
7 ~~fees collected for cards issued pursuant to RSA 260:21, I(e) shall be credited to the state committee~~  
8 ~~on aging pursuant to RSA 161 F:29]. Upon prior approval of governor and council, transfers may be~~  
9 made from nondriver's picture identification card unrestricted revenue for other related  
10 expenditures, but in no event shall the cumulative annual transfers exceed 50 percent of all fees  
11 collected.

12 4 Effective Date. Part V of this act shall take effect 60 days after its passage.

13 PART VI

14 Relative to the operation of bicycles at or approaching intersections.

15 1 New Paragraph; Rules of the Road; Riding on Bicycles. Amend RSA 265:144 by inserting after  
16 paragraph XII the following new paragraph:

17 XIII. A person operating a bicycle, human-powered vehicle, or an electric-assisted bicycle  
18 approaching a stop sign shall slow down and, if required for safety, stop before entering the  
19 intersection. After slowing to a reasonable speed or stopping, the person shall yield the right-of-way  
20 to any vehicle in the intersection or approaching on another highway so closely as to constitute an  
21 immediate hazard during the time the person is moving across or within the intersection or junction  
22 of highways, except that a person, after slowing to a reasonable speed and yielding the right-of-way,  
23 if required, may cautiously make a turn or proceed through the intersection without stopping.

24 XIV. A person operating a bicycle or human-powered vehicle approaching a steady red  
25 traffic control light shall stop before entering the intersection and shall yield to all other traffic.  
26 Once the person has yielded, he or she may proceed through the steady red light with caution;  
27 provided however, that a person, after slowing to a reasonable speed and yielding the right-of-way, if  
28 required, may cautiously make a right-hand turn. A left-hand turn onto a one-way highway may be  
29 made on a red light after stopping and yielding to other traffic.

30 2 Effective Date. Part VI of this act shall take effect 60 days after its passage.

31 PART VII

32 Relative to certificate of boating safety.

33 1 Safe Boater Education; Certificate Required. Amend RSA 270-D:10, I to read as follows:

34 I. No person [~~born on or after the dates provided in this section]~~ shall operate a motorized  
35 vessel with any type of power motor in excess of 25 horsepower on the public waters of this state  
36 without first obtaining a certificate of boating safety education in accordance with this subdivision[=

37 ~~Date of Birth: \_\_\_\_\_ Certificate Required:~~

1 ~~January 1, 1983~~ ~~January 1, 2002~~  
2 ~~January 1, 1977~~ ~~January 1, 2003~~  
3 ~~January 1, 1973~~ ~~January 1, 2004~~  
4 ~~January 1, 1967~~ ~~January 1, 2005~~  
5 ~~January 1, 1963~~ ~~January 1, 2006~~  
6 ~~January 1, 1957~~ ~~January 1, 2007~~  
7 ~~All~~ ~~January 1, 2008~~].

8 2 Effective Date. Part VII of this act shall take effect upon its passage.

9 PART VIII

10 Relative to allowing emergency medical services chiefs and fire chiefs  
11 to issue decals for multi-use decal plates.

12 1 New Paragraph; Multi-Use Decal Plates; Authorized Organizations. Amend RSA 261-B:9 by  
13 inserting after paragraph XV the following new paragraph:

14 XVI. Emergency medical services chiefs and fire chiefs, provided that such decals are issued  
15 solely to emergency medical services personnel and retired emergency medical services personnel.

16 2 Effective Date. Part VIII of this act shall take effect 60 days after its passage.

17 PART IX

18 Relative to private roads.

19 1 New Section; Qualified Private Communities. Amend RSA 231 by inserting after section 80-a  
20 the following new section:

21 231:80-b Qualified Private Communities.

22 I. In this section, "qualified private community" means a residential condominium,  
23 cooperative, fee simple community, or horizontal property regime, the residents of which do not  
24 receive any tax abatement or tax exemption related to its construction, comprised of a community  
25 trust or other trust device, condominium association, homeowners' association, or council of co-  
26 owners, wherein the cost of maintaining roads, streets, water and sewer infrastructure and  
27 providing essential services is paid for by a not-for-profit entity consisting exclusively of unit owners  
28 within the community. No apartment building or garden apartment complex owned by an individual  
29 or entity that receives monthly rental payments from tenants who occupy the premises shall be  
30 considered a qualified private community. No "proprietary campground facility" shall be considered  
31 to be a qualified private community.

32 II. The governing body of every municipality shall reimburse a qualified private community  
33 pursuant to RSA 72:87 for the following services or provide the following services within a qualified  
34 private community in the same fashion as the municipality provides these services on public roads  
35 and streets:

36 (a) Removal of snow, ice, and other obstructions from the roads and streets.



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1           (b) Lighting of the roads and streets, to the extent of payment for the electricity  
2 required, but not including the installation or maintenance of lamps, standards, wiring, or other  
3 equipment; and

4           (c) Collection of leaves and recyclable materials along the roads and streets and the  
5 collection or disposal of solid waste along the roads and streets.

6           (d) Repairs and replacement of roads and streets.

7           (e) For qualified private communities connected to municipal water or sewer services,  
8 repairs, maintenance and replacement of water and sewer infrastructure within the qualified private  
9 communities.

10           III. Nothing in this section shall require a municipality to operate any municipally owned or  
11 leased vehicles or other equipment, or to provide any of the services enumerated in subsection (a) of  
12 this section, upon, along or in relation to any road or street in a qualified private community which  
13 either is not accepted for dedication to public use or does not meet all municipal standards and  
14 specifications, except for width, grade, and sidewalks.

15           2 Repair of Highway by Town; Expenditure. Amend RSA 231:59 to read as follows:

16           231:59 Expenditure. The money so raised and collected shall be expended in repairing class IV  
17 and class V highways, and class VI highways and private ways pursuant to RSA 231:80-b by the  
18 agents elected or appointed for the purpose, under the direction of the selectmen.

19           3 New Section; Qualified Private Community; Tax Credit. Amend RSA 72 by inserting after  
20 section 86 the following new section:

21           72:87 Qualified Private Community. A municipality shall grant a tax credit to any person that  
22 owns property in a qualified private community, as defined in RSA 231:80-b, equal to the sum of the  
23 amounts paid by said owner for private contracting of services provided by such municipality to  
24 publicly maintained ways, including Class IV and Class V Highways.

25           4 Effective Date. Part IX of this act shall take effect April 1, 2022.

**SB 131-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT adopting omnibus legislation relative to vehicles, municipal water maintenance certificates, safety certificates, nondrivers's picture I.D.s, decals, and private roads.

**PART I: Relative to electric vehicle supply equipment and infrastructure and relative to state motor vehicle fleet management**

**FISCAL IMPACT:**     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education NH Volkswagen Trust Mitigation Fund		<input checked="" type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other-

**LOCAL:**

<b>Revenue</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable

The Public Utilities Commission was contacted for a fiscal note worksheet on January 8, 2021 and January 12, 2021, which the Commission has not supplied as of February 2, 2021.

**METHODOLOGY:**

This section requires state agencies and departments and the New Hampshire Transportation Council (RSA 238-A:2) to utilize the recommendations of the Electric Vehicle Charging Stations Infrastructure Commission. This section also does the following:

- Requires the Office of Strategic Initiatives to allocate a portion of the New Hampshire Volkswagen Trust for a non-proprietary Level 2 Electric Vehicle Supply Equipment (EVSE) rebate program for municipalities for publicly accessible chargers, to be administered by a non-governmental entity.
- Regulated utilities may include EVSE make-ready programs to fund upgrades necessary to support the installation of EVSE in the systems benefits charge or other mechanisms.

- Requires all publicly funded chargers, including those funded by the New Hampshire Volkswagen Trust Settlement or by federal or other competitively awarded funds installed after January 1, 2022 to be equipped for universal access.
- Allows municipalities with populations greater than 50,000 to expand the use motor vehicle permit fees collected pursuant to RSA 261:154 to fund the construction, operation and maintenance of EVSE.
- Establishes a \$20 registration fee on all electric and hybrid vehicles to fund the construction of EVSE on state highways and turnpikes.
- Authorizes municipalities to provide property tax relief under RSA 79-E on the value of EVSE installed in residential homes and rental properties, businesses, and industries.
- Amends the definitions of the terms "light duty truck", "passenger vehicle" and "motor vehicle" as applied to the state's motor vehicle fleet.
- Requires the Department of Administrative Services to establish procedures to convert the state's vehicle fleet of light duty trucks and passenger vehicles to (Zero Emission Vehicles) ZEVs by 2042. Requires that by 2026, all new leases or purchases of light duty trucks or passenger vehicles shall be ZEVs and by 2032 any new leases or purchase of trucks and other vehicles in excess for 10,000 pounds in weight shall be ZEVs. Transition plans shall be developed by all state agencies and departments for submission to the Office of Strategic Initiatives by June 30, 2022 and revised and submitted every 2 years thereafter until all of the state's motor vehicles are ZEVs.
- Establishes electric vehicle charging station rate design standards.

The Department of Environmental Services (DES) states the recommendations of the Electric Vehicle Charging Stations Infrastructure Commission include actions relating to the development of electric vehicle supply equipment (EVSE); the use of the Volkswagen settlement's New Hampshire Volkswagen Beneficiary Mitigation Trust (NH VW Trust) for such development; the sale of electric vehicles (EVs) in New Hampshire; the adoption of EVs by state agencies; participation in regional programs aimed at increasing adoption of EVs; investment by regulated utilities to support EVSE installations; adoption of building codes to encourage EVSE installation; and other measures will result in some level of unknown expense for state agencies.

DES states the rebate program using the NH VW Trust funds could utilize up to 15% of the project cost for administrative expense with no expected impact on general funds. The Trust Fund has a maximum allowable funding for support of EVSE but the impact on this fund from this provision is indeterminable..

DES projects the additional \$20 registration fee on 4,713 electric vehicles (EVs) including plug-in hybrids, registered in New Hampshire as of January 1, 2021, would yield approximately \$94,260 in additional revenue. The number of EVs is expected to increase over time.

DES also notes the cost to transition the state vehicle fleet to ZEVs over time is required to be performed "to the extent feasible, practicable and cost effective."

The Office of Strategic Initiatives states the recommendations of the Electric Vehicle Charging Station Infrastructure Commission includes actions relating to the development of EVSE and the use of the NH VW Trust funds for such development. The NH VW Trust may only be spent as allowed by the terms of the Trust and would have no impact on general funds. The impact to the Trust is indeterminable.

The Department of Justice provides some assistance to the Office of Strategic Initiatives in its administration of the NH VW Trust but DOJ states there may only be a slight increase in necessary assistance resulting from this section. Since any such assistance would be negligible and would be accomplished within the current budget, there is no fiscal impact on the Department.

The Department of Administrative Services assumes the requirement to convert the state fleet to ZEVs does not apply to heavy construction equipment, ATVs, snowmobiles, boats or other equipment not used primarily on roads and highways. The department also assumes most new ZEVs will be electric vehicles. Capital expenditures would increase beginning in FY 2023 with new EV sites and the first agency EV purchases and leases would begin in FY 2024. The department expects incremental costs to replace existing vehicles, EV charging site development costs and maintenance and training costs for state agency personnel. More frequent upgrades of vehicles and equipment are also anticipated. The department estimates it will cost the state \$46.3 million to replace the entire state fleet with ZEVs. The department estimates charging site development and infrastructure at 50 locations would cost between \$4.5 million-\$14.5 million for Level 2 Public Advanced Technology Chargers and between \$6.9 million-\$20.5 million for Level 3 DC Fast Chargers.

The Department of Safety states the current vehicle counts for electric (3,102) and plug-in electric vehicles (543) at \$20 per vehicle would yield \$72,900 per year or \$36,450 for FY 2022 with an effective date of January 1, 2022. The Department estimates a state expenditure of \$540,000 in FY 2022 for the programming of the vehicle registration system (MAAP) and reprogramming of the VIN decoder. State highway expenditures would increase beginning in FY

2023 pursuant to RSA 235:23 which requires 12% of the gross road toll revenue and motor vehicle fees collected in the prior year to be distributed as local highway aid.

The Department of Transportation indicates the construction of ESVE on state highways and turnpikes, long term operation and maintenance, including power, communications, lights and paving and winter maintenance will require a significant unknown expense. Utility make ready charges and extension of power to such facilities may exceed construction costs. The requirement to purchase and lease the lowest emission vehicles available as practicable will still require the Department to perform additional analyses to determine which vehicles are appropriate and may affect field usage of such vehicles with limited charging options. Changing the definitions of light duty trucks and passenger vehicles for the DOT fleet may impact employee efficiency and vehicle performance if the transportation of staff, materials, tools and equipment is compromised for the work task or for long distance travel. The department would require the use of outside consultants to develop and maintain a plan for transition of its vehicle fleet to entirely ZEVs. The total cumulative fiscal impact of these provisions is indeterminable but is expected to be in the tens of millions of dollars.

The New Hampshire Municipal Association states the rebate program may provide additional revenue to municipalities to offset the cost of publicly accessible chargers but the purchase of this equipment is voluntary and therefore the amount of such revenue is indeterminable. The use of fees under RSA 261:154 would allow municipalities to utilize these existing fees for this purpose but it does not affect municipal revenues or expenditures. The provision for tax relief pursuant to RSA 79-E for EVSE on private property is also voluntary and would not change revenues or expenditures, but would shift the tax burden among taxpayers.

**AGENCIES CONTACTED:**

Departments of Environmental Services, Administrative Services, Safety, Transportation, and Justice, Office of Strategic Initiatives, Public Utilities Commission, and New Hampshire Municipal Association

**PART II: Relative to removal of abandoned or disabled vehicles by towing.**

**FISCAL IMPACT:**     State         County         Local         None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0

<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General Turnpike Fund	<input type="checkbox"/> Education	<input checked="" type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other-

**METHODOLOGY:**

This section modifies procedures surrounding the removal of abandoned or disabled vehicles. Department of Safety states any impact to state expenditures is indeterminable relative to administering this bill, specifically regarding inspecting and approving wrecker or other motorist service assistance vehicles for a tow list. The Department cannot estimate the number of complaints that would be received and require investigation and processing. State police uniformed officers are currently challenged to provide rapid response to emergencies and thorough follow-up to calls. With existing current backlogs in clerical functions, it may also require additional full or part-time clerical personnel or overtime to maintain current operations.

**AGENCIES CONTACTED:**

Department of Safety

**PART III: Relative to the municipal winter maintenance certification program.**

**FISCAL IMPACT:**

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2021 through 2024.

**AGENCIES CONTACTED:**

Department of Environmental Services

**PART IV: Relative to implementing a mandatory OHRV and snowmobile safety certificate program certification program.**

The Fish and Game Department was contacted for a fiscal note worksheet on January 4, 2021, which the Department has not supplied as of February 2, 2021.

**PART V: Relative to eligibility for the issuance of a nondriver's picture identification card.**

**FISCAL IMPACT:**

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2021 through 2024.

**PART VI: Relative to the operation of bicycles at or approaching intersections.**

This part has no fiscal impact.

**PART VII: Relative to certificate of boating safety.**

This part has no fiscal impact.

**PART VIII: Relative to allowing emergency medical services chiefs and fire chiefs to issue decals for multi-use decal plates.**

**FISCAL IMPACT:**

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2021 through 2024.

**PART IX: Relative to private roads.**

**FISCAL IMPACT:**     State             County             Local             None

LOCAL:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This bill defines a "qualified private community" and requires a municipality to reimburse or provide such communities and property owners within such communities with services related to roads equivalent to what is provided for properties along public roads, including: removal of snow, ice, and other obstructions from the roads and streets; street lighting charges; collection of leaves and recyclable materials and collection or disposal of solid waste; and repairs, maintenance and replacement of water and sewer infrastructure within qualified private communities. Municipalities currently do not provide such services to private entities. To the extent that any municipality has such communities, there would be a significant but variable increase in expenditures to provide these services to this population. The increase in municipal expenditures is therefore indeterminable. There is no increase in municipal revenues.

The bill also requires municipalities to repair class VI roads, which is currently not done and will similarly require an indeterminable expense that varies by municipality.

**AGENCIES CONTACTED:**

New Hampshire Municipal Association



SB 131-FN - AS AMENDED BY THE SENATE

03/18/2021 0771s

2021 SESSION

21-0839

06/04

SENATE BILL

***131-FN***

AN ACT

adopting omnibus legislation relative to vehicles, municipal water maintenance certificates, nondriver's picture identification, and firefighter and emergency medical services decals.

SPONSORS:

Sen. Watters, Dist 4

COMMITTEE:

Transportation

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AMENDED ANALYSIS

This bill adopts legislation relative to:

I. Electric vehicle supply equipment and infrastructure and relative to state motor vehicle fleet management.

II. Removal of abandoned or disabled vehicles by towing.

III. The municipal winter maintenance certification program.

IV. Eligibility for the issuance of a nondriver's picture identification card.

V. Certificate of boating safety.

VI. Allowing emergency medical services chiefs and fire chiefs to issue decals for multi-use decal plates.

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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 Twenty One*

AN ACT adopting omnibus legislation relative to vehicles, municipal water maintenance certificates, nondriver's picture identification, and firefighter and emergency medical services decals.

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

1 1 Sponsorship. This act consists of the following proposed legislation:

2 Part I. LSR 21-0839, relative to electric vehicle supply equipment and infrastructure and  
3 relative to state motor vehicle fleet management, sponsored by Sen. Watters, Prime/Dist. 4; Sen.  
4 Prentiss, Dist. 5; Sen. Sherman, Dist. 24; Rep. P. Schmidt, Straf. 19; Rep. Sykes, Graf. 13.

5 Part II. LSR 21-0324, relative to removal of abandoned or disabled vehicles by towing,  
6 sponsored by Sen. Birdsell, Prime/Dist. 19.

7 Part III. LSR 21-0523, relative to the municipal winter maintenance certification program,  
8 sponsored by Sen. Morse, Prime/Dist. 22.

9 Part IV. LSR 21-0896, relative to eligibility for the issuance of a nondriver's picture  
10 identification card, sponsored by Sen. Watters, Prime/Dist. 4; Rep. Sykes, Graf. 13.

11 Part V. LSR 21-0325, relative to certificate of boating safety, sponsored by Sen. Birdsell,  
12 Prime/Dist. 19.

13 Part VI. LSR 21-1055, relative to allowing emergency medical services chiefs and fire chiefs  
14 to issue decals for multi-use decal plates, sponsored by Sen. Prentiss, Prime/Dist. 5; Sen. Watters,  
15 Dist. 4; Sen. Sherman, Dist. 24; Rep. Merchant, Sull. 4; Rep. Goley, Hills. 8; Rep. McGuire, Merr. 29.

16 2 Legislation Enacted. The general court hereby enacts the following legislation:

17

18

PART I

19

Relative to electric vehicle supply equipment and infrastructure and

20

relative to state motor vehicle fleet management.

21

1 Findings. The general court finds that:

22

I. Availability of electric vehicle supply equipment (EVSE) is critical to facilitating the  
23 development of the overall electric vehicle (EV) market in the region and will support our tourism-  
24 based economy. Adequate EVSE in New Hampshire, and in particular direct current fast chargers  
25 (DCFC) along major travel corridors in the state, is necessary to enable travel within and through  
26 the state, promote tourism, generate jobs, and support consumers, businesses, and automobile  
27 dealers and manufacturers. The state should commit to the development of zero emission vehicles  
28 (ZEV) technology and infrastructure, including the state, private and rental residence, business, and  
29 municipal installation of EVSE.

1 II. Electric utility investments in grid infrastructure to support the installation of EVSE  
2 lowers the barriers to such installation. Electric distribution companies (EDC) are uniquely  
3 positioned to enable strategic electrification as part of larger investments in grid modernization  
4 capabilities, specifically investments in electric vehicle charging infrastructure. EDC owned or  
5 funded behind the meter enabling infrastructure, also known as "make-ready" infrastructure, can  
6 accelerate charging infrastructure deployment, and it has the potential to put downward pressure on  
7 rates by spreading fixed costs over a greater volume of electric sales.

8 III. Initial investment from the Volkswagen Settlement and other potential sources should  
9 prioritize EVSE installation along the interstate highway system, the New Hampshire turnpike  
10 system, and other roadways, with careful consideration of the needs of rural areas and tourism  
11 centers, prioritized as determined by the office of strategic initiatives, the New Hampshire  
12 department of environmental services, and the New Hampshire department of transportation, in  
13 consultation with interested parties.

14 2 Vehicle Charging Station Requirements. Amend RSA 236:133, III to read as follows:

15 III. All publicly funded chargers, *including those funded by the Volkswagen Trust*  
16 *Settlement or by federal or other competitively awarded funds*, installed after the effective  
17 date of this paragraph that are accessible to the public shall be equipped to enable universal access.

18 3 New Section; Community Revitalization Tax Relief; Electric Vehicle Supply Equipment.  
19 Amend RSA 79-E by inserting after section 7-a the following new section:

20 79-E:7-b Public Benefit; Electric Vehicle Supply Equipment. Cities and towns may provide tax  
21 relief under this chapter on the value of electric vehicle supply equipment installed in residential  
22 homes and rental properties, businesses, and industries.

23 4 New Subdivision; Electric Vehicle Charging Station Rate Design Standards. Amend RSA 378  
24 by inserting after section 54 the following new subdivision:

25 Electric Vehicle Charging Station Rate Design Standards

26 378:55 Electric Vehicle Charging Station Rate Design Standards. In determining the schedule  
27 of rates, fares, charges, and prices applicable to electric vehicle supply equipment pursuant to RSA  
28 378:1, every public utility shall adhere to the following rate design standards:

29 I. Initial electric vehicle charging rate design shall reflect the marginal cost of providing  
30 electric vehicle charging services to the maximum extent practicable, provided that these rates will  
31 be updated and reconciled on a regular basis to ensure they reflect costs associated with customer  
32 usage patterns.

33 II. Declining block rates shall not be used for electric vehicle charging for separately  
34 metered electric vehicle supply equipment; provided that where declining block rates are already  
35 offered, such rates may be appropriate for customers that do not want to separately meter electric  
36 vehicle supply equipment.

37 III. Seasonal rates may be charged to account for the seasonality of winter and summer cost

1 drivers on the electric system. Such rate changes may occur coincident with other rate changes.

2 IV. Interruptible rates are not appropriate for electric vehicle charging.

3 V. Load management offerings may be an appropriate strategy for electric vehicle rate  
4 design, especially when offered in conjunction with electric vehicle time of use rate offerings.

5 VI. Demand charges may be appropriate rate design for high demand draw electric vehicle  
6 supply equipment, but not for residential charging applications.

7 VII. Time of use rates are appropriate for electric vehicle charging, provided that utilities  
8 propose a separately metered electric vehicle time of use rate.

9 VIII. Any separately metered residential electric vehicle charging rate shall:

10 (a) Be based directly on cost causation.

11 (b) Incorporate time varying energy supply, transmission, and distribution components.

12 (c) Have off-peak, mid-peak, and peak periods.

13 (d) Be seasonably differentiated.

14 (e) Have an average price differential between off-peak and peak of no less than 3:1 for  
15 the entire year.

16 (f) Have a peak period no longer than 5 hours.

17 IX. Each utility seeking approval of an electric vehicle time of use rate shall provide a  
18 quantification of costs, including but not limited to billing, metering, and marketing costs.

19 5 Effective Date. Part I of this act shall take effect upon passage.

20  
21 PART II

22 Relative to removal of abandoned or disabled vehicles by towing.

23 1 New Section; Abandoned Vehicles; Use of Tow List Required. Amend RSA 262 by inserting  
24 after section 31 the following new section:

25 262:31-a Use of Tow List Required. In the event the state police in the interest of public safety  
26 and pursuant to applicable statutes and rules, including but not limited to clearing roads and  
27 entrances of disabled or abandoned vehicles, seeks to tow any vehicle, the tow company responsible  
28 for removal and storage shall be chosen from a tow list in accordance with RSA 106-B:26 through  
29 RSA 106-B:34.

30 2 New Subdivision; Removal of Abandoned Vehicles by State Police. Amend RSA 106-B by  
31 inserting after section 25 the following new subdivision:

32 Removal of Abandoned Vehicles by State Police

33 106-B:26 Applicability.

34 I. This subdivision shall apply to the enforcement of provisions of the motor vehicle laws by  
35 the state police, including clearing roads and entrances of stolen, unregistered, illegally parked,  
36 disabled or abandoned vehicles, vehicles involved in accidents or crimes or other situations,  
37 regarding the removal, storage, and release of such vehicles towed and transported by wreckers,

1 towing, and emergency road service organizations in a fair and equitable manner, upon request of  
2 the division of state police:

3 (a) In response to requests from owners or custodians of vehicles that have encountered  
4 mechanical problems that rendered them inoperable or unsafe to be driven;

5 (b) In response to requests from a state trooper when a vehicle has been abandoned on  
6 private property without consent of the property owner;

7 (c) When a vehicle is found obstructing the passage of vehicles from a public street or  
8 highway onto the driveway of such private property or public building;

9 (d) When a vehicle was involved in a traffic accident or crime or its driver is  
10 incapacitated or under arrest, or is without a valid driver 's license;

11 (e) When a vehicle is interfering with snow removal or highway maintenance;

12 (f) When a vehicle has been left unattended within a state-owned park and ride facility  
13 for a period greater than 21 days; or

14 (g) When a vehicle is without proper registration or apparently unsafe to be driven.

15 II. Nothing in this subdivision shall restrict the authority of town and city law enforcement  
16 agencies to enforce relevant state statutes, to enact local bylaws or ordinances not in conflict with  
17 any state law or administrative rule regarding the clearance of disabled, abandoned, illegally  
18 parked, unregistered, or stolen vehicles or vehicles involved in crimes or collisions in areas where the  
19 local police have sole or shared jurisdiction with state police, or to enter into contractual agreements  
20 with tow companies for the removal of vehicles at the request of local authorities.

21 106-B:27 State Police; Use of Tow List.

22 I. In the event the division of state police seeks to tow or remove any vehicle pursuant to  
23 applicable laws and rules, whenever practicable the tow company responsible for such towing or  
24 removal shall be chosen from a tow list in accordance with this subdivision.

25 II. To facilitate the timely and effective towing and removal of vehicles pursuant to this  
26 subdivision, the division of state police is authorized to develop and maintain a rotating list of  
27 qualified tow services within each geographical troop. Where long distances could cause  
28 unreasonably long wrecker response times, the director of state police or designee may authorize a  
29 separate rotation list by county or group of municipalities within a troop. The director from time to  
30 time may enlarge or shrink an area if necessary, to ensure an adequate number of qualified tow  
31 businesses to handle the call workload and travel distances involved, and shall review the lists  
32 periodically to ensure that needs are being met. The list may be further segmented to distinguish  
33 between heavy and light/medium duty wreckers, recovery vehicles, rollback carriers and other  
34 specialized equipment.

35 III. Rotation lists shall include notations identifying tow businesses that maintain heavy  
36 duty wreckers, heavy duty recovery vehicles, and recovery vehicles, and whenever there is a specific,  
37 identified need for one of those vehicles it shall be summoned from the rotating list in the order in

1 which it appears. Nothing herein shall prevent a tow business on a tow list from responding to a call  
2 with a larger, heavier, or more sophisticatedly equipped vehicle where only a lighter wrecker is  
3 required, provided the tow business does not exceed its normal charge for a lighter duty wrecker.

4 IV. The director of state police with the approval of the commissioner of safety may adopt  
5 rules pursuant to RSA 541-A consistent with relevant provisions of this subdivision setting forth  
6 minimum qualifications of tow companies and their employees to participate in the state police tow  
7 list, including qualifications, training, and minimum standards for equipment, response times,  
8 storage and release of towed vehicles and their contents, and criminal history and motor vehicle  
9 record checks of tow truck drivers.

10 V. State troopers handling an incident shall not call a tow business that, in their opinion,  
11 lacks a vehicle of sufficient size and equipment for a particular job. Under such conditions a tow  
12 business not called shall retain its position on the rotation list.

13 VI. Whenever a desired tow business is unable to respond to a call in a timely manner with  
14 the proper equipment, the tow business next on the rotation list shall be called.

15 VII. Tow businesses may also be called for service, such as for fuel, tire changes, dead  
16 battery, and removal of disabled, stolen, or abandoned vehicles according to placement on the  
17 appropriate rotation list and shall have a service vehicle suitably equipped and personnel capable of  
18 handling the assignment.

19 106-B:28 Definitions. In this subdivision:

20 I. "Heavy duty wrecker" means a wrecker intended and suitably equipped for towing  
21 vehicles in excess of 10,000 pounds gross weight, such as a tractor-trailer, large truck, or similar  
22 vehicle but excluding carriers and flatbeds, and meeting the following requirements, provided that  
23 come-a-longs, chains, or other similar devices shall not be used as substitutes for winch and cable:

24 (a) A truck chassis having a minimum gross vehicle weight rating of not less than 54,500  
25 pounds;

26 (b) Tandem axles, or a cab-to-axle length of not less than 102 inches;

27 (c) A combined winch capacity of not less than 50,000 pounds, as rated by the winch  
28 manufacturer;

29 (d) A single winch in good operating condition with a capacity of 50,000 pounds, as rated  
30 by the winch manufacturer, or if equipped with 2 winches, a combined rating of 50,000 pounds;

31 (e) A manufactured wheel-lift in good operating condition, with retracted lifting capacity  
32 of not less than 20,000 pounds, as rated by the lift manufacturer, with safety chains or a tow bar of  
33 equal capacity;

34 (f) A winch cable rated as specified by the winch manufacturer, in good condition;

35 (g) Light and airbrake hookups for the towed vehicle; and

36 (h) Additional safety equipment as specified in this chapter and consistent with United  
37 States Department of Transportation inspection requirements.

1           II. "Light/Medium duty wrecker" means a wrecker intended and suitably equipped for safely  
2 towing vehicles weighing 26,000 pounds or less gross weight, including passenger cars, pickup  
3 trucks, motorcycles, small trailers, and similar vehicles, that meets the following requirements,  
4 provided that come-a-longs, chains, or other similar devices shall not serve as substitutes for a winch  
5 and cable:

6           (a) A minimum gross vehicle weight rating of not less than 14,500 pounds;

7           (b) Individual boom capacity of not less than 8,000 pounds, as rated by the boom  
8 manufacturer;

9           (c) Individual power takeoff or hydraulic power or electric winch capacity of not less than  
10 8,000 pounds, as rated by the manufacturer, and wire rope of a capacity and length consistent with  
11 the device manufacturer;

12           (d) A manufactured wheel-lift with a retracting lifting capacity of not less than 3,500  
13 pounds, as rated by the manufacturer, with safety chains;

14           (e) Dual rear wheels;

15           (f) Two chock blocks that will prevent rolling or slippage of the wrecker; and

16           (g) Additional safety equipment as specified in this chapter and consistent with United  
17 States Department of Transportation inspection requirements.

18           III. "Recovery vehicle" means a motor vehicle consisting of a commercially available truck  
19 chassis equipped with a commercially manufactured tow body or bed and that is rated and issued a  
20 serial number by the manufacturer, designed and equipped for and used in the towing or recovery of  
21 vehicles, in good condition and capable of towing a vehicle by means of a tow bar, sling, or wheel lift,  
22 and capable of recovering a vehicle by means of a hoist, winch, or towline.

23           IV. "Rollback carrier" means a flatbed vehicle in good condition that meets the following  
24 requirements, provided that come-a-longs, chains, or similar devices shall not be used as substitutes  
25 for a winch and cable:

26           (a) A minimum gross vehicle weight rating of at least 19,500 pounds;

27           (b) A specially equipped chassis with a ramp on wheels and a hydraulic lift with a  
28 capacity to haul or tow another vehicle;

29           (c) At least one 8,000 pound winch, as rated by the winch manufacturer, with at least 50  
30 feet of cable, as recommended by the winch manufacturer; and

31           (d) Additional safety equipment as specified in this chapter and consistent with United  
32 States Department of Transportation inspection requirements.

33           V. "Tow business" means a person, enterprise, partnership, company, LLC, or other  
34 corporation having a registered trade name, an active New Hampshire tax identification number, an  
35 active New Hampshire workers' compensation insurance policy or exemption papers, an active New  
36 Hampshire employment security account, and that meets all state and local legal requirements  
37 including, but not limited to, those related to payment of business related taxes, fees, and insurance

1 coverage, and that regularly engages in the impoundment, recovery, transport, or storage of towed or  
2 abandoned vehicles, or in the disposal of abandoned vehicles.

3 VI. "Tow list" means a list or lists of qualified New Hampshire businesses compiled by the  
4 division of state police and used by them to dispatch wreckers and recovery and road service vehicles  
5 to tow, recover, and temporarily store a vehicle when the owner, driver, or other person responsible  
6 for the vehicle is not present or wishes to have the vehicle removed and expresses no choice or  
7 preference of a specific tow business, or when public safety requires the law enforcement official in  
8 charge at the scene to clear the vehicle from the location believing, in his or her sole opinion, the  
9 vehicle is causing a public hazard or safety issue or is stolen, unregistered, was involved in a crime,  
10 or is in violation of a statute that requires immediate removal.

11 VII. "Vehicle storage area" means a suitable yard or enclosed building where a qualified tow  
12 business keeps or stores towed or impounded vehicles.

13 VIII. "Wrecker" for purposes of this chapter and except where the context clearly indicates  
14 otherwise, means a tow truck, road service vehicle, or carrier and recovery vehicle used by tow  
15 businesses on the state police tow list.

16 106-B:29 Use of Tow List.

17 I. When a towing situation being handled by state police involves a vehicle that requires  
18 recovery, towing, or removal from the scene, the trooper in charge shall make a best effort attempt to  
19 allow the owner, operator, or other person lawfully responsible for the vehicle to contact a preferred  
20 tow business, unless doing so will delay the timely restoration of safe traffic movement, prolong a  
21 serious hazard, or compromise the preservation or collection of evidence. The preferred tow business  
22 when called shall notify state police communications of its estimated time of arrival. The trooper on  
23 scene shall determine if that time will unduly continue a hazardous condition or cause serious  
24 inconvenience for the public and, if so, state police communications shall summon the next  
25 appropriate tow business from the tow list. If there is no one on site who is the owner, operator, or  
26 other person lawfully responsible for the vehicle, and in the opinion of the trooper the vehicle  
27 presents a hazard or unreasonable delay to the public, the trooper on site shall request that state  
28 police communications contact the next appropriate tow business on the list.

29 II. To help ensure a timely and professional response and to promote fairness to individual  
30 towing businesses, the division of state police shall maintain a separate rotation list for each state  
31 police geographical troop area. In any case where distances involved could cause unreasonably long  
32 wrecker responses, the director of state police may authorize a separate rotational list by county or  
33 group of communities for that troop. The director may enlarge or shrink an area if necessary to  
34 provide a sufficient number of tow businesses to handle the number of calls in the area and the  
35 travel distances involved, and shall review the zones periodically to determine if needs are being  
36 met.

37 III. If the desired tow business is unable to respond to a call in a timely manner with the



1 proper equipment, the tow business next in line on the rotation list will be called.

2 IV. Placement on the tow list shall be by order of application. Whenever a new tow business  
3 becomes authorized, it shall be placed on the bottom of the appropriate list or lists for which the  
4 director finds the tow business qualified. The director shall have authority to determine when a tow  
5 list is adequately staffed with towing businesses and may refuse to add a business to the list if he or  
6 she determines the amount and type of calls in that zone is insufficient to justify a larger list.

7 V. Separate rotation lists shall be maintained for each category of wrecker. When a  
8 situation requires services of a specific category of wrecker, such wrecker shall be called from the  
9 appropriate tow list unless the person responsible for the vehicle is present and has a preference for  
10 a different tow business with that category of wrecker, in which case the preferred wrecker shall be  
11 summoned if available within a reasonable response time.

12 VI. Nothing in this chapter shall be construed to confer any vested property rights upon a  
13 tow business to continue on the rotating list.

14 VII. Calling a tow company from the list does not create a contract with or obligation on the  
15 part of the state police or state police personnel to reimburse any fee or towing charge, except when  
16 towing a vehicle owned or leased by the state police or that is later forfeited to the state police, or if a  
17 court determines that the state police wrongfully authorized the tow and orders the state police to  
18 pay transportation and storage fees.

19 VIII. Placement on the rotation list does not guarantee a particular number of calls, an  
20 equal number of calls to every tow business on the list, nor any compensation as a consequence of not  
21 being called in accordance with the list, or when removed from the rotation list. If a towing business  
22 responds to a state police call and the call is later canceled due to the vehicle no longer being  
23 disabled, or the circumstances change such that after calling a tow company the vehicle must be  
24 stored in a manner that preserves all evidence in or on the vehicle and the tow business is not so  
25 equipped, the tow business shall go back to the top of the list.

26 IX. A tow business shall, upon receiving a request from the state police, use its own  
27 equipment and shall not refer a call to another tow business.

28 X. A tow business may terminate or temporarily suspend its designation as a service  
29 provider and be removed from the rotation list by providing prompt written notice to state police  
30 communications. In the event of unforeseen circumstances such as death, fire, bankruptcy, or loss of  
31 equipment from accident or failure, a tow business on the tow list shall timely notify the director of  
32 state police in writing of its intent to suspend its designation as a service provider. If and when it  
33 desires to return to service, such tow company shall send a new application to the director. If  
34 approved to resume operation, they shall be placed at the bottom of the rotation list.

35 XI. New tow businesses, when qualified and accepted, shall be placed on the bottom of the  
36 rotation list.

37 XII. The trooper in charge at the scene of a towing situation shall have discretionary

1 authority to deny a request for a specific tow business whenever time is of the essence and the  
2 request will delay the restoration of safe traffic movement.

3 XIII. If a motorcycle is to be towed, a tow sling, wheel lift, car carrier, or other comparable  
4 device shall be used that has the capability to transport motorcycles.

5 XIV. The division shall not call a tow business that, in its opinion, does not have a vehicle of  
6 sufficient size and equipment for a specific job. Under these conditions, the tow business not called  
7 will remain on the top of the rotation list.

8 XV. A tow business shall not sell, assign, transfer, pledge, surrender, encumber, or dispose  
9 of its place on the rotation list. By applying to be placed on the list, a tow business agrees to respond  
10 to all state police calls 24 hours a day, 7 days a week. If for any reason the business cannot respond  
11 to a call, it rotates to the bottom of the list. Businesses that develop a pattern of non-response to  
12 calls may be subject to removal from the rotation list.

13 XVI. A tow business shall appear on the rotation list only once. The listing shall use the  
14 name of the business submitted at the time of application and a designation for any specialty in  
15 which the business is qualified. A tow business conducting business at a location shall not receive  
16 multiple listings or classifications by utilizing a different or fictitious name for trucks operating from  
17 the same location or trucks operating with the same name out of different locations within that zone.

18 XVII. When emergency conditions necessitate, the state police may request the services of  
19 the tow business that is best equipped to handle the emergency and can reach the scene in the  
20 shortest time, regardless of its position on the rotation list. A call made under these circumstances  
21 shall count as such business's next rotation call.

22 XVIII. Whenever heavy equipment or large vehicles are involved in an incident, and it is  
23 determined that the tow business next up on the rotation list lacks adequate equipment to handle  
24 the incident, the division may call a larger piece of equipment from a business on the list that can  
25 handle the situation. In such case, the tow business shall be repositioned on the rotation list  
26 accordingly. Having only one large rotation wrecker shall not justify for being called to all truck  
27 accidents.

28 XIX. In the event of an overturned truck, the state police shall determine at the time if the  
29 situation requires the use of only one tow business or if additional vehicles are required. The first  
30 named tow business shall determine the amount of assistance necessary to remove any public  
31 hazards. The tow business responding to the law enforcement request shall be responsible for  
32 contacting others meeting the qualifications to operate in New Hampshire and shall be the business  
33 responsible for efficient and safe handling of the recovery. Decisions made pursuant to this  
34 paragraph shall be based on the public safety concerns.

35 XX. At no time shall any towing vehicle exceed its manufacturer's gross vehicle weight  
36 rating or the manufacturer's rated capacity for the towing assembly or be attached to a vehicle which  
37 by its size and or weight would make towing it an unsafe movement.

1 106-B:30 Requirements for Placement on the Tow List.

2 I. Any tow business that wishes to be placed on the rotation list with appropriate  
3 designation shall make application to the director of state police.

4 II. The tow business shall provide as part of its application a list of all tow truck operator  
5 personnel, including full name, current address, date and place of birth, driver's license number and  
6 type, and any restrictions, license expiration date, and social security number. The application shall  
7 be updated with state police communications within 5 days of whenever a new employee is hired, or  
8 an employee leaves the employ of the business.

9 III. The application shall include an individual form approved by the director of state police  
10 for each tow truck operator and for the owner and manager of the business and any supervisors,  
11 listing under penalty of unsworn falsification their full name, date and place of birth, driver license  
12 number and type and any restrictions or limitations, and a listing of all motor vehicle offense  
13 convictions in this or any other state or Canadian province including type, court, and year in the  
14 preceding 5 years, and a list of any criminal convictions in this or any other state or Canadian  
15 province within the past 10 years, including type of offense, year of conviction, court, and sentence  
16 imposed, and whether the person is currently on probation or parole or has ever been a registered  
17 sex offender or subject to a domestic violence protective order. Nothing in this paragraph shall  
18 restrict the employer or state police in case of doubt from verifying the information through a record  
19 check or checks.

20 IV. Any criminal history of convictions involving a felony against persons or property  
21 involving fraudulent activity, aggravated assaults, sex offenses, burglary or thefts resulting in a  
22 felony conviction within the last 3 years, or a serious or repetitive motor vehicle violation history of  
23 any such individual shall be grounds for refusing to place on or removing the business from the  
24 rotation list.

25 V. If an operator is employed by more than one listed towing company, each company shall  
26 maintain an independent and separate driver file on such individual. When a driver, manager, or  
27 supervisor ceases employment at the business or a new such employee is hired, the company shall  
28 notify the state police director in writing within 10 days and include a copy of the application  
29 including a copy of the form described in paragraph III. It shall be the responsibility of the operator  
30 to maintain appropriate records of driving times showing full compliance with all applicable laws,  
31 rules, and regulations.

32 VI. In the event the ownership of a tow business changes for any reason including but not  
33 limited to the sale of the business, death, or retirement of the owner, the tow business shall reapply  
34 before the effective date of the change in ownership for approval or the tow business shall be  
35 removed from the rotation list until such time as the new owner complies with the application  
36 process.

37 VII. The business shall have a telephone number listed in its name and shall also have an

1 after-hours telephone number where it can be contacted after normal business hours. The business  
2 shall be staffed Monday through Friday from at least 9 a.m. to 5 p.m. with someone who will be  
3 available for administrative matters and the release of a vehicle or other related items stored on  
4 premises. After normal business hours and on weekends or holidays a responsible person shall be on  
5 call to provide those services.

6 VIII. Wreckers dispatched shall arrive at the scene within 30 minutes of being called, except  
7 for cases where the travel distance, posted speeds, or traffic and weather conditions and volume of  
8 traffic make this unreasonable. For heavy duty calls the company shall respond within a maximum  
9 of 60 minutes regardless of the time of day. If the time exceeds the above limit and the tow business  
10 does not provide state police communications or the trooper in charge at the scene a valid reason for  
11 the delay within that time, a second rotation wrecker may be dispatched. If a second wrecker is  
12 requested before the arrival of the initially dispatched rotation wrecker, the initially requested  
13 wrecker shall forfeit the call and leave the incident scene. Repeated tardiness may result in  
14 suspension or removal from the rotation list.

15 IX. If a tow business responds to a rotation call and through no fault of its own, does not tow  
16 the vehicle, the business shall retain its position on the rotation list.

17 X. Towing personnel shall wear reflective clothing meeting Federal Highway Administration  
18 specifications at all times when working in or adjacent to the roadway.

19 XI. The tow business shall maintain a reasonably secure area for the safe storage of motor  
20 vehicles or other items stored at the request of the state police. Storage facilities shall be clearly  
21 marked as belonging to that tow business and shall have adequate lighting to illuminate the  
22 enclosed area. If a vehicle must be stored for processing after a crime, death, or serious injury then  
23 storage facilities shall include a gated or fenced area adequate to reasonably secure the storage  
24 facility and prevent unauthorized entrance. Camera surveillance is recommended but not  
25 mandatory.

