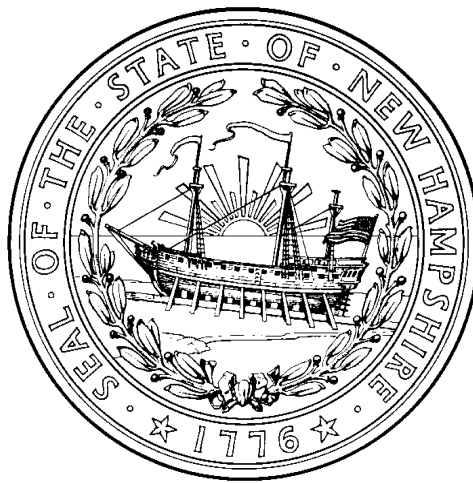


March 10, 2011  
No. 15A

# STATE OF NEW HAMPSHIRE

Web Site Address: [www.gencourt.state.nh.us](http://www.gencourt.state.nh.us)



**First Year of the 162<sup>nd</sup> Session of the  
New Hampshire General Court  
Legislative**

## **SENATE CALENDAR ADDENDUM**

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**THE SENATE WILL MEET IN SESSION ON  
WEDNESDAY, MARCH 16, 2011, AT 10:00 A.M.**

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## REPORTS

### **COMMERCE**

**SB 156-FN-L**, authorizing retail vehicle dealers to act as agents of the division of motor vehicles in the issuance of vehicle titles and registrations.

Ought to Pass with Amendment, Vote 4-0.

Senator Sanborn for the committee.

### **JUDICIARY**

**SB 12-FN**, relative to screening panels for medical injury claims.

Ought to Pass with Amendment, Vote 4-0.

Senator Groen for the committee.

**SB 14-FN**, relative to the brandishing of a firearm.

Re-refer to committee, Vote 4-0.

Senator Carson for the committee.

**SB 52-FN**, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole.

Ought to Pass with Amendment, Vote 4-0.

Senator Houde for the committee.

## AMENDMENTS

### **Senate Judiciary**

**March 10, 2011**

**2011-0800s**

**06/01**

#### **Amendment to SB 12-FN**

Amend the bill by replacing section 1 with the following:

1 Medical Malpractice Panel and Insurance Oversight. Amend RSA 519-B:11, VI(b) to read as follows:

(b) The committee shall make a final report of its findings about medical liability insurance rates and the mandatory panel process and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before December 1, [2010] **2013**. The report shall include a recommendation to terminate, continue, or amend RSA 519-B.

### **Senate Judiciary**

**March 11, 2011**

**2011-0804s**

**04/09**

#### **Amendment to SB 52-FN**

Amend the bill by replacing all after the enacting clause with the following:

1 Parole of Prisoners; Terms of Release. Amend RSA 651-A:6, I(b) to read as follows:

(b) A prisoner convicted of a nonviolent offense ***who has not been previously convicted of a sexually violent offense as defined in RSA 135-E:2, XI*** shall be released on parole upon serving 120 percent of the minimum term of his or her sentence, minus any credits received pursuant to RSA 651-A:23, plus the disciplinary period added to such minimum under RSA 651:2, II-e, any part of which is not reduced for good conduct as provided in RSA 651-A:22, ***unless the parole board votes to deny such release.***

2 Parole of Prisoners; Terms of Release. Amend RSA 651-A:6, I(c) to read as follows:

(c) ~~[All prisoners who have not been previously paroled]~~ ***A prisoner who has not been previously paroled***, or who ~~[were]~~ ***was*** recommitted to prison more than one year prior to the expiration of the maximum term of his or her sentence, shall be released on parole at least 9 months prior to the expiration of the maximum term of his or her sentence, ***unless the parole board votes to deny such release***. This provision shall not apply to any prisoner who is the subject of a pending petition for civil commitment pursuant to RSA 135-E. In the event that the prisoner is not civilly committed, he or she shall be released on parole for the remainder of his or her sentence.

3 Effect of Recommittal. Amend RSA 651-A:19 to read as follows:

651-A:19 Effect of Recommittal.

I. A prisoner who is recommitted shall serve 90 days in prison before being placed back on parole or the remainder of his or her maximum sentence, whichever is shorter, ***or may be subject to an extended term of recommitment pursuant to paragraphs III and IV***. The time between the return of the parolee to prison after arrest and revocation of parole shall be considered as time served as a portion of the maximum sentence.

II. Prisoners who are recommitted shall be ~~[housed separately in a prison housing unit that provides]~~ ***provided access to*** focused, evidence-based programming aimed at reengaging parolees in their parole plan.

***III. The parole board may impose an extended term of recommitment for greater than 90 days if:***

***(a) The prisoner has previously been recommitted for a parole violation; or***

***(b) The prisoner was on parole for a sexual offense as defined in RSA 651-B:1, V or an offense against a child as defined in RSA 651-B:1, VII; and***

***(1) The conduct underlying the parole violation is related to his or her offense or offending pattern; or***

***(2) The prisoner has displayed a combination of dynamic risk factors, including but not limited to, homelessness, loss of supports, substance abuse, or non-compliance with treatment, as determined by the department of corrections sexual offender treatment program staff; or***

***(3) Both subparagraphs (1) and (2); or***

***(c) The prisoner was on parole for a violent crime as defined in RSA 651:5, XIII; or***

***(d) The nature of the conduct underlying the parole violation constitutes a criminal act or is otherwise so serious as to warrant an extended period of recommitment.***

***IV.(a) A prisoner may be brought before the parole board at any time during the 90-day term of recommitment to determine whether a longer term is warranted if:***

***(1) The prisoner did not meaningfully participate in the evidence-based programming during the 90-day recommitment period; or***

***(2) The prisoner received one or more major disciplinary violations during the 90-day recommitment period.***

***(b) The prisoner shall be provided notice of the hearing and the basis of the parole board's consideration of an extended term.***

***V. The imposition of an extended term of recommitment pursuant to paragraph III or IV shall be supported by written findings and a written order.***

***VI. Any prisoner who is subject to an extended term of recommitment shall, upon request, be entitled to a hearing before the parole board after serving 6 months of his or her term of recommitment and every 6 months thereafter.***

***VII. At the revocation hearing, the parole board may impose a term of recommitment for less than 90 days if:***

***(a) The prisoner has not been previously recommitted for a parole violation;***

***(b) The prisoner was not on parole for a sexual offense as defined in RSA 651-B:1, V or an offense against a child as defined in RSA 651-B:1, VII;***

***(c) The prisoner was not on parole for a violent crime as defined in RSA 651:5, XIII;***

*(d) The parole violation is not substantially related to his or her offense or offending pattern; and*

*(e) The parole board determines that a lesser period of recommitment will aid in the rehabilitation of the parolee.*

4 Involuntary Civil Commitment of Sexually Violent Predators; Notice. Amend RSA 135-E:3, II to read as follows:

II. When a person who has committed a sexually violent offense is to be released from total confinement in New Hampshire, the agency with jurisdiction over the person shall give written notice to the person and the county attorney of the county where that person was last convicted of a sexually violent offense, or attorney general if the case was prosecuted by the attorney general. If the person is in custody on an out-of-state or federal sexually violent offense, the agency with jurisdiction shall give written notice to the person and the county attorney of the county where the person plans to reside upon release or, if no residence in this state is planned, the county attorney in the county where the facility from which the person to be released is located or to the attorney general if the person has been convicted of murder. Except as provided in RSA 135-E:4, the written notice shall be given at least 9 months prior to the ~~[anticipated]~~ **potential** release on parole pursuant to RSA 651-A:6, I(c), except that in the case of persons who are totally confined for a period of less than 9 months, written notice shall be given as soon as practicable.

5 Involuntary Civil Commitment of Sexually Violent Predators; Release From Total Confinement. Amend RSA 135-E:4, I to read as follows:

I. In the event that a person who has been convicted of a sexually violent offense is eligible for immediate release on parole pursuant to RSA 651-A:6, I(c), or upon completion of the maximum term of incarceration, the agency with jurisdiction shall provide immediate notice to the county attorney or attorney general of the person's release. The county attorney or attorney general or the agency with jurisdiction may file a petition for an emergency hearing in the superior court requesting that the person subject to immediate release be evaluated by the multidisciplinary team to determine whether the person is a sexually violent predator. The hearing shall be held within 24 hours of the filing of the petition, excluding Saturdays, Sundays, and holidays. The person shall not be released from total confinement until after the hearing has been held. At the hearing, the court shall determine whether there is probable cause to believe that the person is a sexually violent predator. If the court finds probable cause, the person shall be held in an appropriate secure facility.

