Bill as Introduced

HB 534 – AS INTRODUCED

2003 SESSION

03-0879
08/10

HOUSE BILL ***534***

AN ACT relative to properties with 2 or more unregistered motor vehicles.

SPONSORS: Rep. Bergeron, Hills 66

COMMITTEE: Transportation

ANALYSIS

This bill establishes a new classification of collections of unregistered vehicles that accumulate for reasons other than business.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 534 – AS INTRODUCED

03-0879
08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to properties with 2 or more unregistered motor vehicles.

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

1 Junk Yards; Definitions. Amend RSA 236:112 to read as follows:

I. "Junk yard" means a place used for ***the business of*** storing and keeping, or storing and selling, trading, or otherwise transferring old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked motor vehicles, or parts thereof, iron, steel, or other old or scrap ferrous or nonferrous material. As used in this subdivision, the term includes, but is not limited to, the following types of junk yards:

2 New Paragraph; Definition; Non-business Vehicle Repository. Amend RSA 236:112 by inserting after paragraph V the following new paragraph:

VI. "Non-business vehicle repository" means any property with 2 or more unregistered vehicles that are retained for reasons other than business and do not otherwise qualify as a junk yard.

3 Nuisance. Amend RSA 236:119 to read as follows:

236:119 Nuisance. Any junk yard or machinery junk yard located or maintained in violation of the provisions of this subdivision ***or a non-business vehicle repository*** is hereby declared a nuisance, and the same may be abated on complaint of any prosecuting officer.

4 Non-business Vehicle Repositories; Penalties. Amend RSA 236:127 to read as follows:

236:127 Penalty. Any person who is in violation of any provisions of this subdivision ***or who possesses or controls a non-business vehicle repository*** shall be guilty of a violation and each day or fraction thereof shall constitute a separate offense.

5 Non-business Vehicle Repositories; Penalties. Amend RSA 236:129 to read as follows:

236:129 Private Persons. Any person owning real property whose property is directly affected by the site of a junk yard or automotive recycling yard maintained in violation of the provisions of this subdivision ***or a non-business vehicle repository*** may in writing addressed to the local governing body request the local governing body to take appropriate action under this subdivision. A copy of the written communication to the local governing body shall be mailed to the person complained of. If the local governing body shall not, within 30 days thereafter, make a determination that a junk yard, ~~or~~] automotive recycling yard ***or a non-business vehicle repository*** does exist and issue the appropriate order, such person may, in his own name and in his own right, seek appropriate injunctive relief for the enforcement of this subdivision in the superior court.

5 Effective Date. This act shall take effect January 1, 2004.

Amendments

Rep. Bergeron, Hills. 66
March 3, 2003
2003-0455h
08/04

Amendment to HB 534

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

1 New Paragraph; Definition; Non-business Vehicle Repository. Amend RSA 236:112 by inserting after paragraph V the following new paragraph:

VI. "Non-business vehicle repository" means any property with 2 or more unregistered vehicles that are retained for reasons other than business and do not otherwise qualify as a junk yard.

2 Nuisance. Amend RSA 236:119 to read as follows:

236:119 Nuisance. Any junk yard or machinery junk yard located or maintained in violation of the provisions of this subdivision ***or a non-business vehicle repository*** is hereby declared a nuisance, and the same may be abated on complaint of any prosecuting officer.

3 Non-business Vehicle Repositories; Penalties. Amend RSA 236:127 to read as follows:

236:127 Penalty. Any person who is in violation of any provisions of this subdivision ***or who possesses or controls a non-business vehicle repository*** shall be guilty of a violation and each day or fraction thereof shall constitute a separate offense.

4 Non-business Vehicle Repositories; Penalties. Amend RSA 236:129 to read as follows:

236:129 Private Persons. Any person owning real property whose property is directly affected by the site of a junk yard or automotive recycling yard maintained in violation of the provisions of this subdivision ***or a non-business vehicle repository*** may in writing addressed to the local governing body request the local governing body to take appropriate action under this subdivision. A copy of the written communication to the local governing body shall be mailed to the person complained of. If the local governing body shall not, within 30 days thereafter, make a determination that a junk yard, ~~[or]~~ automotive recycling yard ***or a non-business vehicle repository*** does exist and issue the appropriate order, such person may, in his own name and in his own right, seek appropriate injunctive relief for the enforcement of this subdivision in the superior court.

5 Effective Date. This act shall take effect January 1, 2004.

Speakers

SIGN UP SHEET

10:00

To Register Opinion If Not Speaking

Bill # HB 534 Date ~~Feb 18, 2003~~ Mar. 3, 2003

Committee Transportation

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con
HOWARD L. WILSON	PO BOX, ANDOVER	735-5427			X

Hearing Minutes

HOUSE COMMITTEE ON TRANSPORTATION

PUBLIC HEARING ON HB 534

BILL TITLE: relative to properties with 2 or more unregistered motor vehicles.

DATE: March 3, 2003

LOB ROOM: 203 **Time Public Hearing Called to Order:** 10:00

Time Adjourned: 11:04

(please circle if present)

Committee Members: Reps. Packard, J. Flanders, G. Katsakiores, Bartlett, Kobel, Letourneau, Art Bergeron, Dewhirst, Mosher, M. Allen, Hollinger, Scanlon, J. Sullivan, P. Cote, Ferland, Casey, Creteau, Haley and Rollo.

Bill Sponsors: Rep. Bergeron

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Prime Sponsor – J. G. Bergeron introduced the bill. He explained the language in the bill. He explained the difference between a business and a non-business language that was left out of the bill in 2002. He answered questions on other rules pertaining to junkyards.

Judy Silva, NHMA – opposed. Confused on what the bill is trying to accomplish. To adopt this bill would make it difficult for towns to force cleanup of people's yards. She believes the previous reworked language is correct. This bill is already covered.

Questions continued on the language of the bill versus previous bills.

Pamela Sprague, NH DES – Opposes the bill because of the confusing language. Bill would change the definition of junkyard. Language would hamper towns for enforcement.

Rep. Bergeron still believes the language is clear.

OPINION – NOT SPEAKING:

Rep. L. Christiansen, Hudson – PRO
Howard L. Wilson, Andover – CON

Respectfully submitted,

Brenda L. Ferland

Rep. Brenda L. Ferland, Acting Clerk

Voting Sheets

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 534

BILL TITLE: **relative to properties with 2 or more unregistered motor vehicles.**

DATE: March 18, 2003

LOB ROOM: 203

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, (OTP/A), ITL, Interim Study (Please circle one.)

Moved by Rep. Bergeron

Seconded by Rep.

Vote: 9-10 (Please attach record of roll call vote.)

failed

Motions: (OTP), OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. —

Seconded by Rep. —

Vote: 4-13 (Please attach record of roll call vote.)

failed

CONSENT CALENDAR VOTE: YES

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Jean-Guy J. Bergeron, Clerk

OFFICE OF THE HOUSE CLERK 1st 2003 SESSION

TRANSPORTATION

Bill #: HB534 **Title:** _____

PH Date: ___/___/___ OTP/A a TP on original Bill **Exec Session Date:** ___/___/___

Motion: OTP/A Rep Bergeron **Amendment #:** _____

MEMBER	YEAS	NAYS
Packard, Sherman A, Chairman		✓
Flanders, John W, V Chairman	✓	
Katsakiores, George N	✓	
Bartlett, Gordon E	✓	
Kobel, Rudolph J	✓	
Letourneau, Robert J		✓
Artz, Lawrence A		✓
Bergeron, Jean-Guy J, Clerk	✓	
Dewhirst, Glenn E		
Mosher, William E		✓
Allen, Mary M		✓
Hollinger, Jeffrey D		
Scanlon, Michael J	✓	
Sullivan, Jeffrey A	✓	
Cote, Peter R		✓
Haley, Robert J		
Ferland, Brenda L		✓
Casey, Kimberley S		✓
Creteau, Irene T		✓
Rollo, Deanna S		✓
	7	10