26 XII. A secure building that provides written proof that it meets all applicable state and local  
27 codes and which is suitably alarmed may substitute for a fenced area if the tow business provides for  
28 total inside storage.

29 XIII. The tow business shall provide reasonable accommodations for after-hours release of  
30 personal property in stored vehicles or other related storage once the state police releases any hold  
31 on personal or other property not affixed to the towed vehicle, and upon payment in full or mutual  
32 agreement for payment of all towing and storage fees. The towing of a vehicle at the request of law  
33 enforcement shall grant a lien to the tow business, equal to the cost of recovery and storage.

34 XIV. Under no circumstance may a tow business withhold wallets, purses, life essential  
35 clothing, mail, legal documents, child safety seats, eyeglasses or contact lenses, medicines, medical  
36 equipment, license plates, or house or place of business keys pending payment of fees.

37 XV. Any towing or recovery vehicle used by the tow business shall display lettering on both

1 sides of the vehicle in letters that contrast in color with the background and are readily legible  
2 during daylight hours from a distance of 50 feet while the vehicle is stationary, and kept and  
3 maintained in a manner that retains such legibility, indicating the name or trade name of the  
4 wrecking service or owner thereof, the city or town and state in which the vehicle is customarily  
5 based, and the business telephone number on each front door of the truck. The identification  
6 number issued by the Federal Motor Carrier Safety Administration to the motor carrier, preceded by  
7 the letters "USDOT"; shall also be included in such lettering.

8 XVI. The tow business participating in the tow list shall maintain tow and hook, liability,  
9 and garage-keepers' liability insurance in an amount not less than that designated under New  
10 Hampshire law or administrative rule. This shall include a minimum coverage of \$1,000,000 in  
11 liability including garage-keeper's insurance coverage. The tow business shall also comply with all  
12 other business requirements and taxes required under state or federal law.

13 XVII. The tow business shall not place or imprint on its vehicles, buildings, equipment,  
14 clothing, or correspondence anything that suggests or implies an official relationship between the  
15 company and any emergency services provider or law enforcement agency. This shall extend to paint  
16 schemes, colors, shoulder patches, or decals similar in design to department of safety or state police  
17 vehicles or any name or logo implying an official connection. State police may design and issue a  
18 suitable decal to indicate that a tow vehicle's owner is on the rotating list. Termination of services or  
19 suspension, even if temporary, from the rotation list shall require any decal provided, issued, or  
20 approved by state police to be removed immediately from the tow vehicle if such vehicle will be  
21 operated on public roads.

22 XVIII. The tow business shall provide state police with a complete updated list of all rates  
23 for the services it performs related to the towing and storage of vehicles, on the letterhead of the  
24 business, and shall update such list when prices change. State Police shall not set the fees for these  
25 services nor use the rate schedule provided in determining placement on a rotation schedule. Price  
26 lists shall remain confidential except when determining the reasonable fee in a requested hearing  
27 conducted by the department of safety.

28 XIX. Whenever the owner of a towed or impounded vehicle or their agent pays a towing  
29 company for those services, the company shall provide a detailed receipt to the owner or agent for  
30 the services rendered.

31 XX. Motorists using a wrecker under the rotation list shall have the option of paying by cash  
32 or major debit or credit card. The tow business may inquire, prior to accepting a dispatch, as to how  
33 the motorist will be paying. The owner of a towed or impounded vehicle who believes an exorbitant  
34 or unreasonable fee was charged for towing the vehicle if such service rendered was covered by RSA  
35 262:31 through RSA 262:40-c, may file a complaint with the commissioner of safety and request  
36 review pursuant to RSA 262:35-a. If not covered by RSA 262:31 through RSA 262:40-c, the owner or  
37 his or her agent shall be notified of his or her ability to make a complaint to the consumer protection

1 division of the department of justice.

2 XXI. A tow business shall not be operated without a Federal Motor Carrier Safety  
3 Administration safety registration, an active United States Department of Transportation number,  
4 and valid New Hampshire registration.

5 106-B:31 Requirements to Remain on the Tow List.

6 I. Tow personnel shall perform a general cleanup of an accident area before leaving the  
7 scene, and remove any glass, vehicle parts, debris, or other substances dropped or spilled prior to  
8 leaving an incident scene. Vehicle fluids or hazardous substances shall not be intentionally drained  
9 or left on the road or surrounding environment. There will be no charge for normal highway cleanup  
10 of 30 minutes or less unless cleanup is a regular part of the itemized bill. If the debris field was  
11 caused by more than one vehicle all tow personnel shall share in the cleanup duties under the  
12 direction of the trooper in charge at the scene.

13 II. The tow business shall be responsible for securing and preserving personal property in a  
14 vehicle to be towed, unless the owner or person responsible is present and wishes to take custody of  
15 it.

16 III. The tow business shall employ reasonable safeguards and procedures so that all  
17 personal belongings and contents in the towed vehicle are intact and returned to the vehicle's owner  
18 or authorized agent upon release of the vehicle upon payment in full or mutual agreement for  
19 payment of fees with the exception of those essential items as provided.

20 IV. All personal property left in a vehicle and unclaimed shall be handled in accordance with  
21 applicable state laws.

22 V. No tow business shall accept a call if the employee who will be responding is under the  
23 influence of any substance that could cause impairment or has the odor of alcohol on his or her  
24 breath, nor shall a tow business employee respond in such a condition.

25 VI. The tow business shall maintain a log or ledger of all vehicles towed at the request of  
26 state police. It shall contain the date, time, and location of the tow, a description of the vehicle towed  
27 including the owner's name and address, vehicle identification number, registration plate number  
28 and state of registration, name of the tow vehicle operator, name and address of the person to whom  
29 the vehicle was released, and location to which the vehicle was towed. This record and any other  
30 records and equipment associated with compliance with these applicable state statutes and these  
31 rules shall be open to inspection by department of safety personnel during normal business hours  
32 and retained for the year when the record was made and one full year beyond.

33 VII. The owner, operator, and any employee of the tow business on the list shall comply with  
34 all applicable state and federal laws and local ordinances. In matters where conflict of laws arises  
35 the tow business shall follow the lawful direction of the law enforcement officer controlling the scene  
36 of the investigations and shall be held harmless from any conflicts.

37 VIII. All wrecker drivers shall have a valid driver's license for the class of vehicle they are

1 operating. Wrecker drivers shall have a motor vehicle record free of convictions of serious motor  
2 vehicle offenses, or license revocations, or suspensions for serious motor vehicle offenses for the past  
3 3 years.

4 IX. Tow companies on the tow list shall not permit any person to drive a wrecker if said  
5 person has been convicted for any felony against persons or property involving fraudulent activity,  
6 sex offenses, aggravated assaults, burglary, theft resulting in a felony conviction within the last 3  
7 years. No tow company shall permit any person to drive a wrecker if the person is currently subject  
8 to probation, parole restrictions, or court order restricting the area the person may or may not be  
9 present in at any time.

10 X. Wreckers at the scene of a service call may be asked to provide minor on-site repairs, such  
11 as jump-starting a dead battery or changing a tire.

12 XI. Each tow vehicle shall carry at a minimum the following supplies and equipment in good  
13 working order, in addition to meeting the requirements herein for each class of vehicle that will be  
14 responding to wrecker calls:

15 (a) Emergency lights meeting statutory requirements, visible at 3/4 of a mile when  
16 illuminated, and visible over any vehicle being towed. Sirens are prohibited.

17 (b) At least one working spotlight capable of being aimed.

18 (c) One fire extinguisher, 5-lb. carbon monoxide or dry powder, fully charged and able to  
19 be operated.

20 (d) At least one heavy duty push broom and garbage container.

21 (e) A steering lock mechanism or capability to properly lock steering.

22 (f) A first aid kit.

23 (g) A reflectorized safety vest for each employee on the vehicle.

24 (h) For heavy duty vehicles and heavy-duty recovery vehicles, portable lighting  
25 equipment.

26 (i) Heavy duty wreckers and heavy-duty recovery vehicles shall have 10 of at least 2 of  
27 the following: reflector flare, road flare, colored LED flashing road flare. Lighter vehicles shall have  
28 at least 3 of 2 or more of the following: reflector flare, road flare, colored LED flashing road flare.  
29 Traffic cones may be substituted for one of the above on a clear day during the hours from dawn to  
30 dusk.

31 (j) At least one flat scoop type shovel.

32 (k) For heavy duty wreckers and heavy-duty recovery vehicles, necessary equipment to  
33 perform the tasks necessary for towing a vehicle.

34 (l) For any wreckers called to recover vehicles with air assisted brakes, the capability to  
35 provide air to the towed vehicle to facilitate brake operation.

36 (m) A current, valid motor vehicle registration and a current, valid state safety  
37 inspection sticker.

1 (n) An FCC licensed 2-way business radio or a wireless telephone.

2 (o) Portable lights for any vehicle being towed including taillights, stop lights, and  
3 directional signals.

4 (p) A minimum of 40 pounds of sand or other appropriate absorbent material designed  
5 and verified by the manufacturer to absorb hazardous waste and spills in an efficient and effective  
6 manner.

7 XII. The management of a towing business on the rotating list shall be primarily responsible  
8 to the division of state police to inspect and maintain an ongoing awareness of compliance with  
9 relevant rules, regulations, and laws affecting the business and to make prompt corrections of any  
10 discrepancies. Each tow business on the list shall annually, on or before January 15 of the following  
11 year, certify to the director of state police under penalty for unsworn falsification that it has it has  
12 conducted an internal inspection and that the business is in compliance with the provisions of this  
13 subdivision and any administrative rules adopted pursuant to it.

14 XIII. State troopers or other designated department of safety personnel may be assigned at  
15 the discretion of the state police director to conduct reviews from time to time of towing businesses,  
16 their records, and equipment to ensure compliance with relevant rules and laws and make a  
17 recommendation through the state police communications commander to the director as to the level  
18 of compliance and any appropriate action. Tow businesses participating in the tow list shall make,  
19 during normal business hours, their records, vehicles, facility, and equipment available for  
20 examination for such reviews by troopers or other department of safety employees. In cases of non-  
21 compliance, the state police communications commander shall recommend appropriate action to the  
22 director, which may include a verbal or written reprimand, suspension, or revocation from continued  
23 participation in the rotating list. Such action is discretionary and shall be based on the nature and  
24 seriousness of the discrepancy and any prior record of the business.

25 XIV. Before being removed from the rotating list for disciplinary reasons, a tow business or  
26 employee shall be served with a written notice of intent describing the reasons, and notified that it  
27 may request a hearing before the department of safety bureau of hearings prior to any such removal.  
28 A tow business that is removed from the list may contest the result of the hearing in superior court.  
29 Nothing in this subdivision shall be construed to confer any vested property rights upon a tow  
30 business or employee to remain on the state police rotating tow list.

31 XV. Tow vehicle owners, operators, and employees shall not be abusive, disrespectful, or use  
32 profane language when dealing with the public or officials and shall cooperate with the members of  
33 the state police.

34 XVI. Tow businesses shall employ only drivers who demonstrate an ability to perform  
35 required services in a safe, timely, courteous and civil manner and who satisfy all applicable state  
36 and federal laws and regulations.

37 XVII. The tow business shall tow disabled vehicles to any destination requested by the



1 vehicle owner or person in charge of the vehicle after financial obligations have been finalized to the  
2 satisfaction of the tow business providing the service. The tow business may hold the vehicle for  
3 payment of services at the business location if not satisfied with payment on site.

4 XVIII. Access to the storage facility or yard by insurance inspectors, appraisers, attorneys  
5 and their assistants and private investigators shall be at their own risk and the tow business shall  
6 not be responsible for any injury sustained. A vehicle owner or the owner's authorized agent, upon  
7 presentation of suitable identification, may enter the yard at their own risk under supervision by the  
8 tow business to remove personal items or belongings.

9 XIX. A wrecker operator on the rotation list shall not offer towing services to the owner or  
10 operator of a vehicle currently under the supervision of state police unless dispatched by the rotation  
11 list or specifically hailed for service by the trooper or other law enforcement officer under emergency  
12 circumstances. Any activity done or designed for the purpose of circumventing the list shall be cause  
13 for the division to remove the business from the rotating list permanently or for a specific time  
14 determined by the division.

15 XX. Tow service vehicles shall not be driven at an unsafe or unreasonable speed, commit  
16 other moving motor vehicle violations or drive recklessly on the way to or from a towing service call,  
17 and may be removed from the list for such behavior.

18 XXI. State police shall not show any favoritism or circumvent the tow list to favor one or  
19 more businesses and shall be subject to divisional discipline for doing so.

20 106-B:32 Recordkeeping; Mandatory Records.

21 I. Each operator or business on the rotating list shall maintain a record system covering all  
22 services performed in roadside service, pulling, towing, or transporting vehicles in response to calls  
23 from the state police, which shall include the following information:

24 (a) The date and time of day the business was contacted and requested to the scene and  
25 the times of arrival and departure from the scene.

26 (b) The name of the person requesting the service.

27 (c) The location of the vehicle or incident.

28 (d) A description of the vehicle including license plate and vehicle identification number.

29 (e) The name and address of the owner or lessee of the vehicle, if known.

30 (f) The name and address, date of birth, driver license number, and licensing state or  
31 province of the driver of the vehicle, if known.

32 (g) The service or towing charge and other related fees.

33 II. All such records shall be available for inspection and copying by state troopers or agents  
34 of the department of safety during normal business hours at the place of business of the wrecker  
35 business, and shall be maintained for the current calendar year and the year immediately prior to  
36 the current calendar year.

37 106-B:33 Confiscated Vehicles; Impoundment. A state trooper may impound or confiscate a

1 vehicle towed by a tow business that is on the rotation list in furtherance of law enforcement duties,  
2 such as when the vehicle is reported stolen or involved in a crime, is unsafe to be driven, or is to be  
3 processed for possible forensic evidence of a crime. In such events:

4 I. The vehicle may be towed to a location specified by the processing officer to facilitate  
5 evidence preservation, collection, or processing, otherwise it shall be securely stored on the premises  
6 of the towing service.

7 II. The towing and storage of the vehicle shall be at the expense of the state police. The  
8 wrecker business shall not release the vehicle to anyone unless and until authorized to do so by the  
9 trooper who arranged for the hold or a state police officer superior in rank to that trooper, or on an  
10 order by the court.

11 III. The tow business shall not allow anyone except a member of the law enforcement agency  
12 having jurisdiction or someone having written permission from the state police to enter, inspect, or  
13 touch the vehicle or any parts from the vehicle.

14 IV. When the vehicle is released, the tow business shall require that the person to whom the  
15 vehicle is released display a valid photo driver license or other official government photo  
16 identification, and the tow business shall keep a photocopy of such card or document.

17 106-B:34 Compliance Action; Disciplinary Enforcement. Participation in the state police tow list  
18 is a privilege, not a right. The director of state police is charged with the responsibility of ensuring  
19 that the towing, storage, roadside emergency service, and recovery of vehicles at the direction or  
20 request of the division of state police is accomplished consistent with state law and administrative  
21 rules and in a manner that maintains the confidence and respect of the motoring public. To  
22 accomplish this, the director may take appropriate action to uphold the integrity and efficiency of the  
23 tow list and the duties and responsibilities of businesses participating in the list and their owners,  
24 managers, and employees. The director may take appropriate action including removal of a tow  
25 business or a tow business employee from participating in the tow list, and which may include upon  
26 satisfactory evidence of violations or deliberate noncompliance, a verbal or written warning,  
27 suspending the business or employee or both from the list for a period of one to 120 days, or removal  
28 from the list and ineligibility for restoration for up to 2 years, depending on the seriousness of the  
29 offense, any prior history of violations, and any resulting harm. Causes for such action shall include  
30 violations of the equipment and other requirements set forth in RSA 106-B:28, and the provisions of  
31 RSA 106-B:29 through 106-B:33. Disciplinary actions may be appealed to the department of safety  
32 bureau of hearings and to the superior court as provided in RSA 106-B:31, XIV.

33 3 Effective Date. Part II of this act shall take effect 60 days after its passage.  
34

### 35 PART III

36 Relative to the municipal winter maintenance certification program.

37 1 Salt Applicator Certification; Definitions. New Paragraph; Municipal Winter Maintenance

1 Certification Program. Amend RSA 489-C to 489-C:1 by inserting after paragraph IV the following  
2 new paragraph:

3 IV-a. "Municipal winter maintenance certification program" means a program implemented  
4 by a governmental unit as defined in RSA 507-B:1, I to maintain public roads, parking areas, and  
5 walkways in the winter months to be safe for public passage.

6 2 Commercial Applicators; Certification Option.. Amend RSA 489-C:2 to read as follows:

7 489-C:2 **Commercial Applicator** Certification Option.

8 I. Commercial applicators may elect to be [~~annually~~] certified by the department. Applicator  
9 certificates shall be issued by the department **and may be renewed annually.**

10 II. Any business that employs multiple commercial applicators may obtain a master  
11 certificate for the owner or chief supervisor, and commercial applicators employed by the business  
12 may obtain [~~certificates~~] **either an individual certificate or a subordinate certificate** to qualify  
13 under the master certificate. Any business holding a master certificate shall ensure that all  
14 commercial applicators operating **with a subordinate certificate** under its master certificate  
15 receive the required training and shall provide the required record keeping on behalf of all  
16 commercial applicators **working under the master certificate.**

17 III. **The department shall charge an annual fee for master, individual, and**  
18 **subordinate certificates.** Annual fees for [~~certificates~~] **a subordinate certificate** obtained under  
19 a master certificate shall be significantly less than the fees for a master certificate. **Annual fees for**  
20 **individual certificates shall be higher than the fee for a subordinate certificate but less**  
21 **than the fee for a master certificate.**

22 3 New Section; Municipal Winter Maintenance Certification Program Option. Amend RSA 489-  
23 C by inserting after section 2 the following new section:

24 489-C:2-a Municipal Winter Maintenance Certification Program Option.

25 I. Any governmental unit that has a municipal winter maintenance program may elect to  
26 have the program certified by the department. Municipal winter maintenance certification program  
27 certificates shall be issued by the department and may be renewed annually.

28 II. Any governmental unit holding a municipal winter maintenance program certificate shall  
29 ensure that each applicator operating under its certificate receives the required training approved by  
30 the department and shall provide record keeping on behalf of all applicators working under the  
31 municipal winter maintenance certificate. A governmental unit may meet the training requirement  
32 by requiring its employees to obtain commercial applicator individual certificates.

33 III. The department may create more than one class of certificate to recognize different  
34 complexity levels of municipal winter maintenance programs. If such classes are created, the  
35 department shall, through rules adopted pursuant to RSA 541-A, identify the criteria, required  
36 record keeping, and other requirements as may apply to each level.

37 IV. The department shall charge an annual fee for a municipal winter maintenance program

1 certificate.

2 4 Salt Applicator Certification; Rulemaking. Amend RSA 489-C:3, V to read as follows:

3 V. Recordkeeping [~~required for commercial applicators to maintain certification~~] **and**  
4 **reporting requirements for certificate holders.**

5 5 New Paragraph; Salt Applicator Licenses; Rulemaking. Amend RSA 489-C:3 by inserting  
6 after paragraph VI the following new paragraph:

7 VII. Procedures for governmental units to obtain certification for their municipal winter  
8 maintenance programs.

9 6 Snow, Ice, and Other Weather Hazards. Amend RSA 507-B:2-b to read as follows:

10 507-B:2-b Snow, Ice, and Other Weather Hazards. Notwithstanding RSA 507-B:2, a  
11 governmental unit shall not be liable for damage arising from insufficiencies or hazards on any  
12 premises owned, occupied, maintained, or operated by it, even if it has actual notice of them, when  
13 such hazards are caused solely by snow, ice, or other inclement weather, and the governmental unit's  
14 failure or delay in removing or mitigating such hazards is the result of its implementation, absent  
15 gross negligence or reckless disregard of the hazard, of a winter or inclement weather maintenance  
16 policy or set of priorities with respect to such premises, adopted in good faith by the official  
17 responsible for such policy. All governmental units, officials, and agents shall be presumed to be  
18 acting pursuant to such a policy or set of priorities in the absence of proof to the contrary.  
19 **Municipal winter maintenance programs certified under RSA 489-C:2-a shall be presumed**  
20 **to meet the standards herein for all public roads, parking areas, and walkways in the**  
21 **absence of proof to the contrary.**

22 7 Liability Limited for Winter Maintenance. Amend RSA 508:22 to read as follows:

23 508:22 Liability Limited for Winter Maintenance.

24 I. No commercial applicator as defined in RSA 489-C:1, II and certified under RSA 489-C:2,  
25 **or his or her employer or principal, or an** owner, occupant, or lessee of land whose premises is  
26 maintained by a commercial applicator certified under RSA 489-C:2, **whether by contract with the**  
27 **commercial applicator or his or employer or principal,** shall be liable for damages arising from  
28 insufficiencies or hazards on any premises owned, occupied, maintained, or operated by them, even  
29 with actual notice thereof, when such hazards are caused solely by snow or ice, and the [~~commercial~~  
30 ~~applicator's, owner's, occupant's, or lessee's~~] failure or delay in removing or mitigating such hazards  
31 is the result of [~~its~~] **the** implementation, absent gross negligence or reckless disregard of the hazard,  
32 of best management practices for winter road, parking lot, and sidewalk maintenance adopted and  
33 published by the department of transportation and the department of environmental services. All  
34 commercial applicators, owners, occupants, or lessees who adopt such best management practices  
35 shall be presumed to be acting pursuant to the best management practices in the absence of proof to  
36 the contrary.

37 II. In order to receive the liability protection provided in paragraph I, a commercial

1 applicator as defined in RSA 489-C:1, II, or an owner, occupant, or lessee of land shall keep a written  
2 record describing its winter road, parking lot and property maintenance practices. The written  
3 record shall include the type [~~and rate of application~~] of de-icing materials used, *the rate or*  
4 *quantity of deicing materials used*, the dates of treatment, and the weather conditions for each  
5 event requiring de-icing. Such records shall be kept for a period of 3 years.

6 8 Effective Date. Part III of this act shall take effect July 1, 2021.

#### 8 PART IV

9 Relative to eligibility for the issuance of a nondriver's picture identification card.

10 1 Identification Cards; Eligibility. Amend RSA 260:21, I to read as follows:

11 I. The department shall upon application issue a nondriver's picture identification card to  
12 any resident who:

13 (a) Is 12 years of age or older and does not possess a driver's license, *or*

14 (b) Is disabled and does not possess a driver's license [~~or~~

15 ~~(c) Is 65 years of age or older, whether or not said resident possesses a driver's license~~].

16 2 Identification Cards; Design and Validity. Amend RSA 260:21, III and IV to read as follows:

17 III. The identification card shall bear the name, address, date of birth, blood type (optional),  
18 gender indicated as "M" for "male," "F" for "female," or "X" for "other," veteran's status for the  
19 purposes of identification for receiving benefits and services under New Hampshire law (optional),  
20 *and the* picture and signature of the applicant [~~and in the case of a card issued pursuant to RSA~~  
21 ~~260:21, I(c), said card shall bear the notation "Golden Granite State Discount Card."~~]. The  
22 identification card shall bear an approved security marking indicating that it was not issued in  
23 compliance with Public Law 109-13 and is therefore not acceptable for federal identification  
24 purposes.

25 IV. The identification card shall be valid for 5 years from the date of issuance; provided,  
26 however, that [~~a card issued pursuant to RSA 260:21, I(c) shall be valid for as long as the holder is a~~  
27 ~~resident of the state and~~] a card issued pursuant to RSA 260:21, XI shall be valid for 2 years from  
28 the date of issuance. If the director has adopted rules under RSA 263:10, II with respect to on-line  
29 renewal of licenses, the director shall provide the same on-line option for identification cards,  
30 provided that the applicant is eligible for identification card renewal and has a computerized image  
31 on file with the division. An identification card may be renewed on-line only once in every other  
32 license renewal cycle and the next cycle shall require appearance in person at a licensing facility.

33 3 Administration of Motor Vehicle Laws; Disposition of Fees; Reimbursement to the Highway  
34 Fund. Amend RSA 260:22 to read as follows:

35 260:22 Disposition of Fees; Reimbursement to the Highway Fund. The necessary expenses  
36 incurred under RSA 260:21 shall be a charge against the operating budget of the department of  
37 safety, division of motor vehicles, motor vehicle and driver safety, driver licensing. Pursuant to RSA

1 260:21, 50 percent of all fees collected shall be credited to the department to reimburse operating  
2 expenditures and are hereby appropriated for that purpose. Fifty percent of all fees collected shall  
3 be credited as unrestricted revenue to the highway fund[~~;- provided, however, that 50 percent of all~~  
4 ~~fees collected for cards issued pursuant to RSA 260:21, I(e) shall be credited to the state committee~~  
5 ~~on aging pursuant to RSA 161-F:29]. Upon prior approval of governor and council, transfers may be~~  
6 made from nondriver's picture identification card unrestricted revenue for other related  
7 expenditures, but in no event shall the cumulative annual transfers exceed 50 percent of all fees  
8 collected.

9 4 Effective Date. Part IV of this act shall take effect 60 days after its passage.

10  
11 PART V

12 Relative to certificate of boating safety.

13 1 Safe Boater Education; Certificate Required. Amend RSA 270-D:10, I to read as follows:

14 I. No person [~~born on or after the dates provided in this section~~] shall operate a motorized  
15 vessel with any type of power motor in excess of 25 horsepower on the public waters of this state  
16 without first obtaining a certificate of boating safety education in accordance with this subdivision[~~-~~

17 ~~Date of Birth: \_\_\_\_\_ Certificate Required:~~

18 ~~January 1, 1983 \_\_\_\_\_ January 1, 2002~~

19 ~~January 1, 1977 \_\_\_\_\_ January 1, 2003~~

20 ~~January 1, 1973 \_\_\_\_\_ January 1, 2004~~

21 ~~January 1, 1967 \_\_\_\_\_ January 1, 2005~~

22 ~~January 1, 1963 \_\_\_\_\_ January 1, 2006~~

23 ~~January 1, 1957 \_\_\_\_\_ January 1, 2007~~

24 ~~All \_\_\_\_\_ January 1, 2008].~~

25 2 Effective Date. Part V of this act shall take effect upon its passage.

26  
27 PART VI

28 Relative to allowing emergency medical services chiefs and fire chiefs  
29 to issue decals for multi-use decal plates.

30 1 Firefighter Decals. Amend RSA 261-B:3-a to read as follows:

31 261-B:3-a Firefighter *and Emergency Medical Services* Decals.

32 I. A city or town fire chief may issue a firefighter decal to a full-time or volunteer firefighter  
33 employed by the city or town or a retired firefighter. A firefighter decal may only be placed on the  
34 multi-use decal plate of a motor vehicle registered and owned or leased by the firefighter.

35 II. *Emergency medical services chiefs and fire chiefs may issue an emergency*  
36 *medical services decal solely to emergency medical services personnel and retired*  
37 *emergency medical services personnel. An emergency medical services decal may only be*

1 *placed on a multi-use decal plate on a motor vehicle owned and registered by the*  
2 *emergency services personnel.*

3 2 Effective Date. Part VI of this act shall take effect 60 days after its passage.

**SB 131-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT adopting omnibus legislation relative to vehicles, municipal water maintenance certificates, safety certificates, nondrivers's picture I.D.s, decals, and private roads.

**PART I: Relative to electric vehicle supply equipment and infrastructure and relative to state motor vehicle fleet management**

**FISCAL IMPACT:**     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input checked="" type="checkbox"/> Highway <input checked="" type="checkbox"/> Other- NH Volkswagen Trust Mitigation Fund			

**LOCAL:**

<b>Revenue</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable

The Public Utilities Commission was contacted for a fiscal note worksheet on January 8, 2021 and January 12, 2021, which the Commission has not supplied as of February 2, 2021.

**METHODOLOGY:**

This section requires state agencies and departments and the New Hampshire Transportation Council (RSA 238-A:2) to utilize the recommendations of the Electric Vehicle Charging Stations Infrastructure Commission. This section also does the following:

- Requires the Office of Strategic Initiatives to allocate a portion of the New Hampshire Volkswagen Trust for a non-proprietary Level 2 Electric Vehicle Supply Equipment (EVSE) rebate program for municipalities for publicly accessible chargers, to be administered by a non-governmental entity.
- Regulated utilities may include EVSE make-ready programs to fund upgrades necessary to support the installation of EVSE in the systems benefits charge or other mechanisms.
- Requires all publicly funded chargers, including those funded by the New Hampshire Volkswagen Trust Settlement or by federal or other competitively awarded funds



installed after January 1, 2022 to be equipped for universal access.

- Allows municipalities with populations greater than 50,000 to expand the use motor vehicle permit fees collected pursuant to RSA 261:154 to fund the construction, operation and maintenance of EVSE.
- Establishes a \$20 registration fee on all electric and hybrid vehicles to fund the construction of EVSE on state highways and turnpikes.
- Authorizes municipalities to provide property tax relief under RSA 79-E on the value of EVSE installed in residential homes and rental properties, businesses, and industries.
- Amends the definitions of the terms "light duty truck", "passenger vehicle" and "motor vehicle" as applied to the state's motor vehicle fleet.
- Requires the Department of Administrative Services to establish procedures to convert the state's vehicle fleet of light duty trucks and passenger vehicles to (Zero Emission Vehicles) ZEVs by 2042. Requires that by 2026, all new leases or purchases of light duty trucks or passenger vehicles shall be ZEVs and by 2032 any new leases or purchase of trucks and other vehicles in excess for 10,000 pounds in weight shall be ZEVs. Transition plans shall be developed by all state agencies and departments for submission to the Office of Strategic Initiatives by June 30, 2022 and revised and submitted every 2 years thereafter until all of the state's motor vehicles are ZEVs.
- Establishes electric vehicle charging station rate design standards.

The Department of Environmental Services (DES) states the recommendations of the Electric Vehicle Charging Stations Infrastructure Commission include actions relating to the development of electric vehicle supply equipment (EVSE); the use of the Volkswagen settlement's New Hampshire Volkswagen Beneficiary Mitigation Trust (NH VW Trust) for such development; the sale of electric vehicles (EVs) in New Hampshire; the adoption of EVs by state agencies; participation in regional programs aimed at increasing adoption of EVs; investment by regulated utilities to support EVSE installations; adoption of building codes to encourage EVSE installation; and other measures will result in some level of unknown expense for state agencies.

DES states the rebate program using the NH VW Trust funds could utilize up to 15% of the project cost for administrative expense with no expected impact on general funds. The Trust Fund has a maximum allowable funding for support of EVSE but the impact on this fund from this provision is indeterminable..

DES projects the additional \$20 registration fee on 4,713 electric vehicles (EVs) including plug-in hybrids, registered in New Hampshire as of January 1, 2021, would yield approximately \$94,260 in additional revenue. The number of EVs is expected to increase over time.

DES also notes the cost to transition the state vehicle fleet to ZEVs over time is required to be performed "to the extent feasible, practicable and cost effective."

The Office of Strategic Initiatives states the recommendations of the Electric Vehicle Charging Station Infrastructure Commission includes actions relating to the development of EVSE and the use of the NH VW Trust funds for such development. The NH VW Trust may only be spent as allowed by the terms of the Trust and would have no impact on general funds. The impact to the Trust is indeterminable.

The Department of Justice provides some assistance to the Office of Strategic Initiatives in its administration of the NH VW Trust but DOJ states there may only be a slight increase in necessary assistance resulting from this section. Since any such assistance would be negligible and would be accomplished within the current budget, there is no fiscal impact on the Department.

The Department of Administrative Services assumes the requirement to convert the state fleet to ZEVs does not apply to heavy construction equipment, ATVs, snowmobiles, boats or other equipment not used primarily on roads and highways. The department also assumes most new ZEVs will be electric vehicles. Capital expenditures would increase beginning in FY 2023 with new EV sites and the first agency EV purchases and leases would begin in FY 2024. The department expects incremental costs to replace existing vehicles, EV charging site development costs and maintenance and training costs for state agency personnel. More frequent upgrades of vehicles and equipment are also anticipated. The department estimates it will cost the state \$46.3 million to replace the entire state fleet with ZEVs. The department estimates charging site development and infrastructure at 50 locations would cost between \$4.5 million-\$14.5 million for Level 2 Public Advanced Technology Chargers and between \$6.9 million-\$20.5 million for Level 3 DC Fast Chargers.

The Department of Safety states the current vehicle counts for electric (3,102) and plug-in electric vehicles (543) at \$20 per vehicle would yield \$72,900 per year or \$36,450 for FY 2022 with an effective date of January 1, 2022. The Department estimates a state expenditure of \$540,000 in FY 2022 for the programming of the vehicle registration system (MAAP) and reprogramming of the VIN decoder. State highway expenditures would increase beginning in FY 2023 pursuant to RSA 235:23 which requires 12% of the gross road toll revenue and motor vehicle fees collected in the prior year to be distributed as local highway aid.

The Department of Transportation indicates the construction of EVSE on state highways and turnpikes, long term operation and maintenance, including power, communications, lights and

paving and winter maintenance will require a significant unknown expense. Utility make ready charges and extension of power to such facilities may exceed construction costs. The requirement to purchase and lease the lowest emission vehicles available as practicable will still require the Department to perform additional analyses to determine which vehicles are appropriate and may affect field usage of such vehicles with limited charging options. Changing the definitions of light duty trucks and passenger vehicles for the DOT fleet may impact employee efficiency and vehicle performance if the transportation of staff, materials, tools and equipment is compromised for the work task or for long distance travel. The department would require the use of outside consultants to develop and maintain a plan for transition of its vehicle fleet to entirely ZEVs. The total cumulative fiscal impact of these provisions is indeterminable but is expected to be in the tens of millions of dollars.

The New Hampshire Municipal Association states the rebate program may provide additional revenue to municipalities to offset the cost of publicly accessible chargers but the purchase of this equipment is voluntary and therefore the amount of such revenue is indeterminable. The use of fees under RSA 261:154 would allow municipalities to utilize these existing fees for this purpose but it does not affect municipal revenues or expenditures. The provision for tax relief pursuant to RSA 79-E for EVSE on private property is also voluntary and would not change revenues or expenditures, but would shift the tax burden among taxpayers.

**AGENCIES CONTACTED:**

Departments of Environmental Services, Administrative Services, Safety, Transportation, and Justice, Office of Strategic Initiatives, Public Utilities Commission, and New Hampshire Municipal Association

**PART II: Relative to removal of abandoned or disabled vehicles by towing.**

**FISCAL IMPACT:**     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General Turnpike Fund	<input type="checkbox"/> Education	<input checked="" type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other-

**METHODOLOGY:**

This section modifies procedures surrounding the removal of abandoned or disabled vehicles.

Department of Safety states any impact to state expenditures is indeterminable relative to administering this bill, specifically regarding inspecting and approving wrecker or other motorist service assistance vehicles for a tow list. The Department cannot estimate the number of complaints that would be received and require investigation and processing. State police uniformed officers are currently challenged to provide rapid response to emergencies and thorough follow-up to calls. With existing current backlogs in clerical functions, it may also require additional full or part-time clerical personnel or overtime to maintain current operations.

**AGENCIES CONTACTED:**

Department of Safety

**PART III: Relative to the municipal winter maintenance certification program.**

**FISCAL IMPACT:**

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2021 through 2024.

**AGENCIES CONTACTED:**

Department of Environmental Services

**PART IV: Relative to implementing a mandatory OHRV and snowmobile safety certificate program certification program.**

The Fish and Game Department was contacted for a fiscal note worksheet on January 4, 2021, which the Department has not supplied as of February 2, 2021.

REPEATED

**PART V: Relative to eligibility for the issuance of a nondriver's picture identification card.**

**FISCAL IMPACT:**

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2021 through 2024.

**PART VI: Relative to the operation of bicycles at or approaching intersections.**

This part has no fiscal impact.

**PART VII: Relative to certificate of boating safety.**

This part has no fiscal impact.

**PART VIII: Relative to allowing emergency medical services chiefs and fire chiefs to issue decals for multi-use decal plates.**

**FISCAL IMPACT:**

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2021 through 2024.

**PART IX: Relative to private roads.**

**FISCAL IMPACT:**     State             County             Local             None

LOCAL:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This bill defines a "qualified private community" and requires a municipality to reimburse or provide such communities and property owners within such communities with services related to roads equivalent to what is provided for properties along public roads, including: removal of snow, ice, and other obstructions from the roads and streets; street lighting charges; collection of leaves and recyclable materials and collection or disposal of solid waste; and repairs, maintenance and replacement of water and sewer infrastructure within qualified private communities. Municipalities currently do not provide such services to private entities. To the extent that any municipality has such communities, there would be a significant but variable increase in expenditures to provide these services to this population. The increase in municipal expenditures is therefore indeterminable. There is no increase in municipal revenues.

The bill also requires municipalities to repair class VI roads, which is currently not done and will similarly require an indeterminable expense that varies by municipality.

**AGENCIES CONTACTED:**

New Hampshire Municipal Association

LBA  
 21-0839  
 Amended 6/9/21

**SB 131-FN FISCAL NOTE**  
**AS AMENDED BY THE HOUSE (AMENDMENTS #2021-1536h and #2021-1810h)**

AN ACT            adopting omnibus legislation relative to vehicles, municipal water maintenance certificates, nondrivers's picture identification, and firefighter and emergency medical services decals.

**PART I: Relative to electric vehicle supply equipment and infrastructure and relative to state motor vehicle fleet management**

This part, as amended by the House, has no fiscal impact.

**PART II: Relative to removal of abandoned or disabled vehicles by towing.**

FISCAL IMPACT:     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General Turnpike Fund	<input type="checkbox"/> Education	<input checked="" type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other-

**METHODOLOGY:**

This section modifies procedures surrounding the removal of abandoned or disabled vehicles. Department of Safety states any impact to state expenditures is indeterminable relative to administering this bill, specifically regarding inspecting and approving wrecker or other motorist service assistance vehicles for a tow list. The Department cannot estimate the number of complaints that would be received and require investigation and processing. State police uniformed officers are currently challenged to provide rapid response to emergencies and thorough follow-up to calls. With existing current backlogs in clerical functions, it may also require additional full or part-time clerical personnel or overtime to maintain current operations.

**AGENCIES CONTACTED:**

Department of Safety

**PART III: Relative to the municipal winter maintenance certification program.**

**FISCAL IMPACT:**

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2021 through 2024.

**AGENCIES CONTACTED:**

Department of Environmental Services

**PART IV: Relative to eligibility for the issuance of a nondriver's picture identification card.**

**FISCAL IMPACT:**

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2021 through 2024.

**PART V: Relative to certificate of boating safety.**

This part has no fiscal impact.

**PART VI: Relative to allowing emergency medical services chiefs and fire chiefs to issue decals for multi-use decal plates.**

**FISCAL IMPACT:**

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2021 through 2024.

**PART VII: Relative to the maximum weight of motor vehicles.**

This part has no fiscal impact.

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03/18/2021 0771s  
4Jun2021... 1536h  
4Jun2021... 1810h  
06/24/2021 2065EBA

2021 SESSION

21-0839  
06/04

SENATE BILL        ***131-FN***

AN ACT            adopting omnibus legislation relative to vehicles, municipal water maintenance certificates, nondriver's picture identification, and firefighter and emergency medical services decals.

SPONSORS:        Sen. Watters, Dist 4

COMMITTEE:       Transportation

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AMENDED ANALYSIS

This bill adopts legislation relative to:

- I. Electric vehicle supply equipment and infrastructure and relative to state motor vehicle fleet management.
- II. Removal of abandoned or disabled vehicles by towing.
- III. The municipal winter maintenance certification program.
- IV. Eligibility for the issuance of a nondriver's picture identification card.
- V. Certificate of boating safety.
- VI. Allowing emergency medical services chiefs and fire chiefs to issue decals for multi-use decal plates.
- VII. The maximum weight of motor vehicles.

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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.





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1 (ZEV) technology and infrastructure, including the state, private and rental residence, business, and  
2 municipal installation of EVSE.

3 II. Electric utility investments in grid infrastructure to support the installation of EVSE  
4 lowers the barriers to such installation. Electric distribution companies (EDC) are uniquely  
5 positioned to enable strategic electrification as part of larger investments in grid modernization  
6 capabilities, specifically investments in electric vehicle charging infrastructure. EDC owned or  
7 funded behind the meter enabling infrastructure, also known as "make-ready" infrastructure, can  
8 accelerate charging infrastructure deployment, and it has the potential to put downward pressure on  
9 rates by spreading fixed costs over a greater volume of electric sales.

10 III. Initial investment from the Volkswagen Settlement and other potential sources should  
11 prioritize EVSE installation along the interstate highway system, the New Hampshire turnpike  
12 system, and other roadways, with careful consideration of the needs of rural areas and tourism  
13 centers, prioritized as determined by the office of strategic initiatives, the New Hampshire  
14 department of environmental services, and the New Hampshire department of transportation, in  
15 consultation with interested parties.

16 204:2 Vehicle Charging Station Requirements. Amend RSA 236:133, III to read as follows:

17 III. All publicly funded chargers, *including those funded by the Volkswagen Trust*  
18 *Settlement or by federal or other competitively awarded funds*, installed after the effective  
19 date of this paragraph that are accessible to the public shall be equipped to enable universal access.

20 204:3 Effective Date. Part I of this act shall take effect upon its passage.

21 PART II

22 Relative to removal of abandoned or disabled vehicles by towing.

23 204:1 New Section; Abandoned Vehicles; Use of Tow List Required. Amend RSA 262 by  
24 inserting after section 31 the following new section:

25 262:31-a Use of Tow List Required. In the event the state police in the interest of public safety  
26 and pursuant to applicable statutes and rules, including but not limited to clearing roads and  
27 entrances of disabled or abandoned vehicles, seeks to tow any vehicle, the tow company responsible  
28 for removal and storage shall be chosen from a tow list in accordance with RSA 106-B:26 through  
29 RSA 106-B:34.

30 204:2 New Subdivision; Removal of Abandoned Vehicles by State Police. Amend RSA 106-B by  
31 inserting after section 25 the following new subdivision:

32 Removal of Abandoned Vehicles by State Police

33 106-B:26 Applicability.

34 I. This subdivision shall apply to the enforcement of provisions of the motor vehicle laws by  
35 the state police, including clearing roads and entrances of stolen, unregistered, illegally parked,  
36 disabled or abandoned vehicles, vehicles involved in accidents or crimes or other situations,  
37 regarding the removal, storage, and release of such vehicles towed and transported by wreckers,

**CHAPTER 204**  
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**- Page 3 -**

1 towing, and emergency road service organizations in a fair and equitable manner, upon request of  
2 the division of state police:

3 (a) In response to requests from owners or custodians of vehicles that have encountered  
4 mechanical problems that rendered them inoperable or unsafe to be driven;

5 (b) In response to requests from a state trooper when a vehicle has been abandoned on  
6 private property without consent of the property owner;

7 (c) When a vehicle is found obstructing the passage of vehicles from a public street or  
8 highway onto the driveway of such private property or public building;

9 (d) When a vehicle was involved in a traffic accident or crime or its driver is  
10 incapacitated or under arrest, or is without a valid driver's license;

11 (e) When a vehicle is interfering with snow removal or highway maintenance;

12 (f) When a vehicle has been left unattended within a state-owned park and ride facility  
13 for a period greater than 21 days; or

14 (g) When a vehicle is without proper registration or apparently unsafe to be driven.

15 II. Nothing in this subdivision shall restrict the authority of town and city law enforcement  
16 agencies to enforce relevant state statutes, to enact local bylaws or ordinances not in conflict with  
17 any state law or administrative rule regarding the clearance of disabled, abandoned, illegally  
18 parked, unregistered, or stolen vehicles or vehicles involved in crimes or collisions in areas where the  
19 local police have sole or shared jurisdiction with state police, or to enter into contractual agreements  
20 with tow companies for the removal of vehicles at the request of local authorities.

21 106-B:27 State Police; Use of Tow List.

22 I. In the event the division of state police seeks to tow or remove any vehicle pursuant to  
23 applicable laws and rules, whenever practicable the tow company responsible for such towing or  
24 removal shall be chosen from a tow list in accordance with this subdivision.

25 II. To facilitate the timely and effective towing and removal of vehicles pursuant to this  
26 subdivision, the division of state police is authorized to develop and maintain a rotating list of  
27 qualified tow services within each geographical troop. Where long distances could cause  
28 unreasonably long wrecker response times, the director of state police or designee may authorize a  
29 separate rotation list by county or group of municipalities within a troop. The director from time to  
30 time may enlarge or shrink an area if necessary, to ensure an adequate number of qualified tow  
31 businesses to handle the call workload and travel distances involved, and shall review the lists  
32 periodically to ensure that needs are being met. The list may be further segmented to distinguish  
33 between heavy and light/medium duty wreckers, recovery vehicles, rollback carriers and other  
34 specialized equipment.

35 III. Rotation lists shall include notations identifying tow businesses that maintain heavy  
36 duty wreckers, heavy duty recovery vehicles, and recovery vehicles, and whenever there is a specific,  
37 identified need for one of those vehicles it shall be summoned from the rotating list in the order in

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1 which it appears. Nothing herein shall prevent a tow business on a tow list from responding to a call  
2 with a larger, heavier, or more sophisticatedly equipped vehicle where only a lighter wrecker is  
3 required, provided the tow business does not exceed its normal charge for a lighter duty wrecker.

4 IV. The director of state police with the approval of the commissioner of safety may adopt  
5 rules pursuant to RSA 541-A consistent with relevant provisions of this subdivision setting forth  
6 minimum qualifications of tow companies and their employees to participate in the state police tow  
7 list, including qualifications, training, and minimum standards for equipment, response times,  
8 storage and release of towed vehicles and their contents, and criminal history and motor vehicle  
9 record checks of tow truck drivers.

10 V. State troopers handling an incident shall not call a tow business that, in their opinion,  
11 lacks a vehicle of sufficient size and equipment for a particular job. Under such conditions a tow  
12 business not called shall retain its position on the rotation list.

13 VI. Whenever a desired tow business is unable to respond to a call in a timely manner with  
14 the proper equipment, the tow business next on the rotation list shall be called.

15 VII. Tow businesses may also be called for service, such as for fuel, tire changes, dead  
16 battery, and removal of disabled, stolen, or abandoned vehicles according to placement on the  
17 appropriate rotation list and shall have a service vehicle suitably equipped and personnel capable of  
18 handling the assignment.

19 106-B:28 Definitions. In this subdivision:

20 I. "Heavy duty wrecker" means a wrecker intended and suitably equipped for towing  
21 vehicles in excess of 10,000 pounds gross weight, such as a tractor-trailer, large truck, or similar  
22 vehicle but excluding carriers and flatbeds, and meeting the following requirements, provided that  
23 come-a-longs, chains, or other similar devices shall not be used as substitutes for winch and cable:

24 (a) A truck chassis having a minimum gross vehicle weight rating of not less than 54,500  
25 pounds;

26 (b) Tandem axles, or a cab-to-axle length of not less than 102 inches;

27 (c) A combined winch capacity of not less than 50,000 pounds, as rated by the winch  
28 manufacturer;

29 (d) A single winch in good operating condition with a capacity of 50,000 pounds, as rated  
30 by the winch manufacturer, or if equipped with 2 winches, a combined rating of 50,000 pounds;

31 (e) A manufactured wheel-lift in good operating condition, with retracted lifting capacity  
32 of not less than 20,000 pounds, as rated by the lift manufacturer, with safety chains or a tow bar of  
33 equal capacity;

34 (f) A winch cable rated as specified by the winch manufacturer, in good condition;

35 (g) Light and airbrake hookups for the towed vehicle; and

36 (h) Additional safety equipment as specified in this chapter and consistent with United  
37 States Department of Transportation inspection requirements.

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1           II. "Light/Medium duty wrecker" means a wrecker intended and suitably equipped for safely  
2 towing vehicles weighing 26,000 pounds or less gross weight, including passenger cars, pickup  
3 trucks, motorcycles, small trailers, and similar vehicles, that meets the following requirements,  
4 provided that come-a-longs, chains, or other similar devices shall not serve as substitutes for a winch  
5 and cable:

6           (a) A minimum gross vehicle weight rating of not less than 14,500 pounds;

7           (b) Individual boom capacity of not less than 8,000 pounds, as rated by the boom  
8 manufacturer;

9           (c) Individual power takeoff or hydraulic power or electric winch capacity of not less than  
10 8,000 pounds, as rated by the manufacturer, and wire rope of a capacity and length consistent with  
11 the device manufacturer;

12           (d) A manufactured wheel-lift with a retracting lifting capacity of not less than 3,500  
13 pounds, as rated by the manufacturer, with safety chains;

14           (e) Dual rear wheels;

15           (f) Two chock blocks that will prevent rolling or slippage of the wrecker; and

16           (g) Additional safety equipment as specified in this chapter and consistent with United  
17 States Department of Transportation inspection requirements.

18           III. "Recovery vehicle" means a motor vehicle consisting of a commercially available truck  
19 chassis equipped with a commercially manufactured tow body or bed and that is rated and issued a  
20 serial number by the manufacturer, designed and equipped for and used in the towing or recovery of  
21 vehicles, in good condition and capable of towing a vehicle by means of a tow bar, sling, or wheel lift,  
22 and capable of recovering a vehicle by means of a hoist, winch, or towline.

23           IV. "Rollback carrier" means a flatbed vehicle in good condition that meets the following  
24 requirements, provided that come-a-longs, chains, or similar devices shall not be used as substitutes  
25 for a winch and cable:

26           (a) A minimum gross vehicle weight rating of at least 19,500 pounds;

27           (b) A specially equipped chassis with a ramp on wheels and a hydraulic lift with a  
28 capacity to haul or tow another vehicle;

29           (c) At least one 8,000 pound winch, as rated by the winch manufacturer, with at least 50  
30 feet of cable, as recommended by the winch manufacturer; and

31           (d) Additional safety equipment as specified in this chapter and consistent with United  
32 States Department of Transportation inspection requirements.

33           V. "Tow business" means a person, enterprise, partnership, company, LLC, or other  
34 corporation having a registered trade name, an active New Hampshire tax identification number, an  
35 active New Hampshire workers' compensation insurance policy or exemption papers, an active New  
36 Hampshire employment security account, and that meets all state and local legal requirements  
37 including, but not limited to, those related to payment of business related taxes, fees, and insurance

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1 coverage, and that regularly engages in the impoundment, recovery, transport, or storage of towed or  
2 abandoned vehicles, or in the disposal of abandoned vehicles.

3 VI. "Tow list" means a list or lists of qualified New Hampshire businesses compiled by the  
4 division of state police and used by them to dispatch wreckers and recovery and road service vehicles  
5 to tow, recover, and temporarily store a vehicle when the owner, driver, or other person responsible  
6 for the vehicle is not present or wishes to have the vehicle removed and expresses no choice or  
7 preference of a specific tow business, or when public safety requires the law enforcement official in  
8 charge at the scene to clear the vehicle from the location believing, in his or her sole opinion, the  
9 vehicle is causing a public hazard or safety issue or is stolen, unregistered, was involved in a crime,  
10 or is in violation of a statute that requires immediate removal.

11 VII. "Vehicle storage area" means a suitable yard or enclosed building where a qualified tow  
12 business keeps or stores towed or impounded vehicles.

13 VIII. "Wrecker" for purposes of this chapter and except where the context clearly indicates  
14 otherwise, means a tow truck, road service vehicle, or carrier and recovery vehicle used by tow  
15 businesses on the state police tow list.

16 106-B:29 Use of Tow List.

17 I. When a towing situation being handled by state police involves a vehicle that requires  
18 recovery, towing, or removal from the scene, the trooper in charge shall make a best effort attempt to  
19 allow the owner, operator, or other person lawfully responsible for the vehicle to contact a preferred  
20 tow business, unless doing so will delay the timely restoration of safe traffic movement, prolong a  
21 serious hazard, or compromise the preservation or collection of evidence. The preferred tow business  
22 when called shall notify state police communications of its estimated time of arrival. The trooper on  
23 scene shall determine if that time will unduly continue a hazardous condition or cause serious  
24 inconvenience for the public and, if so, state police communications shall summon the next  
25 appropriate tow business from the tow list. If there is no one on site who is the owner, operator, or  
26 other person lawfully responsible for the vehicle, and in the opinion of the trooper the vehicle  
27 presents a hazard or unreasonable delay to the public, the trooper on site shall request that state  
28 police communications contact the next appropriate tow business on the list.

29 II. To help ensure a timely and professional response and to promote fairness to individual  
30 towing businesses, the division of state police shall maintain a separate rotation list for each state  
31 police geographical troop area. In any case where distances involved could cause unreasonably long  
32 wrecker responses, the director of state police may authorize a separate rotational list by county or  
33 group of communities for that troop. The director may enlarge or shrink an area if necessary to  
34 provide a sufficient number of tow businesses to handle the number of calls in the area and the  
35 travel distances involved, and shall review the zones periodically to determine if needs are being  
36 met.

37 III. If the desired tow business is unable to respond to a call in a timely manner with the

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1 proper equipment, the tow business next in line on the rotation list will be called.

2 IV. Placement on the tow list shall be by order of application. Whenever a new tow business  
3 becomes authorized, it shall be placed on the bottom of the appropriate list or lists for which the  
4 director finds the tow business qualified. The director shall have authority to determine when a tow  
5 list is adequately staffed with towing businesses and may refuse to add a business to the list if he or  
6 she determines the amount and type of calls in that zone is insufficient to justify a larger list.

7 V. Separate rotation lists shall be maintained for each category of wrecker. When a  
8 situation requires services of a specific category of wrecker, such wrecker shall be called from the  
9 appropriate tow list unless the person responsible for the vehicle is present and has a preference for  
10 a different tow business with that category of wrecker, in which case the preferred wrecker shall be  
11 summoned if available within a reasonable response time.

12 VI. Nothing in this chapter shall be construed to confer any vested property rights upon a  
13 tow business to continue on the rotating list.

14 VII. Calling a tow company from the list does not create a contract with or obligation on the  
15 part of the state police or state police personnel to reimburse any fee or towing charge, except when  
16 towing a vehicle owned or leased by the state police or that is later forfeited to the state police, or if a  
17 court determines that the state police wrongfully authorized the tow and orders the state police to  
18 pay transportation and storage fees.

19 VIII. Placement on the rotation list does not guarantee a particular number of calls, an  
20 equal number of calls to every tow business on the list, nor any compensation as a consequence of not  
21 being called in accordance with the list, or when removed from the rotation list. If a towing business  
22 responds to a state police call and the call is later canceled due to the vehicle no longer being  
23 disabled, or the circumstances change such that after calling a tow company the vehicle must be  
24 stored in a manner that preserves all evidence in or on the vehicle and the tow business is not so  
25 equipped, the tow business shall go back to the top of the list.

26 IX. A tow business shall, upon receiving a request from the state police, use its own  
27 equipment and shall not refer a call to another tow business.

28 X. A tow business may terminate or temporarily suspend its designation as a service  
29 provider and be removed from the rotation list by providing prompt written notice to state police  
30 communications. In the event of unforeseen circumstances such as death, fire, bankruptcy, or loss of  
31 equipment from accident or failure, a tow business on the tow list shall timely notify the director of  
32 state police in writing of its intent to suspend its designation as a service provider. If and when it  
33 desires to return to service, such tow company shall send a new application to the director. If  
34 approved to resume operation, they shall be placed at the bottom of the rotation list.

35 XI. New tow businesses, when qualified and accepted, shall be placed on the bottom of the  
36 rotation list.

37 XII. The trooper in charge at the scene of a towing situation shall have discretionary

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1 authority to deny a request for a specific tow business whenever time is of the essence and the  
2 request will delay the restoration of safe traffic movement.

3 XIII. If a motorcycle is to be towed, a tow sling, wheel lift, car carrier, or other comparable  
4 device shall be used that has the capability to transport motorcycles.

5 XIV. The division shall not call a tow business that, in its opinion, does not have a vehicle of  
6 sufficient size and equipment for a specific job. Under these conditions, the tow business not called  
7 will remain on the top of the rotation list.

8 XV. A tow business shall not sell, assign, transfer, pledge, surrender, encumber, or dispose  
9 of its place on the rotation list. By applying to be placed on the list, a tow business agrees to respond  
10 to all state police calls 24 hours a day, 7 days a week. If for any reason the business cannot respond  
11 to a call, it rotates to the bottom of the list. Businesses that develop a pattern of non-response to  
12 calls may be subject to removal from the rotation list.

13 XVI. A tow business shall appear on the rotation list only once. The listing shall use the  
14 name of the business submitted at the time of application and a designation for any specialty in  
15 which the business is qualified. A tow business conducting business at a location shall not receive  
16 multiple listings or classifications by utilizing a different or fictitious name for trucks operating from  
17 the same location or trucks operating with the same name out of different locations within that zone.

18 XVII. When emergency conditions necessitate, the state police may request the services of  
19 the tow business that is best equipped to handle the emergency and can reach the scene in the  
20 shortest time, regardless of its position on the rotation list. A call made under these circumstances  
21 shall count as such business's next rotation call.

22 XVIII. Whenever heavy equipment or large vehicles are involved in an incident, and it is  
23 determined that the tow business next up on the rotation list lacks adequate equipment to handle  
24 the incident, the division may call a larger piece of equipment from a business on the list that can  
25 handle the situation. In such case, the tow business shall be repositioned on the rotation list  
26 accordingly. Having only one large rotation wrecker shall not justify for being called to all truck  
27 accidents.

28 XIX. In the event of an overturned truck, the state police shall determine at the time if the  
29 situation requires the use of only one tow business or if additional vehicles are required. The first  
30 named tow business shall determine the amount of assistance necessary to remove any public  
31 hazards. The tow business responding to the law enforcement request shall be responsible for  
32 contacting others meeting the qualifications to operate in New Hampshire and shall be the business  
33 responsible for efficient and safe handling of the recovery. Decisions made pursuant to this  
34 paragraph shall be based on the public safety concerns.

35 XX. At no time shall any towing vehicle exceed its manufacturer's gross vehicle weight  
36 rating or the manufacturer's rated capacity for the towing assembly or be attached to a vehicle which  
37 by its size and or weight would make towing it an unsafe movement.



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1           106-B:30 Requirements for Placement on the Tow List.

2           I. Any tow business that wishes to be placed on the rotation list with appropriate  
3 designation shall make application to the director of state police.

4           II. The tow business shall provide as part of its application a list of all tow truck operator  
5 personnel, including full name, current address, date and place of birth, driver's license number and  
6 type, and any restrictions, license expiration date, and social security number. The application shall  
7 be updated with state police communications within 5 days of whenever a new employee is hired, or  
8 an employee leaves the employ of the business.

9           III. The application shall include an individual form approved by the director of state police  
10 for each tow truck operator and for the owner and manager of the business and any supervisors,  
11 listing under penalty of unsworn falsification their full name, date and place of birth, driver license  
12 number and type and any restrictions or limitations, and a listing of all motor vehicle offense  
13 convictions in this or any other state or Canadian province including type, court, and year in the  
14 preceding 5 years, and a list of any criminal convictions in this or any other state or Canadian  
15 province within the past 10 years, including type of offense, year of conviction, court, and sentence  
16 imposed, and whether the person is currently on probation or parole or has ever been a registered  
17 sex offender or subject to a domestic violence protective order. Nothing in this paragraph shall  
18 restrict the employer or state police in case of doubt from verifying the information through a record  
19 check or checks.

20           IV. Any criminal history of convictions involving a felony against persons or property  
21 involving fraudulent activity, aggravated assaults, sex offenses, burglary or thefts resulting in a  
22 felony conviction within the last 3 years, or a serious or repetitive motor vehicle violation history of  
23 any such individual shall be grounds for refusing to place on or removing the business from the  
24 rotation list.

25           V. If an operator is employed by more than one listed towing company, each company shall  
26 maintain an independent and separate driver file on such individual. When a driver, manager, or  
27 supervisor ceases employment at the business or a new such employee is hired, the company shall  
28 notify the state police director in writing within 10 days and include a copy of the application  
29 including a copy of the form described in paragraph III. It shall be the responsibility of the operator  
30 to maintain appropriate records of driving times showing full compliance with all applicable laws,  
31 rules, and regulations.

32           VI. In the event the ownership of a tow business changes for any reason including but not  
33 limited to the sale of the business, death, or retirement of the owner, the tow business shall reapply  
34 before the effective date of the change in ownership for approval or the tow business shall be  
35 removed from the rotation list until such time as the new owner complies with the application  
36 process.

37           VII. The business shall have a telephone number listed in its name and shall also have an

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1 after-hours telephone number where it can be contacted after normal business hours. The business  
2 shall be staffed Monday through Friday from at least 9 a.m. to 5 p.m. with someone who will be  
3 available for administrative matters and the release of a vehicle or other related items stored on  
4 premises. After normal business hours and on weekends or holidays a responsible person shall be on  
5 call to provide those services.

6 VIII. Wreckers dispatched shall arrive at the scene within 30 minutes of being called, except  
7 for cases where the travel distance, posted speeds, or traffic and weather conditions and volume of  
8 traffic make this unreasonable. For heavy duty calls the company shall respond within a maximum  
9 of 60 minutes regardless of the time of day. If the time exceeds the above limit and the tow business  
10 does not provide state police communications or the trooper in charge at the scene a valid reason for  
11 the delay within that time, a second rotation wrecker may be dispatched. If a second wrecker is  
12 requested before the arrival of the initially dispatched rotation wrecker, the initially requested  
13 wrecker shall forfeit the call and leave the incident scene. Repeated tardiness may result in  
14 suspension or removal from the rotation list.

15 IX. If a tow business responds to a rotation call and through no fault of its own, does not tow  
16 the vehicle, the business shall retain its position on the rotation list.

17 X. Towing personnel shall wear reflective clothing meeting Federal Highway Administration  
18 specifications at all times when working in or adjacent to the roadway.

19 XI. The tow business shall maintain a reasonably secure area for the safe storage of motor  
20 vehicles or other items stored at the request of the state police. Storage facilities shall be clearly  
21 marked as belonging to that tow business and shall have adequate lighting to illuminate the  
22 enclosed area. If a vehicle must be stored for processing after a crime, death, or serious injury then  
23 storage facilities shall include a gated or fenced area adequate to reasonably secure the storage  
24 facility and prevent unauthorized entrance. Camera surveillance is recommended but not  
25 mandatory.

26 XII. A secure building that provides written proof that it meets all applicable state and local  
27 codes and which is suitably alarmed may substitute for a fenced area if the tow business provides for  
28 total inside storage.

29 XIII. The tow business shall provide reasonable accommodations for after-hours release of  
30 personal property in stored vehicles or other related storage once the state police releases any hold  
31 on personal or other property not affixed to the towed vehicle, and upon payment in full or mutual  
32 agreement for payment of all towing and storage fees. The towing of a vehicle at the request of law  
33 enforcement shall grant a lien to the tow business, equal to the cost of recovery and storage.

34 XIV. Under no circumstance may a tow business withhold wallets, purses, life essential  
35 clothing, mail, legal documents, child safety seats, eyeglasses or contact lenses, medicines, medical  
36 equipment, license plates, or house or place of business keys pending payment of fees.

37 XV. Any towing or recovery vehicle used by the tow business shall display lettering on both

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1 sides of the vehicle in letters that contrast in color with the background and are readily legible  
2 during daylight hours from a distance of 50 feet while the vehicle is stationary, and kept and  
3 maintained in a manner that retains such legibility, indicating the name or trade name of the  
4 wrecking service or owner thereof, the city or town and state in which the vehicle is customarily  
5 based, and the business telephone number on each front door of the truck. The identification  
6 number issued by the Federal Motor Carrier Safety Administration to the motor carrier, preceded by  
7 the letters "USDOT"; shall also be included in such lettering.

8       XVI. The tow business participating in the tow list shall maintain tow and hook, liability,  
9 and garage-keepers' liability insurance in an amount not less than that designated under New  
10 Hampshire law or administrative rule. This shall include a minimum coverage of \$1,000,000 in  
11 liability including garage-keeper's insurance coverage. The tow business shall also comply with all  
12 other business requirements and taxes required under state or federal law.

13       XVII. The tow business shall not place or imprint on its vehicles, buildings, equipment,  
14 clothing, or correspondence anything that suggests or implies an official relationship between the  
15 company and any emergency services provider or law enforcement agency. This shall extend to paint  
16 schemes, colors, shoulder patches, or decals similar in design to department of safety or state police  
17 vehicles or any name or logo implying an official connection. State police may design and issue a  
18 suitable decal to indicate that a tow vehicle's owner is on the rotating list. Termination of services or  
19 suspension, even if temporary, from the rotation list shall require any decal provided, issued, or  
20 approved by state police to be removed immediately from the tow vehicle if such vehicle will be  
21 operated on public roads.

22       XVIII. The tow business shall provide state police with a complete updated list of all rates  
23 for the services it performs related to the towing and storage of vehicles, on the letterhead of the  
24 business, and shall update such list when prices change. State Police shall not set the fees for these  
25 services nor use the rate schedule provided in determining placement on a rotation schedule. Price  
26 lists shall remain confidential except when determining the reasonable fee in a requested hearing  
27 conducted by the department of safety.

28       XIX. Whenever the owner of a towed or impounded vehicle or their agent pays a towing  
29 company for those services, the company shall provide a detailed receipt to the owner or agent for  
30 the services rendered.

31       XX. Motorists using a wrecker under the rotation list shall have the option of paying by cash  
32 or major debit or credit card. The tow business may inquire, prior to accepting a dispatch, as to how  
33 the motorist will be paying. The owner of a towed or impounded vehicle who believes an exorbitant  
34 or unreasonable fee was charged for towing the vehicle if such service rendered was covered by RSA  
35 262:31 through RSA 262:40-c, may file a complaint with the commissioner of safety and request  
36 review pursuant to RSA 262:35-a. If not covered by RSA 262:31 through RSA 262:40-c, the owner or  
37 his or her agent shall be notified of his or her ability to make a complaint to the consumer protection

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1 division of the department of justice.

2 XXI. A tow business shall not be operated without a Federal Motor Carrier Safety  
3 Administration safety registration, an active United States Department of Transportation number,  
4 and valid New Hampshire registration.

5 106-B:31 Requirements to Remain on the Tow List.

6 I. Tow personnel shall perform a general cleanup of an accident area before leaving the  
7 scene, and remove any glass, vehicle parts, debris, or other substances dropped or spilled prior to  
8 leaving an incident scene. Vehicle fluids or hazardous substances shall not be intentionally drained  
9 or left on the road or surrounding environment. There will be no charge for normal highway cleanup  
10 of 30 minutes or less unless cleanup is a regular part of the itemized bill. If the debris field was  
11 caused by more than one vehicle all tow personnel shall share in the cleanup duties under the  
12 direction of the trooper in charge at the scene.

13 II. The tow business shall be responsible for securing and preserving personal property in a  
14 vehicle to be towed, unless the owner or person responsible is present and wishes to take custody of  
15 it.

16 III. The tow business shall employ reasonable safeguards and procedures so that all  
17 personal belongings and contents in the towed vehicle are intact and returned to the vehicle's owner  
18 or authorized agent upon release of the vehicle upon payment in full or mutual agreement for  
19 payment of fees with the exception of those essential items as provided.

20 IV. All personal property left in a vehicle and unclaimed shall be handled in accordance with  
21 applicable state laws.

22 V. No tow business shall accept a call if the employee who will be responding is under the  
23 influence of any substance that could cause impairment or has the odor of alcohol on his or her  
24 breath, nor shall a tow business employee respond in such a condition.

25 VI. The tow business shall maintain a log or ledger of all vehicles towed at the request of  
26 state police. It shall contain the date, time, and location of the tow, a description of the vehicle towed  
27 including the owner's name and address, vehicle identification number, registration plate number  
28 and state of registration, name of the tow vehicle operator, name and address of the person to whom  
29 the vehicle was released, and location to which the vehicle was towed. This record and any other  
30 records and equipment associated with compliance with these applicable state statutes and these  
31 rules shall be open to inspection by department of safety personnel during normal business hours  
32 and retained for the year when the record was made and one full year beyond.

33 VII. The owner, operator, and any employee of the tow business on the list shall comply with  
34 all applicable state and federal laws and local ordinances. In matters where conflict of laws arises  
35 the tow business shall follow the lawful direction of the law enforcement officer controlling the scene  
36 of the investigations and shall be held harmless from any conflicts.

37 VIII. All wrecker drivers shall have a valid driver's license for the class of vehicle they are

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1 operating. Wrecker drivers shall have a motor vehicle record free of convictions of serious motor  
2 vehicle offenses, or license revocations, or suspensions for serious motor vehicle offenses for the past  
3 3 years.

4 IX. Tow companies on the tow list shall not permit any person to drive a wrecker if said  
5 person has been convicted for any felony against persons or property involving fraudulent activity,  
6 sex offenses, aggravated assaults, burglary, theft resulting in a felony conviction within the last 3  
7 years. No tow company shall permit any person to drive a wrecker if the person is currently subject  
8 to probation, parole restrictions, or court order restricting the area the person may or may not be  
9 present in at any time.

10 X. Wreckers at the scene of a service call may be asked to provide minor on-site repairs, such  
11 as jump-starting a dead battery or changing a tire.

12 XI. Each tow vehicle shall carry at a minimum the following supplies and equipment in good  
13 working order, in addition to meeting the requirements herein for each class of vehicle that will be  
14 responding to wrecker calls:

15 (a) Emergency lights meeting statutory requirements, visible at 3/4 of a mile when  
16 illuminated, and visible over any vehicle being towed. Sirens are prohibited.

17 (b) At least one working spotlight capable of being aimed.

18 (c) One fire extinguisher, 5-lb. carbon monoxide or dry powder, fully charged and able to  
19 be operated.

20 (d) At least one heavy duty push broom and garbage container.

21 (e) A steering lock mechanism or capability to properly lock steering.

22 (f) A first aid kit.

23 (g) A reflectorized safety vest for each employee on the vehicle.

24 (h) For heavy duty vehicles and heavy-duty recovery vehicles, portable lighting  
25 equipment.

26 (i) Heavy duty wreckers and heavy-duty recovery vehicles shall have 10 of at least 2 of  
27 the following: reflector flare, road flare, colored LED flashing road flare. Lighter vehicles shall have  
28 at least 3 of 2 or more of the following: reflector flare, road flare, colored LED flashing road flare.  
29 Traffic cones may be substituted for one of the above on a clear day during the hours from dawn to  
30 dusk.

31 (j) At least one flat scoop type shovel.

32 (k) For heavy duty wreckers and heavy-duty recovery vehicles, necessary equipment to  
33 perform the tasks necessary for towing a vehicle.

34 (l) For any wreckers called to recover vehicles with air assisted brakes, the capability to  
35 provide air to the towed vehicle to facilitate brake operation.

36 (m) A current, valid motor vehicle registration and a current, valid state safety  
37 inspection sticker.

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1           (n) An FCC licensed 2-way business radio or a wireless telephone.

2           (o) Portable lights for any vehicle being towed including taillights, stop lights, and  
3 directional signals.

4           (p) A minimum of 40 pounds of sand or other appropriate absorbent material designed  
5 and verified by the manufacturer to absorb hazardous waste and spills in an efficient and effective  
6 manner.

7           XII. The management of a towing business on the rotating list shall be primarily responsible  
8 to the division of state police to inspect and maintain an ongoing awareness of compliance with  
9 relevant rules, regulations, and laws affecting the business and to make prompt corrections of any  
10 discrepancies. Each tow business on the list shall annually, on or before January 15 of the following  
11 year, certify to the director of state police under penalty for unsworn falsification that it has  
12 conducted an internal inspection and that the business is in compliance with the provisions of this  
13 subdivision and any administrative rules adopted pursuant to it.

14           XIII. State troopers or other designated department of safety personnel may be assigned at  
15 the discretion of the state police director to conduct reviews from time to time of towing businesses,  
16 their records, and equipment to ensure compliance with relevant rules and laws and make a  
17 recommendation through the state police communications commander to the director as to the level  
18 of compliance and any appropriate action. Tow businesses participating in the tow list shall make,  
19 during normal business hours, their records, vehicles, facility, and equipment available for  
20 examination for such reviews by troopers or other department of safety employees. In cases of non-  
21 compliance, the state police communications commander shall recommend appropriate action to the  
22 director, which may include a verbal or written reprimand, suspension, or revocation from continued  
23 participation in the rotating list. Such action is discretionary and shall be based on the nature and  
24 seriousness of the discrepancy and any prior record of the business.

25           XIV. Before being removed from the rotating list for disciplinary reasons, a tow business or  
26 employee shall be served with a written notice of intent describing the reasons, and notified that it  
27 may request a hearing before the department of safety bureau of hearings prior to any such removal.  
28 A tow business that is removed from the list may contest the result of the hearing in superior court.  
29 Nothing in this subdivision shall be construed to confer any vested property rights upon a tow  
30 business or employee to remain on the state police rotating tow list.

31           XV. Tow vehicle owners, operators, and employees shall not be abusive, disrespectful, or use  
32 profane language when dealing with the public or officials and shall cooperate with the members of  
33 the state police.

34           XVI. Tow businesses shall employ only drivers who demonstrate an ability to perform  
35 required services in a safe, timely, courteous and civil manner and who satisfy all applicable state  
36 and federal laws and regulations.

37           XVII. The tow business shall tow disabled vehicles to any destination requested by the

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1 vehicle owner or person in charge of the vehicle after financial obligations have been finalized to the  
2 satisfaction of the tow business providing the service. The tow business may hold the vehicle for  
3 payment of services at the business location if not satisfied with payment on site.

4 XVIII. Access to the storage facility or yard by insurance inspectors, appraisers, attorneys  
5 and their assistants and private investigators shall be at their own risk and the tow business shall  
6 not be responsible for any injury sustained. A vehicle owner or the owner's authorized agent, upon  
7 presentation of suitable identification, may enter the yard at their own risk under supervision by the  
8 tow business to remove personal items or belongings.

9 XIX. A wrecker operator on the rotation list shall not offer towing services to the owner or  
10 operator of a vehicle currently under the supervision of state police unless dispatched by the rotation  
11 list or specifically hailed for service by the trooper or other law enforcement officer under emergency  
12 circumstances. Any activity done or designed for the purpose of circumventing the list shall be cause  
13 for the division to remove the business from the rotating list permanently or for a specific time  
14 determined by the division.

15 XX. Tow service vehicles shall not be driven at an unsafe or unreasonable speed, commit  
16 other moving motor vehicle violations or drive recklessly on the way to or from a towing service call,  
17 and may be removed from the list for such behavior.

18 XXI. State police shall not show any favoritism or circumvent the tow list to favor one or  
19 more businesses and shall be subject to divisional discipline for doing so.

20 106-B:32 Recordkeeping; Mandatory Records.

21 I. Each operator or business on the rotating list shall maintain a record system covering all  
22 services performed in roadside service, pulling, towing, or transporting vehicles in response to calls  
23 from the state police, which shall include the following information:

24 (a) The date and time of day the business was contacted and requested to the scene and  
25 the times of arrival and departure from the scene.

26 (b) The name of the person requesting the service.

27 (c) The location of the vehicle or incident.

28 (d) A description of the vehicle including license plate and vehicle identification number.

29 (e) The name and address of the owner or lessee of the vehicle, if known.

30 (f) The name and address, date of birth, driver license number, and licensing state or  
31 province of the driver of the vehicle, if known.

32 (g) The service or towing charge and other related fees.

33 II. All such records shall be available for inspection and copying by state troopers or agents  
34 of the department of safety during normal business hours at the place of business of the wrecker  
35 business, and shall be maintained for the current calendar year and the year immediately prior to  
36 the current calendar year.

37 106-B:33 Confiscated Vehicles; Impoundment. A state trooper may impound or confiscate a

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1 vehicle towed by a tow business that is on the rotation list in furtherance of law enforcement duties,  
2 such as when the vehicle is reported stolen or involved in a crime, is unsafe to be driven, or is to be  
3 processed for possible forensic evidence of a crime. In such events:

4 I. The vehicle may be towed to a location specified by the processing officer to facilitate  
5 evidence preservation, collection, or processing, otherwise it shall be securely stored on the premises  
6 of the towing service.

7 II. The towing and storage of the vehicle shall be at the expense of the state police. The  
8 wrecker business shall not release the vehicle to anyone unless and until authorized to do so by the  
9 trooper who arranged for the hold or a state police officer superior in rank to that trooper, or on an  
10 order by the court.

11 III. The tow business shall not allow anyone except a member of the law enforcement agency  
12 having jurisdiction or someone having written permission from the state police to enter, inspect, or  
13 touch the vehicle or any parts from the vehicle.

14 IV. When the vehicle is released, the tow business shall require that the person to whom the  
15 vehicle is released display a valid photo driver license or other official government photo  
16 identification, and the tow business shall keep a photocopy of such card or document.

17 106-B:34 Compliance Action; Disciplinary Enforcement. Participation in the state police tow list  
18 is a privilege, not a right. The director of state police is charged with the responsibility of ensuring  
19 that the towing, storage, roadside emergency service, and recovery of vehicles at the direction or  
20 request of the division of state police is accomplished consistent with state law and administrative  
21 rules and in a manner that maintains the confidence and respect of the motoring public. To  
22 accomplish this, the director may take appropriate action to uphold the integrity and efficiency of the  
23 tow list and the duties and responsibilities of businesses participating in the list and their owners,  
24 managers, and employees. The director may take appropriate action including removal of a tow  
25 business or a tow business employee from participating in the tow list, and which may include upon  
26 satisfactory evidence of violations or deliberate noncompliance, a verbal or written warning,  
27 suspending the business or employee or both from the list for a period of one to 120 days, or removal  
28 from the list and ineligibility for restoration for up to 2 years, depending on the seriousness of the  
29 offense, any prior history of violations, and any resulting harm. Causes for such action shall include  
30 violations of the equipment and other requirements set forth in RSA 106-B:28, and the provisions of  
31 RSA 106-B:29 through 106-B:33. Disciplinary actions may be appealed to the department of safety  
32 bureau of hearings and to the superior court as provided in RSA 106-B:31, XIV.

33 204:3 Effective Date. Part II of this act shall take effect 60 days after its passage.

PART III

Relative to the municipal winter maintenance certification program.

36 204:1 New Paragraph; Salt Applicator Certification; Definitions; Municipal Winter Maintenance  
37 Certification Program. Amend RSA 489-C:1 by inserting after paragraph IV the following



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1 new paragraph:

2 IV-a. "Municipal winter maintenance certification program" means a program implemented  
3 by a governmental unit as defined in RSA 507-B:1, I to maintain public roads, parking areas, and  
4 walkways in the winter months to be safe for public passage.

5 204:2 Commercial Applicators; Certification Option.. Amend RSA 489-C:2 to read as follows:  
6 489-C:2 **Commercial Applicator** Certification Option.

7 I. Commercial applicators may elect to be [~~annually~~] certified by the department. Applicator  
8 certificates shall be issued by the department **and may be renewed annually**.

9 II. Any business that employs multiple commercial applicators may obtain a master  
10 certificate for the owner or chief supervisor, and commercial applicators employed by the business  
11 may obtain [~~certificates~~] **either an individual certificate or a subordinate certificate** to qualify  
12 under the master certificate. Any business holding a master certificate shall ensure that all  
13 commercial applicators operating **with a subordinate certificate** under its master certificate  
14 receive the required training and shall provide the required record keeping on behalf of all  
15 commercial applicators **working under the master certificate**.

16 III. **The department shall charge an annual fee for master, individual, and**  
17 **subordinate certificates**. Annual fees for [~~certificates~~] **a subordinate certificate** obtained under  
18 a master certificate shall be significantly less than the fees for a master certificate. **Annual fees for**  
19 **individual certificates shall be higher than the fee for a subordinate certificate but less**  
20 **than the fee for a master certificate**.

21 204:3 New Section; Municipal Winter Maintenance Certification Program Option. Amend RSA  
22 489-C by inserting after section 2 the following new section:

23 489-C:2-a Municipal Winter Maintenance Certification Program Option.

24 I. Any governmental unit that has a municipal winter maintenance program may elect to  
25 have the program certified by the department. Municipal winter maintenance certification program  
26 certificates shall be issued by the department and may be renewed annually.

27 II. Any governmental unit holding a municipal winter maintenance program certificate shall  
28 ensure that each applicator operating under its certificate receives the required training approved by  
29 the department and shall provide record keeping on behalf of all applicators working under the  
30 municipal winter maintenance certificate. A governmental unit may meet the training requirement  
31 by requiring its employees to obtain commercial applicator individual certificates.

32 III. The department may create more than one class of certificate to recognize different  
33 complexity levels of municipal winter maintenance programs. If such classes are created, the  
34 department shall, through rules adopted pursuant to RSA 541-A, identify the criteria, required  
35 record keeping, and other requirements as may apply to each level.

36 IV. The department shall charge an annual fee for a municipal winter maintenance program  
37 certificate.

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1       204:4 Salt Applicator Certification; Rulemaking. Amend RSA 489-C:3, V to read as follows:

2           V. Recordkeeping [~~required for commercial applicators to maintain certification~~] **and**  
3 **reporting requirements for certificate holders.**

4       204:5 New Paragraph; Salt Applicator Licenses; Rulemaking. Amend RSA 489-C:3 by inserting  
5 after paragraph VI the following new paragraph:

6           VII. Procedures for governmental units to obtain certification for their municipal winter  
7 maintenance programs.

8       204:6 Snow, Ice, and Other Weather Hazards. Amend RSA 507-B:2-b to read as follows:

9       507-B:2-b Snow, Ice, and Other Weather Hazards. Notwithstanding RSA 507-B:2, a  
10 governmental unit shall not be liable for damage arising from insufficiencies or hazards on any  
11 premises owned, occupied, maintained, or operated by it, even if it has actual notice of them, when  
12 such hazards are caused solely by snow, ice, or other inclement weather, and the governmental unit's  
13 failure or delay in removing or mitigating such hazards is the result of its implementation, absent  
14 gross negligence or reckless disregard of the hazard, of a winter or inclement weather maintenance  
15 policy or set of priorities with respect to such premises, adopted in good faith by the official  
16 responsible for such policy. All governmental units, officials, and agents shall be presumed to be  
17 acting pursuant to such a policy or set of priorities in the absence of proof to the contrary.  
18 ***Municipal winter maintenance programs certified under RSA 489-C:2-a shall be presumed***  
19 ***to meet the standards herein for all public roads, parking areas, and walkways in the***  
20 ***absence of proof to the contrary.***

21       204:7 Liability Limited for Winter Maintenance. Amend RSA 508:22 to read as follows:

22       508:22 Liability Limited for Winter Maintenance.

23           I. No commercial applicator as defined in RSA 489-C:1, II and certified under RSA 489-C:2,  
24 ***or his or her employer or principal, or an*** owner, occupant, or lessee of land whose premises is  
25 maintained by a commercial applicator certified under RSA 489-C:2, ***whether by contract with the***  
26 ***commercial applicator or his or employer or principal,*** shall be liable for damages arising from  
27 insufficiencies or hazards on any premises owned, occupied, maintained, or operated by them, even  
28 with actual notice thereof, when such hazards are caused solely by snow or ice, and the [~~commercial~~  
29 ~~applicator's, owner's, occupant's, or lessee's~~] failure or delay in removing or mitigating such hazards  
30 is the result of [~~its~~] ***the*** implementation, absent gross negligence or reckless disregard of the hazard,  
31 of best management practices for winter road, parking lot, and sidewalk maintenance adopted and  
32 published by the department of transportation and the department of environmental services. All  
33 commercial applicators, owners, occupants, or lessees who adopt such best management practices  
34 shall be presumed to be acting pursuant to the best management practices in the absence of proof to  
35 the contrary.

36           II. In order to receive the liability protection provided in paragraph I, a commercial  
37 applicator as defined in RSA 489-C:1, II, or an owner, occupant, or lessee of land shall keep a written

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1 record describing its winter road, parking lot and property maintenance practices. The written  
2 record shall include the type [~~and rate of application~~] of de-icing materials used, *the rate or*  
3 *quantity of deicing materials used*, the dates of treatment, and the weather conditions for each  
4 event requiring de-icing. Such records shall be kept for a period of 3 years.

5 204:8 Effective Date. Part III of this act shall take effect July 1, 2021.

PART IV

6  
7 Relative to eligibility for the issuance of a nondriver's picture identification card.

8 204:1 Identification Cards; Eligibility. Amend RSA 260:21, I to read as follows:

9 I. The department shall upon application issue a nondriver's picture identification card to  
10 any resident who[~~s~~]:

11 (a) is 12 years of age or older and does not possess a driver's license.

12 [~~(b) Is disabled and does not possess a driver's license, or~~

13 ~~(c) Is 65 years of age or older, whether or not said resident possesses a driver's license.]~~

14 204:2 Identification Cards; Design and Validity. Amend RSA 260:21, III and IV to read as  
15 follows:

16 III. The identification card shall bear the name, address, date of birth, blood type (optional),  
17 gender indicated as "M" for "male," "F" for "female," or "X" for "other," veteran's status for the  
18 purposes of identification for receiving benefits and services under New Hampshire law (optional),  
19 *and the* picture and signature of the applicant[~~, and in the case of a card issued pursuant to RSA~~  
20 ~~260:21, I(c), said card shall bear the notation "Golden Granite State Discount Card."]. The~~  
21 identification card shall bear an approved security marking indicating that it was not issued in  
22 compliance with Public Law 109-13 and is therefore not acceptable for federal identification  
23 purposes.

24 IV. The identification card shall be valid for 5 years from the date of issuance; provided,  
25 however, that [~~a card issued pursuant to RSA 260:21, I(c) shall be valid for as long as the holder is a~~  
26 ~~resident of the state and] a card issued pursuant to RSA 260:21, XI shall be valid for 2 years from~~  
27 the date of issuance. If the director has adopted rules under RSA 263:10, II with respect to on-line  
28 renewal of licenses, the director shall provide the same on-line option for identification cards,  
29 provided that the applicant is eligible for identification card renewal and has a computerized image  
30 on file with the division. An identification card may be renewed on-line only once in every other  
31 license renewal cycle and the next cycle shall require appearance in person at a licensing facility.

32 204:3 Administration of Motor Vehicle Laws; Disposition of Fees; Reimbursement to the  
33 Highway Fund. Amend RSA 260:22 to read as follows:

34 260:22 Disposition of Fees; Reimbursement to the Highway Fund. The necessary expenses  
35 incurred under RSA 260:21 shall be a charge against the operating budget of the department of  
36 safety, division of motor vehicles, motor vehicle and driver safety, driver licensing. Pursuant to RSA  
37 260:21, 50 percent of all fees collected shall be credited to the department to reimburse operating

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1 expenditures and are hereby appropriated for that purpose. Fifty percent of all fees collected shall  
2 be credited as unrestricted revenue to the highway fund[; ~~provided, however, that 50 percent of all~~  
3 ~~fees collected for cards issued pursuant to RSA 260:21, I(e) shall be credited to the state committee~~  
4 ~~on aging pursuant to RSA 161-F:29]. Upon prior approval of governor and council, transfers may be~~  
5 made from nondriver's picture identification card unrestricted revenue for other related  
6 expenditures, but in no event shall the cumulative annual transfers exceed 50 percent of all fees  
7 collected.

8 204:4 Effective Date. Part IV of this act shall take effect 60 days after its passage.

9 PART V

10 Relative to certificate of boating safety.

11 204:1 Safe Boater Education; Certificate Required. Amend RSA 270-D:10, I to read as follows:

12 I. No person [~~born on or after the dates provided in this section]~~ shall operate a motorized  
13 vessel with any type of power motor in excess of 25 horsepower on the public waters of this state  
14 without first obtaining a certificate of boating safety education in accordance with this subdivision[~~-~~

15 ~~Date of Birth: \_\_\_\_\_ Certificate Required:~~

16 ~~January 1, 1983 \_\_\_\_\_ January 1, 2002~~

17 ~~January 1, 1977 \_\_\_\_\_ January 1, 2003~~

18 ~~January 1, 1973 \_\_\_\_\_ January 1, 2004~~

19 ~~January 1, 1967 \_\_\_\_\_ January 1, 2005~~

20 ~~January 1, 1963 \_\_\_\_\_ January 1, 2006~~

21 ~~January 1, 1957 \_\_\_\_\_ January 1, 2007~~

22 ~~All \_\_\_\_\_ January 1, 2008].~~

23 204:2 Effective Date. Part V of this act shall take effect upon its passage.

24 PART VI

25 Relative to allowing emergency medical services chiefs and fire chiefs  
26 to issue decals for multi-use decal plates.

27 204:1 Firefighter Decals. Amend RSA 261-B:3-a to read as follows:

28 261-B:3-a Firefighter *and Emergency Medical Services* Decals.

29 I. A city or town fire chief may issue a firefighter decal to a full-time or volunteer firefighter  
30 employed by the city or town or a retired firefighter. A firefighter decal may only be placed on the  
31 multi-use decal plate of a motor vehicle registered and owned or leased by the firefighter.

32 II. *Emergency medical services chiefs and fire chiefs may issue an emergency*  
33 *medical services decal solely to emergency medical services personnel and retired*  
34 *emergency medical services personnel. An emergency medical services decal may only be*  
35 *placed on a multi-use decal plate on a motor vehicle owned and registered or leased by the*  
36 *emergency services personnel.*

37 204:2 Effective Date. Part VI of this act shall take effect 60 days after its passage.

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PART VII

Relative to the maximum weight of motor vehicles

204:1 Motor Vehicles; Maximum Gross Weight. Amend RSA 266:18-b, III(g) to read as follows:

(g) For a combination of truck-tractor and single semi-trailer with 4 or more axles, the weight on any single axle shall not exceed 22,400 pounds and the weight on any tandem axle shall not exceed 36,000 pounds, and the weight of any tri-axle shall not exceed 54,000 pounds. *For a combination of truck-tractor and single semi-trailer with 4 or more axles that is carrying raw forestry products, the weight on any tandem axle shall not exceed 40,000 pounds. For purposes of this subparagraph, "raw forestry products" means unprocessed logs and wood chips harvested from forestland, as defined in RSA 227-G:2, VIII, that have not previously been moved off site.*

204:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: August 10, 2021

Effective Date:

Part I shall take effect August 10, 2021

Part II shall take effect October 9, 2021

Part III shall take effect July 1, 2021

Part IV shall take effect October 9, 2021

Part V shall take effect August 10, 2021

Part VI shall take effect October 9, 2021

Part VII shall take effect October 9, 2021

# Amendments

Amendment to SB 131-FN

1 Amend the bill by replacing Part I with the following:

2

3

PART I

4

Relative to electric vehicle supply equipment and infrastructure and  
relative to state motor vehicle fleet management.

5

6

1 Findings. The general court finds that:

7

I. Availability of electric vehicle supply equipment (EVSE) is critical to facilitating the  
development of the overall electric vehicle (EV) market in the region and will support our tourism-  
based economy. Adequate EVSE in New Hampshire, and in particular direct current fast chargers  
(DCFC) along major travel corridors in the state, is necessary to enable travel within and through  
the state, promote tourism, generate jobs, and support consumers, businesses, and automobile  
dealers and manufacturers. The state should commit to the development of zero emission vehicles  
(ZEV) technology and infrastructure, including the state, private and rental residence, business, and  
municipal installation of EVSE.

15

II. Electric utility investments in grid infrastructure to support the installation of EVSE  
lowers the barriers to such installation. Electric distribution companies (EDC) are uniquely  
positioned to enable strategic electrification as part of larger investments in grid modernization  
capabilities, specifically investments in electric vehicle charging infrastructure. EDC owned or  
funded behind the meter enabling infrastructure, also known as "make-ready" infrastructure, can  
accelerate charging infrastructure deployment, and it has the potential to put downward pressure on  
rates by spreading fixed costs over a greater volume of electric sales.

22

III. Initial investment from the Volkswagen Settlement and other potential sources should  
prioritize EVSE installation along the interstate highway system, the New Hampshire turnpike  
system, and other roadways, with careful consideration of the needs of rural areas and tourism  
centers, prioritized as determined by the office of strategic initiatives, the New Hampshire  
department of environmental services, and the New Hampshire department of transportation, in  
consultation with interested parties.

28

2 Vehicle Charging Station Requirements. Amend RSA 236:133, III to read as follows:

29

III. All publicly funded chargers, *including those funded by the Volkswagen Trust  
Settlement or by federal or other competitively awarded funds*, installed after the effective  
date of this paragraph that are accessible to the public shall be equipped to enable universal access.

32

3 New Section; Community Revitalization Tax Relief; Electric Vehicle Supply Equipment.

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1 Amend RSA 79-E by inserting after section 7-a the following new section:

2 79-E:7-b Public Benefit; Electric Vehicle Supply Equipment. Cities and towns may provide tax  
3 relief under this chapter on the value of electric vehicle supply equipment installed in residential  
4 homes and rental properties, businesses, and industries.

5 4 New Subdivision; Electric Vehicle Charging Station Rate Design Standards. Amend RSA 378  
6 by inserting after section 54 the following new subdivision:

7 Electric Vehicle Charging Station Rate Design Standards

8 378:55 Electric Vehicle Charging Station Rate Design Standards. In determining the schedule  
9 of rates, fares, charges, and prices applicable to electric vehicle supply equipment pursuant to RSA  
10 378:1, every public utility shall adhere to the following rate design standards:

11 I. Initial electric vehicle charging rate design shall reflect the marginal cost of providing  
12 electric vehicle charging services to the maximum extent practicable, provided that these rates will  
13 be updated and reconciled on a regular basis to ensure they reflect costs associated with customer  
14 usage patterns.

15 II. Declining block rates shall not be used for electric vehicle charging for separately  
16 metered electric vehicle supply equipment; provided that where declining block rates are already  
17 offered, such rates may be appropriate for customers that do not want to separately meter electric  
18 vehicle supply equipment.

19 III. Seasonal rates may be charged to account for the seasonality of winter and summer cost  
20 drivers on the electric system. Such rate changes may occur coincident with other rate changes.

21 IV. Interruptible rates are not appropriate for electric vehicle charging.

22 V. Load management offerings may be an appropriate strategy for electric vehicle rate  
23 design, especially when offered in conjunction with electric vehicle time of use rate offerings.

24 VI. Demand charges may be appropriate rate design for high demand draw electric vehicle  
25 supply equipment, but not for residential charging applications.

26 VII. Time of use rates are appropriate for electric vehicle charging, provided that utilities  
27 propose a separately metered electric vehicle time of use rate.

28 VIII. Any separately metered residential electric vehicle charging rate shall:

29 (a) Be based directly on cost causation.

30 (b) Incorporate time varying energy supply, transmission, and distribution components.

31 (c) Have off-peak, mid-peak, and peak periods.

32 (d) Be seasonably differentiated.

33 (e) Have an average price differential between off-peak and peak of no less than 3:1 for  
34 the entire year.

35 (f) Have a peak period no longer than 5 hours.

36 IX. Each utility seeking approval of an electric vehicle time of use rate shall provide a  
37 quantification of costs, including but not limited to billing, metering, and marketing costs.



1        5 Effective Date. This act shall take effect upon passage.

UNAPPROVED

2021-0730s

AMENDED ANALYSIS

This bill adopts legislation relative to:

- I. Electric vehicle supply equipment and infrastructure.
- II. Removal of abandoned or disabled vehicles by towing.
- III. The municipal winter maintenance certification program.
- IV. Implementing a mandatory OHRV and snowmobile safety certificate program.
- V. Eligibility for the issuance of a nondriver's picture identification card.
- VI. The operation of bicycles at or approaching intersections.
- VII. Certificate of boating safety.
- VIII. Allowing emergency medical services chiefs and fire-chiefs to issue decals for multi-use decal plates.
- IX. Private roads.

UNAPPROVED

Amendment to SB 131-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT adopting omnibus legislation relative to vehicles, municipal water maintenance  
4 certificates, nondriver's picture identification, and firefighter and emergency  
5 medical services decals.  
6

7 Amend the bill by replacing all after the enacting clause with the following:

8

9 1 Sponsorship. This act consists of the following proposed legislation:

10 Part I. LSR 21-0839, relative to electric vehicle supply equipment and infrastructure and  
11 relative to state motor vehicle fleet management, sponsored by Sen. Watters, Prime/Dist. 4; Sen.  
12 Prentiss, Dist. 5; Sen. Sherman, Dist. 24; Rep. P. Schmidt, Straf. 19; Rep. Sykes, Graf. 13.

13 Part II. LSR 21-0324, relative to removal of abandoned or disabled vehicles by towing,  
14 sponsored by Sen. Birdsell, Prime/Dist. 19.

15 Part III. LSR 21-0523, relative to the municipal winter maintenance certification program,  
16 sponsored by Sen. Morse, Prime/Dist. 22.

17 Part IV. LSR 21-0896, relative to eligibility for the issuance of a nondriver's picture  
18 identification card, sponsored by Sen. Watters, Prime/Dist. 4; Rep. Sykes, Graf. 13.

19 Part V. LSR 21-0325, relative to certificate of boating safety, sponsored by Sen. Birdsell,  
20 Prime/Dist. 19.

21 Part VI. LSR 21-1055, relative to allowing emergency medical services chiefs and fire chiefs  
22 to issue decals for multi-use decal plates, sponsored by Sen. Prentiss, Prime/Dist. 5; Sen. Watters,  
23 Dist. 4; Sen. Sherman, Dist. 24; Rep. Merchant, Sull. 4; Rep. Goley, Hills. 8; Rep. McGuire, Merr. 29.

24 2 Legislation Enacted. The general court hereby enacts the following legislation:

25

26

PART I

27 Relative to electric vehicle supply equipment and infrastructure and  
28 relative to state motor vehicle fleet management.

29 1 Findings. The general court finds that:

30 I. Availability of electric vehicle supply equipment (EVSE) is critical to facilitating the  
31 development of the overall electric vehicle (EV) market in the region and will support our tourism-  
32 based economy. Adequate EVSE in New Hampshire, and in particular direct current fast chargers  
33 (DCFC) along major travel corridors in the state, is necessary to enable travel within and through

1 the state, promote tourism, generate jobs, and support consumers, businesses, and automobile  
2 dealers and manufacturers. The state should commit to the development of zero emission vehicles  
3 (ZEV) technology and infrastructure, including the state, private and rental residence, business, and  
4 municipal installation of EVSE.

5 II. Electric utility investments in grid infrastructure to support the installation of EVSE  
6 lowers the barriers to such installation. Electric distribution companies (EDC) are uniquely  
7 positioned to enable strategic electrification as part of larger investments in grid modernization  
8 capabilities, specifically investments in electric vehicle charging infrastructure. EDC owned or  
9 funded behind the meter enabling infrastructure, also known as "make-ready" infrastructure, can  
10 accelerate charging-infrastructure deployment, and it has the potential to put downward pressure on  
11 rates by spreading fixed costs over a greater volume of electric sales.

12 III. Initial investment from the Volkswagen Settlement and other potential sources should  
13 prioritize EVSE installation along the interstate highway system, the New Hampshire turnpike  
14 system, and other roadways, with careful consideration of the needs of rural areas and tourism  
15 centers, prioritized as determined by the office of strategic initiatives, the New Hampshire  
16 department of environmental services, and the New Hampshire department of transportation, in  
17 consultation with interested parties.

18 2 Vehicle Charging Station Requirements. Amend RSA 236:133, III to read as follows:

19 III. All publicly funded chargers, *including those funded by the Volkswagen Trust*  
20 *Settlement or by federal or other competitively awarded funds*, installed after the effective  
21 date of this paragraph that are accessible to the public shall be equipped to enable universal access.

22 3 New Section; Community Revitalization Tax Relief; Electric Vehicle Supply Equipment.  
23 Amend RSA 79-E by inserting after section 7-a the following new section:

24 79-E:7-b Public Benefit; Electric Vehicle Supply Equipment. Cities and towns may provide tax  
25 relief under this chapter on the value of electric vehicle supply equipment installed in residential  
26 homes and rental properties, businesses, and industries.

27 4 New Subdivision; Electric Vehicle Charging Station Rate Design Standards. Amend RSA 378  
28 by inserting after section 54 the following new subdivision:

29 Electric Vehicle Charging Station Rate Design Standards

30 378:55 Electric Vehicle Charging Station Rate Design Standards. In determining the schedule  
31 of rates, fares, charges, and prices applicable to electric vehicle supply equipment pursuant to RSA  
32 378:1, every public utility shall adhere to the following rate design standards:

33 I. Initial electric vehicle charging rate design shall reflect the marginal cost of providing  
34 electric vehicle charging services to the maximum extent practicable, provided that these rates will  
35 be updated and reconciled on a regular basis to ensure they reflect costs associated with customer  
36 usage patterns.

37 II. Declining block rates shall not be used for electric vehicle charging for separately

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1 metered electric vehicle supply equipment; provided that where declining block rates are already  
2 offered, such rates may be appropriate for customers that do not want to separately meter electric  
3 vehicle supply equipment.

4 III. Seasonal rates may be charged to account for the seasonality of winter and summer cost  
5 drivers on the electric system. Such rate changes may occur coincident with other rate changes.

6 IV. Interruptible rates are not appropriate for electric vehicle charging.

7 V. Load management offerings may be an appropriate strategy for electric vehicle rate  
8 design, especially when offered in conjunction with electric vehicle time of use rate offerings.

9 VI. Demand charges may be appropriate rate design for high demand draw electric vehicle  
10 supply equipment, but not for residential charging applications.

11 VII. Time of use rates are appropriate for electric vehicle charging, provided that utilities  
12 propose a separately metered electric vehicle time of use rate.

13 VIII. Any separately metered residential electric vehicle charging rate shall:

14 (a) Be based directly on cost causation.

15 (b) Incorporate time varying energy supply, transmission, and distribution components.

16 (c) Have off-peak, mid-peak, and peak periods.

17 (d) Be seasonably differentiated.

18 (e) Have an average price differential between off-peak and peak of no less than 3:1 for  
19 the entire year.

20 (f) Have a peak period no longer than 5 hours.

21 IX. Each utility seeking approval of an electric vehicle time of use rate shall provide a  
22 quantification of costs, including but not limited to billing, metering, and marketing costs.

23 5 Effective Date. Part I of this act shall take effect upon passage.

24  
25 PART II

26 Relative to removal of abandoned or disabled vehicles by towing.

27 1 New Section; Abandoned Vehicles; Use of Tow List Required. Amend RSA 262 by inserting  
28 after section 31 the following new section:

29 262:31-a Use of Tow List Required. In the event the state police in the interest of public safety  
30 and pursuant to applicable statutes and rules, including but not limited to clearing roads and  
31 entrances of disabled or abandoned vehicles, seeks to tow any vehicle, the tow company responsible  
32 for removal and storage shall be chosen from a tow list in accordance with RSA 106-B:26 through  
33 RSA 106-B:34.

34 2 New Subdivision; Removal of Abandoned Vehicles by State Police. Amend RSA 106-B by  
35 inserting after section 25 the following new subdivision:

36 Removal of Abandoned Vehicles by State Police

37 106-B:26 Applicability.

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1 I. This subdivision shall apply to the enforcement of provisions of the motor vehicle laws by  
2 the state police, including clearing roads and entrances of stolen, unregistered, illegally parked,  
3 disabled or abandoned vehicles, vehicles involved in accidents or crimes or other situations,  
4 regarding the removal, storage, and release of such vehicles towed and transported by wreckers,  
5 towing, and emergency road service organizations in a fair and equitable manner, upon request of  
6 the division of state police:

7 (a) In response to requests from owners or custodians of vehicles that have encountered  
8 mechanical problems that rendered them inoperable or unsafe to be driven;

9 (b) In response to requests from a state trooper when a vehicle has been abandoned on  
10 private property without consent of the property owner;

11 (c) When a vehicle is found obstructing the passage of vehicles from a public street or  
12 highway onto the driveway of such private property or public building;

13 (d) When a vehicle was involved in a traffic accident or crime or its driver is  
14 incapacitated or under arrest, or is without a valid driver's license;

15 (e) When a vehicle is interfering with snow removal or highway maintenance;

16 (f) When a vehicle has been left unattended within a state-owned park and ride facility  
17 for a period greater than 21 days; or

18 (g) When a vehicle is without proper registration or apparently unsafe to be driven.

19 II. Nothing in this subdivision shall restrict the authority of town and city law enforcement  
20 agencies to enforce relevant state statutes, to enact local bylaws or ordinances not in conflict with  
21 any state law or administrative rule regarding the clearance of disabled, abandoned, illegally  
22 parked, unregistered, or stolen vehicles or vehicles involved in crimes or collisions in areas where the  
23 local police have sole or shared jurisdiction with state police, or to enter into contractual agreements  
24 with tow companies for the removal of vehicles at the request of local authorities.

25 106-B:27 State Police; Use of Tow List.

26 I. In the event the division of state police seeks to tow or remove any vehicle pursuant to  
27 applicable laws and rules, whenever practicable the tow company responsible for such towing or  
28 removal shall be chosen from a tow list in accordance with this subdivision.

29 II. To facilitate the timely and effective towing and removal of vehicles pursuant to this  
30 subdivision, the division of state police is authorized to develop and maintain a rotating list of  
31 qualified tow services within each geographical troop. Where long distances could cause  
32 unreasonably long wrecker response times, the director of state police or designee may authorize a  
33 separate rotation list by county or group of municipalities within a troop. The director from time to  
34 time may enlarge or shrink an area if necessary, to ensure an adequate number of qualified tow  
35 businesses to handle the call workload and travel distances involved, and shall review the lists  
36 periodically to ensure that needs are being met. The list may be further segmented to distinguish

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1 between heavy and light/medium duty wreckers, recovery vehicles, rollback carriers and other  
2 specialized equipment.

3 III. Rotation lists shall include notations identifying tow businesses that maintain heavy  
4 duty wreckers, heavy duty recovery vehicles, and recovery vehicles, and whenever there is a specific,  
5 identified need for one of those vehicles it shall be summoned from the rotating list in the order in  
6 which it appears. Nothing herein shall prevent a tow business on a tow list from responding to a call  
7 with a larger, heavier, or more sophisticatedly equipped vehicle where only a lighter wrecker is  
8 required, provided the tow business does not exceed its normal charge for a lighter duty wrecker.

9 IV. The director of state police with the approval of the commissioner of safety may adopt  
10 rules pursuant to RSA 541-A consistent with relevant provisions of this subdivision setting forth  
11 minimum qualifications of tow companies and their employees to participate in the state police tow  
12 list, including qualifications, training, and minimum standards for equipment, response times,  
13 storage and release of towed vehicles and their contents, and criminal history and motor vehicle  
14 record checks of tow truck drivers.

15 V. State troopers handling an incident shall not call a tow business that, in their opinion,  
16 lacks a vehicle of sufficient size and equipment for a particular job. Under such conditions a tow  
17 business not called shall retain its position on the rotation list.

18 VI. Whenever a desired tow business is unable to respond to a call in a timely manner with  
19 the proper equipment, the tow business next on the rotation list shall be called.

20 VII. Tow businesses may also be called for service, such as for fuel, tire changes, dead  
21 battery, and removal of disabled, stolen, or abandoned vehicles according to placement on the  
22 appropriate rotation list and shall have a service vehicle suitably equipped and personnel capable of  
23 handling the assignment.

24 106-B:28 Definitions. In this subdivision:

25 I. "Heavy duty wrecker" means a wrecker intended and suitably equipped for towing  
26 vehicles in excess of 10,000 pounds gross weight, such as a tractor-trailer, large truck, or similar  
27 vehicle but excluding carriers and flatbeds, and meeting the following requirements, provided that  
28 come-a-longs, chains, or other similar devices shall not be used as substitutes for winch and cable:

29 (a) A truck chassis having a minimum gross vehicle weight rating of not less than 54,500  
30 pounds;

31 (b) Tandem axles, or a cab-to-axle length of not less than 102 inches;

32 (c) A combined winch capacity of not less than 50,000 pounds, as rated by the winch  
33 manufacturer;

34 (d) A single winch in good operating condition with a capacity of 50,000 pounds, as rated  
35 by the winch manufacturer, or if equipped with 2 winches, a combined rating of 50,000 pounds;

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1 (e) A manufactured wheel-lift in good operating condition, with retracted lifting capacity  
2 of not less than 20,000 pounds, as rated by the lift manufacturer, with safety chains or a tow bar of  
3 equal capacity;

4 (f) A winch cable rated as specified by the winch manufacturer, in good condition;

5 (g) Light and airbrake hookups for the towed vehicle; and

6 (h) Additional safety equipment as specified in this chapter and consistent with United  
7 States Department of Transportation inspection requirements.

8 II. "Light/Medium duty wrecker" means a wrecker intended and suitably equipped for safely  
9 towing vehicles weighing 26,000 pounds or less gross weight, including passenger cars, pickup  
10 trucks, motorcycles, small trailers, and similar vehicles, that meets the following requirements,  
11 provided that come-a-longs, chains, or other similar devices shall not serve as substitutes for a winch  
12 and cable:

13 (a) A minimum gross vehicle weight rating of not less than 14,500 pounds;

14 (b) Individual boom capacity of not less than 8,000 pounds, as rated by the boom  
15 manufacturer;

16 (c) Individual power takeoff or hydraulic power or electric winch capacity of not less  
17 than 8,000 pounds, as rated by the manufacturer, and wire rope of a capacity and length consistent  
18 with the device manufacturer;

19 (d) A manufactured wheel-lift with a retracting lifting capacity of not less than 3,500  
20 pounds, as rated by the manufacturer, with safety chains;

21 (e) Dual rear wheels;

22 (f) Two chock blocks that will prevent rolling or slippage of the wrecker; and

23 (g) Additional safety equipment as specified in this chapter and consistent with United  
24 States Department of Transportation inspection requirements.

25 III. "Recovery vehicle" means a motor vehicle consisting of a commercially available truck  
26 chassis equipped with a commercially manufactured tow body or bed and that is rated and issued a  
27 serial number by the manufacturer, designed and equipped for and used in the towing or recovery of  
28 vehicles, in good condition and capable of towing a vehicle by means of a tow bar, sling, or wheel lift,  
29 and capable of recovering a vehicle by means of a hoist, winch, or towline.

30 IV. "Rollback carrier" means a flatbed vehicle in good condition that meets the following  
31 requirements, provided that come-a-longs, chains, or similar devices shall not be used as substitutes  
32 for a winch and cable:

33 (a) A minimum gross vehicle weight rating of at least 19,500 pounds;

34 (b) A specially equipped chassis with a ramp on wheels and a hydraulic lift with a  
35 capacity to haul or tow another vehicle;

36 (c) At least one 8,000 pound winch, as rated by the winch manufacturer, with at least 50  
37 feet of cable, as recommended by the winch manufacturer; and



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1 (d) Additional safety equipment as specified in this chapter and consistent with United  
2 States Department of Transportation inspection requirements.

3 V. "Tow business" means a person, enterprise, partnership, company, LLC, or other  
4 corporation having a registered trade name, an active New Hampshire tax identification number, an  
5 active New Hampshire workers' compensation insurance policy or exemption papers, an active New  
6 Hampshire employment security account, and that meets all state and local legal requirements  
7 including, but not limited to, those related to payment of business related taxes, fees, and insurance  
8 coverage, and that regularly engages in the impoundment, recovery, transport, or storage of towed or  
9 abandoned vehicles, or in the disposal of abandoned vehicles.

10 VI. "Tow list" means a list or lists of qualified New Hampshire businesses compiled by the  
11 division of state police and used by them to dispatch wreckers and recovery and road service vehicles  
12 to tow, recover, and temporarily store a vehicle when the owner, driver, or other person responsible  
13 for the vehicle is not present or wishes to have the vehicle removed and expresses no choice or  
14 preference of a specific tow business, or when public safety requires the law enforcement official in  
15 charge at the scene to clear the vehicle from the location believing, in his or her sole opinion, the  
16 vehicle is causing a public hazard or safety issue or is stolen, unregistered, was involved in a crime,  
17 or is in violation of a statute that requires immediate removal.

18 VII. "Vehicle storage area" means a suitable yard or enclosed building where a qualified tow  
19 business keeps or stores towed or impounded vehicles.

20 VIII. "Wrecker" for purposes of this chapter and except where the context clearly indicates  
21 otherwise, means a tow truck, road service vehicle, or carrier and recovery vehicle used by tow  
22 businesses on the state police tow list.

23 106-B:29 Use of Tow List.

24 I. When a towing situation being handled by state police involves a vehicle that requires  
25 recovery, towing, or removal from the scene, the trooper in charge shall make a best effort attempt to  
26 allow the owner, operator, or other person lawfully responsible for the vehicle to contact a preferred  
27 tow business, unless doing so will delay the timely restoration of safe traffic movement, prolong a  
28 serious hazard, or compromise the preservation or collection of evidence. The preferred tow business  
29 when called shall notify state police communications of its estimated time of arrival. The trooper on  
30 scene shall determine if that time will unduly continue a hazardous condition or cause serious  
31 inconvenience for the public and, if so, state police communications shall summon the next  
32 appropriate tow business from the tow list. If there is no one on site who is the owner, operator, or  
33 other person lawfully responsible for the vehicle, and in the opinion of the trooper the vehicle  
34 presents a hazard or unreasonable delay to the public, the trooper on site shall request that state  
35 police communications contact the next appropriate tow business on the list.

36 II. To help ensure a timely and professional response and to promote fairness to individual  
37 towing businesses, the division of state police shall maintain a separate rotation list for each state

1 police geographical troop area. In any case where distances involved could cause unreasonably long  
2 wrecker responses, the director of state police may authorize a separate rotational list by county or  
3 group of communities for that troop. The director may enlarge or shrink an area if necessary to  
4 provide a sufficient number of tow businesses to handle the number of calls in the area and the  
5 travel distances involved, and shall review the zones periodically to determine if needs are being  
6 met.

7 III. If the desired tow business is unable to respond to a call in a timely manner with the  
8 proper equipment, the tow business next in line on the rotation list will be called.

9 IV. Placement on the tow list shall be by order of application. Whenever a new tow business  
10 becomes authorized, it shall be placed on the bottom of the appropriate list or lists for which the  
11 director finds the tow business qualified. The director shall have authority to determine when a tow  
12 list is adequately staffed with towing businesses and may refuse to add a business to the list if he or  
13 she determines the amount and type of calls in that zone is insufficient to justify a larger list.

14 V. Separate rotation lists shall be maintained for each category of wrecker. When a  
15 situation requires services of a specific category of wrecker, such wrecker shall be called from the  
16 appropriate tow list unless the person responsible for the vehicle is present and has a preference for  
17 a different tow business with that category of wrecker, in which case the preferred wrecker shall be  
18 summoned if available within a reasonable response time.

19 VI. Nothing in this chapter shall be construed to confer any vested property rights upon a  
20 tow business to continue on the rotating list.

21 VII. Calling a tow company from the list does not create a contract with or obligation on the  
22 part of the state police or state police personnel to reimburse any fee or towing charge, except when  
23 towing a vehicle owned or leased by the state police or that is later forfeited to the state police, or if a  
24 court determines that the state police wrongfully authorized the tow and orders the state police to  
25 pay transportation and storage fees.

26 VIII. Placement on the rotation list does not guarantee a particular number of calls, an  
27 equal number of calls to every tow business on the list, nor any compensation as a consequence of  
28 not being called in accordance with the list, or when removed from the rotation list. If a towing  
29 business responds to a state police call and the call is later canceled due to the vehicle no longer  
30 being disabled, or the circumstances change such that after calling a tow company the vehicle must  
31 be stored in a manner that preserves all evidence in or on the vehicle and the tow business is not so  
32 equipped, the tow business shall go back to the top of the list.

33 IX. A tow business shall, upon receiving a request from the state police, use its own  
34 equipment and shall not refer a call to another tow business.

35 X. A tow business may terminate or temporarily suspend its designation as a service  
36 provider and be removed from the rotation list by providing prompt written notice to state police  
37 communications. In the event of unforeseen circumstances such as death, fire, bankruptcy, or loss of

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1 equipment from accident or failure, a tow business on the tow list shall timely notify the director of  
2 state police in writing of its intent to suspend its designation as a service provider. If and when it  
3 desires to return to service, such tow company shall send a new application to the director. If  
4 approved to resume operation, they shall be placed at the bottom of the rotation list.

5 XI. New tow businesses, when qualified and accepted, shall be placed on the bottom of the  
6 rotation list.

7 XII. The trooper in charge at the scene of a towing situation shall have discretionary  
8 authority to deny a request for a specific tow business whenever time is of the essence and the  
9 request will delay the restoration of safe traffic movement.

10 XIII. If a motorcycle is to be towed, a tow sling, wheel lift, car carrier, or other comparable  
11 device shall be used that has the capability to transport motorcycles.

12 XIV. The division shall not call a tow business that, in its opinion, does not have a vehicle of  
13 sufficient size and equipment for a specific job. Under these conditions, the tow business not called  
14 will remain on the top of the rotation list.

15 XV. A tow business shall not sell, assign, transfer, pledge, surrender, encumber, or dispose  
16 of its place on the rotation list. By applying to be placed on the list, a tow business agrees to respond  
17 to all state police calls 24 hours a day, 7 days a week. If for any reason the business cannot respond  
18 to a call, it rotates to the bottom of the list. Businesses that develop a pattern of non-response to  
19 calls may be subject to removal from the rotation list.

20 XVI. A tow business shall appear on the rotation list only once. The listing shall use the  
21 name of the business submitted at the time of application and a designation for any specialty in  
22 which the business is qualified. A tow business conducting business at a location shall not receive  
23 multiple listings or classifications by utilizing a different or fictitious name for trucks operating from  
24 the same location or trucks operating with the same name out of different locations within that zone.

25 XVII. When emergency conditions necessitate, the state police may request the services of  
26 the tow business that is best equipped to handle the emergency and can reach the scene in the  
27 shortest time, regardless of its position on the rotation list. A call made under these circumstances  
28 shall count as such business's next rotation call.

29 XVIII. Whenever heavy equipment or large vehicles are involved in an incident, and it is  
30 determined that the tow business next up on the rotation list lacks adequate equipment to handle  
31 the incident, the division may call a larger piece of equipment from a business on the list that can  
32 handle the situation. In such case, the tow business shall be repositioned on the rotation list  
33 accordingly. Having only one large rotation wrecker shall not justify for being called to all truck  
34 accidents.

35 XIX. In the event of an overturned truck, the state police shall determine at the time if the  
36 situation requires the use of only one tow business or if additional vehicles are required. The first  
37 named tow business shall determine the amount of assistance necessary to remove any public

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1 hazards. The tow business responding to the law enforcement request shall be responsible for  
2 contacting others meeting the qualifications to operate in New Hampshire and shall be the business  
3 responsible for efficient and safe handling of the recovery. Decisions made pursuant to this  
4 paragraph shall be based on the public safety concerns.

5 XX. At no time shall any towing vehicle exceed its manufacturer's gross vehicle weight  
6 rating or the manufacturer's rated capacity for the towing assembly or be attached to a vehicle which  
7 by its size and or weight would make towing it an unsafe movement.

8 106-B:30 Requirements for Placement on the Tow List.

9 I. Any tow business that wishes to be placed on the rotation list with appropriate  
10 designation shall make application to the director of state police.

11 II. The tow business shall provide as part of its application a list of all tow truck operator  
12 personnel, including full name, current address, date and place of birth, driver's license number and  
13 type, and any restrictions, license expiration date, and social security number. The application shall  
14 be updated with state police communications within 5 days of whenever a new employee is hired, or  
15 an employee leaves the employ of the business.

16 III. The application shall include an individual form approved by the director of state police  
17 for each tow truck operator and for the owner and manager of the business and any supervisors,  
18 listing under penalty of unsworn falsification their full name, date and place of birth, driver license  
19 number and type and any restrictions or limitations, and a listing of all motor vehicle offense  
20 convictions in this or any other state or Canadian province including type, court, and year in the  
21 preceding 5 years, and a list of any criminal convictions in this or any other state or Canadian  
22 province within the past 10 years, including type of offense, year of conviction, court, and sentence  
23 imposed, and whether the person is currently on probation or parole or has ever been a registered  
24 sex offender or subject to a domestic violence protective order. Nothing in this paragraph shall  
25 restrict the employer or state police in case of doubt from verifying the information through a record  
26 check or checks.

27 IV. Any criminal history of convictions involving a felony against persons or property  
28 involving fraudulent activity, aggravated assaults, sex offenses, burglary or thefts resulting in a  
29 felony conviction within the last 3 years, or a serious or repetitive motor vehicle violation history of  
30 any such individual shall be grounds for refusing to place on or removing the business from the  
31 rotation list.

32 V. If an operator is employed by more than one listed towing company, each company shall  
33 maintain an independent and separate driver file on such individual. When a driver, manager, or  
34 supervisor ceases employment at the business or a new such employee is hired, the company shall  
35 notify the state police director in writing within 10 days and include a copy of the application  
36 including a copy of the form described in paragraph III. It shall be the responsibility of the operator

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1 to maintain appropriate records of driving times showing full compliance with all applicable laws,  
2 rules, and regulations.

3 VI. In the event the ownership of a tow business changes for any reason including but not  
4 limited to the sale of the business, death, or retirement of the owner, the tow business shall reapply  
5 before the effective date of the change in ownership for approval or the tow business shall be  
6 removed from the rotation list until such time as the new owner complies with the application  
7 process.

8 VII. The business shall have a telephone number listed in its name and shall also have an  
9 after-hours telephone number where it can be contacted after normal business hours. The business  
10 shall be staffed Monday through Friday from at least 9 a.m. to 5 p.m. with someone who will be  
11 available for administrative matters and the release of a vehicle or other related items stored on  
12 premises. After normal business hours and on weekends or holidays a responsible person shall be on  
13 call to provide those services.

14 VIII. Wreckers dispatched shall arrive at the scene within 30 minutes of being called, except  
15 for cases where the travel distance, posted speeds, or traffic and weather conditions and volume of  
16 traffic make this unreasonable. For heavy duty calls the company shall respond within a maximum  
17 of 60 minutes regardless of the time of day. If the time exceeds the above limit and the tow business  
18 does not provide state police communications or the trooper in charge at the scene a valid reason for  
19 the delay within that time, a second rotation wrecker may be dispatched. If a second wrecker is  
20 requested before the arrival of the initially dispatched rotation wrecker, the initially requested  
21 wrecker shall forfeit the call and leave the incident scene. Repeated tardiness may result in  
22 suspension or removal from the rotation list.

23 IX. If a tow business responds to a rotation call and through no fault of its own, does not tow  
24 the vehicle, the business shall retain its position on the rotation list.

25 X. Towing personnel shall wear reflective clothing meeting Federal Highway Administration  
26 specifications at all times when working in or adjacent to the roadway.

27 XI. The tow business shall maintain a reasonably secure area for the safe storage of motor  
28 vehicles or other items stored at the request of the state police. Storage facilities shall be clearly  
29 marked as belonging to that tow business and shall have adequate lighting to illuminate the  
30 enclosed area. If a vehicle must be stored for processing after a crime, death, or serious injury then  
31 storage facilities shall include a gated or fenced area adequate to reasonably secure the storage  
32 facility and prevent unauthorized entrance. Camera surveillance is recommended but not  
33 mandatory.

34 XII. A secure building that provides written proof that it meets all applicable state and local  
35 codes and which is suitably alarmed may substitute for a fenced area if the tow business provides for  
36 total inside storage.

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1           XIII. The tow business shall provide reasonable accommodations for after-hours release of  
2 personal property in stored vehicles or other related storage once the state police releases any hold  
3 on personal or other property not affixed to the towed vehicle, and upon payment in full or mutual  
4 agreement for payment of all towing and storage fees. The towing of a vehicle at the request of law  
5 enforcement shall grant a lien to the tow business, equal to the cost of recovery and storage.

6           XIV. Under no circumstance may a tow business withhold wallets, purses, life essential  
7 clothing, mail, legal documents, child safety seats, eyeglasses or contact lenses, medicines, medical  
8 equipment, license plates, or house or place of business keys pending payment of fees.

9           XV. Any towing or recovery vehicle used by the tow business shall display lettering on both  
10 sides of the vehicle in letters that contrast in color with the background and are readily legible  
11 during daylight hours from a distance of 50 feet while the vehicle is stationary, and kept and  
12 maintained in a manner that retains such legibility, indicating the name or trade name of the  
13 wrecking service or owner thereof, the city or town and state in which the vehicle is customarily  
14 based, and the business telephone number on each front door of the truck. The identification  
15 number issued by the Federal Motor Carrier Safety Administration to the motor carrier, preceded by  
16 the letters "USDOT"; shall also be included in such lettering.

17           XVI. The tow business participating in the tow list shall maintain tow and hook, liability,  
18 and garage-keepers' liability insurance in an amount not less than that designated under New  
19 Hampshire law or administrative rule. This shall include a minimum coverage of \$1,000,000 in  
20 liability including garage-keeper's insurance coverage. The tow business shall also comply with all  
21 other business requirements and taxes required under state or federal law.

22           XVII. The tow business shall not place or imprint on its vehicles, buildings, equipment,  
23 clothing, or correspondence anything that suggests or implies an official relationship between the  
24 company and any emergency services provider or law enforcement agency. This shall extend to  
25 paint schemes, colors, shoulder patches, or decals similar in design to department of safety or state  
26 police vehicles or any name or logo implying an official connection. State police may design and  
27 issue a suitable decal to indicate that a tow vehicle's owner is on the rotating list. Termination of  
28 services or suspension, even if temporary, from the rotation list shall require any decal provided,  
29 issued, or approved by state police to be removed immediately from the tow vehicle if such vehicle  
30 will be operated on public roads.

31           XVIII. The tow business shall provide state police with a complete updated list of all rates  
32 for the services it performs related to the towing and storage of vehicles, on the letterhead of the  
33 business, and shall update such list when prices change. State Police shall not set the fees for these  
34 services nor use the rate schedule provided in determining placement on a rotation schedule. Price  
35 lists shall remain confidential except when determining the reasonable fee in a requested hearing  
36 conducted by the department of safety.

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1 XIX. Whenever the owner of a towed or impounded vehicle or their agent pays a towing  
2 company for those services, the company shall provide a detailed receipt to the owner or agent for  
3 the services rendered.

4 XX. Motorists using a wrecker under the rotation list shall have the option of paying by cash  
5 or major debit or credit card. The tow business may inquire, prior to accepting a dispatch, as to how  
6 the motorist will be paying. The owner of a towed or impounded vehicle who believes an exorbitant  
7 or unreasonable fee was charged for towing the vehicle if such service rendered was covered by RSA  
8 262:31 through RSA 262:40-c, may file a complaint with the commissioner of safety and request  
9 review pursuant to RSA 262:35-a. If not covered by RSA 262:31 through RSA 262:40-c, the owner or  
10 his or her agent shall be notified of his or her ability to make a complaint to the consumer protection  
11 division of the department of justice.

12 XXI. A tow business shall not be operated without a Federal Motor Carrier Safety  
13 Administration safety registration, an active United States Department of Transportation number,  
14 and valid New Hampshire registration.

15 106-B:31 Requirements to Remain on the Tow List.

16 I. Tow personnel shall perform a general cleanup of an accident area before leaving the  
17 scene, and remove any glass, vehicle parts, debris, or other substances dropped or spilled prior to  
18 leaving an incident scene. Vehicle fluids or hazardous substances shall not be intentionally drained  
19 or left on the road or surrounding environment. There will be no charge for normal highway cleanup  
20 of 30 minutes or less unless cleanup is a regular part of the itemized bill. If the debris field was  
21 caused by more than one vehicle all tow personnel shall share in the cleanup duties under the  
22 direction of the trooper in charge at the scene.

23 II. The tow business shall be responsible for securing and preserving personal property in a  
24 vehicle to be towed, unless the owner or person responsible is present and wishes to take custody of  
25 it.

26 III. The tow business shall employ reasonable safeguards and procedures so that all  
27 personal belongings and contents in the towed vehicle are intact and returned to the vehicle's owner  
28 or authorized agent upon release of the vehicle upon payment in full or mutual agreement for  
29 payment of fees with the exception of those essential items as provided.

30 IV. All personal property left in a vehicle and unclaimed shall be handled in accordance with  
31 applicable state laws.

32 V. No tow business shall accept a call if the employee who will be responding is under the  
33 influence of any substance that could cause impairment or has the odor of alcohol on his or her  
34 breath, nor shall a tow business employee respond in such a condition.

35 VI. The tow business shall maintain a log or ledger of all vehicles towed at the request of  
36 state police. It shall contain the date, time, and location of the tow, a description of the vehicle  
37 towed including the owner's name and address, vehicle identification number, registration plate

1 number and state of registration, name of the tow vehicle operator, name and address of the person  
2 to whom the vehicle was released, and location to which the vehicle was towed. This record and any  
3 other records and equipment associated with compliance with these applicable state statutes and  
4 these rules shall be open to inspection by department of safety personnel during normal business  
5 hours and retained for the year when the record was made and one full year beyond.

6 VII. The owner, operator, and any employee of the tow business on the list shall comply with  
7 all applicable state and federal laws and local ordinances. In matters where conflict of laws arises  
8 the tow business shall follow the lawful direction of the law enforcement officer controlling the scene  
9 of the investigations and shall be held harmless from any conflicts.

10 VIII. All wrecker drivers shall have a valid driver's license for the class of vehicle they are  
11 operating. Wrecker drivers shall have a motor vehicle record free of convictions of serious motor  
12 vehicle offenses, or license revocations, or suspensions for serious motor vehicle offenses for the past  
13 3 years.

14 IX. Tow companies on the tow list shall not permit any person to drive a wrecker if said  
15 person has been convicted for any felony against persons or property involving fraudulent activity,  
16 sex offenses, aggravated assaults, burglary, theft resulting in a felony conviction within the last 3  
17 years. No tow company shall permit any person to drive a wrecker if the person is currently subject  
18 to probation, parole restrictions, or court order restricting the area the person may or may not be  
19 present in at any time.

20 X. Wreckers at the scene of a service call may be asked to provide minor on-site repairs,  
21 such as jump-starting a dead battery or changing a tire.

22 XI. Each tow vehicle shall carry at a minimum the following supplies and equipment in good  
23 working order, in addition to meeting the requirements herein for each class of vehicle that will be  
24 responding to wrecker calls:

25 (a) Emergency lights meeting statutory requirements, visible at 3/4 of a mile when  
26 illuminated, and visible over any vehicle being towed. Sirens are prohibited.

27 (b) At least one working spotlight capable of being aimed.

28 (c) One fire extinguisher, 5-lb. carbon monoxide or dry powder, fully charged and able to  
29 be operated.

30 (d) At least one heavy duty push broom and garbage container.

31 (e) A steering lock mechanism or capability to properly lock steering.

32 (f) A first aid kit.

33 (g) A reflectorized safety vest for each employee on the vehicle.

34 (h) For heavy duty vehicles and heavy-duty recovery vehicles, portable lighting  
35 equipment.

36 (i) Heavy duty wreckers and heavy-duty recovery vehicles shall have 10 of at least 2 of  
37 the following: reflector flare, road flare, colored LED flashing road flare. Lighter vehicles shall have



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1 at least 3 of 2 or more of the following: reflector flare, road flare, colored LED flashing road flare.  
2 Traffic cones may be substituted for one of the above on a clear day during the hours from dawn to  
3 dusk.

4 (j) At least one flat scoop type shovel.

5 (k) For heavy duty wreckers and heavy-duty recovery vehicles, necessary equipment to  
6 perform the tasks necessary for towing a vehicle.

7 (l) For any wreckers called to recover vehicles with air assisted brakes, the capability to  
8 provide air to the towed vehicle to facilitate brake operation.

9 (m) A current, valid motor vehicle registration and a current, valid state safety  
10 inspection sticker.

11 (n) An FCC licensed 2-way business radio or a wireless telephone.

12 (o) Portable lights for any vehicle being towed including taillights, stop lights, and  
13 directional signals.

14 (p) A minimum of 40 pounds of sand or other appropriate absorbent material designed  
15 and verified by the manufacturer to absorb hazardous waste and spills in an efficient and effective  
16 manner.

17 XII. The management of a towing business on the rotating list shall be primarily responsible  
18 to the division of state police to inspect and maintain an ongoing awareness of compliance with  
19 relevant rules, regulations, and laws affecting the business and to make prompt corrections of any  
20 discrepancies. Each tow business on the list shall annually, on or before January 15 of the following  
21 year, certify to the director of state police under penalty for unsworn falsification that it has  
22 conducted an internal inspection and that the business is in compliance with the provisions of this  
23 subdivision and any administrative rules adopted pursuant to it.

24 XIII. State troopers or other designated department of safety personnel may be assigned at  
25 the discretion of the state police director to conduct reviews from time to time of towing businesses,  
26 their records, and equipment to ensure compliance with relevant rules and laws and make a  
27 recommendation through the state police communications commander to the director as to the level  
28 of compliance and any appropriate action. Tow businesses participating in the tow list shall make,  
29 during normal business hours, their records, vehicles, facility, and equipment available for  
30 examination for such reviews by troopers or other department of safety employees. In cases of non-  
31 compliance, the state police communications commander shall recommend appropriate action to the  
32 director, which may include a verbal or written reprimand, suspension, or revocation from continued  
33 participation in the rotating list. Such action is discretionary and shall be based on the nature and  
34 seriousness of the discrepancy and any prior record of the business.

35 XIV. Before being removed from the rotating list for disciplinary reasons, a tow business or  
36 employee shall be served with a written notice of intent describing the reasons, and notified that it  
37 may request a hearing before the department of safety bureau of hearings prior to any such removal.

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1 A tow business that is removed from the list may contest the result of the hearing in superior court.  
2 Nothing in this subdivision shall be construed to confer any vested property rights upon a tow  
3 business or employee to remain on the state police rotating tow list.

4 XV. Tow vehicle owners, operators, and employees shall not be abusive, disrespectful, or use  
5 profane language when dealing with the public or officials and shall cooperate with the members of  
6 the state police.

7 XVI. Tow businesses shall employ only drivers who demonstrate an ability to perform  
8 required services in a safe, timely, courteous and civil manner and who satisfy all applicable state  
9 and federal laws and regulations.

10 XVII. The tow business shall tow disabled vehicles to any destination requested by the  
11 vehicle owner or person in charge of the vehicle after financial obligations have been finalized to the  
12 satisfaction of the tow business providing the service. The tow business may hold the vehicle for  
13 payment of services at the business location if not satisfied with payment on site.

14 XVIII. Access to the storage facility or yard by insurance inspectors, appraisers, attorneys  
15 and their assistants and private investigators shall be at their own risk and the tow business shall  
16 not be responsible for any injury sustained. A vehicle owner or the owner's authorized agent, upon  
17 presentation of suitable identification, may enter the yard at their own risk under supervision by the  
18 tow business to remove personal items or belongings.

19 XIX. A wrecker operator on the rotation list shall not offer towing services to the owner or  
20 operator of a vehicle currently under the supervision of state police unless dispatched by the rotation  
21 list or specifically hailed for service by the trooper or other law enforcement officer under emergency  
22 circumstances. Any activity done or designed for the purpose of circumventing the list shall be cause  
23 for the division to remove the business from the rotating list permanently or for a specific time  
24 determined by the division.

25 XX. Tow service vehicles shall not be driven at an unsafe or unreasonable speed, commit  
26 other moving motor vehicle violations or drive recklessly on the way to or from a towing service call,  
27 and may be removed from the list for such behavior.

28 XXI. State police shall not show any favoritism or circumvent the tow list to favor one or  
29 more businesses and shall be subject to divisional discipline for doing so.

30 **106-B:32 Recordkeeping; Mandatory Records.**

31 I. Each operator or business on the rotating list shall maintain a record system covering all  
32 services performed in roadside service, pulling, towing, or transporting vehicles in response to calls  
33 from the state police, which shall include the following information:

34 (a) The date and time of day the business was contacted and requested to the scene and  
35 the times of arrival and departure from the scene.

36 (b) The name of the person requesting the service.

37 (c) The location of the vehicle or incident.

Amendment to SB 131-FN

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- 1 (d) A description of the vehicle including license plate and vehicle identification number.
- 2 (e) The name and address of the owner or lessee of the vehicle, if known.
- 3 (f) The name and address, date of birth, driver license number, and licensing state or  
4 province of the driver of the vehicle, if known.
- 5 (g) The service or towing charge and other related fees.

6 II. All such records shall be available for inspection and copying by state troopers or agents  
7 of the department of safety during normal business hours at the place of business of the wrecker  
8 business, and shall be maintained for the current calendar year and the year immediately prior to  
9 the current calendar year.

10 106-B:33 Confiscated Vehicles; Impoundment. A state trooper may impound or confiscate a  
11 vehicle towed by a tow business that is on the rotation list in furtherance of law enforcement duties,  
12 such as when the vehicle is reported stolen or involved in a crime, is unsafe to be driven, or is to be  
13 processed for possible forensic evidence of a crime. In such events:

14 I. The vehicle may be towed to a location specified by the processing officer to facilitate  
15 evidence preservation, collection, or processing, otherwise it shall be securely stored on the premises  
16 of the towing service.

17 II. The towing and storage of the vehicle shall be at the expense of the state police. The  
18 wrecker business shall not release the vehicle to anyone unless and until authorized to do so by the  
19 trooper who arranged for the hold or a state police officer superior in rank to that trooper, or on an  
20 order by the court.

21 III. The tow business shall not allow anyone except a member of the law enforcement agency  
22 having jurisdiction or someone having written permission from the state police to enter, inspect, or  
23 touch the vehicle or any parts from the vehicle.

24 IV. When the vehicle is released, the tow business shall require that the person to whom the  
25 vehicle is released display a valid photo driver license or other official government photo  
26 identification, and the tow business shall keep a photocopy of such card or document.

27 106-B:34 Compliance Action; Disciplinary Enforcement. Participation in the state police tow list  
28 is a privilege, not a right. The director of state police is charged with the responsibility of ensuring  
29 that the towing, storage, roadside emergency service, and recovery of vehicles at the direction or  
30 request of the division of state police is accomplished consistent with state law and administrative  
31 rules and in a manner that maintains the confidence and respect of the motoring public. To  
32 accomplish this, the director may take appropriate action to uphold the integrity and efficiency of the  
33 tow list and the duties and responsibilities of businesses participating in the list and their owners,  
34 managers, and employees. The director may take appropriate action including removal of a tow  
35 business or a tow business employee from participating in the tow list, and which may include upon  
36 satisfactory evidence of violations or deliberate noncompliance, a verbal or written warning,  
37 suspending the business or employee or both from the list for a period of one to 120 days, or removal

1 from the list and ineligibility for restoration for up to 2 years, depending on the seriousness of the  
2 offense, any prior history of violations, and any resulting harm. Causes for such action shall include  
3 violations of the equipment and other requirements set forth in RSA 106-B:28, and the provisions of  
4 RSA 106-B:29 through 106-B:33. Disciplinary actions may be appealed to the department of safety  
5 bureau of hearings and to the superior court as provided in RSA 106-B:31, XIV.

6 3 Effective Date. Part II of this act shall take effect 60 days after its passage.

7  
8 PART III

9 Relative to the municipal winter maintenance certification program.

10 1 Salt Applicator Certification; Definitions. New Paragraph; Municipal Winter Maintenance  
11 Certification Program. Amend RSA 489-C to 489-C:1 by inserting after paragraph IV the following  
12 new paragraph:

13 IV-a. "Municipal winter maintenance certification program" means a program implemented  
14 by a governmental unit as defined in RSA 507-B:1, I to maintain public roads, parking areas, and  
15 walkways in the winter months to be safe for public passage.

16 2 Commercial Applicators; Certification Option.. Amend RSA 489-C:2 to read as follows:

17 489-C:2 **Commercial Applicator** Certification Option.

18 I. Commercial applicators may elect to be [~~annually~~] certified by the department. Applicator  
19 certificates shall be issued by the department **and may be renewed annually.**

20 II. Any business that employs multiple commercial applicators may obtain a master  
21 certificate for the owner or chief supervisor, and commercial applicators employed by the business  
22 may obtain [~~certificates~~] **either an individual certificate or a subordinate certificate** to qualify  
23 under the master certificate. Any business holding a master certificate shall ensure that all  
24 commercial applicators operating **with a subordinate certificate** under its master certificate  
25 receive the required training and shall provide the required record keeping on behalf of all  
26 commercial applicators **working under the master certificate.**

27 III. **The department shall charge an annual fee for master, individual, and**  
28 **subordinate certificates.** Annual fees for [~~certificates~~] **a subordinate certificate** obtained under  
29 a master certificate shall be significantly less than the fees for a master certificate. **Annual fees for**  
30 **individual certificates shall be higher than the fee for a subordinate certificate but less**  
31 **than the fee for a master certificate.**

32 3 New Section; Municipal Winter Maintenance Certification Program Option. Amend RSA 489-  
33 C by inserting after section 2 the following new section:

34 489-C:2-a Municipal Winter Maintenance Certification Program Option.

35 I. Any governmental unit that has a municipal winter maintenance program may elect to  
36 have the program certified by the department. Municipal winter maintenance certification program  
37 certificates shall be issued by the department and may be renewed annually.

Amendment to SB 131-FN

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1           II. Any governmental unit holding a municipal winter maintenance program certificate shall  
2 ensure that each applicator operating under its certificate receives the required training approved by  
3 the department and shall provide record keeping on behalf of all applicators working under the  
4 municipal winter maintenance certificate. A governmental unit may meet the training requirement  
5 by requiring its employees to obtain commercial applicator individual certificates.

6           III. The department may create more than one class of certificate to recognize different  
7 complexity levels of municipal winter maintenance programs. If such classes are created, the  
8 department shall, through rules adopted pursuant to RSA 541-A, identify the criteria, required  
9 record keeping, and other requirements as may apply to each level.

10           IV. The department shall charge an annual fee for a municipal winter maintenance program  
11 certificate.

12           4 Salt Applicator Certification; Rulemaking. Amend RSA 489-C:3, V to read as follows:

13           V. Recordkeeping [~~required for commercial applicators to maintain certification~~] **and**  
14 **reporting requirements for certificate holders.**

15           5 New Paragraph; Salt Applicator Licenses; Rulemaking. Amend RSA 489-C:3 by inserting  
16 after paragraph VI the following new paragraph:

17           VII. Procedures for governmental units to obtain certification for their municipal winter  
18 maintenance programs.

19           6 Snow, Ice, and Other Weather Hazards. Amend RSA 507-B:2-b to read as follows:

20           507-B:2-b Snow, Ice, and Other Weather Hazards. Notwithstanding RSA 507-B:2, a  
21 governmental unit shall not be liable for damage arising from insufficiencies or hazards on any  
22 premises owned, occupied, maintained, or operated by it, even if it has actual notice of them, when  
23 such hazards are caused solely by snow, ice, or other inclement weather, and the governmental  
24 unit's failure or delay in removing or mitigating such hazards is the result of its implementation,  
25 absent gross negligence or reckless disregard of the hazard, of a winter or inclement weather  
26 maintenance policy or set of priorities with respect to such premises, adopted in good faith by the  
27 official responsible for such policy. All governmental units, officials, and agents shall be presumed to  
28 be acting pursuant to such a policy or set of priorities in the absence of proof to the contrary.  
29 **Municipal winter maintenance programs certified under RSA 489-C:2-a shall be presumed**  
30 **to meet the standards herein for all public roads, parking areas, and walkways in the**  
31 **absence of proof to the contrary.**

32           7 Liability Limited for Winter Maintenance. Amend RSA 508:22 to read as follows:

33           508:22 Liability Limited for Winter Maintenance.

34           I. No commercial applicator as defined in RSA 489-C:1, II and certified under RSA 489-C:2,  
35 **or his or her employer or principal**, or an owner, occupant, or lessee of land whose premises is  
36 maintained by a commercial applicator certified under RSA 489-C:2, **whether by contract with the**  
37 **commercial applicator or his or employer or principal**, shall be liable for damages arising from

1 insufficiencies or hazards on any premises owned, occupied, maintained, or operated by them, even  
2 with actual notice thereof, when such hazards are caused solely by snow or ice, and the ~~commercial~~  
3 ~~applicator's, owner's, occupant's, or lessee's~~ failure or delay in removing or mitigating such hazards  
4 is the result of ~~its~~ **the** implementation, absent gross negligence or reckless disregard of the hazard,  
5 of best management practices for winter road, parking lot, and sidewalk maintenance adopted and  
6 published by the department of transportation and the department of environmental services. All  
7 commercial applicators, owners, occupants, or lessees who adopt such best management practices  
8 shall be presumed to be acting pursuant to the best management practices in the absence of proof to  
9 the contrary.

10 II. In order to receive the liability protection provided in paragraph I, a commercial  
11 applicator as defined in RSA 489-C:1, II, or an owner, occupant, or lessee of land shall keep a written  
12 record describing its winter road, parking lot and property maintenance practices. The written  
13 record shall include the type ~~and rate of application~~ of de-icing materials used, **the rate or**  
14 **quantity of deicing materials used**, the dates of treatment, and the weather conditions for each  
15 event requiring de-icing. Such records shall be kept for a period of 3 years.

16 8 Effective Date. Part III of this act shall take effect July 1, 2021.

17  
18 PART IV

19 Relative to eligibility for the issuance of a nondriver's picture identification card.

20 1 Identification Cards; Eligibility. Amend RSA 260:21, I to read as follows:

21 I. The department shall upon application issue a nondriver's picture identification card to  
22 any resident who:

23 (a) Is 12 years of age or older and does not possess a driver's license, **or**

24 (b) Is disabled and does not possess a driver's license~~[-or~~

25 ~~(c) Is 65 years of age or older, whether or not said resident possesses a driver's license].~~

26 2 Identification Cards; Design and Validity. Amend RSA 260:21, III and IV to read as follows:

27 III. The identification card shall bear the name, address, date of birth, blood type (optional),  
28 gender indicated as "M" for "male," "F" for "female," or "X" for "other," veteran's status for the  
29 purposes of identification for receiving benefits and services under New Hampshire law (optional),  
30 **and the** picture and signature of the applicant~~[-and in the case of a card issued pursuant to RSA~~  
31 ~~260:21, I(e), said card shall bear the notation "Golden Granite State Discount Card."].~~ The  
32 identification card shall bear an approved security marking indicating that it was not issued in  
33 compliance with Public Law 109-13 and is therefore not acceptable for federal identification  
34 purposes.

35 IV. The identification card shall be valid for 5 years from the date of issuance; provided,  
36 however, that ~~[a card issued pursuant to RSA 260:21, I(e) shall be valid for as long as the holder is a~~  
37 ~~resident of the state and]~~ a card issued pursuant to RSA 260:21, XI shall be valid for 2 years from

Amendment to SB 131-FN

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1 the date of issuance. If the director has adopted rules under RSA 263:10, II with respect to on-line  
2 renewal of licenses, the director shall provide the same on-line option for identification cards,  
3 provided that the applicant is eligible for identification card renewal and has a computerized image  
4 on file with the division. An identification card may be renewed on-line only once in every other  
5 license renewal cycle and the next cycle shall require appearance in person at a licensing facility.

6 3 Administration of Motor Vehicle Laws; Disposition of Fees; Reimbursement to the Highway  
7 Fund. Amend RSA 260:22 to read as follows:

8 260:22 Disposition of Fees; Reimbursement to the Highway Fund. The necessary expenses  
9 incurred under RSA 260:21 shall be a charge against the operating budget of the department of  
10 safety, division of motor vehicles, motor vehicle and driver safety, driver licensing. Pursuant to RSA  
11 260:21, 50 percent of all fees collected shall be credited to the department to reimburse operating  
12 expenditures and are hereby appropriated for that purpose. Fifty percent of all fees collected shall  
13 be credited as unrestricted revenue to the highway fund[; ~~provided, however, that 50 percent of all~~  
14 ~~fees collected for cards issued pursuant to RSA 260:21, I(e) shall be credited to the state committee~~  
15 ~~on aging pursuant to RSA 161-F:29]. Upon prior approval of governor and council, transfers may be~~  
16 made from nondriver's picture identification card unrestricted revenue for other related  
17 expenditures, but in no event shall the cumulative annual transfers exceed 50 percent of all fees  
18 collected.

19 4 Effective Date. Part IV of this act shall take effect 60 days after its passage.

20  
21 PART V

22 Relative to certificate of boating safety.

23 1 Safe Boater Education; Certificate Required. Amend RSA 270-D:10, I to read as follows:

24 I. No person [~~born on or after the dates provided in this section~~] shall operate a motorized  
25 vessel with any type of power motor in excess of 25 horsepower on the public waters of this state  
26 without first obtaining a certificate of boating safety education in accordance with this subdivision[:

27 ~~Date of Birth: \_\_\_\_\_ Certificate Required:~~

28 ~~January 1, 1983 \_\_\_\_\_ January 1, 2002~~

29 ~~January 1, 1977 \_\_\_\_\_ January 1, 2003~~

30 ~~January 1, 1973 \_\_\_\_\_ January 1, 2004~~

31 ~~January 1, 1967 \_\_\_\_\_ January 1, 2005~~

32 ~~January 1, 1963 \_\_\_\_\_ January 1, 2006~~

33 ~~January 1, 1957 \_\_\_\_\_ January 1, 2007~~

34 ~~All \_\_\_\_\_ January 1, 2008].~~

35 2 Effective Date. Part V of this act shall take effect upon its passage.

36  
37 PART VI

Amendment to SB 131-FN

- Page 22 -

1 Relative to allowing emergency medical services chiefs and fire chiefs  
2 to issue decals for multi-use decal plates.

3 1 Firefighter Decals. Amend RSA 261-B:3-a to read as follows:

4 261-B:3-a Firefighter ***and Emergency Medical Services*** Decals.

5 ***I.*** A city or town fire chief may issue a firefighter decal to a full-time or volunteer firefighter  
6 employed by the city or town or a retired firefighter. A firefighter decal may only be placed on the  
7 multi-use decal plate of a motor vehicle registered and owned or leased by the firefighter.

8 ***II.*** ***Emergency medical services chiefs and fire chiefs may issue an emergency***  
9 ***medical services decal solely to emergency medical services personnel and retired***  
10 ***emergency medical services personnel. An emergency medical services decal may only be***  
11 ***placed on a multi-use decal plate on a motor vehicle owned and registered by the***  
12 ***emergency services personnel.***

13 2 Effective Date. Part VI of this act shall take effect 60 days after its passage.



2021-0771s

AMENDED ANALYSIS

This bill adopts legislation relative to:

- I. Electric vehicle supply equipment and infrastructure and relative to state motor vehicle fleet management.
- II. Removal of abandoned or disabled vehicles by towing.
- III. The municipal winter maintenance certification program.
- IV. Eligibility for the issuance of a nondriver's picture identification card.
- V. Certificate of boating safety.
- VI. Allowing emergency medical services chiefs and fire chiefs to issue decals for multi-use decal plates.

Amendment to SB 131-FN

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

2

3 1 Sponsorship. This act consists of the following proposed legislation:

4 Part I. LSR 21-0839, relative to electric vehicle supply equipment and infrastructure and  
5 relative to state motor vehicle fleet management, sponsored by Sen. Watters, Prime/Dist. 4; Sen.  
6 Prentiss, Dist. 5; Sen. Sherman, Dist. 24; Rep. P. Schmidt, Straf. 19; Rep. Sykes, Graf. 13.

7 Part II. LSR 21-0324, relative to removal of abandoned or disabled vehicles by towing,  
8 sponsored by Sen. Birdsell, Prime/Dist. 19.

9 Part III. LSR 21-0523, relative to the municipal winter maintenance certification program,  
10 sponsored by Sen. Morse, Prime/Dist. 22.

11 Part IV. LSR 21-0896, relative to eligibility for the issuance of a nondriver's picture  
12 identification card, sponsored by Sen. Watters, Prime/Dist. 4; Rep. Sykes, Graf. 13.

13 Part V. LSR 21-0325, relative to certificate of boating safety, sponsored by Sen. Birdsell,  
14 Prime/Dist. 19.

15 Part VI. LSR 21-1055, relative to allowing emergency medical services chiefs and fire chiefs  
16 to issue decals for multi-use decal plates, sponsored by Sen. Prentiss, Prime/Dist. 5; Sen. Watters,  
17 Dist. 4; Sen. Sherman, Dist. 24; Rep. Merchant, Sull. 4; Rep. Goley, Hills. 8; Rep. McGuire, Merr. 29.

18 Part VII. Relative to the maximum weight of motor vehicles.

19

20 Amend the bill by inserting after Part VI the following new Part:

21

22

PART VII

23

Relative to the maximum weight of motor vehicles

24

1 Motor Vehicles; Maximum Gross Weight. Amend RSA 266:18-b, III(g) to read as follows:

25

26

27

28

29

30

31

32

(g) For a combination of truck-tractor and single semi-trailer with 4 or more axles, the weight on any single axle shall not exceed 22,400 pounds and the weight on any tandem axle shall not exceed 36,000 pounds, and the weight of any tri-axle shall not exceed 54,000 pounds. *For a combination of truck-tractor and single semi-trailer with 4 or more axles that is carrying raw forestry products, the weight on any tandem axle shall not exceed 40,000 pounds. For purposes of this subparagraph, "raw forestry products" means unprocessed logs and wood chips harvested from forestland, as defined in RSA 227-G:2, VIII, that have not previously been moved off site.*

1        2 Effective Date. This act shall take effect 60 days after its passage.

UNAPPROVED

2021-1442h

AMENDED ANALYSIS

This bill adopts legislation relative to:

- I. Electric vehicle supply equipment and infrastructure and relative to state motor vehicle fleet management.
- II. Removal of abandoned or disabled vehicles by towing.
- III. The municipal winter maintenance certification program.
- IV. Eligibility for the issuance of a nondriver's picture identification card.
- V. Certificate of boating safety.
- VI. Allowing emergency medical services chiefs and fire chiefs to issue decals for multi-use decal plates.
- VII. The maximum weight of motor vehicles.

UNAPPROVED

Rep. Walsh, Merr. 24  
May 18, 2021  
2021-1536h  
06/05

Amendment to SB 131-FN

1 Amend Part VI of the bill by replacing section 1 with the following:

2

3 1 Firefighter Decals. Amend RSA 261-B:3-a to read as follows:

4 261-B:3-a Firefighter ***and Emergency Medical Services*** Decals.

5 ***I.*** A city or town fire chief may issue a firefighter decal to a full-time or volunteer firefighter  
6 employed by the city or town or a retired firefighter. A firefighter decal may only be placed on the  
7 multi-use decal plate of a motor vehicle registered and owned or leased by the firefighter.

8 ***II.*** ***Emergency medical services chiefs and fire chiefs may issue an emergency***  
9 ***medical services decal solely to emergency medical services personnel and retired***  
10 ***emergency medical services personnel. An emergency medical services decal may only be***  
11 ***placed on a multi-use decal plate on a motor vehicle owned and registered or leased by the***  
12 ***emergency services personnel.***

Floor Amendment to SB 131-FN

1 Amend Part I of the bill by deleting sections 3 and 4.

2

3 Amend Part IV of the bill by replacing section 1 with the following:

4

5 1 Identification Cards; Eligibility. Amend RSA 260:21, I to read as follows:

6 I. The department shall upon application issue a nondriver's picture identification card to  
7 any resident who[:

8 ~~(a)] is 12 years of age or older and does not possess a driver's license.~~

9 ~~[(b) Is disabled and does not possess a driver's license, or~~

10 ~~(c) Is 65 years of age or older, whether or not said resident possesses a driver's license.]~~

11

12 Amend Part VI of the bill by replacing section 1 with the following:

13

14 1 Firefighter Decals: Amend RSA 261-B:3-a to read as follows:

15 261-B:3-a Firefighter *and Emergency Medical Services* Decals.

16 I. A city or town fire chief may issue a firefighter decal to a full-time or volunteer firefighter  
17 employed by the city or town or a retired firefighter. A firefighter decal may only be placed on the  
18 multi-use decal plate of a motor vehicle registered and owned or leased by the firefighter.

19 II. *Emergency medical services chiefs and fire chiefs may issue an emergency*  
20 *medical services decal solely to emergency medical services personnel and retired*  
21 *emergency medical services personnel. An emergency medical services decal may only be*  
22 *placed on a multi-use decal plate on a motor vehicle owned and registered or leased by the*  
23 *emergency services personnel.*

24

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

26

27 1 Sponsorship. This act consists of the following proposed legislation:

28 Part I. LSR 21-0839, relative to electric vehicle supply equipment and infrastructure and  
29 relative to state motor vehicle fleet management, sponsored by Sen. Watters, Prime/Dist. 4; Sen.  
30 Prentiss, Dist. 5; Sen. Sherman, Dist. 24; Rep. P. Schmidt, Straf. 19; Rep. Sykes, Graf. 13.

31 Part II. LSR 21-0324, relative to removal of abandoned or disabled vehicles by towing,  
32 sponsored by Sen. Birdsell, Prime/Dist. 19.



2021-1810h

AMENDED ANALYSIS

This bill adopts legislation relative to:

- I. Electric vehicle supply equipment and infrastructure and relative to state motor vehicle fleet management.
- II. Removal of abandoned or disabled vehicles by towing.
- III. The municipal winter maintenance certification program.
- IV. Eligibility for the issuance of a nondriver's picture identification card.
- V. Certificate of boating safety.
- VI. Allowing emergency medical services chiefs and fire chiefs to issue decals for multi-use decal plates.
- VII. The maximum weight of motor vehicles.



# Committee Minutes

# SENATE CALENDAR NOTICE

## Transportation

Sen Regina Birdsell, Chair  
Sen David Watters, Vice Chair  
Sen Denise Ricciardi, Member  
Sen Ruth Ward, Member  
Sen Tom Sherman, Member

Date: February 17, 2021

### HEARINGS

Tuesday	03/02/2021	
(Day)	(Date)	
Transportation	REMOTE 000	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m.	<b>SB 116</b>	relative to the project to complete construction of an exit on I-93 in Derry and Londonderry.
1:15 p.m.	<b>SB 131-FN</b>	adopting omnibus legislation relative to vehicles, municipal water maintenance certificates, safety certificates, nondrivers's picture I.D.s, decals, and private roads.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/93318372073>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: 19292056099,,93318372073# or 13017158592,,93318372073#
4. Webinar ID: 933 1837 2073
5. To view/listen to this hearing on YouTube, use this link: <https://www.youtube.com/channel/UCiBZdtriRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link: <http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: [remotesenate@leg.state.nh.us](mailto:remotesenate@leg.state.nh.us) or call (603-271-6931).

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

**SB 116**

Sen. Birdsell

Sen. Carson

**SB 131-FN**

Sen. Waters

Kirsten Koch 271-3266

Regina Birdsell  
Chairman

# Senate Transportation Committee

*Kirsten Koch 271-3266*

**SB 131-FN**, adopting omnibus legislation relative to vehicles, municipal water maintenance certificates, safety certificates, nondrivers's picture I.D.s, decals, and private roads.

**Hearing Date:** March 2, 2021

**Time Opened:** 1:23 p.m.

**Time Closed:** 4:07 p.m.

**Members of the Committee Present:** Senators Birdsell, Watters, Ricciardi, Ward and Sherman

**Members of the Committee Absent :** None

**Bill Analysis:** This bill adopts legislation relative to:

I. Electric vehicle supply equipment and infrastructure and relative to state motor vehicle fleet management.

II. Removal of abandoned or disabled vehicles by towing.

III. The municipal winter maintenance certification program.

IV. Implementing a mandatory OHRV and snowmobile safety certificate program.

V. Eligibility for the issuance of a nondriver's picture identification card.

VI. The operation of bicycles at or approaching intersections.

VII. Certificate of boating safety.

VIII. Allowing emergency medical services chiefs and fire chiefs to issue decals for multi-use decal plates.

IX. Private roads.

---

**Sponsors:**  
Sen. Watters

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**Who supports the bill:** Senator Birdsell, District 19; Senator Daniels, District 11; Senator Morse, District 22; Senator Watters, District 4. Senator Carson, District 14; Rep. M. Penderson, Hills 32; David Packard, Lakes Management Advisory Committee; Michele Tremblay, Rivers Management Advisory Committee; Mike Speltz, Kim Pereira; Mattew Gallant, Castle Rock Road Association; George DeBoer; Valerie Chase; Thomas Prasol, Kalkomey Enterprises; Patricia Piraino; Alisa Randall; John Berglund; Jim Kelley; Susan Deroy; Bill Ruger; David Della Penta;

Madeleine Mineau, Clean Energy NH; Carolyn Halstead; Michael Commerford, NH State Police; Ralph Cresta, NH Towing Association; Jeff Oberdank, DMV; Elizabeth Bielecki, NH DMV; Mark Moeller; Matthew Niswender, NHPRVTA; Captain Tim Dunleavy, NH State Police Marine Patrol Unit; David Degoseilliers; Ted Diers, NHDES; Michael Lampter, NH Towing Association; Judy Bastian; John Goglia, New Hampshire Private Road Taxpayers Alliance; Roger Sevigny, Wyndbrook at Dover HOA and NHPVRTA; Jason Bugeau-Medas, The Willows HOA.

**Who opposes the bill:** Lisa Drabik, Town of Londonderry; Jim Michaud, Town of Hudson; Cindy Kudlik; Tonda Groetzinger; Alvin See; Richard DeMark.

**Who is neutral on the bill:** Paul Sanderson, NH Fish and Game Department; Kevin Jordan, NH Fish and Game Department; Brittany Shute, DOS-DMV; Rebecca Ohler, Department of Environmental Services (DES); Cordell Johnston, NH Municipal Association; Courtney Heath.

### **Summary of Testimony Presented:**

#### **PART I.**

#### **Senator Watters, District 4**

**Part 1.** *Relative to the electric vehicle supply equipment and infrastructure and relative to state motor vehicle fleet management.*

- Three years ago, a committee for electric vehicle transmission was established. This committee provided information and made a final report. This part of the bill provides the recommendations of that report.
- This bill is good to help with renewable sources, good for the economy, and there are relatively few electric vehicles in NH.
- Surrounding areas such as Quebec and MA are selling a high number of electric vehicles. NH consumers are going to see more electric vehicles rolled out in the future. GM has 21 new models of electric vehicles coming out in the future. Volvo has stated that by 2030-2035 they will only be making electric vehicles. MA enacted laws saying the state will not allow the sale of conventionally fueled vehicles by year 2035.
- Page 2 section 4 offers potential ways to get programs up and running and enables the OSI to contract with a company to roll these out. We ask OSI to establish a program for municipalities to set up charging stations and provide guidance in the purchase and installation of charging stations. We want to ensure charging stations are accessible to all models of electric vehicles.
- Senator Watters proposed, on page 3, for an additional fee placed on electric vehicles when purchased to cover funds for establishing charging stations.
- This bill sets the state on a path for new purchase and leases for light vehicles and heavy vehicles for the state fleet vehicles.
- Senator Watters said he would like to drop the section of the bill on Page 5.
- The last section of Part 1 of the bill, relates to public utilities and looking at what other states are doing to ensure the power is affordable and there are not unreasonable charges.

## **Rebecca Ohler, Department of Environmental Services (DES)**

- Ms. Ohler testified in support of Part 1.
- The lowest cost vehicles are electric vehicles. Electric vehicles have lower operational costs to maintain, especially the Chevy Volt. An electric engine provides less wear and tear on the breaks.
- Senator Watters asked, how will that go forward?
  - Ms. Ohler said, OSI is the lead agency for settlement funds, and DES worked closely with them. The priority is to get the funding out for electric vehicle infrastructure. We hope to get it out as soon as possible.
- Senator Watters, is it fair to say this bill is trying to put some tools in the toolbox here and get some money spent in a good way for NH?
  - Ms. Ohler said, yes. It reiterates what the plan intended.
- Senator Watters said, I want to circle around to the state fleet part of this bill. Did you work on the fiscal note? It is a monster to think about what vehicles will cost. It is going to provide big numbers. Is it feasible? We do not know. We hope to see federal money for charging infrastructure. Are we going to be replacing the fleet anyways some time though?
  - Ms. Ohler said that she did work on the fiscal note and that the state will have to replace the fleet at some point in the future.
- Senator Watters said, would this program mean we would be replacing the fleet for less money?
  - Ms. Ohler said, yes, for light vehicles. We do not know for the heavy and medium duty side. It depends on battery technology costs. Every electric vehicle should be lower cost than conventional costs.
- Senator Watters requested for the legislative aides present to find the electric vehicle committee final report and share it with the Senate Transportation Committee members later on.

## **Elizabeth Bielecki, NH DMV**

- Ms. Bielecki testified on Part 1. She maintained a neutral position on the bill, and she said that she came to the hearing to answer any questions for the committee members.
- Senator Watters asked, there is a big cost to get this implemented. Does this seem like too much for the department to take on right now?
  - Ms. B. said, no not at all. We are looking to automate the process. It would take more on the IT side. The system could automatically detect by the VIN if the vehicle is a hybrid or electric.
- Senator Watters said, the American Petroleum Institute is in favor of a carbon tax. Would it help you down the road to have this automation and technology available to implement a tax on electric vehicles?
  - Ms. B. said, not necessarily. The cost associated with this bill is on the additional charge of identifying vehicles. We would be pulling other information into our system to identify vehicles for the tax.

## **Madeline Mineau, Clean Energy NH**

- Ms. Mineau said she generally supports Part 1 of the bill.
- Ms. Mineau said that she has some concerns to mention and will follow up in writing.

- (1) Section 3 on the EDC finding behind the infrastructure. This should be the opposite; it should be front of the side.
- (2) The level 2 charging rebate may better be implemented by a nongovernmental entity.
- (3) Section 4 regarding make ready investments by utilities. It may be appropriate to include the review and approval standards for the inclusion of make ready investments to be recovered in the system benefits charge. Like all other utility investments recovered, I just want to be sure those are prudent investments at the betterment of their customers.
- Ms. Mineau said, we disagree with the Section 6 that says demand charges are appropriate for fast charging at this time. This is a very significant disincentive to building out the fast charge network. There are significant demand charges that would be applied in our tariffs to those chargers.
- Senator Birdsell asked, could you give us that in writing?
- Ms. Mineau said, yes.

## **PART II.**

### **Senator Birdsell, District 19**

#### ***Part 2. Relative to Removal of abandoned or disabled vehicles by towing.***

- Senator Birdsell said, this same bill passed in the Senate unanimously, then got convoluted in the omnibus bills last year and held up due to the COVID-19 pandemic.
- This bill is an agreement between the NH State Police and the NH Towing Association. Typically, in the past the state police would randomly call a towing association/service when a car needs to be towed and the owner has no preference or service in mind.
- This bill puts the towing companies on a rolling call list for state police to use. This change makes the state police's utilization of towing services fairer and more equal among different towing service providers.
- This bill was worked on by both the NH State Police and the NH Towing Association

### **Michael Commerford, Captain, NH State Police**

- Captain Commerford testified in support of Part 2 of the bill.
- The NH State Police have been working extensively with NH Towing Association to solidify an agreement.
- This legislation is important because it allows the state police to reestablish a tow rotation to meet needs of all parties that is fair and equitable.
- Part 2 allows for the development of a tow companies list, identifies how the list would be used, establishes requirements for tow companies, and procedures for removal from the list.
- Captain Commerford said, establishing standards for tow companies helps develop an adequate tow list to ensure when we call, we get a responding tow company that is reliable, vetted, and has the proper equipment. We want to be confident that the car and the individual will be handled with care.
- This bill provides no additional authority.
- Senator Sherman asked, if you happen to have a tow service of your own in mind, would this have any impact on an individual's choice?

- Captain Commerford said, no. A trooper would ask if the individual had their own preference, and if not, the trooper can make that call for you if you don't have a towing company in mind.

### **Michael Lampert, NH Towing Association**

- Mr. Lampert testified in support of Part 2 of the bill.
- Mr. Lampert said, he has been working on this issue for ten years. This bill is a benefit to NH citizens and will raise professional standards.
- Senator Watters asked, is it fair to say this brings fairness?
  - Mr. Lampest said, it does bring fairness. It brings comfort that you will be safe and taken care of by professionals.
- Senator Sherman asked, is there any risk that a company could be inappropriately favored, or disfavored, in this system under the keeper of this list and not because of quality?
  - Mr. Lampert said, the standards are clear cut. You are either on the list, or not. It is a rotation. There is a hearing process if you get removed from the list and disagree with it. I feel the industry is protected.

### **Ralph Cresta, President of the NH Towing Association**

- Mr. Cresta testified in support of Part II.
- Mr. Cresta said, this list would make towing companies more professional because of the standards it requires of companies to be on the list.
- Mr. Cresta said he agreed with the comments made by Mr. Lampert and Captain Commerford and he felt that they have addressed the topic thoroughly.

## **PART III.**

### **Senator Morse, District 22**

- *Part 3. Relative to the municipal winter maintenance certification program.*
- As a part of lawsuit regarding the project, the state was required to reduce the use of salt to reduce runoff to local water ways.
- Currently, only private contractors can get a certification to reduce salt usage.
- Senator Morse said, this bill allows for municipalities to apply for a certification to reduce salt usage as well. Sections 2, 4, 7 define individual vs. subordinate conditions.

### **Ted Diers, NH DES**

- Mr. Diers testified on Part 3 of the bill.
- Currently, we do not have the statutory authority to do certain certifications for municipalities.
- This bill includes provisions to create a winter salt certification.
- We will develop rules and levels of certification.
- Communities interests in this bill stem from: cost savings, public pressure from lake associations, regulation issues, MS4 permits, and winter maintenance.
- Applying for a certification to reduce salt use is voluntary for municipalities.



- Salt reduction will improve water quality and reduce the destruction of plants.
- Senator Watters said, I would like to call your attention to the bottom of Page 22, “507(2)(b) municipal water maintenance programs shall be presumed to meet the standards therein.” This seems to me to be the heart of the matter. Do you have comment on that?
  - Mr. Diers said, contractors were worried about slip and fall liability. Communities wanted to help the environment and not get sued. This provision has been made stronger. We wanted to ensure sovereign immunity was not affected and municipalities and contractors will not be opened to additional lawsuits for doing the right thing.
- Senator Watters asked, there is an incentive to get certified?
  - Mr. Diers said, it is not meant to change anything. You must prove negligence to be sued. We did not want to compromise anything. It does not improve or increase change. We just want to be sure we do not mess it up.
- Senator Sherman asked, page 23 line 6, should that be “commercial applicator or his” ‘or her’ needs to be added?
  - Mr. Diers, “her” does need to be added.
- Senator Birdsell said, we will take care of that grammatical error.

**Cordell Johnston, NH Municipal Association**

- Mr. Johnston said he supports Part 3 of the bill.

**PART IV.**

**Senator Watters, District 4**

**Part 4. *Implementing a mandatory OHRV and snowmobile safety certificate program.***

- Senator Watters said he has always recognized the importance of recreation to the state, especially in the north country. However, difficulties have been encountered.
- Senator Watters said for this part of the bill it may be best to set up a study committee. Speaker Sherman Packard has a bill relative to this as well.
- NH Fish and Game has been seeing an increase in fatalities and injuries from OHRV use. The cause is most commonly operator related.
- Senator Watters said, requiring an education could help folks out to be ready to be out on the trails. This is a complex bill. It sets in motion certification, administration thereof, and requires instruction and the availability of instruction for education.
- Senator Watters said, NH Fish and Game do not feel they are able to support this program at this time in regard to implementation.

**Diane Richardson**

- Ms. Richardson testified on Part 4 of the bill.
- Ms. Richardson expressed a concern about Page 24, lines 28-29 and Page 25 lines 20-21 where in the bill it says, “No person shall operate a OHRV on land not owned by family.”

- Ms. Richardson said, considering NH has rural employees that use these OHRVs to on work property, maybe you should include on “employees on employer property” to this section of the bill too.
- Ms. Richard said, you cannot get trained in a OHRV program in time before starting an agriculture or forklift job either.

### **Jasen Stock**

- Mr. Stock testified on Part 4 of the bill.
- Mr. Stock said he wanted to build on Ms. Richardson’s comments. The section changes she suggested should also include, “employer’s property or behalf of a landowner.” This would cover the working individual operating the OHRV while working on a client’s property. The employee is an agent of the landowner.
- Mr. Stock said he wanted to bring attention to the matter of using trails on private land and the trespass law.
- Mr. Stock said, it might be nice to include “operation on approved crossing” to cover those operating OHRVs on trails on private property too.

### **Kevin Jordan, Colonel, NH Fish and Game**

- Colonel Jordan testified as neutral on Part 4 of the bill.
- The operator is familiar with what they can and cannot do.
- There has been an influx of outdoor activities since the COVID-19 pandemic began. Consequently, there has been an influx in accidents this year. It has been observed that inexperience has lead to the majority of these accidents.
- OHRV rental agencies are booming in NH. There are new operators on machines. This contributes to the tourism industry as well.
- Colonel Jordan said, we are struggling to determine the best solution. We thought it made sense for new operators to take an educational class, but we did not consider the effects this would have on the tourism industry for the state. We to come up with a plan to do this fairly, and so we took a step back, we need to do some more planning.
- Colonel Jordan said, I ask Senator Watters to not bring Part 4 forward and work with us to make a better solution.
- Colonel Jordan said, something like this will need to come in the future. We want people to have fun but go home safe too. We need a way to resolve this without hurting the tourism industry. For now, please remove Part 4 of the bill.
- Senator Watters said, would it be helpful to the department to replace this section with a very bare bones request to study and come back with legislation? Or will you do that anyways?
  - Colonel Jordan said, I can assure you I will not tolerate 7-10 accidents a weekend without coming up with resolution. The only thing I ask you to consider, watch everybody going North up I-93 on the weekend, and consider the number of people doing activity vs. the number of accidents. There are a lot of people operating OHRVs in NH lately. Even one accident is not okay though.
- Senator Watters suggested holding Part 4 or bringing it back later on as a bill.
- Senator Birdsell said, we will not exec this today. I can talk to Senator Morse today to be sure if we can bring a bill next session on this.

- Senator Sherman said, or we could just amend this bill to remove part 4. Is the boater safety certificate a model for a structure going forward?
  - Colonel Jordan said, yes. But the boater safety is mostly classroom instruction. This does not resolve people grabbing throttles that think they are grabbing the brakes. We need a way to put it online, but the problem is with people operating equipment.
- Senator Sherman said, does Utah have a similar program?
  - Colonel Jordan said, we only looked at New England states. We did not want NH to have difficult requirements that push people to VT or ME instead. Where we found similar legislation, it was for young operators (under the age of 16) to get certified and anybody over 16 does not need to. But for a motorcycle, there is an additional license requirement so assuming car drivers are ready is not necessarily adequate.

## **PART V.**

### **Senator Watters, District 4**

#### **Part 5. *Relative to Eligibility for the issuance of a nondriver's picture identification card.***

- This bill establishes individuals can get an identification card so long as they are a resident of the state.
- Senator Watters said, Page 28, lines 6-8 are struck because that fund was connected to the Golden Granite State Discount Fund.

### **Jeff Oberdank, DMV**

- Mr. Oberdank testified in support of Part 5 of the bill.
- Mr. Oberdank said he requested this bill as a part of joining the state-to-state program.
- Mr. Oberdank said, this bill establishes that the ID goes to one person, living in one state, with one credential.
- Mr. Oberdank said, the bill narrows it down so that individuals have only have one state credential. Additionally, managing the ID program is easier this way.

## **PART VI.**

### **Senator Daniels, District 11**

#### **Part 6. *Relative to the operation of bicycles at or approaching intersections.***

- This bill relates to RSA 265:144.
- Senator Daniels said, a person operating a bicycle approaching a stop sign should slow down or stop. That bicyclist should yield the right of way to a vehicle. A left hand turn onto a highway may be made after stopping and yielding to traffic.
- Senator Daniels said, similar legislation has been passed in other states.
- Senator Daniels said, these additions would make it safer for bicyclists.

### **Carolyn Halstead**

- Ms. Halstead testified in support of Part 6 of the bill.
- Ms. Halstead said she is a bicyclist and she requested Senator Daniels bring this legislation.
- Ms. Halstead said, Idaho has had the stop law since 1982. Colorado municipalities have the law, and many other states have the dead red laws.
- This bill addresses the issue of bicyclists in intersections by making it safer for bicyclists.
- The bill encourages biking, reduce confusions, reduces likelihood for bicyclists' injuries, and reduces the likelihood for collisions because car drivers can take the lead in safety.
- There is no extra cost to implement this legislation.
- Ms. Halstead said she also wanted to note that bicyclists are not allowed on interstates in NH.

## **PART VII.**

### **Senator Birdsell, District 19**

#### *Part 7. Relative to the Certificate of boating safety.*

- Senator Birdsell said, this bill went through Senate and was passed last year. Then got lost because of the COVID-19 shut down.
- Senator Birdsell said she brought this bill at the request of the Department of Safety.
- It is already in statute that no person shall operate a vessel of more than 25 horsepower without first obtaining a certificate of boating safety education.
- This bill takes out line 37, removing the DOB, and a few other effective dates listed in law that are no longer relevant since it has been in statute since 2008.
- Senator Birdsell said, the Department of Safety will go over this more later during the hearing.

### **Tim Dunleavy, Captain, NH State Police-Marine Patrol Unit**

- Captain Dunleavy testified in support of Part 7 of the bill.
- Captain Dunleavy said, Part 7 is truly a house-keeping bill. There is no requirement added or impact change. This change refers to phase-in period of the law, which has come full circle in 2008 when all operators had to have the safety course.
- Captain Dunleavy said, this part eliminates dates and says all operators (of over 25 horsepower) need certification.

## **PART VIII.**

### **Senator Prentiss, District 5**

#### *Part 8. Relative to Allowing emergency medical services chiefs and fire chiefs to issue decals for multi-use decal plates.*

- Senator Prentiss said, this bill allows for EMS professionals to have a decal for their motor vehicle plates of their personal vehicles.

- Senator Prentiss said, this is the same bill essentially that was passed previously for fire service professionals. Now, we are bringing this option forward for EMS to have the choice for a specialty plate with a multi-use decal.

**Jeff Oberdank, DMV**

- Mr. Oberdank testified as neutral on Part 8 of the bill.
- Mr. Oberdank said he wanted to point out a technical defect on Page 29, line 12, it begins by saying “amend RSA 261(B)(9).” All organizations listed under there are charitable organizations that meet the criteria of 501(c).
- We certainly do not blame the emergency services that are under the 501(c) portion, but we suggest moving that to 261(b)(3)(a) under firefighter decals.
- Senator Birdsell said, thanks for bringing that up. We can make that change.

**PART IX.**

**Joshua Elliott, NH Senate Deputy Chief of Staff, representing Senator Carson, District 14**

**Part 9. *Relative to private roads.***

- *NOTE: Joshua Elliott introduced Part 9 of the bill at the hearing in place of the prime sponsor, Senator Carson, District 14, who was unable to attend.*
- This part of the bill defines a qualified private community, reimburses communities, and provides services equivalent to public roads for private roads. This includes the collection of trash and recycling; replacement infrastructure for water, sewer, and lighting; road maintenance; and winter storm services, such as snow removal.
- This bill also requires Class 6 private roads to be repaired by municipalities.

**Judy Bastian, Country Club Shores, Laconia, NH**

- Ms. Bastian testified on Part 9 of the bill.
- Ms. Bastian said she lives in Country Club Shores, which has private contract association fees.
- Ms. Bastian said, this is unfair to be paying twice for only getting services privately and not from the city. This bill would provide relief to homeowners.
- Senator Sherman said, what is the difference between fairness and choice? What if everybody in Laconia closed their roads? Should there be a portion to allow any neighborhood to become private? Should there be the reverse? What would be the impact be on the town?
  - Ms. Bastian said, they should be able to if they take on the costs of all maintenance services, street lighting, other services, and not burden the city. Providing the city an opportunity to no longer provide services would be a lesser cost to the city. Right now, the city can collect taxes and not provide services. This bill recognizes we are paying for a service we are not receiving.

**Jason Bugeau-Medas, President of the Willows HOA, Dover, NH**

- JBM testified in support of Part 9 of the bill.

- JBM said, it would cost \$500,000 to repave the private road he lives on. It is 3/4 mile long with 17 homes.
- The HOA thought the city would take ownership of the roads, but the city refused to do so since road was not built to city standards. The city approved the road to be built but will not take it on. The road needs to be improved for emergency vehicles. Right now, liability exists.
- Senator Sherman asked, was it the intent of the developer/builder for the public to have access to your road? Or would you anticipate having the road resurfaced and stay private?
  - JBM said he does not know the intent of the builder but the HOA would be willing to make it a public road.
- Senator Watters said, could you talk more about the assumption at the time of this and your agreement with the city at this time?
  - JBM said, the original owners say the builder told them the city would take the ownership of the road and make it public.
- Senator Watters said, we can talk later. Are there any documents that had that expressed by the builder? There could be legal liability here as misrepresentation by the builder
  - JBM said, I would have to look.

#### **David Della Penta, Dover, NH**

- DDP testified in support of Part 9 of the bill.
- DDP said, annually, the Wisteria Drive HOA supports the town with over \$200,000 in taxes.
- DDP said, the small amount of tax credit proposed will be a small amount for the town to do without.
- DDP said, the various repairs of the road are deemed necessary for the safety and performance of emergency vehicles and their services.
- DDP said, towns and cities have only authority granted to them from the state legislature.

#### **Roger Sevigny, Wyndbrook at Dover HOA & NHPVRTA**

- Mr. Sevigny testified in support of Part 9 of the bill.
- Mr. Sevigny referred the committee members to look at the financial figures provided in his written testimony.
- Senator Sherman asked, when a community decided to be a closed private community, it is an assumption that they are accepting responsibility for their own services?
  - Mr. Sevigny said, I would be willing to make it public, but I am not speaking for the HOA when I say that.
- Senator Watters said, you are taxpayers. This comes down to why are you paying the same taxes and not getting all the same services?
  - Mr. Sevigny said, yes that is the question.

#### **John Goglia, New Hampshire Private Road Tax Payers Alliance (NHPVRTA)**

- Mr. Goglia testified in support of Part 9 of the bill.
- Mr. Goglia said he is advocating for private road tax fairness.
- Mr. Goglia said, HB 1490 in late 2019 and passed in March 2020 and then was tabled by the Senate in June 2020.

- Mr. Goglia said, I wish to address private roads that are indistinguishable from public roads. Almost every city has private roads, varying in condition. None receive municipal services. Private road residents do not receive public road maintenance, yet their taxes subsidize public roads. Houses on private roads are valued the same, if not more than, houses on public roads. Monthly HOA fees are inadequate to pay for road repair costs.
- Mr. Goglia said, the standards for road quality are lower for private roads. The developer has no obligations to maintaining the road after selling. It is left for homeowners to deal with the road(s) and inadequate reserve funds to pay for repairs. This cycle continues to repeat for every next buyer of a home on a private road

### **Matt Niswender, NHPVRTA**

- Mr. Niswender testified in support of Part 9 of the bill.
- Mr. Niswender said, most of these roads are not closed to the public and they are not gated. Maybe something should be added for gated communities forgoing these services because they are gated. Just because the roads are private does not mean cars do not go down them; we get traffic.
- Mr. Niswender said, we need more fair recognition for inadequacies between private and public roads.
- Mr. Niswender shared an anecdote about living in a private HOA.

### **Tom Daniels, Barrington, NH**

- Mr. Daniels testified in support of Part 9 of the bill.
- Mr. Daniels shared an anecdote about living on a private road in Barrington, NH. The intent was for the development to have a second road to connect but the developer went bankrupt and never built the second road.
- Mr. Daniels said he pays high property taxes without services from the town.

### **Cordell Johnston, NH Municipal Association**

- Mr. Johnston testified in opposition to Part 9 of the bill.
- Mr. Johnston said, this would be a disaster for cities and towns. It would be undoing the situation that has been this way for over 300 years. Cities and towns do not maintain private roads.
- Mr. Johnston said, the additional costs would be probably be hundreds of thousands of dollars, especially for Class 6 roads, some of which have not been maintained in 100 years with trees growing in the middle of them. This bill requires municipalities maintain Class 6 roads; it is impossible.
- The Supreme Court said it is unconstitutional for taxpayer money to be used for private purpose unless the owners pay the cost. This is from a well-known municipal law case, *Clapp vs. Jaffrey* (1952). Only if the property owner pays the costs, and if the maintenance is subordinate to maintaining public roads, even then the town may not have the authority.
- Mr. Johnston said, this is unconstitutional.
- Mr. Johnston said, this bill is also in conflict with Article of 289(a). This bill requires municipalities to undertake a program municipality have never had to undertake before.
- Senator Birdsell said, please send that court case to the committee members.

- Senator Watters said, is there a process for a private road becoming public?
  - Mr. Johnston said, yes. It depends on the municipality. You can ask for them to approve it. This usually happens at the town meeting.
- Senator Watters said, do you have some sense about what other states do with this conundrum?
  - Mr. Johnston said he did not have an answer right now, but he could find out.
- Senator Sherman asked, what happens if the town rejects a reasonable request to make a private road public?
  - Mr. Johnston said, you can do a petition to lay out a road. This process can be used for a new road, but also in essence lay out a public road “over” a private road. This does not create a new surface. This can be appealed in the superior court if that request too was denied.

### **Michael Abresch**

- Mr. Abresch testified in support of Part 9 of the bill.
- Mr. Abresch said he lives on Child's Drive in Dover, NH.

### **Matt Niswender (2<sup>nd</sup> time)**

- Mr. Niswender said other states have similar legislation in place and he is willing to submit this information to the committee.
- Senator Birdsell said, please send the information to the committee members.

### **Tony Palanza**

- Mr. Palanza testified in support of Part 9 of the bill.
- Mr. Palanza shared an anecdote about living on a private road.
- Mr. Palanza said he disagrees with towns getting to decide whether or not they want to take on private roads.

### **Richard Conley**

- Mr. Conley testified in on Part 9 of the bill.
- Mr. Conley shared an anecdote about living a Wisteria Drive, a private road.
- Mr. Conley said, developers determine if roads are private, not the people who later buy the house.



# Speakers

<b>Name</b>	<b>Title</b>	<b>Representing</b>	<b>Position</b>	<b>Testifying</b>
Packard Chair LMAC David	A Member of the Public	Lakes Management Advisory Committee	Support	No
Tremblay Chair RMAC Michele L.	A Member of the Public	Rivers Management Advisory Committee	Support	No
Speltz Mike	A Member of the Public	Myself	Support	No
pereira kim	A Member of the Public	Myself	Support	No
Gallant Matthew	A Member of the Public	Myself and the Castle Rock Road Association.	Support	No
Drabik Lisa	A Member of the Public	Town of Londonderry	Oppose	No
DeBoer George	A Member of the Public	Myself	Support	No
Chase Valerie	A Member of the Public	Myself	Support	No
Kudlik Cindy	An Elected Official	Myself	Oppose	No
Prasol Thomas	A Lobbyist	Kalkomey Enterprises	Support	No
Pedersen Michael	An Elected Official	Hillsborough 32	Support	No
Groetzing Tonda	A Member of the Public	Myself	Oppose	No
See Alvin	A Member of the Public	Myself	Oppose	No
Piraino Patricia	A Member of the Public	Myself	Support	No
DeMark Richard	A Member of the Public	Myself	Oppose	No
Randall Alisa	A Member of the Public	Myself	Support	No
Berglund John	A Member of the Public	Myself	Support	No
Sanderson Paul	State Agency Staff	NH Fish and Game Department	Neutral	No
Heath Courtney	A Member of the Public	Myself	Neutral	No
Jordan Kevin	State Agency Staff	New Hampshire Fish and Game	Neutral	No
Kelley Jim	A Member of the Public	Myself	Support	No
DeRoy Susan	A Member of the Public	Myself	Support	No
SHUTE BRITTANY	State Agency Staff	dos-dmv	Neutral	No
Daniels Gary	An Elected Official	Sponsor - Part VI	Support	Yes
Ruger Bill	A Member of the Public	Bill & Diane Ruger	Support	Yes
Della Penta david	A Member of the Public	Myself	Support	Yes
Mineau Madeleine	A Lobbyist	Clean Energy NH	Support	Yes
Halstead Carolyn	A Member of the Public	Myself	Support	Yes
Commerford Michael	State Agency Staff	NH State Police	Support	Yes
Cresta Ralph	A Member of the Public	New Hampshire Towing Association	Support	Yes
Oberdank Jeff	State Agency Staff	Division of Motor Vehicles	Support	Yes
Bielecki Elizabeth	State Agency Staff	NH DMV	Support	Yes
Michaud Jim	A Member of the Public	Town of Hudson	Oppose	Yes
Moeller Mark	A Member of the Public	Myself	Support	Yes
Niswender Matthew	A Member of the Public	Myself and NhPrvta road association	Support	Yes
Dunleavy Captain Tim	State Agency Staff	State Police-Marine Patrol Unit	Support	Yes
Desgroseilliers David	A Member of the Public	Myself	Support	Yes
Diers Ted	State Agency Staff	NHDES	Support	Yes
Ohler Rebecca	State Agency Staff	Dept. of Environmental Services	Neutral	Yes
Carson Sharon	An Elected Official	SD 14; PRIME PART IX	Support	Yes
Johnston Cordell	A Lobbyist	NH Municipal Association	Neutral	Yes
Lampert Michael	A Member of the Public	NH Towing Association	Support	Yes
Della Penta David Thomas	A Member of the Public	Myself	Support	Yes
Bastian Judy	A Member of the Public	Residents of Country Club Shores Laconia NH	Support	Yes
Goglia John	A Member of the Public	New Hampshire Private Road Taxpayers Alliance	Support	Yes
Seigny Roger	A Member of the Public	Wyndbrook at Dover HOA & NHPVRTA	Support	Yes
Watters Senator David	An Elected Official	Myself (SD 4)	Support	Yes
Bugeau-Medias Jason	A Member of the Public	Myself and The Willows HOA	Support	Yes
Morse Chuck	An Elected Official	Chuck Morse SD 22 Part III	Support	Yes
Daniels Senator Gary	An Elected Official	SD 11 - Prime Sponsor	Support	Yes
Birdsell Senator Regina	An Elected Official	Senate District 19 (Supporting Parts II & VII)	Support	Yes

# Testimony

## Kirsten Koch

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**From:** rickn1217 <rickn1217@gmail.com>  
**Sent:** Thursday, February 18, 2021 12:39 PM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** support passage of SB-131-FN, Part IX.

I urge you to support passage of SB-131-FN, Part IX.

Rick Newman  
Londonderry

Sent from my Verizon, Samsung Galaxy smartphone

## **Kirsten Koch**

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**From:** paula@centralfallsrealty.com  
**Sent:** Thursday, February 18, 2021 1:28 PM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I am asking you support the bill to have cities either maintain private roads or give the taxpayers a break for not receiving city services.

My taxes are out of control. I am a 67 year old woman living alone on a private road with no plowing or trash removal. I pay \$18,000 in taxes every year for some ridiculous reason.

### **Paula Forbes, Realtor**

**Central Falls Realty**

242 Central Ave

Dover, NH 03820

Phone: 603.285.0027

Fax: 603.742.3861

[paula@centralfallsrealty.com](mailto:paula@centralfallsrealty.com)

Like me on Facebook and see photos of all my listings.

[fb.me/centralfallsrealtyPaulaForbes](https://fb.me/centralfallsrealtyPaulaForbes)

*To view all properties visit:*

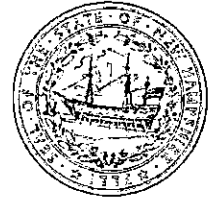
[www.realtor.com](http://www.realtor.com)

*NH Agency Disclosure Form:*

<http://www.oplc.nh.gov/real-estate-commission/documents/brokerage-relationship-disclosure-form.pdf>



The State of New Hampshire  
**Department of Environmental Services**



**Robert R. Scott, Commissioner**

February 26, 2021

The Honorable Regina Birdsell  
Chair, Senate Transportation Committee  
State House, Room 103  
Concord, New Hampshire 03301

**Re: SB 131 Part I, relative to electric vehicle supply equipment and infrastructure and relative to state motor vehicle fleet management**

Dear Chair Birdsell and Members of the Committee:

Thank you for the opportunity to testify on SB 131, Part I. This bill utilizes the work and recommendations of the Electric Vehicle Charging Station Infrastructure Commission (EV Commission, SB 517, 2018) to make several policy recommendations relative to expanding the adoption of zero emission vehicles (ZEV). The New Hampshire Department of Environmental Services (NHDES) served on the EV Commission and supports the findings of this bill in Section 1. NHDES takes no position on the specific policies proposed in the bill, but offers the following general information relative to transportation emissions, the work of the EV Commission, and ZEV technology.

As noted in SB 131 findings, the transportation sector is the single largest source of greenhouse gas emissions that contribute to climate change and is the primary source of oxides of nitrogen which contribute to elevated ozone, a respiratory irritant, in the summer months. Strategies to reduce emissions from the transportation sector essentially fall into two categories: reducing the total miles traveled and reducing the emissions per mile traveled. Both strategies are necessary to significantly reduce emissions from this sector. SB 131 recommendations focus on the latter, reducing emissions from the vehicles themselves, many of which were discussed in length by the EV Commission.

EV Commission members were presented a significant amount of information regarding the operation of electric vehicles and model availability, the various types of EV charging infrastructure (known collectively as electric vehicle supply equipment, or EVSE), as well as information on the cost to install and availability of EVSE in New Hampshire and the region. New Hampshire is lagging behind other Northeast states and Canadian provinces in deployment of EVSE. The final recommendations of the EV Commission, which were unanimously supported by Commission members, reflect this fact and are summarized as follows in the Commission's final report<sup>1</sup>:

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<sup>1</sup> Final Report, Electric Vehicle Charging Stations Infrastructure Commission, November 1, 2020.  
<https://www.des.nh.gov/sites/g/files/ehbemt341/files/inline-documents/2020-12/20201030-final-report.pdf>

The Honorable Regina Birdsell  
Chair, Senate Transportation Committee  
February 26, 2021

1. The state should commit to the development of Zero Emission Vehicle (ZEV) technology and infrastructure, including the state, private and rental residence, business, and municipal installation of EV charging stations to reduce air pollution emissions and stimulate the transformation to a lower carbon transportation system.
2. The state should move quickly to use the VW Settlement funds to deploy DC fast charging stations along major corridors and to deploy level 2 EVSE on other corridors and locations, including municipalities and businesses, with a portion of funds available in a rebate program, and should consider utilizing a third party to develop and administer programs.
3. New Hampshire should consider authorizing public utilities to include EVSE “make ready” programs and other EVSE initiatives as part of the systems benefit charge, and it should consider authorizing the use of tax credit programs for EVSE installation in residential and business locations.
4. The state should study and consider adopting a successful ZEV mandate or vehicle incentive program and joining regional, multi-state programs.
5. State Agencies should assess EVSE needs for employees, with stations also available for public use, and the state should adopt plans to move the state vehicle fleet towards ZEV.
6. The State of New Hampshire and agencies should develop Operating Budgets and Capital Budget funding proposals and goals for ESVE, and pursue funding from Federal sources.
7. The state should encourage and enable deployment of EVSE in residences and businesses, and make any needed changes in building codes, rules, and practices.

SB 131 proposes numerous statutory changes to implement these recommendations. One of the more significant proposals is to transition the state fleet to ZEV by 2042. While challenging in the short term, electrification of the state’s fleet could save the state money for two reasons. First, EVs are less expensive to operate and maintain than a comparable gas or diesel vehicle, and second, the price of EVs are projected to fall significantly in the next several years.

The current State of New Hampshire 2021 Model Year Vehicle Index<sup>2</sup> demonstrates how EVs can save money due to operation and maintenance costs. The most recent state vehicle contract includes electric vehicles. In the Vehicle Index the Department of Administrative Services (DAS) included calculations of the total cost of ownership for each vehicle, inclusive of projected fuel and maintenance cost over ten years at 15,000 miles/year. Though the initial purchase price of the EVs are higher than their gasoline counterparts, in some cases the EVs have a lower total cost of ownership due to lower fuel cost and significantly reduced maintenance costs<sup>3</sup>. For example, in the 5-passenger sedan category the vehicle with the lowest sticker price is the Toyota Corolla at \$19,040. This car has a fuel economy rating of 31/40

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<sup>2</sup> [http://das.nh.gov/purchasing/docs/Notices\\_of\\_Contract/2021%20VEHICLE%20INDEX.pdf](http://das.nh.gov/purchasing/docs/Notices_of_Contract/2021%20VEHICLE%20INDEX.pdf)

<sup>3</sup> Consumer Reports studies show an average savings of \$4,600 in maintenance and repair costs over the life of the vehicle. See <https://www.consumerreports.org/car-repair-maintenance/pay-less-for-vehicle-maintenance-with-an-ev/>

The Honorable Regina Birdsell  
Chair, Senate Transportation Committee  
February 26, 2021

miles per gallon (mpg) (city/highway) and a total cost of ownership of \$45,721. The Chevrolet Bolt, with a sticker price of \$26,308 and a mpg-equivalent rating of 127/108 city/highway has a total cost of ownership of only \$42,414.

The price of EVs are projected to fall significantly in the next several years according to BloombergNEF's Vehicle Outlook 2020<sup>4</sup>. By the mid-2020's EVs are projected to achieve purchase price parity with conventional vehicles due to rapidly falling battery prices (down 87 percent from 2010 to 2019). This will make the total cost of ownership for EVs far lower than their gas and diesel counterparts. Improved EV charging speeds and a rapidly expanding EV selection will also drive customer demand.

NHDES is pleased to provide any additional information we can to legislators to assist in their evaluation of the specifics of this bill.

Thank you again for the opportunity to comment on SB 131. If you have any questions or require further information, please contact either Rebecca Ohler, Administrator, Technical Services Bureau, Air Resources Division ([Rebecca.Ohler@des.nh.gov](mailto:Rebecca.Ohler@des.nh.gov), 271-6749, or Michael Fitzgerald, Deputy Director, Air Resources Division ([Michael.Fitzgerald@des.nh.gov](mailto:Michael.Fitzgerald@des.nh.gov), 271-6390).

Sincerely,



Robert R. Scott  
Commissioner

cc: Sponsor of SB 131: Senator David Watters

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<sup>4</sup> <https://about.bnef.com/electric-vehicle-outlook/>





**NHOHVA Testimony on SB 131**

February 26, 2021

Dear Chair Birdsell and members of the committee:

We would like to express our support for the intent of Section 4 of SB 131 which would create a snowmobile and OHRV safety certificate program. In the last decade, the economic benefits from OHRVs to businesses and the local and state economies are growing along with the popularity of the sport. The COVID-19 pandemic only increased the popularity as people flocked to our sport as an outdoor, pandemic-friendly activity.

We are excited about the new riders who we hope will become as passionate about the sport as many of us have become. But we also understand the need to make sure the inexperienced riders are safe and follow the laws and regulations before heading out onto the trails. Better education on the privileges and responsibilities of trail riding will help ensure the public-private partnerships between clubs and landowners including the state, and municipalities. This will also help continue to maximize the economic growth in OHRVs as an important contributor to New Hampshire's recreation, tourism and hospitality industries.

The conversation that the introduction of this legislation has brought about has been beneficial. Rental companies often attract the largest number of inexperienced riders and were overwhelmed by demand last season. Many of those rental companies have now made commitments to adjust their business models to decrease any negative impacts on localities and ensure their riders are safe and responsible.

In conclusion, we understand there are concerns about Section 4 as currently written. However, we remain committed to working with the Department of Fish and Game and state and local stakeholders to promote safety and ensure the long-term viability of our growing sport in New Hampshire.

Respectfully,  
The Executive Committee  
New Hampshire Off Highway Vehicle Association

## **Kirsten Koch**

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**From:** Alison Hatfield <alisonlunt@gmail.com>  
**Sent:** Thursday, February 18, 2021 1:35 PM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** Resident of private road seeking your support of Senate Bill SB 131-FN

Senate Bill SB 131-FN is scheduled for a Public Hearing in front of the Senate Transportation Committee on March 2nd at 1:15 PM. Part IX of this Bill would require NH Municipalities to either maintain private roads in the same way as public roads or provide tax credits to private road taxpayers.

I am writing as a resident of a private road in Dover and urge you to support this bill.

Thank you for your thoughtful consideration!

Sincerely,  
Alison Lunt Hatfield and Dan Hatfield  
41 Picnic Rock Drive  
Dover, NH 03820

## Kirsten Koch

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**From:** gailmahan1953@gmail.com  
**Sent:** Thursday, February 18, 2021 2:06 PM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** SB 131-FN Part IX

*I heartily urge the Senate Transportation Committee to approve this bill on behalf of my family and all the others in our neighborhood to provide relief from an unfair taxation system that has burdened us for over 20 years. We appreciate and thank you for your support.*

*Sincerely,*

*Gail Mahan*

*20 Sunnybrooke Drive*

*Dover, N. H. 03820-4449*

## Kirsten Koch

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**From:** Douglas A. MacLennan <damaclennan@gmail.com>  
**Sent:** Thursday, February 18, 2021 2:37 PM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** Private road taxes

Dear Representative s

Please rectify the unfair taxes on private roads. We live on such a road and are taxed by the city of Dover. They do not maintain the roads in our community of 47 houses.

In effect, we are taxed twice, first by the city, then by the costs of maintaining the roads that are in our homeowner fees.

Passing SB-111-N would level the playing field for everyone.

Thank you,  
Doug MacLennan  
43 Augusta Wat  
Dover, NH 03820  
603 842-5742

## Kirsten Koch

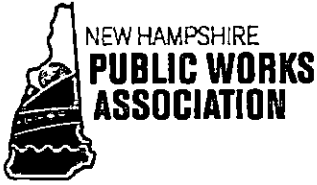
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**From:** Thomas Trigilio <tmtrigilio@gmail.com>  
**Sent:** Thursday, February 18, 2021 3:57 PM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Cc:** jgogs@comcast.net; dpappa33@comcast.net; Tom Trigilio  
**Subject:** SB 131 FN Part IX

I am writing to ask all member of the senate transportation committee to please support SB 131 FN, Part IX. As a resident of the Nevins, an over 55 community in Londonderry, I pay monthly fees to the Nevins homeowner association to cover the cost of snow plowing, street lighting, road repairs and maintenance of fire hydrants and storm drains. In addition, I am taxed by the town of Londonderry for these very same services for which they have no responsibility. SB 131 FN, Part IX will correct this unfair tax situation and allow all NH residents to be taxed equally and fairly.

Thank you for your consideration.

Thomas & Michele Trigilio  
6 Mabel Drive  
Londonderry, NH 03053  
603 505-6056



25 Triangle Park Drive  
Concord, NH 03301

March 8, 2021

Senator Regina Birdsell, Chair of Senate Transportation Committee  
State House, Room 302  
107 North Main Street  
Concord, NH 3301

Re: Concerns with Part IX of Senate Bill 131

Dear Senator Birdsell:

On behalf of the NH Public Works Association (NHPWA), with membership representing 83 New Hampshire municipalities and 17 New Hampshire corporations, we are writing today to share our concerns with Part IX of Senate Bill 131 (SB131) pertaining to Private Roads, as summarized below:

1. Private Communities already Benefit from Municipal Services – Although residents of private communities do not receive municipal services within their developments, the majority of any vehicle trip they make is on publicly maintained roads, and municipalities accept yard waste and solid waste brought to municipal facilities by residents or private haulers.
2. Impossible to Determine Equitable Cost Share - The proportion of a municipal budget that would be equitably attributable to private roads would be minuscule, as communities incur costs to purchase equipment, maintain facilities, and employ personnel to provide municipal services for the whole community, including those that private communities benefit from. Therefore, we don't see a way to calculate an equitable cost share for municipal contributions to maintenance or construction of private roads. In addition, public works employees perform a wide variety of services and most municipalities don't have a way to parse out how much is expended on each type of service.
3. Provisions Exist for Public Acceptance of Private Roads – Should private communities desire municipal services, there are clear provisions in state law and local ordinances for seeking public acceptance of private ways. Minimum construction requirements for public acceptance of roads, including road widths and grades, enable cost efficient delivery of municipal services. Minimum widths allow for larger vehicles for automated trash pick up, and plow trucks that can cover longer routes before needing to refill salt and brine stores. Minimum/maximum grades ensure proper road drainage, reducing the amount of required salt/brine application. Without meeting all minimum measures, cost of services will be higher.
4. Municipalities Shouldn't Subsidize Higher Levels of Service - Many private communities elect to not pursue public acceptance of their roadways, as they desire a higher level of service than municipalities can provide. The costs they incur for snow maintenance and other services

provided by private companies allows them more targeted and individual services, in accordance with whatever requirements they include in associated contracts. Municipalities, specifically tax payers that are not members of these communities, should not be required subsidize these elective higher levels of service.

5. Municipalities Shouldn't Assume Liability for Historically Poor Maintenance – Private roadways that have not been properly maintained will require more extensive maintenance and more frequent repairs/replacement. Municipalities should not be required to pay for these improvements where facilities have not been properly maintained. Municipal acceptance of roadways at time of completion ensures municipalities have the opportunity to ensure proper maintenance of the facility throughout their full life-cycle, reducing associate cost.
6. Tax Impacts – Municipal roadway construction and reconstruction, including paving, is often financed through the use of municipal bonds, with costs spread over many years. It is unlikely that such bonding capability would exist for funding improvements on private roadways, meaning costs would more significantly impact annual municipal budgets and tax rates. Municipal budgets are already spread thin, and private roads costs cannot be included without increasing taxes and/or reducing services elsewhere. In addition, property valuations are determined and taxed based on market valuation, which includes recognition of the level of services provided by a municipality at the time of assessment. Compensating “Qualified Private Communities” for services they did not receive at the time of assessment creates an inequitable situation for the balance of the tax base. These “communities” have never paid taxes toward the provision of these services and should therefore not be afforded such services or any compensation now or in the future.
7. Class VI Roadways would be Discontinued – By definition, municipalities do not maintain Class VI roadways. These rights of way (ROW) are public, but often serve as community trails, while providing access to otherwise landlocked parcels. Any added requirement for municipal maintenance or construction would likely result in a rush to discontinue these ROW's to eliminate municipal financial exposure. This would result in ownership of the ROW reverting to abutting property owners on each side, which would restrict public access and negatively impact the beneficial functions they provide as public recreational areas.

For the above reasons, and for other likely unanticipated negative impacts, we recommend SB131 be amended to ***eliminate Part IX Relative to Private Roads in its entirety***. If you have any questions, or would like to further discuss, I can be reached at 603-589-3140 or fauteuxl@nashuanh.gov.

Respectfully yours,



Lisa Fauteux, President  
New Hampshire Public Works Association

## Kirsten Koch

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**From:** Gene DeCamp <ginodecamp@comcast.net>  
**Sent:** Thursday, February 18, 2021 4:11 PM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** Bill SB-131-FN, Part IX

Dear Committee Member:

I am writing to respectfully ask every member of the Committee please support the passage of SB-131-FN, Part IX.

As a resident of the Nevins Active Adult Community in Londonderry, I have watched my real estate taxes increase each year (about \$8500 before the next increase coming in 2021).

Meanwhile, our community does not receive a number of Town services which other residents receive in consideration for the taxes they pay. Thus, in addition to paying my full share of taxes to live in Londonderry, and ostensibly receive the full ambit of town services, I also pay an additional \$3,072 a year which goes toward funding the maintenance of our community's private roads. This includes necessary asphalt repairs and maintenance, snow removal, fire hydrant maintenance, etc.

As information, our community is not a group of condos. That is, the Nevins (when last I knew) is the only cooperative in NH that is not a trailer park. We don't pay "condo fees;" we pay lot rent for the land on which our homes are sited, and we - not our Association - are responsible for the maintenance of our entire homes. That means unlike a condo, no homeowner fees go toward maintaining the exterior of the community's private homes. We fund those costs personally.

I believe a tax credit to each homeowner, given the totality of circumstances surrounding our home ownership in Londonderry, is something that is both overdue and in the interest of equity.

Thank you for your time and consideration of this important matter.

Sincerely,

Gene R. DeCamp  
47 Morrison Drive  
Londonderry, NH 03053  
603-432-0337

Sent from my iPad



## Kirsten Koch

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**From:** ALICE MAX <alicemax@comcast.net>  
**Sent:** Friday, February 19, 2021 11:02 AM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Cc:** jgogs@comcast.net  
**Subject:** SB-131-FN, Part IX

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I am writing to request every member of the Committee please support the passage of SB-131-FN, Part IX.

As a resident of the Nevins Active Adult Community in Londonderry, I have watched my real estate taxes increase each year (about \$8500 before the next increase coming in 2021) as a 76 year widow, retired.

Meanwhile, our community does not receive a number of Town services which other residents receive in consideration for the taxes they pay. Thus, in addition to paying my full share of taxes to live in Londonderry and ostensibly receive the full ambit of town services, I also pay an additional \$3,072 a year which goes toward funding the maintenance of our community's private roads, including necessary asphalt repairs and maintenance, snow removal, fire hydrant maintenance, etc.

As information, our community is not a group of condos, either. That is, the Nevins (when last I knew) is the only cooperative in NH that is not a trailer park. We don't pay "condo fees;" we pay lot rent for the land on which our homes are sited and we - not our Association - are responsible for the maintenance of our entire homes. That means unlike a condo, no homeowner fees go toward maintaining the exterior of the community's private homes. We also fund those costs personally.

I believe a tax credit to each homeowner given the totality of circumstances surrounding our home ownership in Londonderry is something that is both overdue and in the interest of equity.

Thank you for your time and consideration in this important matter.

Warm regards,

Alice T. Max  
The Nevins  
1 Mabel Drive  
Londonderry NH 03053

## Kirsten Koch

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**From:** David <david@dellapenta.com>  
**Sent:** Friday, February 19, 2021 11:22 AM  
**To:** Kirsten Koch  
**Subject:** Senate Bill #131 Part IX

My Testimony of support:

By way of introduction my name is David T. Della Penta and live at 32 Wisteria Drive Dover, Nh and have been a resident there since 2008. Wisteria Drive has been a "private road" since its inception, 2007 and has been maintained by the Wisteria Drive HOA.

The Homeowners and members of the Wisteria Drive HOA fully support the proposed new section in Part IX,( Relative to private roads) new section 72:87 Qualified Private Community. "A municipality shall grant a tax credit to any person that owns property in a qualified private community as defined in RSA 231:80-b, equal to the sum of the amounts paid by said owner for private contracting of services provided by such municipality to publicly maintained ways, including Class IV and Class V Highways."

From a personal perspective the financial justification to my support of Sb-131 stems from the fact that annually, the Wisteria Drive Homeowners support the Town of Dover in Tax Repatriations amassing \$200,000. +. The small amount of tax credit being proposed would be a small fraction of our annual tax bill and will help ensure that our private road is properly maintained under RSA 231:59-a which essentially provides various repairs and /or maintenance deemed necessary for firefighting equipment and rescue or other emergency vehicles. Furthermore, I understand that under RSA 231:59 towns and cities have only authority granted to them by the state legislature. Hence my support of the proposed amendment 72:87.

Thank you for the opportunity to speak on behalf of supporting this amendment.

David T. della Penta

## Kirsten Koch

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**From:** EJ DIOZZI <outlook\_F30E0EC3B15242DC@outlook.com>  
**Sent:** Friday, February 19, 2021 11:28 AM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Cc:** Elliott Hersh  
**Subject:** SB-131-FN, Part IX

Dear Senator's,

Please give positive consideration to passing the above referenced legislation to the full Senate. We pay Home Owners Association fees and have contractors perform all of the services reference in the Bill. In addition, we pay the full tax rate that a resident living on public roads pay.

This places an additional burden on us and we believe it to be unfair.

Your kind consideration is greatly appreciated

Sincerely,

EJ Diozzi  
4 Sugarplum Ln  
Londonderry NH 03053

Sent from Mail for Windows 10

## **Kirsten Koch**

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**From:** Elliott Hersh <elhersh1@gmail.com>  
**Sent:** Friday, February 19, 2021 3:31 PM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** SB-131-FN, Part IX

Dear Committee Members,

My name is Elliott Hersh and my wife and I moved to Londonderry 10 years ago. We moved to a 55 and older condo development. We have since learned that "Private Road" doesn't mean residents only. I now understand why the builder didn't attempt to explain the ramifications.

We pay the same tax rate as homeowners on public roads, but don't get the same services. This is unfair. The largest portion of our monthly condo fee goes towards roadway maintenance and is ever increasing. We are retired and on a fixed income. I believe we should be offered the same service as everyone else, or some sort of compensation to offset the additional cost. I am 75 now and don't want to be taxed out of my home.

Your support of this legislation would be greatly appreciated.

Thank You,

Elliott Hersh  
9 Sugar Plum Lane  
Londonderry, NH 03053

## Kirsten Koch

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**From:** James Green <[gymgreen1943@gmail.com](mailto:gymgreen1943@gmail.com)>  
**Sent:** Saturday, February 20, 2021 11:31 AM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** Support for SB-131-FN, Part IX.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I request your wholehearted support of this bill. It is very important to members of my community, the Sugarplum Hill Condo Association. For too long we have been paying more and getting less for our property tax dollars.

respectfully

James Green  
22 Sugarplum Lane, Londonderry, NH 03053  
email [lindaandjimgreen@gmail.com](mailto:lindaandjimgreen@gmail.com)  
phone 603 432 6863

**Kirsten Koch**

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**From:** Pat Piraino <oniarip@comcast.net>  
**Sent:** Saturday, February 20, 2021 12:34 PM  
**To:** Kirsten Koch  
**Cc:** Paul Piraino  
**Subject:** Senate Bill SB 131-FN Part IX: Private Road

## **Senate Bill SB 131-FN Part IX: Private Road**

Dear Senate Transportation Committee Members,

As residents living in an over 55 community on a private road in New Hampshire we strongly urge you to rectify the unfair situation faced by NH private road taxpayers. Please support Senate Bill SB 131-FN part IX to require NH Municipalities to either maintain private roads in the same way as public roads or provide tax credits to private road taxpayers.

As over 55 residents we see very little return in the way of services for the significant tax dollars we pay. This inequitable private road situation should be addressed and rectified.

Thank you for your support,

Paul & Patricia Piraino  
10 Haywick Drive  
Stratham, NH 03885

kirsten.koch@leg.state.nh.us

## Kirsten Koch

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**From:** Gail Dickson <gailfnp@comcast.net>  
**Sent:** Saturday, February 20, 2021 2:04 PM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** Please support bill SB131-FN Part IX

I am asking all of you to support the above bill for Private Roads in NH to have a reduced tax. As a 70+ year home owner on one of these roads we have experienced a 45% increases in our real-estate tax in the 10 years we have lived here. Our private roads are maintained, plowed by us. We also are responsible for maintaining sewer, water lines on roads. I am asking you to support us in an equitable reduction for this. Thank-you Bill and Gail Dickson 2 Sonia Dr., Dover NH

## Kirsten Koch

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**From:** gail covino <gailcovino@yahoo.com>  
**Sent:** Saturday, February 20, 2021 3:02 PM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** SB-131-FN, Part IX

I am writing to urge every member of the Committee to please support the passage of **SB-131-FN, Part IX.**

As a new resident a of the Nevins Active Adult Community in Londonderry, we are surprised to learn how many of the traditional town services one would expect to be covered as part of their tax assessment is covered by our association. It begs the question why then are our taxes so high? Our taxes are nearly \$10k/yr. Meanwhile, our community does not receive a number of Town services which other Londonderry residents enjoy as part of the taxes they pay.

At our recent closing our attorney explained that the Nevins is the only cooperative in NH that is not a trailer park. Which means we don't pay "condo fees;" we pay lot rent for the land on which our homes occupy. Therefore unlike a condo, these homeowner fees do not go toward maintaining the exterior of the community's private homes. It is our responsibility, not our Association to maintain our entire homes -a cost we fund personally. So a large portion of our homeowner fees (\$3,072/yr.) goes to funding the maintenance of our community's private roads, including necessary asphalt repairs and maintenance, snow removal, fire hydrant maintenance, etc.

Under the circumstance we believe a tax credit to each homeowner is warranted and equitable for the residence of the Nevin's community .

Thanking you in advance for your consideration in this important matter.

Sincerely,

John and Gail Covino  
4 Davenport Drive  
The Nevins  
Londonderry NH 03053

(978) 604-0379



## Kirsten Koch

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**From:** ginny lumbra <ginnylumbra@hotmail.com>  
**Sent:** Saturday, February 20, 2021 3:16 PM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** SB-131-FN PART 1X

I am sending this email to implore you to pass bill SB 131 FN part 1x. I pay taxes equitable to homeowners in my town, Londonderry, but pay additional charges for equitable services.

Thank you in advance for your consideration.

Virginia Lumbra  
27 South Parrish Drive  
Londonderry NH

Sent from my iPad

## Kirsten Koch

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**From:** LOUISE Westing <westing4.lw@gmail.com>  
**Sent:** Sunday, February 21, 2021 1:37 PM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** Tax Credit Compensation Request

Good Afternoon,

I'm contacting you today to let you know that my husband and I want tax credits to compensate for the cost of snowplowing, road repair, road replacement and maintenance of infrastructure. We are seniors on a fixed income. As part of the Hickory Woods community we live in, we pay for all of these services. The town then incorporates the cost of these services in our tax bills. In essence, we pay twice. At this time in our livesw that we want tax credits to compensate for the cost of snowplowing, road repair, road replacement and maintenance of infrastructure this is a huge burden. Please work to create a fair and equitable compensation schedule for all those who do not use these town services.

Thank you,  
Don and Louise Westing

Sent from Yahoo Mail on Android

## **Kirsten Koch**

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**From:** diane donohue <dddonohue@gmail.com>  
**Sent:** Sunday, February 21, 2021 2:35 PM  
**To:** Dave.Watters@leg.state.nh.us; Denise Ricciardi; Regina.Birdsell@leg.srare.us; Ruth Ward; Tom Sherman; Kirsten Koch  
**Subject:** SB-131-FN, Part IX

I am respectfully asking all members of the committee support and vote for the passage of SB-132-FN, Part 1X.

I am a fairly new resident (November 2019) of the Nevins Community. My taxes have increased considerably in this short time. Another increase is coming in 2021.

Our community does not receive a number of the services that's part of our present Taxes paid to the town of Londonderry. We are also paying an additional \$3,072. A year for maintaining our Communities private roads, asphalt repair and maintenance, snow removal, fire hydrant maintenance and more.

The Nevins is the only cooperative in NH that is not a trailer park. We pay lot rent. We are entirely responsible for maintaining our individual homes.

I do believe a tax credit is fair and equitable to the owners of the Nevins Community.

Thanking you in advance for your consideration and a favorable vote for equality.

Regards

Diane Donohue

## Kirsten Koch

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**From:** Karen Wilson <wilson2kks@comcast.net>  
**Sent:** Sunday, February 21, 2021 4:20 PM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** Private roads

To whom it may concern,  
Please consider passing the bill to give tax credits to those living on private roads.

Sincerely,

Karen Wilson  
3 Pepper Hill Road  
Londonderry, NH

## Kirsten Koch

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**From:** Ann Perham <annbperham@gmail.com>  
**Sent:** Sunday, February 21, 2021 7:36 PM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** Support of SB-131-FN Part IX Private Road Taxpayers

Dear Senator,

I am writing in support of SB-131-FN Part IX concerning private roads. Residents of private roads do not have access to the same services as public residential property owners, yet they pay the same tax rates.

In effect, the owners of property on private roads are subsidizing the benefits that owners of property on public roads enjoy:

- Snowplowing
- Road repair and replacement
- Infrastructure maintenance of sewer and water systems

It is unfair that financial and legal responsibilities are also shifted from the municipalities to the private road property owners

To correct this inequity, SB-131-FN Par IX offers a property tax credit representing the municipality's estimated cost of providing services. I strongly urge you to support this important legislation.

Sincerely yours,  
Bradford C Perham  
Ann B Perham  
11 Tavern Hill Road, Londonderry

## Kirsten Koch

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**From:** John Gearhart <johnwgearhart@gmail.com>  
**Sent:** Monday, February 22, 2021 10:46 AM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** SB 131-FN

Hello,

Regarding SB 131-FN part IX I would like to request your consideration of all of us homeowners on private roads and the tax burden we carry that cities (Dover in my case) collect to maintain roads and services and yet we do not get that service. The argument has been made that our homes value for less and therefore taxes are lower yet in reality that is not the case.

John Gearhart  
55 Picnic Rock Drive  
Dover NH

## Kirsten Koch

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**From:** George DeBoer <gdeboer@colgate.edu>  
**Sent:** Monday, February 22, 2021 10:46 AM  
**To:** Kirsten Koch  
**Subject:** Private Roads Bill SB 131-FN

I write in support of this bill. It is unfair for residents who live on private roads to both have to pay to maintain those roads themselves and receive no reduction in taxes to cover those added expenses. Cities and municipalities clearly provide this option of unmaintained private roads to save money, but by doing so that cost got unfairly passed on to the property owner. They allow substandard roads to be built and then say they can't maintain them because they are substandard. Something is wrong with that perverse logic. It is irresponsible for them to allow the construction of substandard roads in the first place. If the quality of those roads is so substandard that they can't be plowed, what does that say about access of emergency vehicles? This raises the question of whether substandard roads should even be allowed.

There is also a transparency issue. When someone purchases property on a private road, no one is obligated to inform that person of what that means for maintenance, safety, or taxes. All purchasers of property on private roads should be informed of the laws of the state of NH and local policies with regard to private roads. Because of these issues of fairness, safety, and transparency, please support the private roads bill, SB 131-FN.

Sincerely,

George DeBoer

Sent from [Mail](#) for Windows 10

**Please support Senate Bill 131-FN**

Ian Hamel <hamel.ian@gmail.com>

Tue 3/2/2021 10:14 AM

To: Regina Birdsell <Regina.Birdsell@leg.state.nh.us>; David Watters <David.Watters@leg.state.nh.us>; Ruth Ward <Ruth.Ward@leg.state.nh.us>; Denise Ricciardi <denise.ricciardi@leg.state.nh.us>; Tom Sherman <Tom.Sherman@leg.state.nh.us>; Kirsten Koch <kirsten.koch@leg.state.nh.us>

Ladies and Gentlemen of the Transportation Board,

We urge you to support Senate Bill 131-FN designed to provide financial relief to communities that are currently paying double for road maintenance services. Our taxes include the cost of providing road maintenance that the City of Dover does not provide to residents who live on private roads. As a result we are required to fund this service again in our Wyndbrook associations annual fees.

Your support to correct this injustice is expected and appreciated.

Sincerely,

Ian P. Hamel

22 Stocklan Cir, Dover, NH 03820



## Kirsten Koch

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**From:** Jeffrey Clifford <jclifford@birchstreet.net>  
**Sent:** Monday, February 22, 2021 12:36 PM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** Please support SB 131-FN Part IX

Good morning,

It has come to my attention that a piece of legislation around either providing tax credits or having municipalities maintain private roads is being circulated. I am writing to ask that this committee vote in favor of this legislation due to the imbalanced nature of the way things are currently handled. I live in Dover, NH in a private neighborhood where I pay full Dover property taxes- which are among the highest in the state- and do not get the same value as the rest of the city. My HOA fees go towards road repair funds, winter services, private neighborhood watch funds, sewage equipment upkeep, private trash collection and other expenses that owners on public roads don't pay separately for. I think it is robbery to take the almost 10K in taxes I pay and give back 50% of the services that are supposed to come with that amount.

Please support this bill and work to make New Hampshire a more equitable place to live for the folks like me who are proud, taxpaying New Hampshire citizens who are not being represented the way the rest of the state is.

Sincerely,  
Jeff Clifford  
62 Stocklan Circle, Dover NH 03820



# TOWN OF HUDSON

## Board of Selectmen



12 School Street Hudson, New Hampshire 03051 603/886-6024 FAX 603/598-6481

February 24, 2021

Senator Regina Birdsell, Chair  
NH Senate Transportation Committee  
State House, Room 302  
107 North Main Street  
Concord, NH 03301

RE: NH Senate Bill 131-FN

The Board of Selectmen of the Town of Hudson, NH unanimously opposes Senate Bill 131-FN, in particular Part IX relative to private roads, and respectfully requests that the Senate Transportation Committee vote Inexpedient to Legislate on this bill or re-refer it for further study.

Part IX of SB 131-FN would **require** municipalities to provide services for private roads such as the removal of snow, ice and other obstructions, street lighting of roads and streets, repairs and replacement of roads and streets and the repair, maintenance and replacement of water and sewer infrastructure for private roads in condominium complexes and manufactured housing parks. The proposed bill will also require municipalities to pay for the maintenance and repairing of Class VI roadways, which municipalities are not currently required to do. The Town of Hudson has 2,486 condominiums and 155 manufactured homes in private parks on over 80 private roads, with approximately 25 miles of roads under private ownership. The burden to the Hudson taxpayer alone is staggering. The Hudson Board of Selectmen **strongly oppose this bill.**

In summary, we respectfully request that you vote **ITL** on Senate Bill 131-FN or re-refer it for further study. It is our opinion that this bill places an unfair burden on the taxpayers of the Town of Hudson and other towns that may be in a similar situation and therefore should be strongly opposed.

Thank you for your consideration.

Sincerely,

HUDSON BOARD OF SELECTMEN

David S. Morin  
Chairman

CC: Senator Sharon Carson

## Kirsten Koch

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**From:** William Lannigan <lannigan810@gmail.com>  
**Sent:** Tuesday, February 23, 2021 10:00 AM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** SB-131-FN, Part IX

Dear Committee Members;

I am a resident of a 55+ community in Londonderry. I request that you all support passage of SB-131-FN, Part IX.

Thank you for your consideration of this matter,

William Lannigan



Virus-free. [www.avast.com](http://www.avast.com)

## Kirsten Koch

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**From:** Matt Beadles <mlbosu@msn.com>  
**Sent:** Thursday, February 25, 2021 9:06 AM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** Senate Bill SB 131-FN

Ladies and Gentlemen of the Transportation Board,

We urge you to support Senate Bill 131-FN designed to provide financial relief to communities that are currently paying double for road maintenance services. Our taxes include the cost of providing road maintenance that the City of Dover does not provide to residents who live on private roads. As a result, we are required to fund this service again in our Wyndbrook associations annual fees.  
Your support to correct this injustice is expected and appreciated.

Sincerely,

Matt Beadles  
26 Sandra's Run  
Dover, NH 03820

## Kirsten Koch

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**From:** John Goglia <jgogs@comcast.net>  
**Sent:** Saturday, February 27, 2021 1:44 PM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** SB-131-FN, Part IX Related to Private Roads

Senate Transportation Committee Members,

I live on a private road in a senior community in Londonderry that is 6 years old. A couple of years ago after a comprehensive engineering study our HOA advised that a large monthly increase to our HOA fees was imminent due to underfunding of capital reserves for road repair and replacement. At that time I decided to explore the issue of private roads with the encouragement and some assistance from my HOA. We methodically met with the engineer who designed our community, various Londonderry town officials and private individuals to gather information.

What we learned was very revealing about how cities and towns along with developers are benefitting from approving and building private road communities. When a developer decides to build a high-density community he submits plans to the municipality which then begins the process of give and take between the two factions. In my community the developer was granted 7 road waivers and 1 road variance for various reasons. The town now claims the roads do not meet town standards but it was the town agreed to the builders lesser standards. In addition at some point the developer suggested lowering the road speed limit from 35 mph to 25mph which satisfied the town to approve the substandard roads increasing the builder's profit. The town also benefits by the collecting property taxes but never having any financial, legal or other responsibility for snowplowing, maintenance or replacement for the roads or the related infrastructure such as sewer, water and lighting.

During our series of meetings with various town employees we were provided various reasons why they would not take responsibility for our roads. One person said they could not allow conversion of our 5 private roads to public roads because they did not meet public road standards. Another person said the town doesn't have the public works budget to allow conversion to public roads. Someone else bluntly told us no because the town would not want other communities to do the same thing. When we asked about a possible tax credit, town officials told us that the town does not have the authority to offer a credit because New Hampshire is a Dillon's Rule State where municipalities only have authority to do the things

granted to them by the state. Since the state has not specifically authorized tax credits for private road residents they could not consider it.

The Assessing Department told us that the base rate for property tax purposes is exactly the same for all properties of a similar structure. An appraiser told us that there is no known reduction in valuation of property on a private road due to the services not provided by municipalities. The valuation of all properties is driven by many factors but lack of services is not one of them. Hence we pay the same property taxes as town residents on public roads that get the services not provided to us. Unfortunately private road owners do not become aware of the financial and legal downside of living on a private road until after several years. This cycle continues to repeat itself with every resale to a new uninformed buyer of a property on a private road.

Owners of property on private roads also pay for the engineering expertise to assist in making prudent decisions about roads and infrastructure while the town provides those services worry free to public road residents. So is fair that private road residents get no tax discount, no services and pay additional expenses because the town approved substandard roads. We are basically subsidizing all the municipal services provided to other town residents.

More recently we were notified that one of our 5 roads needs immediate repair with an estimated cost of \$100,000 due to premature deterioration. It is my personal opinion that we have this premature road deterioration because the town knowingly or unknowingly did not do their usual due diligence in approving and inspecting these roads realizing that they would never be responsible for them.

For these reasons I am asking you to support SB-131-FN, Part IX.

Sincerely,

John J. Goglia  
12 Black Forest Circle  
Londonderry, NH 03053

## Kirsten Koch

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**From:** Tremblay Family <tremblayfamily@gmail.com>  
**Sent:** Saturday, February 27, 2021 8:24 PM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** SB 131.

To The Honorable Senators Birdsell, Ward, Ricciardi, Koch, Watters, and Sherman,

I would like to ask that you consider supporting SB 131 which would either require towns maintain private roads along lakes, or give tax credits to those who live on these roads who pay much higher taxes for living on a lake, yet must also pay to maintain and plow their roads.

Our Road Association has spent thousands of dollars on paving and upkeep of Mica Point, where I live, and while I understand it is still too narrow to send town plows through, it would be nice if we got a tax credit we could use towards hiring a plow company to clear the snow in winter. It feels like we are always taking the hit. Our homes are not fancy, we just want lake access, yet pay a premium for taxes. All the while, we get virtually nothing for those extra taxes as far as town services on our road.

Thank you so much for considering this bill.

Wendi Tremblay

Norm's Way off of Mica Point, Barrington, NH

## **Kirsten Koch**

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**From:** Suhib Makhoulouf <suhibmakhoulouf@yahoo.com>  
**Sent:** Saturday, February 27, 2021 10:54 PM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** Wyndbrook associations annual fees

Ladies and Gentlemen of the Transportation Board,

We urge you to support Senate Bill 131-FN designed to provide financial relief to communities that are currently paying double for road maintenance services. Our taxes include the cost of providing road maintenance that the City of Dover does not provide to residents who live on private roads. As a result we are required to fund this service again in our Wyndbrook associations annual fees.

Your support to correct this injustice is expected and appreciated.

Sincerely,  
Suhib Makhoulouf

24 Sandras Run  
Dover NH 03820



## Kirsten Koch

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**From:** Fatima Alsharif <fatimaalsharif89@yahoo.com>  
**Sent:** Saturday, February 27, 2021 11:03 PM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** Wyndbrook associations annual fees

Ladies and Gentlemen of the Transportation Board,

We urge you to support Senate Bill 131-FN designed to provide financial relief to communities that are currently paying double for road maintenance services. Our taxes include the cost of providing road maintenance that the City of Dover does not provide to residents who live on private roads. As a result we are required to fund this service again in our Wyndbrook associations annual fees.

Your support to correct this injustice is expected and appreciated.

Sincerely,  
Fatimah Alsharif

24 Sandras Run  
Dover NH 03820

## Kirsten Koch

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**From:** westing4.lw <westing4.lw@gmail.com>  
**Sent:** Sunday, February 28, 2021 9:50 AM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch

Dear Senator,

I am writing in support of SB-131-FN Part IX concerning private roads. Residents of private roads do not have access to the same services as public residential property owners, yet they pay the same tax rates.

In effect, the owners of property on private roads are subsidizing the benefits that owners of property on public roads enjoy:

- Snowplowing
- Road repair and replacement
- Infrastructure maintenance of sewer and water systems

It is unfair that financial and legal responsibilities are also shifted from the municipalities to the private road property owners.

To correct this inequity, SB-131-FN Par IX offers a property tax credit representing the municipality's estimated cost of providing services. I strongly urge you to support this important legislation.

Sincerely yours,

Don and Louise Westing

10 Pepper Hill Road

Londonderry NH

Sent from my Verizon, Samsung Galaxy smartphone

## Kirsten Koch

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**From:** David Desgroseilliers <36autumn@comcast.net>  
**Sent:** Sunday, February 28, 2021 11:05 AM  
**To:** Kirsten Koch  
**Subject:** SB 131-FN Part IX

I am writing in favor of this bill # SB 131-FN Part IX which would require NH Municipalities to either maintain private roads in the same way as public roads or provide tax credits to private road taxpayers.

My wife & I are residents of a beautiful community in East Kingston NH. Our street does not currently receive any assistance or subsidy or any other type of Town provided maintenance. I wish to point out that In addition to very high local property taxes, we receive very little in the way of any direct Town provided services, except for trash & recycle pickup. Our community is 'over 55', so there is also no burden on the Town for any school / education expenses.

I respectfully request that the Transportation Committee advance this bill favorably. This bill would restore some equity and fairness to a relatively small group of taxpayers that have for over many years been unfairly taxed. A Tax Credit or direct maintenance, would be most appreciated and allow financially stressed homeowners some relief.

Sincerely,

David Desgroseilliers  
36 Autumn Lane  
E Kingston, NH 03827

Voting Members:

**David Packard**  
Chair  
NH Lakes Assn.

**Bruce Allen**  
Conservation  
Commissions

**Shane Bradt**  
Scientific Community

**Tiffany Grade**  
Conservation  
Community

**Janet Kidder**  
Planning Boards

**Frank Lemay**  
NH BIA

**Jared Maraio**  
NH Travel Council

**Lisa Morin**  
State Conservation  
Committee

**Rex Norman**  
Municipal Official

**Dick Smith**  
Fishing Interests

**Bruce Temple**  
NH Fish & Game  
Commission

**Mary Truell**  
NH Association of  
Realtors

**Vacant**  
Marine Trades  
Association

Non-Voting Members:

**Garret Graaskamp**  
Vice Chair  
NH Fish & Game Dept.

**Capt. Tim Dunleavy**  
NH Dept. of Safety

**Eric Feldbaum**  
NH Dept. of Natural and  
Cultural Resources

**Jennifer Gilbert**  
NH Office of Strategic  
Initiatives

**Mark Hemmerlein**  
NH Dept. of Trans.

**Shawn Jasper**  
NH Dept. of  
Ag, Markets & Food

Staff:

**Tracie Sales**  
Program Manager

**Vacant**  
Watershed Coordinator

**Vacant**  
Program Assistant

N.H. Lakes Management and Protection Program  
**N.H. Lakes Management Advisory Committee**

February 23, 2021

The Honorable Regina Birdsell, Chair  
Senate Transportation Committee  
State House, Room 103  
Concord, NH 03301

**RE: SB 131 - AN ACT adopting omnibus legislation relative to vehicles, municipal water maintenance certificates, safety certificates, nondrivers's picture I.D.s, decals, and private roads.**

Dear Chair Birdsell and Members of the Committee:

RSA 483-A established the New Hampshire Lakes Management and Protection Program and the Lakes Management Advisory Committee (LMAC) to complement and reinforce existing state and federal water quality laws. Within its responsibilities of advising the NHDES Commissioner and the department, the LMAC reviews and takes positions on legislation pertaining to New Hampshire's lakes. The LMAC appreciates the opportunity to comment on Senate Bill 131.

At the meeting of the LMAC on January 11, 2021, the LMAC voted to support LSR 523, which has become section III of SB 131. NHDES has noted dramatic and rising concentrations of chloride from road salt in New Hampshire waters since nearly all of the chloride applied as road salt will eventually end up in the nearby surface waters or groundwater. In 2020, New Hampshire listed 50 chloride-impaired water bodies on the 303(d) list under the Clean Water Act. At this time, the only way to prevent chloride from reaching surface waters and groundwater is to reduce the amount applied to our roadways, parking lots and sidewalks. Since 2016, the NHDES Green SnowPro Program has successfully offered commercial applicators training and certification in salt reduction practices that prioritize public safety while mitigating salt usage. It is time to allow municipalities into the Program in order to reduce chloride pollution to New Hampshire's lakes to the maximum extent possible.

The LMAC is a legislatively created body of stakeholders, in support of lakes, representing the NH Lakes Association, conservation commissions, scientific community, conservation community, planning boards, Business and Industry Association, tourism industry, state conservation committee, NH Municipal Association, fishing interests, NH Fish & Game Commission, NH Association of Realtors, Marine Trades Association, and several state agencies. Committee members are appointed by the Governor and Council or the head of the state agency and are charged with supporting the legislative intent of the Lakes Management and Protection Program.

**In conclusion, the LMAC supports SB 131, section III for the reasons stated above.** Thank you for the opportunity to comment. Should you have further questions about this letter, please feel free to contact me at (603) 867-9299 or [appliedforce52@gmail.com](mailto:appliedforce52@gmail.com).

Respectfully,



David Packard  
Chair

The Honorable Regina Birdsell  
Chair, Senate Transportation Committee  
SB 131 February 23, 2021  
Page 2

ec: Sen. David Watters  
Sen. Chuck Morse  
LMAC Representatives  
Robert R. Scott, Commissioner, NHDES  
Tom O'Donovan, Director, Water Division, NHDES  
Ted Diers, Administrator, Watershed Mgmt. Bur., NHDES  
Tracie Sales, Rivers and Lakes Programs Manager, NHDES

**SB-131-FN, Part IX**

dpapa33 <dpapa33@comcast.net>

Thu 2/18/2021 1:15 PM

To: Regina Birdsell <Regina.Birdsell@leg.state.nh.us>; David Watters <David.Watters@leg.state.nh.us>; Ruth Ward <Ruth.Ward@leg.state.nh.us>; Denise Ricciardi <denise.ricciardi@leg.state.nh.us>; Tom Sherman <Tom.Sherman@leg.state.nh.us>; Kirsten Koch <kirsten.koch@leg.state.nh.us>

Cc: John Goglia 55+ Coalition <jgogs@comcast.net>

I am writing to respectfully ask every member of the Committee please support the passage of SB-131-FN, Part IX.

As a resident of the Nevins Active Adult Community in Londonderry, I have watched my real estate taxes increase each year (about \$8500 before the next increase coming in 2021) as a widowed retiree.

Meanwhile, our community does not receive a number of Town services which other residents receive in consideration for the taxes they pay. Thus, in addition to paying my full share of taxes to live in Londonderry and ostensibly receive the full ambit of town services, I also pay an additional \$3,072 a year which goes toward funding the maintenance of our community's private roads, including necessary asphalt repairs and maintenance, snow removal, fire hydrant maintenance, etc.

As information, our community is not a group of condos, either. That is, the Nevins (when last I knew) is the only cooperative in NH that is not a trailer park. We don't pay "condo fees;" we pay lot rent for the land on which our homes are sited and we - not our Association - are responsible for the maintenance of our entire homes. That means unlike a condo, no homeowner fees go toward maintaining the exterior of the community's private homes. We also fund those costs personally.

I believe a tax credit to each homeowner given the totality of circumstances surrounding our home ownership in Londonderry is something that is both overdue and in the interest of equity.

Thank you for your time and consideration in this important matter.

Sincerely,

David J. Papa  
6 Davenport Drive  
The Nevins  
Londonderry NH 03053

(603) 974 1551

Sent from my Verizon, Samsung Galaxy smartphone

## Kirsten Koch

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**From:** Dorothy Pullo <rosedapullo@gmail.com>  
**Sent:** Sunday, February 28, 2021 11:46 AM  
**To:** Regina Birdsell; Denise Ricciardi; David Watters; Tom Sherman; Kirsten Koch; rosedapullo

Dear Committee Member,

Thank you for all your hard work. We do need a little more so please support of SB-131-FN Part IX concerning private roads. Residents of private roads do not have access to the same services as public residential property owners, yet they pay the same tax rates.

In effect, the owners of property on private roads are subsidizing the benefits that owners of property on public roads enjoy:

- Snowplowing
- Road repair and replacement
- Infrastructure maintenance of sewer and water systems

it's unfair that financial and legal responsibilities are also shifted from the municipalities to the private road property owners.

To correct this inequity, SB-131-FN Par IX offers a property tax credit representing the municipality's estimated cost of providing services. I strongly urge you to support this important legislation.

Sincerely yours,

Ralph and Dorothy Pullo

7 Pepper Hill Road

Londonderry, NH 03053

## Kirsten Koch

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**From:** Roberta Wells <brtkwells@icloud.com>  
**Sent:** Sunday, February 28, 2021 11:59 AM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** SB-131-FN Part IX

Dear Senator

I am writing to you to ask you give every consideration to the Bill before you concerning Private Roads known as SB-131-FN Part IX.

Private Road Taxpayers do not receive the same services a public residential property owners. Yet we pay the same or in some cases higher taxes.

Many of the roads that are deemed private are classified that way because the town planning board approves roads and other construction factors that make it prohibitive if not impossible to even be accepted as a public road in the future.

Additionally, all financial and legal responsibilities are shifted from the municipalities to the private road property owners.

Also consider my neighborhood as an example were our roads are often used by the general public (which occasionally includes heavy construction equipment) as a cut through. So the general public are using and degrading our neighborhood roads while the owners bear the burden of the costs of these roads.

This is not an equitable situation. In effect, owners on private roads are subsidizing the benefits of public roads.

Thank you for your consideration,

Roberta Wells  
8 Quarry Road Londonderry, NH 03053



## Wyndbrook at Dover Homeowners' Association

Consists of 72 single family homes

Property taxes range from \$8,270.08-\$10,173.59

HOA fees are \$1070 per year per home

### ANNUAL EXPENSES

Annual expenses for services not provided by the City but paid by homeowners to the City in real estate taxes.

- Landscaping Costs
  - \$15,360.78 spent in 2020
- Tree Removal Costs
  - \$7,600 spent in 2021
- Irrigation Costs
  - \$50 spent in 2020
- Stormwater Drainage System
  - \$5,110.01 spent in 2020
- Salting and Snow removal
  - \$13,633 spent in 2020
  - \$14,500 is the average
- Road Maintenance/repair
  - Sealcoating: \$3,000
- Street Lights
  - \$672 spent in 2020
- Electricity costs
  - \$2,044.19 spent in 2020
- Garbage and recycling
  - Each homeowner individually pays
- Water and sewer piping infrastructure beneath the road surface
  - If a water pipe in the ground ruptures, which did happen recently, it is either the HOA's responsibility to repair or the homeowners.
- Lift Station/Sewer Maintenance
  - \$3,336.90 spent in 2020
- Water/Sewer
  - \$1,007.37 spent in 2020
- Stop sign maintenance
  - \$400 estimated

### PROJECTED REPLACEMENT (30-YEAR)

Services not provided by the City but included within the property taxes. These are large scale maintenance/repair projects estimated by a professional Reserve Study in 2018. The Reserve Study estimates costs by projecting them 30 years from the date of the study with an estimated inflation rate and provides estimated dates that service would be necessary.

- Road resurfacing/replacement
  - \$275,528
- Fire Egress road
  - \$23,214
- Guard rail replacement
  - \$83,232
- Irrigation System
  - \$13,343
- Lift station
  - Generator replacement \$47,826
  - Lift station pumps \$17,850
  - Lift station rebuild \$41,223
- Light Poles and Fixtures
  - \$81,368
- Mailbox Station replacement
  - \$13,966
- Stop sign and traffic management
  - \$5,741

## **Kirsten Koch**

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**From:** eugene kalway <ekmarco@gmail.com>  
**Sent:** Sunday, February 28, 2021 3:45 PM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** SB131

To The Honorable Senators Birdsell, Ward, Riccardi, Koch, Watters, and Sherman  
My name is Eugene Kalway I am currently the president of the Mica Point Road Association in Barrington NH. Residents of Mica Point Road have spent in excess of \$120,000 dollars in repairs, maintenance and plowing over the last 12 years. Also many Assoc. members have spent many hours volunteering with projects on the road to keep it passable for Fire, Police, emergency vehicles, oil, gas and utility companies to access the road.

We hope that you give much consideration to House Bill SB131. We don't expect the Town of Barrington to take over the road. Help with the taxes would be appreciated. We currently receive nothing from the town of Barrington from our tax dollars.

Thank you for your attention in this matter.  
Eugene Kalway  
President Mica Point Road Assoc.

## Kirsten Koch

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**From:** angel\_di@comcast.net  
**Sent:** Sunday, February 28, 2021 5:38 PM  
**To:** Regina Birdsell; David Watters; RuWard@leg.state.nh.us; Tom Sherman; Denise Ricciardi; Kirsten Koch; Ruth Ward  
**Subject:** Bill SB131-FN

As a resident of NH ( 16 Jacqueline Drive Dover, NH) and as a resident who lives on a private road in a 55+ development, I ask you all to vote in favor of this bill which will lower the property taxes for those residents living on private roads. We use minimal city services ( fire and police) and are taxed the same amount as all other residents who depend on all city services on public roads. We are responsible for plowing, trash collection and care for our infrastructure beneath the private roads.

We would appreciate tax relief due to the conditions above to make our tax burden equitable to all residents. As retirees, we live on a fixed income.

Thanks for your consideration.  
If I can offer any further information, please contact me.

Stay well and stay safe!

*Diane Ruger*

Diane W. Ruger  
16 Jacqueline Dr.  
Dover, NH 03820  
603-343-1755  
Angel\_di@comcast.net

## Kirsten Koch

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**From:** Niswender, Matt (US) <Matt.Niswender@flir.com>  
**Sent:** Sunday, February 28, 2021 7:13 PM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch; Regina Birdsell  
**Subject:** Senate Bill SB 131-FN

Please support this bill **Senate Bill SB 131-FN** for private roads.

Thanks,  
Matt Niswender

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## Kirsten Koch

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**From:** Jan Lucas <janalucas@icloud.com>  
**Sent:** Sunday, February 28, 2021 7:50 PM  
**To:** Regina Birdsell; David Watters; Tom Sherman; Ruth Ward; Denise Ricciardi; Kirsten Koch  
**Cc:** Lynn Lucas; JAN LUCAS & LYNN-ELLEN  
**Subject:** Supporting Senate Bill 131-FN

Ladies and Gentlemen of the Transportation Board,

We urge you to support Senate Bill 131-FN designed to provide financial relief to communities that are currently paying double for road maintenance services. Our taxes include the cost of providing road maintenance that the City of Dover does not provide to residents who live on private roads. As a result we are required to fund this service again in our Wyndbrook associations annual fees. Your support to correct this injustice is expected and appreciated.

Sincerely,  
Lynn-Ellen Lucas and Jan A. Lucas  
70 Stocklan Circle  
Dover, NH 03820-4712

Sent from my iPad

## Kirsten Koch

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**From:** Robert Bouchard <boppy545@gmail.com>  
**Sent:** Monday, March 1, 2021 10:05 AM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** SB 131-FN Part IX

My spouse and I were attracted to retirement living in the state of New Hampshire and moved here in December of 2014.

Although we love the community we live in, the inequities of the very high real estate taxes soon became apparent:

1. We must pay for road maintenance and snow removal and even provide our own street lighting.
2. Although no one in the community has young children, the amount of money taxed for schools is out of control and hurts deeply as many are on limited income.

The passage of SB 131-FN Part IX would be a step in the right direction in reducing the tax burden to all (especially in over 55 communities) communities with private roads.

Please approve passage of this bill and provide a small measure of relief to our class of constituents.

Sincerely,

Robert J and Dorothy J Bouchard  
7 Black Forest Circle  
Londonderry, NH 03053

**Kirsten Koch**

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**From:** Pat Piraino <oniarip@comcast.net>  
**Sent:** Monday, March 1, 2021 1:56 PM  
**To:** Kirsten Koch  
**Subject:** Support Senate Bill SB 131-FN

## **Senate Bill SB 131-FN Part IX: Private Road**

Dear Senate Transportation Committee Members,

As residents living in an over 55 community on a private road in Stratham, New Hampshire we strongly urge you to rectify the unfair situation faced by NH private road taxpayers. Please support Senate Bill SB 131-FN part IX to require NH Municipalities to either maintain private roads in the same way as public roads or provide tax credits to private road taxpayers.

As over 55 residents we see very little return in the way of services for the significant tax dollars we pay. This inequitable private road situation should be addressed and rectified.

Thank you for your support,

Paul & Patricia Piraino

## Kirsten Koch

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**From:** Pat Pann <abbeysys@outlook.com>  
**Sent:** Monday, March 1, 2021 2:55 PM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** SB-131-FN Part IX

Dear Senators,

I am writing in support of SB-131-FN Part IX concerning private roads.

I live on a private road in the community of Hickory Woods in Londonderry, an over 55 community. We pay the same taxes as homes on public roads in our town although those homes receive services we do not such as snow plowing, street cleaning, liability protection, and repaving when needed. We have to pay for such services out of our own pockets despite paying the same taxes as our neighbors on public roads. Furthermore, as an over 55 community, there are town restrictions regarding placing any students in the school systems but yet again we pay the same taxes as everyone else.

Because of these fairness issues I respectfully request your support in providing relief to taxpayers living on private roads. I urge you therefore to support SB-131-FN Part IX.

Sincerely yours,

Pasquale Pannese

20 Quarry Rd, Londonderry NH

Sent from my typewriter



## Kirsten Koch

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**From:** Paul A Piraino <pirainp@comcast.net>  
**Sent:** Monday, March 1, 2021 3:01 PM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman  
**Cc:** Paul A Piraino; Kirsten Koch  
**Subject:** Senate Bill SN 131B-FN

Dear Senators on the Transportation Committee:

As residents living in an over 55 newly developed community on a private road in Stratham, New Hampshire we strongly support this bill to rectify the additional tax burden faced by NH private road taxpayers.

Please support Senate Bill SB 131-FN part IX to require NH Municipalities to either maintain private roads in the same way as public roads or provide tax credits to private road taxpayers.

As retired senior citizens in this over 55 residential area. We request that the inequitable private road situation should be addressed and rectified. This would affect the taxpayers of 61 homes in the Rollins Hill development.

Thank you for your support,  
Paul Piraino  
10 Haywick Drive  
Stratham, NH 03885

Sent from my iPhone



# 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](mailto:info@wildlife.nh.gov)  
TDD Access: Relay NH 1-800-735-2964

**New Hampshire Fish and Game Department  
Testimony on SB 131  
Omnibus Legislations Relative to Vehicles and other matters  
Senate Transportation Committee  
March 2, 2021**

We write to speak only to Part IV of this proposal, "Implementing a Mandatory OHRV and snowmobile safety certificate program." We respectfully request that this Part be removed from the bill, and not proceed as a part of this bill as ultimately approved by the Committee or by the Senate.

This language was originally requested by the law enforcement division and the Executive Director of the Fish and Game Department. This was in response to an increase in crashes, property damage, and personal injury that has been experienced as these industries and pastimes have grown in New Hampshire in recent years. It was modeled on the Boating Safety Certificate Program of the NH Department of Safety, which has been a part of the improved record of boating safety experienced in the State over the last twenty years.

While the concept has received support from the dealers and rental agents who sell and offer the machines to the public, there have been concerns raised in the tourism community about the possibility of unintended negative impacts to their interests. We take their expression of concern seriously.

We will continue to work with dealers, rental agents, OHRV and snowmobile clubs, and their statewide associations in an effort to improve actual safety for users in the field. We believe that we should take additional time to work with tourism interests to resolve their concerns. We also note that there are ongoing study efforts in the legislature on the use of OHRV on trails and highways that may inform this effort. We are participating in those studies, and will continue to raise safety concerns in those meetings.

Therefore, we respectfully request that this Part be removed from this bill going forward in recognition of our efforts to continue to work with affected stakeholders.

Sincerely,  
Paul G. Sanderson  
Legal Coordinator  
NH Fish and Game Department

**REGION 1**  
629B Main Street  
Lancaster, NH 03584-3612  
(603) 788-3164  
FAX (603) 788-4823  
email: [reg1@wildlife.nh.gov](mailto: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](mailto: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](mailto: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](mailto:reg4@wildlife.nh.gov)

## Kirsten Koch

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**From:** Cochecho Woods HOA <cochechowoodshhoa@gmail.com>  
**Sent:** Monday, March 1, 2021 4:02 PM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch; Max Abramson; Sharon Carson  
**Subject:** Cochecho Woods HOA testimony in support of Senate Bill SB 131-FN Private Road Legislation

To: Sponsors: Senator Watters, Senator Carson, and Representative Abramson and Transportation Committee Members

From: Cochecho Woods HOA (serving Childs Dr, Dover, NH)

**Re: Cochecho Woods HOA testimony in support of Senate Bill SB 131-FN**

### Cochecho Story

The development of Childs Drive received approval from the City of Dover Planning Board in the fall of 2012.

From the outset of construction, the developer conveyed to buyers that the Childs Drive development would start out as a private road however the road would be built to the City of Dover public road standards with the intent that upon completion of the subdivision the road could be petitioned to be accepted by the City as a public road.

The positioning of the road to become public was consistent throughout the subdivision's development history to the extent that as the development was nearing completion the developer communicated to the Cochecho Woods HOA that a few remaining items needed to be addressed to prepare the road to meet public road standards including the decision on the type of curbing to be used. The HOA chose to install the more expensive curbing that met city public road code to reflect the residents' desire to ensure we were well positioned to be designated as a public road.

With the road construction completed, the developer transferred ownership of the road over to the HOA. At this point the HOA approached the City of Dover with the goal to accept Childs Drive as a public road.

Discussions have occurred on and off for several years, and our HOA has invested considerable time and effort pursuing the City to understand the process we should follow to have our existing private road become public. In an effort to be brief, the following are a few quotes taken from email correspondence received from the City that illustrate our challenges:

- In response to an inquiry seeking guidance on how a private road can become a public road, a city official responded stating *"I would say it would be difficult, if not impossible."* This statement speaks to the mindset of City officials who appear to lack the motivation and desire to engage in exploratory discussions.
- Another quote to reference *"Since the road was initially proposed to remain private, City Engineering staff would not have spent as much time monitoring and inspecting construction than they would, had the road been proposed to be public."* Our point is the City acknowledges they did not inspect the road with the same diligence as a public road and, therefore, our HOA now bears the burden of proof that it does meet specifications.
- Another quote to reference *"I don't expect our Engineering Department could certify that construction met public standards."* This statement serves to highlight the City's unwillingness to explore options for post-road inspection and verification.

- Another quote to reference *"In quickly reviewing some related documents, I noticed concerns about the suitability of subgrade materials to properly support fire trucks."* It is the HOA's position that, based upon the supporting documentation attached by the City to the email with this quote, any reference to subgrade material was specific to a connecting emergency access road, which is distinct and separate from Childs Drive. The City however appears to be responding as if Childs Drive is substandard. Furthermore, the City's statement contradicts what is actually happening. In just the past month, we had two sightings of a Dover Fire Truck (pumper size) travel up and down our road. Which begs the question, if the road is not safe according to City officials' concerns then why have a fire truck travel on our road when there was no emergency requiring them to do so? Additionally, should damage occur, is the City prepared to reimburse the HOA?
- Let's assume our road was inspected and it was confirmed that our road met Dover's public road standards, one would think the road would be accepted; however, there is yet one more hurdle to clear. Per the City of Dover road acceptance checklist, there exists a discretionary element that reads *"The acceptance of a public road is a matter of discretion within the purview of the City Council – completion of the checklist does not guarantee acceptance."* This statement calls out the lack of commitment to an impartial review as well as the lack of consistency and fairness with the process.

Conclusion:

Despite the uphill battle we have faced to have our municipality engage and work with us to explore options to inspect construction of our road for purposes of assessing if the road meets requirements to become public, we remain focused on receiving the same access to and value of services as public road residents.

It is important to note that the Cochecho Woods residents are prepared to pay our fair share of taxes and we are not trying to shirk our civil responsibilities. We do however begrudge the fact that we do not have access to the same services as other taxpayers who live on a public road. We believe we pay the same amount of tax proportionate with any other city resident, but we do not receive the same services such as water, sewerage, trash pickup, plowing and general street maintenance.

In summary, we are asking the Transportation Committee to address the point of inequity and inconsistency that exists where private road residences lack access to the same services provided to our public road counterparts.

Should you wish to discuss any of the items noted in this testimony in more detail simply reach out to any of the following board members by replying to this email. On behalf of the Cochecho Woods HOA board, we thank you for your time and consideration given to the proposed private road bill.

Respectfully,

The Cochecho Woods HOA Board:  
Derek Norris - President  
Steve Flewelling - Vice President  
John Clouse - Treasurer  
Jamie Craig - Secretary  
Corey Fongemie - Board Member

**SB 131, Part IX -- private roads**

Cordell Johnston &lt;cjohnston@nhmunicipal.org&gt;

Wed 3/3/2021 5:06 PM

To: Kirsten Koch &lt;kirsten.koch@leg.state.nh.us&gt;

Cc: Regina Birdsell &lt;Regina.Birdsell@leg.state.nh.us&gt;; David Watters &lt;David.Watters@leg.state.nh.us&gt;; Denise Ricciardi &lt;denise.ricciardi@leg.state.nh.us&gt;; Ruth Ward &lt;Ruth.Ward@leg.state.nh.us&gt;; Tom Sherman &lt;Tom.Sherman@leg.state.nh.us&gt;

 2 attachments (122 KB)

Clapp-v-Jaffrey.pdf; HRT-private-roads.pdf;

Dear Kirsten and Committee Members:

I was asked to send a copy of the case I mentioned at yesterday's hearing on Part IX of SB 131. I am attaching that decision, *Clapp v. Jaffrey*, 97 N.H. 456 (1952). I have highlighted in red the most relevant portions of the decision, in which the New Hampshire Supreme Court held that a town may maintain private roads only if the benefited property owners pay the entire cost for the service and the service is "subordinate and incidental to the town needs."

The court's decision in *Clapp* was based on the "recognized principle of constitutional law that taxes may not be imposed for the benefit of private persons or for private uses." *Opinion of the Justices*, 88 N.H. 484, 486 (1937); *see also Opinion of the Justices*, 106 N.H. 180, 183 (1965). Based on these authorities, it is quite clear that it would be unconstitutional to require municipalities to pay for maintaining private roads, as SB 131 does. This is in addition to the constitutional problem that it creates a very large unfunded mandate.

I am also attaching a page from our book on New Hampshire road law, [A Hard Road to Travel](#), that discusses this issue.

Please let me know if you have any questions or need anything else. Thanks very much.

Cordell

Cordell Johnston  
Government Affairs Counsel  
New Hampshire Municipal Association  
25 Triangle Park Drive  
Concord, NH 03301  
603-230-3323

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**91 A.2d 464 (N.H. 1952)**

**97 N.H. 456**

**Frank Clapp & a.**

**v.**

**Jaffrey & a**

**No. 4131**

**Supreme Court of New Hampshire**

**October 9, 1952**

Case discharged.

### **SYLLABUS**

Petition, for injunctive relief against the town of Jaffrey, its selectmen and highway agent. The petitioners are inhabitants, taxpayers, citizens and voters in the town which is a municipal corporation. As a result of a vote taken at town meeting, pursuant to an article in the warrant, the selectmen and highway agent entered into written contracts with certain individuals to plow snow from their private driveways. The town has also rented through its selectmen and agent its bulldozer, grader and trucks, and has tarred and sanded private driveways. It has loaded private trucks with sand or gravel from the town gravel pit with a shovel hired by the town for use in its pit. The petitioners own a bulldozer, trucks and snow removal equipment so that the town does, to a certain extent, compete with them as to these instrumentalities and their uses.

The defendants claim that the tasks they perform are incidental and subordinate to the public needs of the town and that enough is paid for the services to cover the cost so that no burden falls on taxpayers. This is denied by the plaintiffs who further contend that even assuming the truth of the defendants' assertions, the services and renting are illegal. The following questions have been transferred to this court by *Grimes, J.*

1. Assuming that the work is subordinate and incidental to the public needs of the town and the charge therefor is reasonable and sufficient to cover the cost thereof, what if any of the above described work would it be legal for the town to perform?

2. If any of the work is held to be legal under the conditions set forth in question 1, would it be legal if the work were not subordinated and incidental to the public needs of the town and/or the charge therefor was not reasonable and sufficient to cover the cost thereof?

3. Assuming that it is subordinated and incidental to the public needs of the town and the charge is reasonable, may the town rent its highway equipment to private individuals?

4. If question 3 is answered in the affirmative, would it make any difference if either or both of the assumptions were lacking? Would it make any difference if the renting was not subordinated and incidental to the public needs of the town and/or the charge was not reasonable?

5. Are the petitioners entitled to injunctive relief as taxpayers or citizens in the absence of a showing that money raised by taxation is being illegally expended?

6. Are the petitioners entitled to injunctive relief in their capacity as owners of equipment, citizens, residents, voters or taxpayers of Jaffrey?

Other facts appear in the opinion.

*Francis H. Ayer and Arthur Olson (Mr. Ayer orally), for the plaintiffs.*

*Walter H. Gentsch and Upton, Sanders & Upton (Mr. Richard F. Upton orally), for the defendants.*

Kenison, C. J., dissented: the others concurred.

## **OPINION**

BLANDIN

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[97 N.H. 458] The first question transferred to us is whether it is lawful for the town to rent equipment to or perform services for private individuals on their property. Assuming that such actions are subordinate and incidental to town needs, and that the prices charged are sufficient to cover the cost so that no burden falls on taxpayers, we believe such actions are lawful. In the case of *Curtis v. Portsmouth*, 67 N.H. 506, one question raised was whether the city could sublet part of a building, leased by it for authorized uses, to an unincorporated veterans association. The court held that since occupation by the veterans post was "incidental and subordinate" to the lawful general purposes, the action of the city was not *ultra vires*. The opinion went on to say that "The case is

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similar to that of a municipality's leasing parts of a town or city hall, not needed for municipal purposes, for stores or offices." *Pp.* 508-509. This decision was approved in *Meredith v. Fullerton*, 83 N.H. 124, and although the lease there was voided for other reasons, it is significant that the

court found no fault with the fact that janitor services as well as heat and light were to be furnished by the town to the lessee. In *Douglas v. Hollis*, 86 N.H. 578, 580, the opinion states that the right of a town "to lease parts of a public building not needed for municipal services is unquestioned." None of these cases have been overruled or criticized in this jurisdiction, and there is good authority to analogous effect elsewhere. *The Maggie P.*, 25 F. 202, 204. There appears no sound distinction between leasing real estate with an agreement to furnish such services as heat, light, and a janitor and leasing personalty or performing such actions as plowing or tarring a driveway.

While neither expediency nor custom should be allowed to override principle, it is common knowledge and a fact entitled to weight (76 Univ. Pa. L. Rev. 824, 825) that town help and equipment which would otherwise lie idle have been used to plow private ways for many years. This has been both a source of income to the towns and a convenience to individuals who otherwise might experience [97 N.H. 459] great difficulty in obtaining this necessary service. The fact that some of the acts questioned here, such as plowing driveways, are done on private property does not alter the situation. No authority that it does has been furnished us, nor has counsel for the town suggested any persuasive reason for making such a distinction. It is well known that long before the passage of Laws 1949, c. 133, relative to public dumps and the removal of waste and garbage, towns had collected rubbish and garbage generally at the back door at homes, hotels and restaurants. The pumping of water out of private cellars by fire departments or other municipal departments possessing the necessary equipment has long been practiced. Not only do great numbers of people now accept and even demand such services as are involved here, but their performance has been an increasingly important factor in local government. See Hillhouse, *Where Cities Get Their Money*; Pelletier, *Financing Local Government*, Municipal Research Series No. 12, 1948. Indeed, it seems that ordinary prudent management dictates that the town derive some income and the public some benefit from this property when not needed for town uses rather than permit it to lie idle. *Clarey v. Philadelphia*, 311 Pa. 11, 16; *Bates v. Bassett*, 60 Vt. 530; *Davis v. Rockport*, 213 Mass. 279.

The reasoning in *Opinion of the Justices*, 313 Mass. 779, furnishes no support for the proposition that plowing, tarring, or sanding private driveways is necessarily *ultra vires*. The court held there that plowing private ways open to the public was a legitimate service for a municipality to perform. It also affirmed the ancient rule that tax monies cannot be used for the advantage of private individuals. The defendant town in the case before us in its brief expressly concedes that such is the rule in our state ( *Stocklan v. Brackett*, 95 N.H. 227, and cases cited), and also admits it has no power to perform the services concerned here as a primary undertaking. *Opinion of the Justices*, 94 N.H. 515, and authorities cited. However, the distinction between the situation in *Opinion of the Justices*, 313 Mass. 779, and the one before us is plain. In the Massachusetts case the persons to whom service was rendered paid nothing for it and the burden therefore fell on the taxpayers. Obviously, the language of the opinion must be construed with this fact in mind. Our conclusion is that if the individuals served pay a sufficient fee so that no tax monies are being expended, and if the acts are subordinate and incidental to the town needs, the town may perform any or all of the services in question. Under the same assumption [97 N.H. 460] the town may rent



its equipment to private individuals. In so deciding

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we wish to make it crystal clear that "subordinate and incidental" are vital and restrictive words. Their meaning is not to be expanded to permit the town to make purchases or hire help beyond its own reasonable public needs in order to use them for the benefit of private persons. Neither can the town perform services for or make rentals to individuals to an extent which under all the circumstances may be deemed proportionately substantial. In such an event it might fairly be said that the acts were no longer subordinate and incidental but would become primary undertakings and therefore *ultra vires* as the defendant expressly concedes in his brief. Their illegality would be equally clear if the charge were insufficient to relieve taxpayers of all burdens.

We also are asked to decide whether the plaintiffs are entitled to injunctive relief in their capacity as owners of equipment, citizens, residents, voters or taxpayers of Jaffrey. We have been furnished with no authority nor do we find any to indicate that a voter or a citizen in whichever of its various senses the latter word is used (see 14 C. J. S., Citizen, ss. 1, 2), has any greater rights here than a taxpayer. *McQuillin, Municipal Corp.* (3d ed.) s. 52.12. The same is true of a resident. Again we have a word of so many possible connotations that its meaning has been described as "flexible, elastic, slippery, and somewhat ambiguous." 77 C. J. S. Resident 305. The authorities fully bear out this interesting definition, if such it may be called. However, taking the word in its customary usage (R. L., c. 7, s. 2) as indicating some permanency of abode ( *School District v. Pollard*, 55 N.H. 503, 504, 505), we perceive no reason to hold that a resident is in a better position to demand equitable relief here than a taxpayer. Indeed, there is authority that citizens, residents, and impliedly voters would be entitled to no relief here. *Loomis v. McCahey*, 297 Ill.App. 479. Since the record and the pleadings set up all the plaintiffs as taxpayers, it seems unnecessary to further consider their standing as citizens, voters, or residents. Nor do they have any right as owners of equipment to be free from competition under our laws. *Petition of Mt. Washington Road Co.*, 35 N.H. 134, 146. See also, *Eaton v. Railroad*, 51 N.H. 504, 527; *N.H. Board &c. v. Company*, 90 N.H. 368. However, we believe that in spite of authority to the contrary, our decisions and the better reasoning permit taxpayers to maintain an equitable action, assuming that the acts here are *ultra vires*, even though it [97 N.H. 461] cannot be shown that they result in financial loss to the town. In *Sherburne v. Portsmouth*, 72 N.H. 539, the plaintiff taxpayers brought a bill in equity to restrain the defendant city from building a baseball park and fencing it on a public common. The court thus stated the issue before it in the opinion, "The question of law raised by the demurrer is the power of the court to restrain city councils at the suit of a taxpayer from acting illegally." *Id.*, 539, 540. It then went on to say, "it is not necessary, to entitle him [the taxpayer] to this relief, that he should suffer a loss in common to the public." *Id.*, 540. Later on in the same opinion, it was said, "city councils act in a trust capacity in administering the ordinary business affairs of the city... there is the same need of a remedy to prevent city councils from abusing their trust that there is to prevent other trustees from abusing theirs." *Id.*, 542. The rationale of this decision does not limit taxpayers' relief to mere pocketbook injuries, nor do we see any sound

basis for so doing. More and more our law is moving from the narrow field of interests of this nature as a basis for equitable relief to the wide plain of less tangible but nonetheless real and important rights. See *Conway v. Water Resources Board*, 89 N.H. 346, 348. Assuredly, modern conditions demand that our law take cognizance of functions as well as tangible matters. With this in mind, it is plain that every taxpayer of a town has a vital interest in and a right to the preservation of an orderly and lawful government regardless of whether his purse is immediately touched. Cf. *Bancroft v.*

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*Building Commissioner*, 257 Mass. 82; *Sunderland v. Building Inspector of North Andover (Mass.)*, 105 N.E.2d 471, 473. As town officers are in effect trustees of government for this purpose, no good reason appears in logic or justice why taxpayers should not be allowed to protect their rights by the most direct, simple and expeditious remedy, and not be forced to resort to ancient and rigidly limited procedures. *Blood v. Electric Co.*, 68 N.H. 340. In analogous situations, other courts and authorities have reached a like result. *Bernstein v. Pittsburgh*, 366 Pa. 200; *Harris v. Philadelphia*, 299 Pa. 473; *Haddock v. Board of Public Education in Wilmington, (Del.)* 84 A.2d 157. See also, *McQuillin, Municipal Corp.*, (3d ed.) s. 52.36. We therefore hold that taxpayers are entitled to injunctive relief if the acts of the town are *ultra vires* even though they cannot show any financial loss to the town.

Case discharged.

#### **DISSENT**

Kenison, C. J., *dissenting*: The resurfacing of purely private driveways in the summer or the removal of snow in the winter from private driveways not open to the public is not a proper public function of towns and cities. See *Opinion of the Justices*, 313 Mass. 779. The fact that such actions are subordinate and incidental to town needs and that the prices charged are sufficient to cover the cost so that no ultimate burden falls on the taxpayers is not sufficient to convert an essentially private activity into a proper public purpose.

## Maintenance of Private and Class VI Roads

Municipalities should refrain from regularly maintaining (for example, plowing) private roads and driveways for several reasons:

**Public Purpose Requirement.** In *Clapp v. Jaffrey*, 97 N.H. 456 (1952), the Court stated that, under the Constitution, public funds must be dispensed for public purposes. Accordingly, in order for public maintenance of a private road or driveway to be constitutionally permissible, the activity must be "subordinate and incidental" to the needs of the town's own highways (i.e., it does not increase the town's equipment or personnel needs or alter its snow maintenance planning), and the benefited persons must fully reimburse the town so that no tax monies are spent. Unless both conditions are met, the municipality should not provide plowing services on private roads or driveways. The legislative body (town meeting, town or city council) has no authority to alter this legal situation. A town meeting vote to maintain one private road or all private roads in town is simply illegal and not enforceable. Using tax money raised from all citizens to provide a purely private benefit for a select portion of the citizens is not legal, no matter how small the amount.

**Potential for Acceptance.** Public maintenance of a road could arguably be construed by a court as an acceptance of the highway, resulting in the town's perpetual responsibility. See Chapter 2 for more information.

**Turning a Class VI Highway into Class V.** While Class VI roads are public roads, and the municipality has the authority to regulate their use, the municipality has no obligation or authority to maintain them. It is possible for a Class V road (usually thought of as an "ordinary" town road) to lapse into Class VI status over time. If the municipality fails to maintain or repair a Class V road for five successive years or more in suitable condition for travel, its classification automatically changes to Class VI. RSA 229:5, VII. Nevertheless, the road may once again become a Class V road (which the municipality must fully maintain and repair) if the municipality regularly repairs and maintains it on more than a seasonal basis, in a suitable condition for year-round travel, for at least five successive years. RSA 229:5, VI; see Chapter 8.

**Liability Exposure Increases.** If a municipality plows private roads or driveways, it may be exposed to greater liability for damages or conditions created by that maintenance activity. As explained above, towns and cities are granted significant protection from liability with respect to the use of public roads and the maintenance of public roads in winter, but the same is not true for private roads or driveways. This means a municipality might find itself forced to pay for injury or damage caused by the plowing activity on a private road or driveway that it would not be liable for on a Class IV or V road.

**Equal Protection Issues.** If a municipality elects to selectively maintain certain private and Class VI roads, it invites assertions of inconsistent and unfair treatment. Potentially aggrieved individuals may include: persons whose subdivision was not approved because of inadequate roads; those who are denied a building permit under RSA 674:41; or those who are requested to repair a damaged highway.

## Kirsten Koch

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**From:** Elvio Delise <elviod412@gmail.com>  
**Sent:** Tuesday, March 2, 2021 2:04 AM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** Senate Bill SB 131 -FN

I'm in full support of this bill passing with an affirmative vote. For many years our seniors' community has paid fully our tax obligation; however, we have been discriminated against from services because of our private road status. I believe this is unfair under the current law, especially for us senior citizens.

Elvio Delise  
6 Morrison Dr.  
Londonderry, NH 03053  
Tel: 603 432 4815  
Email: [elviod412@gmail.com](mailto:elviod412@gmail.com)

## Kirsten Koch

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**From:** Melissa Darrow <dancinglass@gmail.com>  
**Sent:** Tuesday, March 2, 2021 10:34 AM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** Senate Bill SB 131-FN

Ladies and Gentlemen of the Transportation Board,

We urge you to support Senate Bill 131-FN designed to provide financial relief to communities that are currently paying double for road maintenance services. Our taxes include the cost of providing road maintenance that the City of Dover does not provide to residents who live on private roads. As a result we are required to fund this service again in our Wyndbrook associations annual fees.

Your support to correct this injustice is expected and appreciated.

Sincerely,

Melissa Darrow  
Wyndbrook at Dover  
26 Stocklan Circle  
Dover, NH 03820



March 2, 2021

Senator Regina Birdsell, Chair of the Senate Transportation Committee  
State House, Room 302  
107 North Main Street  
Concord, NH 03301

RE: Comments on Senate Bill 131.

Dear Senator Birdsell,

The City of Somersworth has recently become aware of Senate Bill 131, an act adopting omnibus legislation relative to vehicles, municipal water maintenance certificates, safety certificates, non-drivers' picture I.D.'s, decals, and private roads. We have significant concerns about Part IX of the bill pertaining to Private Roads.

- If this legislation is adopted, the City could be responsible for approximately 10-15 miles of private roads in the City, to include existing condominium developments, manufactured home park developments, and roads associated with new development under construction but not accepted yet by the City.
- Requiring municipalities to maintain private roads (or reimburse property owners for their expenses in maintaining them) would result in a very large increase in our City budget. Excluding any needed road/drainage system upgrades and repairs, on-going maintenance and service costs could easily add \$50,000-\$100,000 annually to the City's Public Works Department budget either in direct services or in requested reimbursement costs.
- The bill also appears to require municipalities to maintain class VI roads (page 30, line 17). That is obviously contrary to the whole concept of a class VI road. This would be another huge expense in many municipalities, and could result in those roads being reclassified as class V roads, for which the municipality would then be liable for injuries and damage resulting from insufficiencies—thus leading to even more expense.
- Most of the private developments have infrastructure that was not constructed to City standards as the developer at the time planned on maintaining the roads, utilities and street lighting. Thus, those roads may not meet lane width requirements, lack curbing, have inadequately sized drainage systems, and the like. This will add to higher maintenance expenses due to overall infrastructure quality issues.
- The Public Works Department is often challenged to meet existing needs in a growing community like Somersworth. We do not have the manpower to take on the added responsibility of these private community developments without adding personnel and equipment at an additional cost to City budgets.

For these reasons, I recommend that Part IX of SB 131 be removed from the bill for further consideration.

Sincerely,

Michael J. Bobinsky  
Director of Public Works and Utilities  
City of Somersworth  
(603) 692-4266

Voting Members:

**Michele L. Tremblay**  
Chair  
Conservation  
Community

**Larry T. Spencer**  
Vice Chair  
Conservation  
Commissions

**Victoria Bunker**  
Historic/Archeological  
Interests

**Christopher Hodgdon**  
NH Fish & Game  
Commission

**Mark Lombardi**  
Granite State  
Hydropower  
Association

**Frederick J. McNeill**  
Municipal Officer

**Allan G. Palmer**  
Business & Industry  
Association

**Ruth Ward**  
Local River Management  
Advisory Committees

**Donald L. Ware**  
Public Water Suppliers

**Stewart Yeaton**  
Agricultural Community

**Vacant**  
Recreational Interests

Non-Voting Members:

**Peter Bowman**  
NH Department of  
Natural and Cultural  
Resources

**Jennifer Gilbert**  
NH Office of  
Strategic Initiatives

**Mark Hemmerlein**  
NH Department of  
Transportation

**Shawn Jasper**  
NH Department of  
Agriculture,  
Markets & Food

**John Magee**  
NH Fish & Game  
Department

**Meghan Wells**  
NH Department of  
Safety

Staff:

**Tracie Sales**  
Program Manager

**Vacant**  
Watershed Coordinator

**Vacant**  
Program Assistant

N.H. Rivers Management and Protection Program

# N.H. Rivers Management Advisory Committee

March 2, 2021

The Honorable Regina Birdsell, Chair  
Senate Transportation Committee  
State House, Room 103  
Concord, NH 03301

**RE: SB 131** *An act adopting omnibus legislation relative to vehicles, municipal water maintenance certificates, safety certificates, nondrivers's picture I.D.s, decals, and private roads.*

Dear Chair Birdsell and Members of the Committee:

The Rivers Management Advisory Committee (RMAC) is writing to express its support of Senate Bill 131, part III, which allows municipalities to certify their winter maintenance programs under New Hampshire's Green SnoPro program.

The RMAC believes that providing municipalities with the option to participate in winter road maintenance programs in the state's volunteer salt applicator certification program, the Green SnoPro Program, will reduce chloride pollution in New Hampshire's rivers. High levels of chloride are well documented in many of our surface waters, and it is important that municipal salt applicators, as well as commercial ones, who participate voluntarily in the program, use road salt as efficiently as possible to minimize salt runoff to rivers while also ensuring the public's safety on roads and sidewalks.

The RMAC is a legislatively created body charged to work with the New Hampshire Department of Environmental Services (NHDES) to administer RSA 483, the Rivers Management and Protection Program. The Governor and Council appointed Committee is comprised of members from business, agriculture, hydroelectric, municipal government, water supply, conservation, recreation, fish and game, and historical interests. Among its other responsibilities, the RMAC is charged with reviewing legislation relevant to the Program and with advising the NHDES Commissioner on the merits of such legislation.

In conclusion, the RMAC supports SB 131 as it will reduce chloride pollution in New Hampshire's rivers.

Should you have any questions regarding our testimony, please feel free to contact me at 603.796.2615 or [MLT@naturesource.net](mailto:MLT@naturesource.net).

Sincerely,



Michele L. Tremblay  
RMAC Chair

The Honorable Regina Birdsell  
Chair, Senate Transportation Committee  
SB 131 March 2, 2021  
Page 2

cc: Sen. David Watters  
Sen. Chuck Morse  
RMAC Representatives  
Robert R. Scott, Commissioner, NHDES  
Tom O'Donovan, Director, Water Division, NHDES  
Ted Diers, Administrator, Watershed Mgmt. Bur., NHDES  
Tracie Sales, Rivers and Lakes Programs Manager, NHDES  
Local River Management Advisory Committee Chairs



## Kirsten Koch

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**From:** bri dar <brianlink861@gmail.com>  
**Sent:** Tuesday, March 2, 2021 10:36 AM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** Senate Bill SB 131-FN

I am in support of this bill my HOA is currently maintaining our roads through our association fees. This bill would make our association better able to tackle and maintain other parts of our development. Thank you for the support.

Brian Darrow



## **NEW HAMPSHIRE SNOWMOBILE ASSOCIATION**

600 Laconia Road, Suite 2, Tilton, NH 03276 ~ 603-273-0220 ~ [nhsaoffice@nhsa.com](mailto:nhsaoffice@nhsa.com)

March 2, 2021

**Testimony of Brian Labrie, Board of Directors of the New Hampshire Snowmobile Association in support of section 4 to SB 131** - adopting omnibus legislation relative to vehicles, municipal water maintenance certificates, safety certificates, nondrivers's picture I.D.s, decals, and private roads.

Chair Birdsell and Members of the Transportation Committee:

My name is Brian Labrie. I serve on the Board of Directors of the NH Snowmobile Association (NHSA). I appear before the Committee in support of section 4 of SB 131.

By way of background, since its founding in 1969, NHSA has worked with each of the independently incorporated local snowmobile clubs to provide a unified voice to speak for the sport of snowmobiling and to promote it as safe family recreation. NHSA is comprised of all segments of the snowmobiling community including clubs, club members, distributors, dealers, and contributors. Today, there are 101 local clubs and 23,000 members of NHSA.

Section 4 of SB 131 would implement a mandatory OHRV and snowmobile safety certificate program. NHSA recognizes that support for this proposal is not uniform amongst the agencies impacted and all the users. However, the Association has several reasons why we believe a program should be implemented.

First, the data we have reviewed indicates that a disproportional number of accidents which occur on New Hampshire's trails are caused by inexperienced snowmobilers. Some of these inexperienced snowmobilers are renting the machines that they operate. While not all accidents can be prevented or avoided, the parameters proposed in the bill would provide a basic understanding of safety requirements as well as trail etiquette. Boaters in NH have been following a similar program for almost 20 years. RSA 270-D includes the existing safe boater law and compliance with its requirements. This is now widely accepted by boaters, marine patrol, and boat rental agencies. Data from NH Marine Patrol indicates that since the passage of the boater education law, boating accidents in the state have declined. Further, boat registrations are up. There is no evidence suggesting a boater safety course has hindered tourism.

Second, NHSA sees the impacts that operators who do not follow safety precautions have on the entire trail system. When accidents occur, a response from New Hampshire Fish and Game Conservation Officers is required. With few officers, and 7,000 miles of trails, any time an officer or officers, are forced to respond to an avoidable accident, it depletes their ability to enforce other laws for safe operation. In addition, unsafe operation or off trail use of snowmobiles can cause landowners to shut down their property and permanently close trail access. NHSA has seen several trails closed to snowmobile use due to inexperienced operators of both OHRVs and snowmobiles. Respect for private landowners and their willingness to share their land with the snowmobiling community is paramount to maintaining the trail system. NHSA believes this message needs to be a cornerstone of a meaningful education program.

To be clear, NHSA believes mandatory education will enhance safety and ensure that New Hampshire remains a premiere destination for snowmobiling. The time has come for snowmobilers to receive instruction like boaters and others. Let's not wait until more serious accidents become increasingly prevalent. NHSA would respectfully ask to begin the conversation on the safety education program now.

Thank You for the opportunity to testify.

I came across this law while bicycling out west. It is known as the Idaho-stop-law. It was implemented in 1982 and since then 4 other states and some municipalities in other states have implemented a form of this law. There are also laws known as “dead red” laws that are in some states. All of them try to address the issue of bicyclists in intersections. I chose the to put forth the Idaho-stop-law because I think it is the most apt one for our state.

There are many reasons you would want to look at this.

- A. Encourage bicycling for pleasure and commuting
- B. Reduced confusion and fewer collisions
- C. Reduced exposure to air pollution
- D. Reduced overuse injury
- E. No extra cost to towns and municipalities – possibly less because of courts and police time

There are reasons to be suspicious:

- F. Bicycles should have the same rules as cars.
- G: Bike advocacy groups have different priorities – like collision punishments

G: is more of a statement that I have found to be true – the priorities are different than mine. I want to be more defensive and “take the lead” in my safety. Whereas it seems advocacy groups are concerned with other issues.

F: Bicycles should have the same rules as cars. This is a strange argument to make. When teaching the rules of the road for bicycles, there is this notion that children in particular can't discern why they should have different rules from cars (as if any of them are driving?); and that drivers often expect the cyclist to use the same rules as they have to. SO, YES it is true that riding your bicycle drunk can result in the taking away of your driver's license. (same rule as driving drunk) and they are not allowed to drive on sidewalks unless the local government puts in an exception. BUT, NO, a bicycle is not allowed on the interstate in NH and they are allowed to park in places cars are not.

Bicycles, while they are a form of transportaion, like walking, atvs, horses, etc. DO and Should have rules that are appropriate to that community. Even among the non-car communtiy, therre are hierarchys of who has right away. Bicycles actually live potentially, in 3 different communities of laws – the road, bike lanes, and sidewalk.

Now to address the reasons we should:

- A. Encourage bicycling for pleasure and commuting
- B. Reduced overuse injury
- C. Reduced exposure to air pollution
- D. Reduced confusion and fewer collisions

These are all inter-related. Stop signs are usually on roads that are not heavily trafficked. Most roads have good line of site for these intersections. A bicycle approaching an intersection – because its speed is generally slower than a car and their manueverabilty is better, can predict whether a stop signed intersection is clear and safe. IF something suddenly changes, it is easy to change your mind and stop anyway. Traffic lights are a little different in that there is usually a lot more traffic. The problem at these intersections are 1) Sensored lights; 2) Exhaust pollution; 3) Predictability of both driverr and bicyclist. My observations are that drivers and bicyclists fall into 3 categories -aggressive, timid, and overly respectful. All of these lead to drivers not knowing what to do or doing something that is inappropriate. That is why in the states where this has passed, the studies show a reduction in accidents by as much as 23%. With less confusion, bicyclers are safer; can enjoy their ride/commute more; don't

have to sit in the smell of exhaust; and when there is a light that isn't triggered by bicycles – only cars, allows them to proceed without cooling down or worrying about breaking the law.

E. No extra cost to towns and municipalities – possibly less because of courts and police time  
In some states, police writing tickets and court time wound up taking up valuable resources that could be used elsewhere. If they didn't enforce it, then why was it on the books. The bigger cost I see to NH would be requiring bike sensed lights or timed lights. Those are cost prohibitive and while they might be able to be redone when there are light upgrades, still would not happen in a timely manner. It also has the potential of causing traffic flow problems since the lights put in were due to car traffic pattern studies. Bikes being slower traffic, would skew how the flow of traffic works.

In conclusion: The road design was made with cars in mind. Sidewalks were made with pedestrians in mind. There are very few bike lanes currently in NH and that would not address the intersection issues which we address here. Mandating all the lights be converted to a bike sensed light or timed light would be cost prohibitive for those towns and could potentially effect the flow of traffic. The data shows that keeping bicycles moving through intersections, reduces much intersection confusion, lowers accidents, and keeps traffic flowing more easily. It also puts the bicyclist in charge of their safety by “taking the lead” of minimizing everyone's confusion at an intersection. This would be a great way to help make NH a more bike friendly place.

<https://www.idahostatesman.com/entertainment/ent-columns-blogs/words-deeds/article172582841.html>

<https://sdotblog.seattle.gov/2020/09/30/washington-states-new-bicycle-safety-stop-law-allows-people-biking-to-treat-stops-signs-as-yield-signs-with-some-exceptions/>

<https://bicycleuniverse.com/idaho-stop-law/>

<https://www.bikeleague.org/content/bike-law-university-idaho-stop>

**Kirsten Koch**

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**From:** Susan Nicolai <sunicolai2016@gmail.com>  
**Sent:** Tuesday, March 2, 2021 1:23 PM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** Support of Private Road Reimbursement

To whom it may concern:

I currently live in a 55 and older development that has private roads. I pay the same amount of real estate taxes as those who do not live in this type of development. I feel that these roads should be maintained as public roads or provide tax credits to private road taxpayers, especially in age restricted developments.

Your attention to this matter is greatly appreciated.

Sincerely,  
Susan N. Nicolai  
9 Weymouth Court  
Hudson, NH

Sent from my iPhone



The State of New Hampshire  
**Department of Environmental Services**



**Robert R. Scott, Commissioner**

February 26, 2021

The Honorable Regina Birdsell  
Chair, Senate Transportation Committee  
State House, Room 103  
Concord, NH 03301

RE: SB 131 FN – Part III – AN ACT adopting omnibus legislation relative to vehicles, municipal water maintenance certificates, safety certificates, non-drivers's picture I.D.s, decals, and private roads program.

Dear Chair Birdsell and Members of the Committee:

Thank you for the opportunity to comment on SB 131. Part III of this bill proposes to allow municipalities to have their municipal winter maintenance programs certified by the NH Department of Environmental Services (NHDES), and includes a number of minor changes based on program experience over the past five years.

This bill was introduced at the request of NHDES. For many years, NHDES has been certifying commercial salt applicators under our voluntary Green SnowPro program. This program teaches winter maintenance professionals how to reduce their salt use while protecting public safety. Salt contamination in rivers and ponds around the state (not to mention impacts to drinking water and highway infrastructure) is a well-documented problem.

We have heard from communities that they are also interested in salt applicator certification for a variety of reasons, including:

1. Cost savings – getting training and keeping equipment calibrated saves towns money in the long run with reduced salt usage.
2. Public pressure, environmental improvement – there are many communities getting pressure from lake associations and others about limiting their salt use.
3. Regulatory – the new municipal separate storm sewer system (MS4) permit requires town personnel to get training in those towns with chloride impairments.
4. Pride and accomplishment, *esprit de corps* – public works managers tell us that this training builds staff satisfaction and motivation.

The Honorable Regina Birdsell  
Chair, Senate Energy and Natural Resources Committee  
February 26, 2021  
Page 2

NHDES has been informed by our legal counsel that the current statutory authorization only applies to commercial applicators and not to municipal winter snow and ice control activities. This legislation would lend NHDES the ability to certify municipal programs and recognize the individuals who get trained. The general idea is to certify a community based on certain requirements (such as staff training, calibrations and other policies, dé-icing practices, and salt accounting), that are similar to those in the commercial applicator certification program.

The primary difference from the commercial certification in this new bill is that the voluntary certification will apply to municipal programs, rather than to individual people. NHDES does not have the staff to track and certify all the individuals in municipalities unless we were to charge fees similar to those in the commercial application certification, and doing so seems overly complicated. This proposed legislation foresees a different approach that recognizes the individuals but applies the certification to the overall winter program.

The draft legislation also includes a number of minor clarifications to the Voluntary Commercial Salt Application Certification. There are two types of clarifications. The first is a set of added text to make the distinction between types of certifications (master, individual and subordinate) more clear. The second is to address confusion in the limited liability relief section of the statute (RSA 508:22). These changes will add to the strength of that provision.

Last session, we shared a draft of this legislation with the Seacoast and Manchester/Nashua Stormwater Coalitions and other interested parties. The response to this approach has been generally favorable, and NHDES is open to working with the committee if additional improvements are identified.

Thank you again for the opportunity to comment on SB 131. Should you have questions, or need additional information, please feel free to contact Ted Diers, Watershed Management Bureau Administrator, NHDES Water Division, at 603-271-3289 or [ted.diers@des.nh.gov](mailto:ted.diers@des.nh.gov).

Sincerely,



Robert R. Scott  
Commissioner

cc: Sponsor of SB 131 – Senator Watters

## Kirsten Koch

---

**From:** wpruger@comcast.net  
**Sent:** Tuesday, March 2, 2021 3:33 PM  
**To:** Kirsten Koch  
**Subject:** SB-131 Part IX

As a resident of NH ( 16 Jacqueline Drive Dover, NH) and as a resident who lives on a private road in a 55+ development, I ask you all to vote in favor of this bill which will lower the property taxes for those residents living on private roads. We use minimal city services ( fire and police) and are taxed the same amount as all other residents who depend on all city services on public roads. We are responsible for plowing, trash collection and care for our infrastructure beneath the private roads.

We would appreciate tax relief due to the conditions above to make our tax burden equitable to all residents. As retirees, we live on a fixed income.

Thanks for your consideration.  
If I can offer any further information, please contact me.

Stay well and stay safe!

*Diane Ruger*

Diane W. Ruger  
16 Jacqueline Dr.  
Dover, NH 03820  
603-343-1755  
[Angel\\_di@comcast.net](mailto:Angel_di@comcast.net)

Bill

**William P. Ruger, Jr.**  
Assembly 1445, Portsmouth  
Financial Comptroller  
16 Jacqueline Dr.  
Dover, NH 03820  
603-343-1755  
[wpruger@comcast.net](mailto:wpruger@comcast.net)





## Kirsten Koch

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**From:** Linda Palanza <lpalanza54@gmail.com>  
**Sent:** Tuesday, March 2, 2021 4:54 PM  
**To:** Kirsten Koch  
**Subject:** Private Roads

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Madam:

My name is Linda Palanza and I live in Thornwood Commons in Dover, NH. I live on Julia Drive a private road.

I formally lived on a private road in Falmouth, Maine where we received all the town services and, of course paid the property taxes that everyone else did. When I purchased In Dover, I had no idea that this would be any different.

In Dover, anyway, there is NO advantage to living on a private road. We are not gated. Anyone can use our road the same as any other public road in the city. That was true in Falmouth, Maine as well. One difference is, we have substandard roads, which I was not aware of when we purchased almost 8 years ago. Since our roads are substandard, we have zero chance of becoming public.

My question to the committee is this. Why would the city approve private roads that are substandard in the first place? I can see only two explanations for this. One is to the advantage of the developer who can put in substandard roads and cluster houses affording him greater profit. And two, the town or city who will then receive all the tax benefit with absolutely no responsibility. This is very unfair and needs to be addressed.

Our only recourse is to ask the city to give us some kind of tax credit. This is only reasonable.

Respectfully submitted, Linda LaTorre Palanza

## Kirsten Koch

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**From:** wpruger@comcast.net  
**Sent:** Wednesday, March 3, 2021 10:43 AM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch; Tricia Melillo  
**Subject:** SB-131 Part IX

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Senate Transportation Committee,

My name is William Ruger, a private road resident at 16 Jacqueline Dr., Dover, NH. I reside here with my wife, Diane Ruger.

Thank you for the discussion today on SB-131 Part IX, we both listened in. What disturbed me is that I requested to speak by filling out the request form using this link:

<http://gencourt.state.nh.us/remotecommittee/senate.aspx> . After filling out the form I thought I would be called upon to speak, I was not. Later, going back into the site a message appeared "Your request to testify has been cancelled." Why?

This is what we wanted to say.

We reside at 16 Jacqueline Drive, Dover, NH and as residents who lives on a private road in a 55+ development, we ask all of you to vote in favor of this bill which, we hope, will lower the property taxes for those NH residents living on private roads. We use minimal city services and are taxed the same amount as all other residents who depend on all city services on public roads and streets. We are responsible for plowing, trash collection, road repair, and maintenance care for our infrastructure beneath the private roads.

We would appreciate tax relief for those services we do not receive, but are included in our tax bill. This would make our tax burden equitable to all Dover residents. Also, as retirees, we live on a fixed income. In the past 6 years our taxes have risen by 28.2% plus our Association fees primarily pay for the services we are not receiving from the city, another tax burden that Association owners must pay. The cities and contractors in NH have taken advantage of residents who live on so called private roads. Municipalities allow substandard roads that cost contractors less, that allow the city to garner more taxes without providing services by calling these substandard roads private roads. This underhanded local government procedure is done before homeowners buy and without full disclosure by selling realtors.

During the webinar discussion a committee member made a statement that the roads that we live on are totally private roads. This is far from the truth and misleading. The general public has full access to these roads for car, bike, scooter, and walk travel. I feel that he was referring to gated associations, not private roads. The private road signs that are placed at the end of these roads is to advise Community Service employees not to plow, repair, or gather trash from these narrow, shoddy built roads. If I am wrong, is there a statute that fully defines private and gated road associations?

Someone also stated that this bill is for a municipality to take responsibility. Not correct. SN-131 Part IX is stating each municipality to reimburse a community by a tax credit for similar services on public roads and streets. We would still hire, through bid, our own contractors.

Thanks for your consideration and look forward to seeing SN-131 Part IX passed.

*Bill & Diane*

**William P. Ruger, Jr.**

**Diane W. Ruger**

16 Jacqueline Dr.

Dover, NH 03820

603-343-1755

[wpruger@comcast.net](mailto:wpruger@comcast.net)

[angel\\_di@comcast.net](mailto:angel_di@comcast.net)

## Kirsten Koch

---

**From:** Madeleine Mineau <madeleine@cleanenergynh.org>  
**Sent:** Wednesday, March 3, 2021 10:55 AM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** SB131 Part 1 CENH testimony

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good morning Chairwoman Birdsell and Honorable members of the Committee,  
I am following up on my testimony yesterday on Part 1 of SB131. CENH supports part 1 of SB 131 however I mentioned 4 changes we would like to see considered for this bill.

1. In section 3 of the findings "make-ready" is described as "EDC owned or funded behind the meter enabling infrastructure". However, make-ready utility investments are in front of the meter rather than behind the meter. We recommend amending this section to make that correction.
2. In section 3, CENH supports establishing a level 2 charger rebate program and we agree that such a program may be administered more efficiently by a non-governmental entity. We would like to see a deadline or timeline added to this section to ensure the timely establishment of this program. We think the deadline should be as soon as possible while being realistic and achievable.
3. In section 4, it would be prudent to include some review and approval standards for the PUC to authorize recovery of make-ready investments in the systems benefits charge.
4. In the last section regarding EV charging rate design, we disagree with item VI which states that demand charges are appropriate rate structure for DC fast charging. Especially at low utilization rates which are expected initially demand charges are prohibitively expensive and create a significant economic disincentive to building high draw fast charging infrastructure. MA just recently all utilities to propose demand charge alternatives for EV fast charging:  
<https://energynews.us/2021/02/01/northeast/massachusetts-asks-utilities-for-ways-to-avoid-bill-spikes-from-ev-fast-charging/>  
We would ask that bullet encourage NH utilities to develop and implement demand charge alternatives for EV charging.

Thank you for considering this input and please reach out to me if you would like to discuss any of these issues in more detail.

Madeleine

--  
Madeleine Mineau  
Executive Director  
Clean Energy NH (formerly NHSEA)  
Cell phone: 607-592-6184



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## Kirsten Koch

---

**From:** Jason Bugeau-Medas <jmedas2010@gmail.com>  
**Sent:** Thursday, March 4, 2021 7:13 AM  
**To:** Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Kirsten Koch  
**Subject:** SB 131

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Senate Transportation Committee,  
I spoke at the hearing on Tuesday regarding Part IX of SB 131-FN. I wanted to provide further response to a theme of questions I noticed. The theme was regarding the private roads and the idea that they are closed off from the public. Although there may be some private road communities that are also a gated community, the majority of these private roads are not. My private road, Willow St in Dover NH, is not closed off to public. In fact, my neighbors on Tolend Road and other nearby streets (all outside of my HOA community) routinely walk our road with their families, their pets, their friends. My HOA would in no way, even now, ever prevent such an activity and I believe this to be the case for the majority of other HOAs. Additionally, when Tolend Road (the road required to take to get to Willow St.) was being repaved a few years ago, the equipment to do so was parked in my neighborhood every night for months. The City of Dover nor the paving company ever asked permission to do this and my HOA never brought this up because we understand that we are part of a larger community and we welcome that inclusion.

These instances I mention above are an example of how many private roads are indistinguishable from a public road already. Even if a private community wanted to be closed off from the public, the enforcement of such a thing would be rather impractical without some kind of gate.

Thank you for time,  
Jason Bugeau-Medas  
President of the Willows HOA  
59 Willow St  
Dover, NH 03820

Thank you for taking the time to hear my statement today. My name is Jason Bugeau-Medas and I am the President of The Willows Homeowners Association in Dover NH. I'm here to speak in support of Senate Bill 131-FN. My association consists of only 17 homes on a road approximately  $\frac{3}{4}$  of a mile long which is approaching 25 years of age. The largest expense we have is the eventual need to re-pave our road. Currently, the cost to pave this road is roughly \$500,000. My neighborhood is in this position because its builder and then home owners had the understanding that once the community was completed, the city would take ownership of this road. The city has since refused to do so based on the fact that the road wasn't built to the city standards. The City of Dover approved the construction of this road but has now retract their agreement to take ownership of it ignoring the fact that it was the City of Dover that approved the road plans in the first place. They claim that they have to consider liabilities regarding emergency service vehicles and other public works vehicles that would have to drive on that road and it wouldn't be an acceptable liability. So in other words the city is ok with the liability existing but not if they, the ones who control the existence of it, have to own that liability. I live not only in my HOA community but the Dover NH community and merely want the same services and treatment that the next road over receives. Part IX of Senate Bill 131-FN does that.

# Voting Sheets



# Senate Transportation Committee

## EXECUTIVE SESSION RECORD

### 2021-2022 Session

Bill # SB 131-FN

Hearing Date: 3/2/21

Executive Session Date: 3/9/21

Motion of: Amendment 0730s w/changes Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTPA Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Calendar Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Birdsell

Notes: \_\_\_\_\_

# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Thursday, March 11, 2021

THE COMMITTEE ON Transportation

to which was referred **SB 131-FN**

AN ACT

adopting omnibus legislation relative to vehicles, municipal water maintenance certificates, safety certificates, nondrivers's picture I.D.s, decals, and private roads.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0771s

Senator Regina Birdsell  
For the Committee

This bill, as amended, adopts omnibus legislation with five parts. The first part of the bill establishes electric vehicle supply equipment and infrastructure. This part of the bill establishes electric vehicle charging equipment requirements, such as publicly available universal hookups available for all electric vehicle models; revitalization of municipal tax relief enabling legislation for individuals with electric vehicle supply equipment; and codifying principles to establish charging rate design standards. The second part of the bill establishes the removal of abandoned or disabled vehicles by towing. This bill allows for the NH State Police, when necessary, to call from a rolling list of tow companies to arrive to assist at the scene. The creation of a rolling list establishes a fair and equitable use of tow services by the NH State Police. Furthermore, this part of the bill also requires tow companies on rolling list to be vetted and meet professional standard requirements to ensure safe and reliable tow services. The third part of the bill establishes the municipal winter maintenance certification program. This part of the bill allows municipalities the option to apply for a certification that allows them to use less salt during winter storm maintenance while remaining protected from liability for doing so. A reduction in salt use will lead to less water pollution and decreased destruction to plant life. The fourth part of the bill establishes eligibility for the issuance of a nondriver's picture identification card. This part of the bill requires that the ID goes to one

person, living in one state, with one credential. The fifth part of the bill removes what is now rendered unnecessary language about the initial implementation date for the certificate of boating safety. The sixth part of the bill allows emergency medical services chiefs to issue decals for multi-use decal plates. This same service was previously available for fire chiefs.

Kirsten Koch 271-3266

FOR THE CONSENT CALENDAR

**TRANSPORTATION**

**SB 131-FN**, adopting omnibus legislation relative to vehicles, municipal water maintenance certificates, safety certificates, nondrivers's picture I.D.s, decals, and private roads.

Ought to Pass with Amendment, Vote 5-0.

Senator Regina Birdsell for the committee.

This bill, as amended, adopts omnibus legislation with five parts. The first part of the bill establishes electric vehicle supply equipment and infrastructure. This part of the bill establishes electric vehicle charging equipment requirements, such as publicly available universal hookups available for all electric vehicle models; revitalization of municipal tax relief enabling legislation for individuals with electric vehicle supply equipment; and codifying principles to establish charging rate design standards. The second part of the bill establishes the removal of abandoned or disabled vehicles by towing. This bill allows for the NH State Police, when necessary, to call from a rolling list of tow companies to arrive to assist at the scene. The creation of a rolling list establishes a fair and equitable use of tow services by the NH State Police. Furthermore, this part of the bill also requires tow companies on rolling list to be vetted and meet professional standard requirements to ensure safe and reliable tow services. The third part of the bill establishes the municipal winter maintenance certification program. This part of the bill allows municipalities the option to apply for a certification that allows them to use less salt during winter storm maintenance while remaining protected from liability for doing so. A reduction in salt use will lead to less water pollution and decreased destruction to plant life. The fourth part of the bill establishes eligibility for the issuance of a nondriver's picture identification card. This part of the bill requires that the ID goes to one person, living in one state, with one credential. The fifth part of the bill removes what is now rendered unnecessary language about the initial implementation date for the certificate of boating safety. The sixth part of the bill allows emergency medical services chiefs to issue decals for multi-use decal plates. This same service was previously available for fire chiefs.

## General Court of New Hampshire - Bill Status System

**Docket of SB131**

Docket Abbreviations

**Bill Title:** (New Title) adopting omnibus legislation relative to vehicles, municipal water maintenance certificates, nondriver's picture identification, and firefighter and emergency medical services decals.

*Official Docket of SB131.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
2/3/2021	S	<b>Introduced</b> 01/06/2021 and Referred to Transportation; <b>SJ 3</b>
2/17/2021	S	Remote <b>Hearing:</b> 03/02/2021, 01:15 pm; Links to join the hearing can be found in the Senate Calendar; <b>SC 12</b>
3/11/2021	S	Committee Report: Ought to Pass with Amendment <b>#2021-0771s</b> , 03/18/2021; Vote 5-0; CC; <b>SC 15</b>
3/18/2021	S	Committee Amendment <b>#2021-0771s</b> , RC 23Y-1N, AA; 03/18/2021; <b>SJ 8</b>
3/18/2021	S	<b>Ought to Pass with Amendment</b> 2021-0771s, RC 23Y-1N, MA; OT3rdg; 03/18/2021; <b>SJ 8</b>
3/31/2021	H	Introduced (in recess of) 02/25/2021 and referred to Transportation <b>HJ 4</b> P. 50
5/4/2021	H	Public Hearing: 05/11/2021 09:00 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/98509033579">https://www.zoom.us/j/98509033579</a> / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
5/12/2021	H	Public Hearing on non-germane Amendment <b>#2021-1442h</b> : 05/18/2021 09:00 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/99800286137">https://www.zoom.us/j/99800286137</a>
5/12/2021	H	Executive Session: 05/18/2021 10:00 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/99800286137">https://www.zoom.us/j/99800286137</a> / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
5/25/2021	H	Committee Report: Ought to Pass with Amendment <b>#2021-1536h</b> (Vote 19-0; CC) <b>HC 26</b> P. 13
6/3/2021	H	Removed from Consent (Rep. Walsh) 06/03/2021 <b>HJ 8</b> P. 3
6/4/2021	H	Amendment <b>#2021-1536h</b> : AA VV 06/04/2021 <b>HJ 9</b> P. 40
6/4/2021	H	Divide 2021-1810h (Rep. Sylvia): MF <b>RC 90-276</b> 06/04/2021 <b>HJ 9</b> P. 41
6/4/2021	H	FLAM <b>#2021-1810h</b> (Rep. Walsh): AA VV 06/04/2021 <b>HJ 9</b> P. 43
6/4/2021	H	<b>Ought to Pass with Amendment</b> 2021-1536h and 2021-1810h: MA <b>RC 307-58</b> 06/04/2021 <b>HJ 9</b> P. 43
6/10/2021	S	Sen. Birdsell Moved to Concur with the House Amendment, MA, VV; 06/10/2021; <b>SJ 19</b>
7/15/2021	H	Enrolled Bill Amendment <b>#2021-2065eba</b> : AA VV (in recess of) [&]
7/16/2021	S	Enrolled Bill Amendment <b>#2021-2065e</b> Adopted, VV, (In recess of 06/24/2021); <b>SJ 20</b>
7/28/2021	H	Enrolled (in recess of) 06/24/2021
7/28/2021	S	Enrolled Adopted, VV, (In recess 06/24/2021); <b>SJ 20</b>

# Other Referrals

July 9, 2021  
2021-2065-EBA  
08/10

Enrolled Bill Amendment to SB 131-FN

The Committee on Enrolled Bills to which was referred SB 131-FN

AN ACT            adopting omnibus legislation relative to vehicles, municipal water maintenance certificates, nondriver's picture identification, and firefighter and emergency medical services decals.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

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Explanation to Enrolled Bill Amendment to SB 131-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 131-FN

Amend section 5 of Part I of the bill by replacing it with the following:

3 Effective Date. Part I of this act shall take effect upon its passage.

Amend RSA 106-B:31, XII as inserted by Part II, section 2 of the bill by replacing line 5 with the following:

year, certify to the director of state police under penalty for unsworn falsification that it has

Amend Part III, section 1 of the bill by replacing lines 1 and 2 with the following:

1 New Paragraph; Salt Applicator Certification; Definitions; Municipal Winter Maintenance Certification Program. Amend RSA 489-C:1 by inserting after paragraph IV the following



## Senate Inventory Checklist for Archives

Bill Number: SB 131-FN

Senate Committee: Transportation

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

### Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

### Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # \_\_\_\_\_  - amendment # 2021-0730s matters
- amendment # \_\_\_\_\_  - amendment # 2021-0711s
- Executive Session Sheet
- Committee Report

### Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- \*  - amendment # \_\_\_\_\_  - amendment # \_\_\_\_\_
- amendment # \_\_\_\_\_  - amendment # \_\_\_\_\_

### Post Floor Action: (if applicable) {Clerk's Office}

- Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- Enrolled Bill Amendment(s)
- Governor's Veto Message

### All available versions of the bill: {Clerk's Office}

- as amended by the senate  as amended by the house
- final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Kirsten Koch  
Committee Aide

7/26/21  
Date

Senate Clerk's Office \_\_\_\_\_