6 Probationers and Parolees; Risk Assessment and Length of Supervision. Amend RSA 504-A:15, III-IV to read as follows:

III. Any person placed on probation for a felony shall be subject to active supervision for up to the first 12 months and thereafter be placed on administrative supervision unless the probationer has been designated high risk ~~[or]~~, has been adjudicated by the court for a violation of the conditions of probation during the first 12 months under supervision, **or was placed on probation for a felony listed as a tier II or tier III offense in RSA 651-B:1, IX and X, respectively.**

IV. Any person placed on parole for a felony shall be subject to active supervision for up to the first 18 months and thereafter be placed on administrative supervision unless the parolee has been designated high risk ~~[or]~~, has violated the conditions of parole during the first 18 months under supervision, **or was placed on parole for a felony listed as a tier II or tier III offense in RSA 651-B:1, IX and X, respectively.**

7 Effective Date. This act shall take effect upon its passage.

2011-0804s

#### AMENDED ANALYSIS

This bill:

I. Excludes a prisoner convicted of a violent crime or a sexually violent offense from mandatory early supervised release if the parole board votes to do so.

II. Provides the parole board with greater discretion to recommit a person who reoffends while on mandatory early supervised release.

III. Requires that an offender placed on probation or parole for conviction of a felony offense that would require registration as a sexual offender or an offender against children shall not be placed on administrative supervision.

**Commerce**  
**March 11, 2011**  
**2011-0807s**  
**03/09**

### **Amendment to SB 156-FN-LOCAL**

Amend the title of the bill by replacing it with the following:

AN ACT authorizing retail vehicle dealers to act as agents of the division of motor vehicles for vehicle registrations and title applications.

Amend the bill by replacing all after the enacting clause with the following:

#### **1 Statement of Purpose.**

I. This act known as the Electronic Vehicle Registration (EVR) law will allow New Hampshire residents to choose the most convenient place for them to register their newly purchased vehicle: their town or city hall or the New Hampshire dealership where it was purchased.

II. Currently, New Hampshire residents and businesses can only register their vehicles at town or city halls. In nearly 30 other states, customers can choose to electronically register their vehicle at the dealership. These dealers through an electronic intermediary securely and quickly electronically transmit the official local and state fees and data to the appropriate entity. This act seeks to replicate the success in those states.

#### **III. This act will:**

(a) Allow customers to securely register their vehicles at authorized dealerships but only at time of sale of the vehicle.

(b) Improve customer service at the towns, cities, state, and dealerships.

(c) Allow law enforcement access to temporary plate information.

(d) Allow New Hampshire dealers to collect and electronically remit the official fees, securely and promptly, to the towns or cities and the state as they have successfully done in other states.

(e) Allow towns and cities and the state to collect their respective revenues more quickly and safely.

(f) Allow towns and cities and the state to quickly integrate moneys and data into their respective accounting or related software.

IV. All current town revenues are to stay with the towns. The fees collected by dealer agents will be transmitted to the same government entity where the fees are currently sent or collected. This includes the registration permits fees (RSA 261:153, I), town clerk fee (RSA 261:152), title application fee (RSA 261:4, IV), municipal agent fee (RSA 261:74-d), waste reclamation fee (RSA 261:153, V), municipal transportation improvement fee (RSA 261:153, VI), collection of permit fees in unorganized places (RSA 261:160), and the public parking facilities fee (RSA 261:154).

2 New Paragraph; Notification of Unpaid Fines. Amend RSA 231:130-a by inserting after paragraph II the following new paragraph:

III. The town or city clerk may provide the notifications permitted by subparagraphs I(b) and I(c) to electronic vehicle registration integrators operating under an agreement with the department of safety pursuant to RSA 261:74-s.

#### **3 New Sections; Definitions. Amend RSA 259 by inserting after section 29-a the following new sections:**

259:29-b EVR Integrator. "EVR integrator" shall mean an electronic vehicle registration integrator who provides any necessary hardware, software, or network connections between dealer agents, the department, and towns for the electronic transmittal and receipt of registration and title data and money.

259:29-c EVR Program. "EVR program" means the electronic vehicle registration program that allows dealer agents to process motor vehicle registrations, permits for registration, or registration transfers and title applications in conjunction with the sale of a new or used vehicle by said dealer pursuant to RSA 261:74-h through 261:74-s.

#### **4 Bond Required. Amend RSA 261:98, I to read as follows:**

I.(a) Every retail vehicle dealer as defined in RSA 259:89-a, every auto wholesale dealer as defined in RSA 259:5-a, every automotive recycling dealer as specified by RSA 261:123, and certain utility dealers as defined by RSA 259:121 if required by rule of the commissioner, shall obtain a bond or equivalent proof of financial responsibility as described in paragraph VI, and continue in effect a surety bond or other equivalent proof of financial responsibility satisfactory to the department in the amount of \$25,000 executed by a surety company authorized to transact business in the state by the insurance department.

(b) The bond or its equivalent shall only be for the benefit of:

(1) A natural person who purchases a vehicle from a dealer, an automotive recycling dealer, or a utility dealer, and who suffers loss on account of:

[(a)] (A) The dealer's default or nonpayment of all valid bank drafts, including checks, drawn by the dealer for the purchase of motor vehicles;

[(b)] (B) The dealer's failure to deliver in conjunction with the sale of a motor vehicle a valid motor vehicle title certificate free and clear of any prior owner's interests and all liens except a lien created by or expressly assumed in writing by the buyer of the vehicle;

[(c)] (C) The motor vehicle purchased from the dealer was stolen; or

[(d)] (D) The dealer's intentional or knowing failure to disclose the vehicle's actual mileage at the time of sale.

(2) *A New Hampshire town or city or the state of New Hampshire which suffers loss on account of:*

*(A) The dealer's failure to collect all official fees related to motor vehicle registration, permits for registration, registration transfer, and title applications required and permitted under this chapter; or*

*(B) The dealer's nonpayment of all official fees collected to register a motor vehicle, issue a permit for registration, transfer a registration, or title a vehicle.*

*(c) Subparagraph (b)(2) shall apply to only those dealers who are dealer agents appointed pursuant to RSA 261:74-h. Subparagraph (b)(2), if applicable, shall not require the dealer to obtain a separate bond.*

5 New Subdivision; Registration by Dealer Agents. Amend RSA 261 by inserting after section 74-g the following new subdivision:

#### Registration by Dealer Agents

261:74-h Appointment of Dealer Agents. Subject to the direction and approval of the commissioner, the director may appoint retail vehicle dealers meeting the requirements of RSA 261:103-a as agents to process electronically through EVR integrators motor vehicle registrations, permits for registration, or registration transfers and title applications in conjunction with the sale of a new or used vehicle by said dealer. The director shall consult with the New Hampshire City and Town Clerks' Association and the New Hampshire Automobile Dealers Association prior to approving the appointment of any dealer agent. Any permits issued by a dealer agent shall indicate that it was processed by a dealer agent. No dealer shall be permitted to act as a dealer agent unless the department of safety has implemented an agreement with an EVR integrator.

261:74-i Duration of Appointment. The director shall appoint those dealers that meet the reasonable security requirements and other requirements as set forth in this chapter and in rule. The appointment of any dealer for the purposes of this subdivision shall continue only as long as the ownership of the dealer remains the same, except as provided in RSA 261:74-j and RSA 261:74-q. In case of a transfer of ownership, the new owner may apply to become a dealer agent.

261:74-j Qualifications and Training of Dealer Agents. No dealer shall be appointed as an agent unless the dealer principal or its staff meet the qualifications and successfully complete the training programs established under RSA 261:74-r. No dealer agent may perform the duties required under this subdivision unless the dealer principal or its staff continues to meet the reasonable qualification and training requirements.

261:74-k Duties of Dealer Agents. Each dealer agent or its staff shall perform all the duties necessary to register motor vehicles, issue a permit for registration, transfer motor vehicle registrations, and process title applications unless the director determines otherwise. Dealers shall be responsible to the division, or towns

and cities where applicable, for any inventory of title applications, registration forms, and any other materials issued to them and for all moneys collected. The dealer agent through the EVR integrator shall electronically transmit to the appropriate town or city a copy of the newly issued registration permit and a signed affidavit of residency, and, where applicable, a copy of the registration transferred and a copy of either the resident tax affidavit or the tax receipt as set forth in 261:74-n, III. Dealer agents shall be in compliance with the Red Flags Rule, 16 C.F.R. part 681, and the Safeguards Rule, 16 C.F.R. part 314, as promulgated by the Federal Trade Commission.

261:74-l Security and Record-Keeping Requirements. Before receiving title applications, registration forms, and any materials related to electronic vehicle registration, dealer agents shall adopt and implement security and record-keeping requirements satisfactory to the director.

261:74-m Examination of Dealer Agent Records. Any dealer appointed as an agent pursuant to this subdivision shall be deemed to have given its consent for authorized agents of the department and any auditor employed or commissioned by the state of New Hampshire or the municipality to examine, during usual business hours and with reasonable notice, the records required to be preserved under this chapter; provided no such agent shall be subjected to unnecessary or unreasonable examinations or investigations.

#### 261:74-n Collection of Fees.

I. Dealer agents shall collect the fees required to process motor vehicle registrations, permits for registration, transfers of registrations, and title applications as set forth in this chapter.

II. When a dealer agent processes motor vehicle registrations, permits for registration, transfers of registration, and title applications the applicable town or city or clerk shall receive the following fees through the dealer agent and the EVR integrator: the registration permit fee under RSA 261:153, I, the town clerk fee under RSA 261:152, the title application fee under RSA 261:4, IV, the municipal agent fee under RSA 261:74-d, and, when applicable, the waste reclamation fee under RSA 261:153, V, the municipal transportation improvement fee under RSA 261:153, VI, the collection of permit fees in unorganized places under RSA 261:160, and the public parking facilities fee under RSA 261:154. The town or city may use the fees received by the town or city to offset the expenses of examination and auditing of dealer agents. Towns, cities, and the state shall inform the EVR integrator annually as to the details of the fees listed in this paragraph and provide timely notice to the EVR integrator of any changes to fees.

III. When a registration permit applicant resides in a town that assesses, levies, or collects a resident tax pursuant to RSA 72:1, the applicant shall comply with the provisions of RSA 261:71 either by showing or causing to be shown to the dealer agent a tax receipt or by executing the affidavit permitted under RSA 261:71 at the time of sale. If a resident tax town electronically shares resident tax data with the EVR integrator, neither the affidavit nor tax receipt is needed if such data reveals the resident tax has been paid. An applicant shall not be permitted to register a vehicle if such data reveals that the applicant is delinquent in paying the resident tax.

IV. If the applicant resides in a town or city which has adopted the provisions of RSA 231:130-a and the town or city has provided notification of unpaid fines to the electronic vehicle registration integrator pursuant to 231:130-a, III, a dealer agent shall not issue a registration permit to the applicant unless the town or city clerk's records reveal no outstanding parking violations in this state.

V. No dealer agent shall assume or absorb any fee listed in paragraph II owed by a customer or advertise or assert that the dealer will assume or absorb such fee. Any violation of this paragraph shall subject the dealer agent to a fine of \$100 per violation.

261:74-o Optional Electronic Vehicle Registration Charge. Each dealer agent may collect a charge from the consumer to transmit electronically the registration and title data and the fees collected required to register a motor vehicle, issue a permit for registration, transfer a motor vehicle registration, or title a motor vehicle. This optional charge is in addition to other dealership fees or charges and the fees otherwise required to register a motor vehicle, issue a permit for registration, transfer a motor vehicle registration, or title a motor vehicle. The charge shall be separately stated and identified as "optional EVR charge" on the purchase agreement between the customer and the dealer agent. If a customer declines to pay the optional electronic vehicle registration charge, the dealer agent is not required to register the vehicle, issue a permit for registration, title the vehicle, or collect the required fees.

