

HB 517-FN-LOCAL - AS INTRODUCED

2019 SESSION

19-0245

11/04

HOUSE BILL

***517-FN-LOCAL***

AN ACT                    repealing municipal permits for registration of vehicles.

SPONSORS:            Rep. Marple, Merr. 24; Rep. Verville, Rock. 2

COMMITTEE:          Transportation

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ANALYSIS

      This bill repeals the requirement that a vehicle owner must obtain a registration permit from the city or town in which he or she resides.

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                              Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                    repealing municipal permits for registration of vehicles.

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

1            1 Statement of Findings and Intent to Conform to the Uniform Commercial Code Section 9-109.  
2            As Supreme Court Justice Grimes confirmed in *National Shawmut Bank v. Jones*, 108 N.H. 386  
3            (1967), the general court finds that municipalities have, under color of law, taxed automobiles and  
4            other self-propelled conveyances which have been classified by RSA 382-A:9-102 as non-taxable  
5            "consumer goods" or "household goods" which the general court holds as superior authority. The  
6            general court holds the automobile, as a "household good," is non-taxable. The distinction between  
7            an "automobile" and other self-propelled conveyances and a "motor vehicle" is its use; the motor  
8            vehicle is a conveyance used on public ways for profit or gain and is thus deemed commercial use,  
9            subject to the jurisdiction of the government for taxation and regulation.

10           2 Repeal. RSA 261:148 through 261:165, relative to municipal permits for registration of an  
11           automobile, are repealed. Such color of law is inconsistent and contrary to RSA 382-A:9-109, the  
12           superior and controlling statute.

13           3 Effective Date. This act shall take effect upon its passage.

**HB 517-FN-LOCAL- FISCAL NOTE  
AS INTRODUCED**

AN ACT repealing municipal permits for registration of vehicles.

**FISCAL IMPACT:**    ☒ State                    ☐ County                    ☒ Local                    ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$56,000	\$0	\$0	\$0
<b>Funding Source:</b>	<input type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - *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.

**LOCAL:**

<b>Revenue</b>	\$(267,418,400)	\$(267,418,400)	\$(267,418,400)	\$(267,418,400)
<b>Expenditures</b>	Indeterminable	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease

**METHODOLOGY:**

This bill repeals the requirement that a vehicle owner must obtain a registration permit from the municipality in which they reside. Based on the municipal permit fees collected in State fiscal year 2018, the Department of Safety estimates local revenue would decrease by \$267,418,400 in FY 2020 and each year thereafter. The State impact to expenditures is estimated to increase by \$56,000 in FY 2020 due to the Department of Safety's reported need to reprogram the VISION and MAAP systems used for processing motor vehicle registrations. Local expenditures would be impacted at an indeterminable amount, since each municipality determines their own resource needs relative to permit processing and administrative functions. Therefore, this bill may increase municipal expenditures in FY 2020 due to reprogramming costs to municipal registration systems to adhere to this bill. Further, municipal expenditure may decrease, if municipalities determine fewer resources are needed to process registrations.

**AGENCIES CONTACTED:**

Department of Safety