Bill as Introduced

HB 574-FN – AS INTRODUCED

2003 SESSION

03-0625
03/09

HOUSE BILL ***574-FN***

AN ACT relative to retail vehicle dealer registrations.

SPONSORS: Rep. Greenberg, Hills 50

COMMITTEE: Transportation

ANALYSIS

This bill eliminates the requirement that retail vehicle dealer registration applicants have a business location capable of storing and displaying motor vehicles indoors, in one building, in an area of at least 1,200 contiguous square feet. The bill makes this requirement a condition for issuing temporary plates.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 574-FN – AS INTRODUCED

03-0625
03/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to retail vehicle dealer registrations.

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

1 Application for Retail Vehicle Dealer Registration. Amend RSA 261:103, I to read as follows:

I. Any retail vehicle dealer as defined in RSA 259:89-a who engages in the motor vehicle business, and who maintains in operating condition and in operation an established place of business which meets the signage requirements of paragraph II, may make application to the department upon blanks furnished by it for that purpose, for a general distinguishing number for vehicles owned by such dealer, provided that[:

~~(a)~~] the business location is where the retail vehicle dealer does a major portion of business during normal business hours[~~; and~~

~~(b) Such business location is capable of storing and displaying motor vehicles indoors, in one building, in an area of at least 1,200 contiguous square feet~~].

2 New Paragraph; Temporary Plates, Courtesy Delivery. Amend RSA 261:109 by inserting after paragraph II the following new paragraph:

III. The provisions of this section shall not apply to a retail vehicle dealer unless the business location where the dealer does a major portion of business during normal business hours is capable of storing and displaying motor vehicles indoors, in one building, in an area of at least 1,200 contiguous square feet.

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

LBAO
03-0625
1/24/03

HB 574-FN - FISCAL NOTE

AN ACT relative to retail vehicle dealer registrations.

FISCAL IMPACT:

The Department of Safety has determined this bill will increase state revenue and expenditures and local revenue by an indeterminable amount in FY 2003 and each year thereafter. There will be no fiscal impact on county and local expenditures or county revenues.

METHODOLOGY:

The Department stated this bill will eliminate the requirement that retail vehicle dealer registration applicants have a business location capable of storing and displaying motor vehicles indoors, in one building, in an area of at least 1,200 contiguous feet, but makes it a condition for issuing temporary plates. Although it appears that the number of retail vehicle dealers may increase, and thus increase fees to the highway fund, the Department does not know how many dealers may now apply that currently do not qualify. Additionally, since this will affect highway fund revenue, then local highway aid will increase at 12% of the change in highway fund revenue. The Department cannot estimate the fiscal impact of this bill on state and local governments.

Hearing Minutes

HOUSE COMMITTEE ON TRANSPORTATION

PUBLIC HEARING ON HB 574-FN

BILL TITLE: relative to retail vehicle dealer registrations.

DATE: February 11, 2003

LOB ROOM: 203 **Time Public Hearing Called to Order:** 1:04 p.m.

Time Adjourned: 1:40 p.m.

(please circle if present)

Committee Members: Reps. Packard, J. Flanders, G. Katsakiores, Bartlett, Kobel, Letourneau, Arez, Bergeron, Dewhirst, Mosher, M. Allen, Hollinger, Scanlon, J. Sullivan, P. Coe, Ferland, Casey, Cretaau, Haley and Rolfe.

Bill Sponsors: Rep. Greenberg

TESTIMONY

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

Rep. Gary Greenberg, sponsor. Introduced the bill. Wants to change the requirement. A bonded dealer does not need 1200 square feet, but 1000 contiguous square feet, and 1000 square feet for offices. He must sell all his vehicles as unsafe. Under the law, a 20-day plate cannot be issued. He mentioned a dealer who did not have the space he rented; another place did. The wholesale plate doesn't need 1200 square feet. He asked about allowing bonded dealers having unsafe, transporter plates.

John Stephen, Assistant Commissioner, Department of Safety. The Commissioner and Director are opposed to the bill. He said that 1200 square feet was put into law to protect and enforce. When you sell five or more vehicles, you are a "dealer". He talked about 50 inspectors. To pass this law, we may have to hire another 100 officers. He felt this would open the door and would be a problem.

Rep. Allen (Question): Where did we get the 1200 square feet language? (Answer): From a study and information from reputable dealers. Enforcement has to do their job. Rep. Katsakiores (Question): Is there a way to allow a transport plate to mean an exemption? (Answer): You will defeat the purpose of the law. I will look at it, but everything is working well now. (Question): If you put a penalty on it, will it stop the abuse? (Answer): I have a feeling we will have even more problems. Rep. Letourneau (Question): We have been working on this bill for years. Now e have more enforcement officers and we are doing a good job. How many more dealers do we have to have to do the checks? (No answer recorded.)

Dan McLeod. Opposes the bill. Out of 550 small businesses, 175 are franchise dealers. I cannot say why the regulation is 1200 square feet to sell a vehicle and have plates – they are making an investment. He talked about dealer performance bonds and facility requirements. The law was changed to accommodate the principles in place at that time. Rep. Letourneau (Question): Did you

work with us on committee? (Answer): Yes, you are correct. Rep. Katsakiores asked about transporter plates. A dealer plate can only be put on the dealer's own cars. You have to account for

your own plate. (Question): What about auction plates with regard to transporter plates? (No answer recorded.) Rep. Greenberg reemphasized that selling five cars constitutes a "dealer", and he spoke again about building requirements.

Pink Cards:

- ✓ Rep. Gary C. Greenberg, sponsor. Supports the bill.
- ✓ Dan McLeod, representing NHADA, 507 South St., Bow. 224-2369. Opposes the bill.

Respectfully submitted,

Jean-Guy J. Bergeron

Rep. Jean-Guy J. Bergeron
Committee Clerk

JJB:co

Voting Sheets

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 574-FN

BILL TITLE: **relative to retail vehicle dealer registrations.**

DATE: February 13, 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. Flanders

Seconded by Rep. P. Cote

Vote: 14-0 (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 574-FN

BILL TITLE: **relative to retail vehicle dealer registrations.**

DATE: 2-13

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. Olsen

Seconded by Rep. Cote

Vote: 14-0 (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: {Type 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

2003 SESSION

TRANSPORTATION

Bill #: HB574 FN **Title:** relative to retail vehicle dealer registrations

PH Date: ___/___/___ Exec Session Date: 2/13/03

Motion: ITL RE Flanders/Cote (Consent) 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	✓	
	14	0

TOTAL VOTE:
Printed: 1/21/2003

Committee Report

COMMITTEE REPORT

COMMITTEE: **Transportation**

BILL NUMBER: **HB 574-FN**

TITLE: relative to retail vehicle dealer registrations.

DATE: February 13, 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)

This bill would disassemble a good portion of the work that the Transportation committee has spent two years working on. During the 1997-1998 legislative session, the committee revised the dealer plate, transport, wholesale, utility and repair plate laws. Those revisions were done to contain the gross abuse that was happening in the car business. The Transportation committee, Department of Safety and the New Hampshire Auto Dealers Association crafted a good set of laws that was fair to everyone in the business of selling cars. It protects both the large and small dealers. Repeal of the 1200 square feet rule would allow anyone who sells more than five cars a year the ability to obtain dealer slot. This could conceivably cost the cities and towns tens of thousands of dollars in registration fees, and again open up the automobile business to massive abuse once more.

Vote 14-0.

Rep. Sherman A. Packard
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Transportation

HB 574-FN, relative to retail vehicle dealer registrations. **INEXPEDIENT TO LEGISLATE**

Rep. Sherman A. Packard for Transportation: This bill would disassemble a good portion of the work that the Transportation committee has spent two years working on. During the 1997-1998 legislative session, the committee revised the dealer plate, transport, wholesale, utility and repair plate laws. Those revisions were done to contain the gross abuse that was happening in the car business. The Transportation committee, Department of Safety and the New Hampshire Auto Dealers Association crafted a good set of laws that was fair to everyone in the business of selling cars. It protects both the large and small dealers. Repeal of the 1200 square feet rule would allow anyone who sells more than five cars a year the ability to obtain dealer slot. This could conceivably cost the cities and towns tens of thousands of dollars in registration fees, and again open up the automobile business to massive abuse once more. **Vote 14-0.**

HB 674

This bill would disassemble a good portion of the work that the Transportation committee spend 2 years working on. During the 1997-98 legislative session the comm. revised the dealer plate, Transport, Wholesale, Auto, and repair plate laws. Those revisions were done to ~~stop and~~ contain the gross abuse that was happening in the car ~~industry~~ Business. W. ~~Effective laws~~ The Transportation Comm, Dept of Safety, and the N.H. Auto dealers Ass. crafted ~~&~~ a good set of laws that was fair to everyone in the ~~industry~~ Business of selling cars. It protects both the large and small dealers. ~~This~~ Repeal of the 1200 sq feet rule would ~~again~~ allow anyone who sells more the 5 cars a year the ability to obtain a dealer plate. This could ~~could~~ conceivably cost the City and Town * one thousand of dollars $10,000's of thousands of dollars in registration fees, and again

open up the automobile business
to massive abuse once more.

COMMITTEE REPORT

COMMITTEE: **Transportation**

BILL NUMBER: **HB 574-FN**

TITLE: relative to retail vehicle dealer registrations.

DATE: 2-13 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)

Vote {Type 14-0 VOTE}.

Packard

Rep. {Type NAME}
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT