

**REGULAR CALENDAR**

**January 25, 2022**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Transportation to which was referred HB 1461-FN,**

**AN ACT increasing penalties for littering. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.**

**Rep. Thomas Walsh**

**FOR THE COMMITTEE**

## **COMMITTEE REPORT**

|                   |  |
|-------------------|--|
| Committee:        | <b>Transportation</b>                              |
| Bill Number:      | <b>HB 1461-FN</b>                                  |
| Title:            | <b>increasing penalties for littering.</b>         |
| Date:             | <b>January 25, 2022</b>                            |
| Consent Calendar: | <b>REGULAR</b>                                     |
| Recommendation:   | <b>OUGHT TO PASS WITH AMENDMENT<br/>2022-0283h</b> |

### **STATEMENT OF INTENT**

This bill amends RSA 265:102, IV to read as follows: "Any person who violates any provision of this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person, and shall be fined \$300 plus penalty assessment for a first offense and \$500 plus penalty assessment for each subsequent offense". The effective date of this act shall be January 1, 2023.

Vote 16-1.

Rep. Thomas Walsh  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Transportation

**HB 1461-FN**, increasing penalties for littering. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas Walsh for Transportation. This bill amends RSA 265:102, IV to read as follows: "Any person who violates any provision of this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person, and shall be fined \$300 plus penalty assessment for a first offense and \$500 plus penalty assessment for each subsequent offense". The effective date of this act shall be January 1, 2023. **Vote 16-1.**

Original: House Clerk

Cc: Committee Bill File

Rep. Walsh, Merr. 24  
January 25, 2022  
2022-0283h  
12/11

Amendment to HB 1461-FN

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

2

3 1 Littering; Penalty. Amend RSA 265:102, IV to read as follows:

4 IV. Any person who violates any provision of this section shall be guilty of a violation if a  
5 natural person, or guilty of a misdemeanor if any other person, ***and shall be fined \$300 plus***  
6 ***penalty assessment for a first offense and \$500 plus penalty assessment for each subsequent***  
7 ***offense.***







2022 SESSION

Transportation

Bill #: 1461-FN Motion: OTP / m AM #: 2022-0253 Exec Session Date: 1/25/22

| <u>Members</u>                           | <u>YEAS</u> | <u>Nays</u> | <u>NV</u> |
|--|-------------|-------------|-----------|
| Walsh, Thomas C. Chairman                | ✓           |             |           |
| Gagne, Larry G. Vice Chairman            | ✓           |             |           |
| Smith, Steven D.                         |             |             |           |
| Crawford, Karel A. Clerk                 | ✓           |             |           |
| Hill, Gregory G.                         | ✓           |             |           |
| Thompson, Dennis J.                      | ✓           |             |           |
| Ankarberg, Aidan                         |             | ✓           |           |
| Gorski, Ted                              | ✓           |             |           |
| O'Hara, Travis J.                        | ✓           |             |           |
| Pitaro, Matthew <i>Ⓟ</i>                 |             |             |           |
| Sykes, George E. <i>Rep Klein-Knight</i> | ✓           |             |           |
| Cleaver, Skip J. <i>Rep. Runs.</i>       | ✓           |             |           |
| Fenton, Donovan W.                       | ✓           |             |           |
| Rombeau, Catherine                       | ✓           |             |           |
| Rich, Cecilia                            | ✓           |             |           |
| Telerski, Laura D.                       | ✓           |             |           |
| Fox, Dru                                 | ✓           |             |           |
| Stevens, Deb <i>Rep HAKKEN-Philips</i>   | ✓           |             |           |
| Veilleux, Daniel T.                      | ✓           |             |           |
| <b>TOTAL VOTE:</b>                       | <b>16</b>   | <b>1</b>    |           |