TOTAL VOTE:
Printed: 1/21/2003

OFFICE OF THE HOUSE CLERK 2nd 2003 SESSION

TRANSPORTATION

Bill #: HB 534 **Title:** _____

PH Date: ____/____/____ **Exec Session Date:** ____/____/____

Motion: _____ **Amendment #:** _____

MEMBER	YEAS	NAYS
Packard, Sherman A, Chairman		✓
Flanders, John W, V Chairman	✓	
Katsakiores, George N	✓	
Bartlett, Gordon E		✓
Kobel, Rudolph J	✓	
Letourneau, Robert J		✓
Artz, Lawrence A		✓
Bergeron, Jean-Guy J, Clerk	✓	
Dewhirst, Glenn E		
Mosher, William E		✓
Allen, Mary M		✓
Hollinger, Jeffrey D		
Scanlon, Michael J		✓
Sullivan, Jeffrey A		✓
Cote, Peter R		✓
Haley, Robert J		
Ferland, Brenda L		✓
Casey, Kimberley S		✓
Creteau, Irene T		✓
Rollo, Deanna S		✓
	4	13

TOTAL VOTE:

Printed: 1/21/2003

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 534

BILL TITLE: **relative to properties with 2 or more unregistered motor vehicles.**

DATE: March 18, 2003

LOB ROOM: 203

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Mosher

Seconded by Rep. Bartlett

Vote: 17-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Jean-Guy J. Bergeron, Clerk

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 534

BILL TITLE: **relative to properties with 2 or more unregistered motor vehicles.**

DATE: 3-18-03

LOB ROOM: 203

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Mosher

Seconded by Rep. Bartlett

Vote: 17-0 (Please attach record of roll call vote.)

see Jean

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

17-0

CONSENT CALENDAR VOTE: {Type VOTE}

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Jean-Guy J. Bergeron, Clerk

OFFICE OF THE HOUSE CLERK last 3rd **2003 SESSION**

TRANSPORTATION

Bill #: HB534 **Title:**

PH Date: 3/3/03 ITL Consent **Exec Session Date:** 3/18/03

Motion: ITL Mosher/Bartlett **Amendment #:**

MEMBER	YEAS	NAYS
Packard, Sherman A, Chairman	✓	
Flanders, John W, V Chairman	✓	
Katsakiores, George N	✓	
Bartlett, Gordon E	✓	
Kobel, Rudolph J	✓	
Letourneau, Robert J	✓	
Artz, Lawrence A	✓	
Bergeron, Jean-Guy J, Clerk	✓	
Dewhirst, Glenn E		
Mosher, William E	✓	
Allen, Mary M	✓	
Hollinger, Jeffrey D		
Scanlon, Michael J	✓	
Sullivan, Jeffrey A	✓	
Cote, Peter R	✓	
Haley, Robert J		
Ferland, Brenda L	✓	
Casey, Kimberley S	✓	
Creteau, Irene T	✓	
Rollo, Deanna S	✓	
	17	0

TOTAL VOTE:
Printed: 1/21/2003

Committee Report

COMMITTEE REPORT

COMMITTEE: **Transportation**

BILL NUMBER: **HB 534**

TITLE: relative to properties with 2 or more unregistered motor vehicles.

DATE: March 18, 2003 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

The sponsor of this bill was attempting to help clarify the statute already on the books concerning unregistered cars on private property. During discussions the majority of the committee members felt that this bill would cause more confusion than clarity.

Vote 17-0.

Rep. Sherman A. Packard
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Transportation

HB 534, relative to properties with 2 or more unregistered motor vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. Sherman A. Packard for Transportation: The sponsor of this bill was attempting to help clarify the statute already on the books concerning unregistered cars on private property. During discussions the majority of the committee members felt that this bill would cause more confusion than clarity. **Vote 17-0.**

HB 534 ITL - 17-0 cc

The sponsor of this bill was attempting to help clarify the statute already on the books concerning unregistered cars on private property. During discussions the majority of committee members felt that this bill will cause more confusion than ~~clarify~~ clarity.

Rep Packard

COMMITTEE REPORT

COMMITTEE: **Transportation**

BILL NUMBER: **HB 534**

TITLE: relative to properties with 2 or more unregistered motor vehicles.

DATE: 3-18-03 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

17-0
Vote {Type VOTE}.

Rep. {Type NAME}
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT