

SB 34 - AS INTRODUCED

2017 SESSION

17-0865

06/01

SENATE BILL           **34**

AN ACT               relative to recovery of costs for damage done to highways.

SPONSORS:          Sen. D'Allesandro, Dist 20

COMMITTEE:        Transportation

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ANALYSIS

This bill makes any person who damages a highway or highway protection equipment strictly liable for certain indirect costs and for labor and benefits costs.

This bill is a request of the department of transportation.

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                      Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                      relative to recovery of costs for damage done to highways.

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

- 1            1 Liability for Injury to Highways; Civil Liability. Amend RSA 236:39 to read as follows:
- 2            236:39 Civil Liability. If any person, without authority, shall place any obstruction in a
- 3 highway, or cause any defect, insufficiency, or want of repair of a highway **or of any highway**
- 4 **protection equipment** ~~[which renders it unsuitable for public travel]~~, he or she shall be **strictly**
- 5 liable:
- 6            **I.** To the state for all damages to the highway, including replacement costs of protective
- 7 barriers, when maintained by the state, **indirect costs pursuant to an indirect cost recovery**
- 8 **plan approved by the commissioner of administrative services under RSA 21-I:75, and**
- 9 **labor and benefits costs**<sup>[5]</sup>, or
- 10           **II.** To the municipality for all damages to a highway, including replacement costs of
- 11 protective barriers, when maintained by the municipality; and
- 12           **III.** For all damages and costs which the state or municipality shall be compelled to pay to
- 13 any person injured by such obstruction, defect, insufficiency, or want of repair as established
- 14 through an appropriate contribution claim or under the rules of joint and several liability.
- 15           2 Effective Date. This act shall take effect January 1, 2018.