261:74-p Proof of Residency. A dealer agent shall not process any vehicle registration, permit for registration, or transfer of motor vehicle registrations of a natural person unless the applicant has provided to the

dealer agent a current New Hampshire driver's license or New Hampshire nondriver's picture identification card with an address matching the application to be transmitted and the natural person has signed an affidavit of residency which specifies the town or city in which he or she currently resides. Dealer agents shall not process registrations for homeless residents without a permanent address eligible to register under RSA 261:52-c. A dealer agent may register the vehicles of a corporation or other legal entity with a place of business in this state if the applicant is a registered business in New Hampshire and is in good standing and an authorized representative of the corporation or entity has signed an affidavit specifying the New Hampshire town or city in which the corporation or entity resides, is headquartered, or operates.

#### 261:74-q Revocation or Suspension of Agency Status.

I. The director may revoke or suspend a dealer's agent status for any violation of law or rule governing electronic vehicle registration, any violation of the dealer agent's security and record-keeping plan, revocation or suspension of the dealer license, or any other action that in the director's opinion adversely affects the registration system. If the director determines that a dealer agent has not continued to fulfill the requirements of this subdivision or has violated any of the rules adopted pursuant to this subdivision, the director shall commence a process to suspend or revoke the agent status of the dealer. The director shall take into account concerns of towns, cities, and the EVR advisory group established under RSA 261:74-s, IV about dealer agents.

II. Any dealer agent whose appointment is sought to be suspended or revoked shall be afforded the opportunity for a hearing before the bureau of hearings prior to such suspension or revocation. Following the hearing, the director may suspend or revoke the appointment as dealer agent upon satisfactory evidence of malfeasance, misfeasance, theft, financial instability, or violation of the rules adopted under this subdivision and that the revocation or suspension is in the best interest of the state.

III. Upon the revocation of such agent status, the dealer agent shall surrender to the department or its authorized agent all materials issued by the state under the provision of this subdivision and all records pertaining to all matters authorized by this subdivision.

IV. Whenever an authorized auditor of the state of New Hampshire or the department determines that the public interest requires immediate action, the director may issue a temporary order suspending the authority of a dealer agent to register or transfer registrations, pending a hearing.

261:74-r Rulemaking. The director, with input from the EVR advisory group established under RSA 261:74-s, IV, shall adopt rules pursuant to RSA 541-A relative to:

- I. Minimum standards for the qualification of dealer agents and their staffs.
- II. Minimum security standards for the dealer agent, staff, and dealer agent facility.
- III. Training requirements and programs for dealer agents and their staffs.
- IV. The collection, remittance, and auditing of state and local funds pursuant to this subdivision.
- V. The completion of required reports and records and their submission to the department and towns or cities.
- VI. Minimum standards of accuracy, legibility, and timeliness of submission for documents and reports.
- VII. The indemnification and reimbursement of the state or town or city in case of loss.
- VIII. The efficient and economical administration of this subdivision.
- IX. Revocation and suspension of dealer agent status.
- X. The ability to enter into agreements with dealer-agents and EVR integrators.
- XI. The creation of an error resolution process to resolve registration errors resulting from the EVR Program.

#### 261:74-s Agreements with Electronic Vehicle Registration Integrators.

I. Upon approval of the attorney general and governor and council, the department may enter into an agreement with an electronic vehicle registration integrator to provide, at no cost to the state, any necessary hardware, software, or network connections between dealer agents, the department, and towns for the electronic transmittal and receipt of registration and title data and money. The electronic vehicle registration integrator shall be authorized in the agreement to collect and transfer funds electronically from the dealers



to the department, towns, cities, or town clerks, where appropriate. RSA 261:141-b shall not apply to electronic transfers to or from an electronic vehicle registration integrator or a dealer agent. Electronic vehicle registration integrators shall transmit funds within one business day of the completion of the registration to the appropriate entity if the entity accepts electronic transfers of funds and within 20 days to any other entity. The transmittal of funds by an EVR integrator to a town or city or the state pursuant to this section shall not be considered a delegation of a town's, city's, or state's deposit function as set forth in RSA 41:29.

II. An agreement under this section shall provide for minimum standards established by the department and the department of information technology for transfers of data and funds, financial solvency of the electronic vehicle registration integrator, training of dealer-agents, and town clerks, if necessary, by the electronic vehicle registration integrator, implementation of an electronic vehicle registration integrator "help line" to assist dealer agents, automatic and accurate calculation of all fees required by this chapter, electronic transmittal of applicable documents to the towns, cities, and state, bonding to indemnify the state, municipalities, and dealer agents in the event of loss, security, and privacy of motor vehicle records, access by state-appointed auditors to the records and reports of the electronic vehicle registration integrator, minimum standards for the accuracy and timeliness of submission of data and funds, reporting to the state, towns, or cities, transmittal of fees required to register a motor vehicle, issue a permit for registration, transfer a motor vehicle registration, or title a vehicle provided said fees are transmitted to the appropriate entity in the manner set forth in this chapter, conditions for cancellation of the agreement, and the other requirements related to the efficient and economical administration of this subdivision. The reporting to the towns, cities, and state shall provide notice of registrations processed, allow proper and accurate collection and remittance of town or city moneys, allow integration of data and moneys into software used by towns and cities to transmit registration data to the state, allow towns and cities to clearly identify the particular fees collected and remitted, and provide vehicle specific data including the maker's list price, and vehicle make and model. The department shall solicit input from affected municipalities before entering into an agreement under this section.

III. To ensure the EVR integrator and dealer agents are accurately calculating the applicable fees and properly transmitting the fees and data, and that towns and cities may integrate the data and fees into the software used by towns and cities to transmit registration data to the state, the EVR program shall be implemented as follows:

(a) The first year of the EVR program shall involve a limited number of dealers and towns and cities as determined by the director and a single electronic vehicle registration (EVR) integrator to ensure that the EVR program is successfully implemented. The director shall select which towns, cities, and dealers shall participate during the first year from a list submitted to the director by the senate president and the speaker of the house of representatives within 60 days of the effective date of this section. The director shall select the participants after obtaining the input of the New Hampshire City and Town Clerks' Association and the New Hampshire Automobile Dealers Association. The director shall select both large and small municipalities to participate and towns and cities that use software to transmit registration data to the state, with at least 2 towns or cities for each type of software.

(b) After the EVR program has operated for 270 days, the director shall seek formal input from the EVR advisory group established in paragraph IV and towns, cities, and dealer agents involved in the program as to whether or not the EVR integrator and dealer agents are properly calculating and assessing applicable fees, properly transmitting the fees and data, and properly integrating data and moneys into the software used by towns and cities to transmit registration data to the state.

(c) After the EVR program has operated for one year, the director shall incorporate the remaining towns and cities into the program and additional dealers may apply to become dealer agents unless the director, in consultation with the EVR advisory group established in paragraph IV determines that the EVR integrator has failed to materially comply with the program requirements. If such a determination is made, the director shall delay the addition of towns and cities and dealers for up to 180 days to permit the EVR integration to materially comply with the program requirements.

(d) One year after the incorporation of the remaining towns and cities into the EVR program, the department may enter into agreements with additional EVR integrators.

(e) After the incorporation of all towns and cities into the EVR program, the director shall evaluate on a periodic basis, no less than annually, whether the EVR integrators and dealer agents are properly calculating and assessing applicable fees, properly transmitting the fees and data, and properly integrating data and moneys into the software used by towns and cities to transmit registration data to the state.

IV. The director shall form an EVR advisory group consisting of representatives from the department of information technology, the division of motor vehicles, the department of safety, the New Hampshire City and Town Clerks' Association, the New Hampshire Government Finance Officers Association, organizations representing the interests of town managers and administrators, the New Hampshire Municipal Association, the New Hampshire Local Government Information Network, the New Hampshire Automobile Dealers Association, the EVR integrators, and other persons the director deems necessary. The primary purpose of the EVR advisory group is to ensure that the EVR program meets the requirements in rules and law. The EVR advisory group shall meet at least quarterly.

V. The director shall periodically evaluate whether the EVR program affects registration-related assistance provided to towns and cities by the department.

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

**2011-0807s**

#### AMENDED ANALYSIS

This bill authorizes retail vehicle dealers to act as agents of the division of motor vehicles for vehicle registrations and title applications.