OFFICE OF THE HOUSE CLERK



1/10/2022 9:13:23 AM  
 Roll Call Committee Registers  
 Report

2022 SESSION

Transportation

Bill #: 1461-FN Motion: OTP AM #: 2022-0283h Exec Session Date: 1/25/22

| <u>Members</u>                                | <u>YEAS</u> | <u>Nays</u> | <u>NV</u> |
|---|-------------|-------------|-----------|
| Walsh, Thomas C. Chairman                     | ✓           |             |           |
| Gagne, Larry G. Vice Chairman                 | ✓           |             |           |
| Smith, Steven D.                              |             |             |           |
| Crawford, Karel A. Clerk                      | ✓           |             |           |
| Hill, Gregory G.                              | ✓           |             |           |
| Thompson, Dennis J.                           | ✓           |             |           |
| Ankarberg, Aidan                              |             | ✓           |           |
| Gorski, Ted                                   | ✓           |             |           |
| O'Hara, Travis J.                             | ✓           |             |           |
| Pitaro, Matthew                               |             |             |           |
| <del>Sykes, George E.</del> Rep. Klein-Knight | ✓           |             |           |
| <del>Gleaver, Skip J.</del> Rep. Rung         | ✓           |             |           |
| Fenton, Donovan W.                            | ✓           |             |           |
| Rombeau, Catherine                            | ✓           |             |           |
| Rich, Cecilia                                 | ✓           |             |           |
| Telerski, Laura D.                            | ✓           |             |           |
| Fox, Dru                                      | ✓           |             |           |
| <del>Stevens, Deb</del> Rep. HAKKEN-Philips   | ✓           |             |           |
| Veilleux, Daniel T.                           | ✓           |             |           |
| <b>TOTAL VOTE:</b>                            | <b>16</b>   | <b>1</b>    |           |



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6 ***penalty assessment for a first offense and \$500 plus penalty assessment for each subsequent***  
7 ***offense.***

**HOUSE COMMITTEE ON TRANSPORTATION**

**PUBLIC HEARING ON**

**BILL TITLE: HB 1461-FN increasing penalties for littering**

**DATE: 1/18/22**

**LOB ROOM: 201-203**

**Time Public Hearing Called to Order: 9:32**

**Time Adjourned: 9:40am**

**Committee Members: Reps. Walsh, Gagne, Crawford, Smith, Hill, Thompson, Ankarberg, Gorski, O'Hara, Pitaro, Sykes, Cleaver, Fenton, Rombeau, Rich, Telerski, Fox, Stevens and Veilleux**

**Bill Sponsors: Rep. Green**

**TESTIMONY**

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

Rep. Green introduced the bill, brought forth because of increased littering on our roads and highways. Have come across many litter incidents of foul trash that is being thrown out.

Rep. Thompson – It calls on the third offence the fine goes from 62 to 300 and 500

Rep. Gorski – why the amounts, A. just trying to make it serious

Rep. Sykes – list of fines for offences

Rep. Telerski – do you have the number tickets that are written now A. Not at this time

Respectfully submitted,

Rep. Karel Crawford, Clerk



# House Remote Testify

## Transportation Committee Testify List for Bill HB1461 on 2022-01-18

Support: 1 Oppose: 3 Neutral: 0 Total to Testify: 0

Export to Excel

| <u>Name</u>         | <u>City, State</u><br><u>Email Address</u> | <u>Title</u>           | <u>Representing</u>                                 | <u>Position</u> | <u>Testifying</u> | <u>Non-Germane</u> | <u>Signed Up</u>   |
|---------------------|--|------------------------|---|-----------------|-------------------|--------------------|--------------------|
| Richter, Barbara    | Concord, NH<br>Barbara@NHACC.org           | A Lobbyist             | New Hampshire Assoc. of<br>Conservation Commissions | Support         | No                | No                 | 1/17/2022 12:07 PM |
| Petrusewicz, Carol  | rochester, NH<br>clmcc2befree@yahoo.com    | A Member of the Public | Myself  | Oppose          | No                | No                 | 1/17/2022 8:51 PM  |
| Cembalisty, Clara   | Rochester, NH<br>Cqsc43@gmail.com          | A Member of the Public | Myself  | Oppose          | No                | No                 | 1/17/2022 11:46 PM |
| Cembalisty, Richard | Rochester, NH<br>taxmanrick@gmail.com      | A Member of the Public | Myself  | Oppose          | No                | No                 | 1/17/2022 11:47 PM |

HB 1461-FN - AS INTRODUCED

2022 SESSION

22-2415

12/05

HOUSE BILL            ***1461-FN***  
AN ACT                increasing penalties for littering.  
SPONSORS:            Rep. Green, Rock. 13  
COMMITTEE:            Transportation

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ANALYSIS

This bill establishes penalties for littering on any right-of-way.

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Explanation:            Matter added to current law appears in ***bold italics***.  
                              Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
                              Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

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

AN ACT                    increasing penalties for littering.

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

1            1 Littering; Penalty. Amend RSA 265:102, IV to read as follows:

2            IV. Any person who violates any provision of this section shall be guilty of a violation if a  
3 natural person, or guilty of a misdemeanor if any other person, ***and shall be fined a minimum of***  
4 ***\$300 for a first offense and \$500 for a second offense. Any third or subsequent offense shall***  
5 ***cause the suspension of the person's driver's license for a period of 90 days.***

6            2 Effective Date. This act shall take effect January 1, 2023.

**HB 1461-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT increasing penalties for littering.

**FISCAL IMPACT:**     State             County             Local             None

| STATE:                 | Estimated Increase / (Decrease)  |                         |                         |                         |
|------------------------|--|-------------------------|-------------------------|-------------------------|
|                        | FY 2022  | FY 2023                 | FY 2024                 | FY 2025                 |
| <b>Appropriation</b>   | \$0  | \$0                     | \$0                     | \$0                     |
| <b>Revenue</b>         | \$0  | Indeterminable Increase | Indeterminable Increase | Indeterminable Increase |
| <b>Expenditures</b>    | \$0  | \$97,500                | \$0                     | \$0                     |
| <b>Funding Source:</b> | <input type="checkbox"/> General <input type="checkbox"/> Education <input checked="" type="checkbox"/> Highway <input checked="" type="checkbox"/> Other -<br>Restricted - Cost of Collections* |                         |                         |                         |

\*Pursuant to Part II, article 6-a of the New Hampshire constitution, any costs associated with the collection and administration of Highway Funds by the Department of Safety shall be deducted by the Department before such funds are credited to the Highway Fund as unrestricted revenue.

**METHODOLOGY:**

This bill, effective January 1, 2023, amends RSA 265:102, IV, by adding a fine of a minimum of \$300 for a first offense, a fine of \$500 for a second offense, and third or subsequent offense shall receive a suspension of a person’s driver license for a period of 90 days. The assumption is the suspension will be applied upon conviction, meaning that once a person indicates a plea of guilty, the Division of Motor Vehicles will provide a notice via first class mail to the driver notifying the driver their privilege to drive will be suspended in 30 days from the date of the notice for a period of 90 days for a third offense or subsequent offense. For each third or subsequent violation under this bill, a driver would be subject to the suspension of operating privileges and for each restoration there is an associated \$100 fee.

While this bill would increase state highway fund fine revenue, the amount is indeterminable as there is no mechanism in place to calculate how many tickets would be issued in the future for littering, nor is there a way to calculate how many third or subsequent tickets would be issued resulting in restoration fees. For illustrative purposes, the Department of Safety has provided the following data on littering fines for the previous three calendar years:

| Calendar Year | Number of 1 <sup>st</sup> Offense | Current (\$62) | Proposed (\$300) | Number of 2 <sup>nd</sup> Offense | Current (\$124) | Proposed (\$500) |
|---------------|-----------------------------------|----------------|------------------|-----------------------------------|-----------------|------------------|
|               |                                   |                |                  |                                   |                 |                  |

|               |     |                 |                  |  |   |              |                |
|---------------|-----|-----------------|------------------|--|---|--------------|----------------|
| 2018          | 220 | \$13,640        | \$66,000         |  | 0 | 0            | 0              |
| 2019          | 244 | \$15,128        | \$73,200         |  | 1 | \$124        | \$500          |
| 2020          | 170 | \$10,540        | \$51,000         |  | 1 | \$124        | \$500          |
| <b>Total:</b> |     | <b>\$39,308</b> | <b>\$190,200</b> |  |   | <b>\$248</b> | <b>\$1,000</b> |

The Department of Safety states there would be an increase in state expenditures of approximately \$97,500 in FY 2023 relative to costs associated with system program changes and reprinting of the uniform fine schedule. Expenditures in future fiscal years are not expected to noticeably increase due to postage for suspension letters based on the 3-year history noted above.

**AGENCIES CONTACTED:**

Department of Safety