

LEGISLATIVE COMMITTEE MINUTES

# **HB1461**

# Bill as Introduced

HB 1461-FN - AS AMENDED BY THE HOUSE

17Feb2022... 0283h

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 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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 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 \$300 plus***  
4 ***penalty assessment for a first offense and \$500 plus penalty assessment for each subsequent***  
5 ***offense.***

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
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	\$97,500	\$0	\$0
<i>Funding Source:</i>	<input type="checkbox"/> General <input type="checkbox"/> Education <input checked="" type="checkbox"/> Highway <input checked="" type="checkbox"/> Other <input type="checkbox"/> 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

# Committee Minutes

**SENATE CALENDAR NOTICE**  
**Judiciary**

Sen Sharon Carson, Chair  
Sen Bill Gannon, Vice Chair  
Sen Harold French, Member  
Sen Rebecca Whitley, Member  
Sen Jay Kahn, Member

Date: March 8, 2022

**HEARINGS**

Tuesday	03/15/2022	
(Day)	(Date)	
Judiciary	State House 100	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m. <b>HB 1086-FN</b>	relative to concealment of a cause of action.	
1:15 p.m. <b>HB 1388-FN</b>	relative to the unsolicited disclosure of an intimate image.	
1:30 p.m. <b>HB 1461-FN</b>	increasing penalties for littering.	
1:45 p.m. <b>HB 1475-FN</b>	relative to the enforcement authority of liquor enforcement officers.	
2:00 p.m. <b>HB 1505-FN</b>	establishing concurrent jurisdiction in juvenile matters with the U.S. Department of Defense for coordination with the military family advocacy program.	

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

**HB 1086-FN**

Rep. Abrami

**HB 1388-FN**

Rep. Nutting-Wong

Rep. Abbas

Rep. Rhodes

**HB 1461-FN**

Rep. Green

**HB 1475-FN**

Rep. Trottier

Rep. O'Hara

Rep. Littlefield

**HB 1505-FN**

Rep. Roy

Rep. Baldasaro

Jennifer Horgan 271-7875

Sharon M Carson  
Chairman



# Senate Judiciary Committee

*Jennifer Horgan 271-7875*

HB 1461-FN, increasing penalties for littering.

**Hearing Date:** March 15, 2022

**Time Opened:** 1:45 p.m.

**Time Closed:** 1:55 p.m.

**Members of the Committee Present:** Senators Carson, Gannon, Whitley and Kahn

**Members of the Committee Absent :** Senator French

**Bill Analysis:** This bill establishes penalties for littering on any right-of-way.

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**Sponsors:**

Rep. Green

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**Who supports the bill:** Jason Stock, NH Timberland Owners Association

**Who opposes the bill:** No one

**Who is neutral on the bill:** Caleb Dobbins, DOT

**Summary of testimony presented in support:**

**Jason Stock (NH Timberland Owners Association)**

- For landowners, particularly those who have roads and right-of-ways on their property, litter and trash is a common issue.
- The Association's policy committee reviewed this bill, and thought this was an appropriate way to try and address this.
- It is an expense to clean up this litter.
- Some members will pay thousands of dollars a year picking up trash and litter.
- Senator Carson pointed out that the Legislature passed a bill a few years ago with enhanced penalties for the destroying of trails and dumping garbage.

Asked if this is bill going to conflict with that law.

- Does not believe it will. This bill deals with right-of-ways. If someone drives off the road on to property to dump debris that is off the right-of-way.
- Senator Carson asked if this would apply to utility right-of-ways.
  - Would have to take a closer look at that.

**Summary of testimony presented in opposition:**

None

**Neutral Information Presented:**

**Caleb Dobbins (Department of Transportation)**

- The fiscal note denotes the fine for littering is \$62 for first offense and \$124 for a second offense.
- DOT has a code for litter and debris removal in their budget, which includes things like removing a dead animal, but the vast amount of the work is litter removal.
- The vast amount of litter removal is done prior to mowing.
- For the labor, not the actual disposal, the Department spends almost a million dollars a year.
- That is about 30,000-man hours throughout the State.
- That amount does not account for the volunteer groups who also do trash removal.

jch

Date Hearing Report completed: March 18, 2022

# Speakers



## **Senate Remote Testify**

Judiciary Committee Testify List for Bill HB1461 on 2022-03-15

Support: 0 Oppose: 0

# Voting Sheets

**Senate Judiciary Committee**  
**EXECUTIVE SESSION RECORD**  
*2021-2022 Session*

Bill # HB1461

Hearing date: \_\_\_\_\_

Executive Session date: \_\_\_\_\_

Motion of: ITL Vote: \_\_\_\_\_

*Withdraw*

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: IS Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reported out by: Carson

Notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# Committee Report





FOR THE CONSENT CALENDAR

**JUDICIARY**

**HB 1461-FN**, increasing penalties for littering.

Interim Study, Vote 5-0.

Senator Sharon Carson for the committee.

This bill would establish penalties for littering on any right-of-way. The Committee determined that there was no compelling need to pass this language at this time, and therefore recommends sending the bill to Interim Study for further reflection.

# HB1461-FN

## Bill Details

**Title:** increasing penalties for littering.

**Sponsors:** (Prime) Green (R)

LSR Number: **22-2415**

General Status: **SENATE**

House:

**Committee:** Transportation

**Due Out:** 2/17/2022

**Status:** PASSED/ADOPTED WITH AMENDMENT

Senate:

**Committee:** Judiciary

**Floor Date:** 4/14/2022

**Status:** INTERIM STUDY

### Bill Docket

Body	Description
H	Introduced 01/05/2022 and referred to Transportation
H	Public Hearing: 01/18/2022 09:30 am LOB 201-203
H	Executive Session: 01/25/2022 03:00 pm LOB 201-203
H	Committee Report: Ought to Pass with Amendment # 2022-0283h ( <u>Vote 16-1; RC</u> )
H	Amendment # 2022-0283h: AA VV 02/17/2022 <u>HJ 4</u>
H	FLAM # 2022-0633h (Rep. Green): AF RC 46-304 02/17/2022 <u>HJ 4</u>
H	Ought to Pass with Amendment: MA VV 02/17/2022 <u>HJ 4</u>
H	Referred to Criminal Justice and Public Safety 02/17/2022 <u>HJ 4</u>
H	Referral Waived by Committee Chair per House Rule 47(f) 02/17/2022 <u>HJ 4</u>
S	Introduced 02/24/2022 and Referred to Judiciary: <u>SJ 5</u>
S	Hearing: 03/15/2022, Room 100, SH, 01:30 pm: <u>SC 11</u>
S	Committee Report: Referred to Interim Study, 04/14/2022: Vote 5-0: CC: <u>SC 15</u>
S	Refer to Interim Study, MA, VV; 04/14/2022: <u>SJ 8</u>

# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: HB1461

Senate Committee: Judiciary

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 # \_\_\_

\_\_\_ - amendment # \_\_\_      \_\_\_ - amendment # \_\_\_

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:

*James Hunter*  
Committee Aide

3/12/22  
Date

Senate Clerk's Office AK