

SB 464 - AS AMENDED BY THE SENATE

03/08/2018 0758s

2018 SESSION

18-3009

06/03

SENATE BILL **464**

AN ACT relative to the procedure for driveway permits.

SPONSORS: Sen. Carson, Dist 14; Sen. Giuda, Dist 2; Sen. Birdsell, Dist 19; Rep. Packard, Rock. 5; Rep. Baldasaro, Rock. 5; Rep. Rimol, Rock. 5; Rep. D. Thomas, Rock. 5

COMMITTEE: Transportation

ANALYSIS

This bill establishes a procedure for processing applications for certain excavation and driveway permits.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the procedure for driveway permits.

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

1 1 New Section; Excavation and Driveway Excavation and Construction Permit Application;
2 Procedure. Amend RSA 236 by inserting after section 13 the following new section:

3 236:13-a Procedure. In processing applications for permits, or amendments to permits, under
4 RSA 236:9 or RSA 236:13:

5 I. Within 30 days of receipt of such application, the department of transportation shall
6 request any additional information required of the applicant or its agents to complete its evaluation
7 of the application, together with any written technical comments the department deems necessary.
8 Any request for additional information shall specify that the applicant shall submit such
9 information as soon as practicable and notify the applicant that if all of the requested information is
10 not received within 90 days of the request, the department shall deny the application.

11 II. If the department requests additional information under paragraph I, the department
12 shall, within 60 days of the department's receipt of all requested information:

- 13 (a) Approve the application in whole or in part and issue a permit;
14 (b) Deny the application and issue written findings in support of the denial; or
15 (c) Extend the time for rendering a decision on the application for good cause and with
16 the written agreement of the applicant.

17 III. If no request for additional information is made under paragraph I, the department
18 shall, within 90 days of receipt of the application:

- 19 (a) Approve the application in whole or in part and issue a permit;
20 (b) Deny the application, and issue written findings in support of the denial; or
21 (c) Extend the time for rendering a decision on the application for good cause.

22 IV. The time limits under this section shall supersede any time limits provided in any other
23 provision of law. If the department fails to act within the applicable time frame established in
24 paragraphs II and III, the applicant shall be deemed to have a permit by default and may proceed
25 with the project as presented in the application. Nothing in this paragraph shall relieve the
26 applicant from complying with all requirements applicable to the project, including but not limited
27 to requirements established under this section and RSA 236:13.

28 2 Effective Date. This act shall take effect 60 days after its passage.