LEGISLATIVE COMMITTEE MINUTES

# HB1316

# Bill as Introduced

# HB 1316 - AS INTRODUCED

2022 SESSION

22-2392
08/05

HOUSE BILL ***1316***

AN ACT directing the director of the state police to develop requirements for eFoil and electric hydrofoil surfboard watercraft.

SPONSORS: Rep. Gottling, Sull. 2; Rep. Deshaies, Carr. 6

COMMITTEE: Resources, Recreation and Development

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## ANALYSIS

This bill directs the director of the state police to make rules relative to safety requirements for eFoil and electric hydrofoil surfboard watercraft.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

# HB 1316 - AS INTRODUCED

22-2392
08/05

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT directing the director of the state police to develop requirements for eFoil and electric hydrofoil surfboard watercraft.

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

1 New Paragraph; eFoil and Electric Hydrofoil Surfboard Watercraft; Safety Requirements. Amend RSA 270:12-a by inserting after paragraph VI the following new paragraph:

VII. The director of state police shall adopt rules pursuant to RSA 541-A relative to safety requirements for operation of eFoils and electric hydrofoil surfboards.

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

CHAPTER 37
HB 1316 - FINAL VERSION

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**CHAPTER 37**
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37:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 03, 2022
Effective Date: July 02, 2022

# Committee Minutes

# SENATE CALENDAR NOTICE
## Transportation

Sen Regina Birdsell, Chair
Sen David Watters, Vice Chair
Sen Denise Ricciardi, Member
Sen Ruth Ward, Member
Sen Tom Sherman, Member

Date: March 23, 2022

### HEARINGS

| Tuesday | 03/29/2022 |
|---|---|
| (Day) | (Date) |

| Transportation | Legislative Office Building 101 | 1:00 p.m. |
|---|---|---|
| (Name of Committee) | (Place) | (Time) |

| | | |
|---|---|---|
| 1:00 p.m. | | Presentation on the 10-Year Transportation Plan |
| 2:15 p.m. | **HB 1038** | naming a bridge in Londonderry in honor of Robert J. Prowse. |
| 2:30 p.m. | **HB 1316** | directing the director of the state police to develop requirements for eFoil and electric hydrofoil surfboard watercraft. |
| 2:45 p.m. | **HB 1562** | clarifying the prohibition on using an electronic or telecommunications device while driving. |
| 3:00 p.m. | **HB 1109** | relative to approval for off highway recreational vehicles use on class IV, class V, and class VI roads. |

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

| | | | |
|---|---|---|---|
| **HB 1038** | | | |
| Rep. Woods | Sen. Carson | | |
| **HB 1316** | | | |
| Rep. Gottling | Rep. Deshaies | | |
| **HB 1562** | | | |
| Rep. Spillane | Rep. Steven Smith | Rep. Bershtein | Rep. Nunez |
| Rep. Blasek | Sen. Reagan | | |
| **HB 1109** | | | |
| Rep. Renzullo | Rep. Gould | Rep. Gottling | |

Peter O'Neill 271-4151

Regina Birdsell
Chairman

# Senate Transportation Committee

*Peter O'Neill 271-4151*

**HB 1316,** directing the director of the state police to develop requirements for eFoil and electric hydrofoil surfboard watercraft.

**Hearing Date:** March 29, 2022

**Time Opened:** 2:23 p.m. **Time Closed:** 2:30 p.m.

**Members of the Committee Present:** Senators Birdsell, Watters, Ricciardi, Ward and Sherman

**Members of the Committee Absent** : None

**Bill Analysis:** This bill directs the director of the state police to make rules relative to safety requirements for eFoil and electric hydrofoil surfboard watercraft.

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**Sponsors:**
Rep. Gottling Rep. Deshaies

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**Who supports the bill:** Rep. Gottling, Rep. Renzullo, David Packard, Makes Management ADvisory Committee; Crystal McLain, NHSP Marine Patrol,

**Who opposes the bill:** Joseph Brown, Curtis Howland, Jesse Medeiros

**Who is neutral on the bill:** None

**Summary of Testimony Presented:**

**Rep. Gottling**

- Rep. Gottling testified in support of the bill.
- The bill would establish safety requirements for eFoils.
- EFoils can travel 25-30 mph an hour, is controlled by a Bluetooth device, and battery life ranges from 90 to 120 minutes. The board is about 4 feet in length and 4 feet in width.
- EFoils are classified as a boat. It would the require registration and identification for operation or use.
- Lights are required for nighttime operation.
- Other bodies of waters in neighboring states allow for eFoil riding only in the daytime.

- Rep. Gottling said this bill was an effort to help the committee understand why HB 1316 is needed.

**Crystal McLain, Lieutenant with New Hampshire State Police Marine Patrol**

- Lieutenant McLain said this new watercraft was exploding in popularity and the NHSPMP had received many phone calls on whether they were allowed in New Hampshire.
- The bill would allow for rules and regulations in use with eFoils, such as mandatory life jacket wearing, which would be similar to boats and water skiing. These rules would be strictly for safety precautions.
- Not being allowed to operate after dark is another safety rule that could be enforced.
- Lieutenant McLain said the NHSP was in favor of the proposed legislation.
- Sen. Watters said registration needs to happen for watercrafts.
    - Lieutenant McLain said yes and are registered as a vessel currently.
    - Sen. Watters asked if people are registering them.
    - Lieutenant McLain said that the Coast Guard said registration needs to happen. She said she wasn't sure if the bow numbers needed ot be 3-inch in height or not. The devices are required to be registered or not.
- Sen. Sherman asked when someone falls off the board, does the board stop instantaneously or not.
    - Lieutenant McLain said the controller is a Bluetooth type device. When submerged in water, it cuts off connection to the board. The board stops basically in place. The general speed is 25-50 mph for the boards.
- Sen. Ward asked how many eFoils are around now.
    - Lieutenant McLain said she was not sure. They came out around 2017-2018. Officers have encountered them on smaller public bodies of water around the state. The question is what is the board and how can users stay safe while using it.
    - Sen. Ward asked if there was a weight limit on person using it.
    - Lieutenant McLain said there are some dynamics that weight determines the speed and battery life of the board.

PJO
Date Hearing Report completed: March 30, 2022

# Speakers

# SENATE TRANSPORTATION COMMITTEE

Date 03/29/22 Time 2:30 p.m. Public Hearing on **HB 1316**

*(Directing the director of the state place to develop requirements for eFoil and electric hydrofoil surfboard watercraft..)*

***Please check box(es) that apply.***

| *SPEAKING* | *FAVOR* | *OPPOSED* | *NAME(Please print)* | *REPRESENTING* |
|---|---|---|---|---|
| ☑ | ☑ | ☐ | Rep. Suzanne Gotting | ~~Myself~~ Self |
| ☐ | ☒ | ☐ | Rep Andy Renzulli | RRID House |
| ☒ | ☒ | ☐ | Kristal McClain | Lt. Marine Dept. |
| ☐ | ☐ | ☐ | | |
| ☐ | ☐ | ☐ | | |
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# SENATE TRANSPORTATION COMMITTEE

Date 03/29/22 Time 2:30 p.m. Public Hearing on **HB 1316**

*(Directing the director of the state place to develop requirements for eFoil and electric hydrofoil surfboard watercraft..)*

***Please check box(es) that apply.***

| *SPEAKING* | *FAVOR* | *OPPOSED* | *NAME(Please print)* | *REPRESENTING* |
|---|---|---|---|---|
| ☑ | ☑ | ☐ | Crystal McLain | NHSP-Marine Patrol |
| ☐ | ☐ | ☐ | | |
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| ☐ | ☐ | ☐ | | |

# Testimony

# N.H. Lakes Management Advisory Committee

N.H. Lakes Management and Protection Program
29 Hazen Drive; PO Box 95; Concord, NH 03302-0095; Tel: 603-271-1522
https://www.des.nh.gov/water/rivers-and-lakes/lakes-management-and-protection

March 29, 2022

The Honorable Regina Birdsell, Chair
Senate Transportation Committee
Legislative Office Building, Room 101
Concord, NH 03301

**RE: HB 1316 - AN ACT directing the director of state police to develop requirements for eFoil and electric hydrofoil surfboard watercraft.**

Dear Chair Birdsell and Members of the Committee:

RSA 483-A established the New Hampshire Lakes Management and Protection Program and the Lakes Management Advisory Committee (LMAC) to complement and reinforce existing state and federal water quality laws. Within its responsibilities of advising the NHDES Commissioner and the department, the LMAC reviews and takes positions on legislation pertaining to New Hampshire's lakes. The LMAC appreciates the opportunity to comment on House Bill 1316.

The LMAC **supports HB 1316**. EFoils are a relatively new type of motorized watercraft that we expect to become increasingly used on New Hampshire waterbodies. Their potential to reach speeds of 20-30 mph and the skill required to operate them make it sensible to develop safety requirements. The process laid out in HB 1316 is an appropriate approach for developing safety requirements that will protect everyone recreating on our lakes and rivers, including eFoil users and people enjoying our waters in other ways.

The LMAC is a legislatively created body of lake stakeholders, representing NH LAKES, conservation commissions, the scientific community, conservation community, planning boards, Business and Industry Association, tourism industry, state conservation committee, NH Municipal Association, fishing interests, NH Fish & Game Commission, NH Association of Realtors, Marine Trades Association, and several state agencies. Committee members are appointed by the Governor and Council or the head of the state agency and are charged with supporting the legislative intent of the Lakes Management and Protection Program.

**In conclusion, the LMAC supports HB 1316 for the reasons stated above.** Thank you for the opportunity to comment. Should you have questions, please feel free to contact me at (603) 867-9299 or appliedforce52@gmail.com.

Respectfully,

David Packard, Chairman

*LMAC VOTING MEMBERS:* **David Packard, Chairman,** NH LAKES • **Shane Bradt,** Scientific Community • **Ryan Cardella,** Marine Trades Association • **Tiffany Grade,** Conservation Community • **Sara Holland,** NH Association of Realtors • **Janet Kidder,** Planning Boards • **Frank Lemay,** NH Business & Industry Assoc. • **Jared Maraio,** NH Travel Council • **Lisa Morin,** State Conservation Committee • **Dick Smith,** Fishing Interests • **Meredith Smith,** Municipal Official • **Bruce Temple,** NH Fish & Game Commission • **Steve Wingate,** Conservation Commissions

*LMAC NON-VOTING MEMBERS:* **Garret Graaskamp, Vice Chairman,** NH Fish & Game Dept. • **Eric Feldbaum,** NH Dept. of Natural and Cultural Resources • **Jennifer Gilbert,** NH Office of Strategic Initiatives • **Mark Hemmerlein,** NH Dept. of Trans. • **Shawn Jasper,** NH Dept. of Ag, Markets & Food • **Vacant,** NH Dept. of Safety

ec: Rep.s Gottling and Deshaies
LMAC Representatives
Robert R. Scott, Commissioner, NHDES
Ted Diers, Administrator, Watershed Mgmt. Bureau, NHDES
Tracie Sales, Rivers and Lakes Programs Administrator, NHDES

# Voting Sheets

# Transportation Committee
## EXECUTIVE SESSION RECORD
*2021-2022 Session*

**Bill #** HB 1316

**Hearing date:** _____

**Executive Session date:** _____

**Motion of:** OTP **Vote:** 5-0

| Committee Member | Present | Made by | Second | Yes | No |
|---|---|---|---|---|---|
| Sen. Birdsell, Chair | ☐ | ☐ | ☐ | ✓ | ☐ |
| Sen. Watters, VC | ☐ | ✓ | ☐ | ✓ | ☐ |
| Sen. Ricciardi | ☐ | ☐ | ✓ | ✓ | ☐ |
| Sen. Ward | ☐ | ☐ | ☐ | ✓ | ☐ |
| Sen. Sherman | ☐ | ☐ | ☐ | ✓ | ☐ |

**Motion of:** Consent **Vote:** 5-0

| Committee Member | Present | Made by | Second | Yes | No |
|---|---|---|---|---|---|
| Sen. Birdsell, Chair | ☐ | ☐ | ✓ | ✓ | ☐ |
| Sen. Watters, VC | ☐ | ✓ | ☐ | ✓ | ☐ |
| Sen. Ricciardi | ☐ | ☐ | ☐ | ✓ | ☐ |
| Sen. Ward | ☐ | ☐ | ☐ | ✓ | ☐ |
| Sen. Sherman | ☐ | ☐ | ☐ | ✓ | ☐ |

**Motion of:** _____ **Vote:** _____

| Committee Member | Present | Made by | Second | Yes | No |
|---|---|---|---|---|---|
| Sen. Birdsell, Chair | ☐ | ☐ | ☐ | ☐ | ☐ |
| Sen. Watters, VC | ☐ | ☐ | ☐ | ☐ | ☐ |
| Sen. Ricciardi | ☐ | ☐ | ☐ | ☐ | ☐ |
| Sen. Ward | ☐ | ☐ | ☐ | ☐ | ☐ |
| Sen. Sherman | ☐ | ☐ | ☐ | ☐ | ☐ |

**Reported out by:** Ricciardi

**Notes:** _____

# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Tuesday, March 29, 2022

THE COMMITTEE ON Transportation

to which was referred **HB 1316**

AN ACT directing the director of the state police to develop requirements for eFoil and electric hydrofoil surfboard watercraft.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Denise Ricciardi
For the Committee

This bill directs the director of the state police to make rules relative to safety requirements for eFoil and electric hydrofoil surfboard watercraft. The bill is meant to help implement rules and regulations to eFoil usage.

Peter O'Neill 271-4151

FOR THE CONSENT CALENDAR

**TRANSPORTATION**

**HB 1316**, directing the director of the state police to develop requirements for eFoil and electric hydrofoil surfboard watercraft.
Ought to Pass, Vote 5-0.
Senator Denise Ricciardi for the committee.

This bill directs the director of the state police to make rules relative to safety requirements for eFoil and electric hydrofoil surfboard watercraft. The bill is meant to help implement rules and regulations to eFoil usage.

**General Court of New Hampshire - Bill Status System**

# Docket of HB1316

Docket Abbreviations

**Bill Title:** directing the director of the state police to develop requirements for eFoil and electric hydrofoil surfboard watercraft.

*Official Docket of* **HB1316.**:

| Date | Body | Description |
|---|---|---|
| 11/20/2021 | H | **Introduced** 01/05/2022 and referred to Resources, Recreation and Development |
| 1/26/2022 | H | Public Hearing: 01/26/2022 9:00 a.m. LOB305-307 |
| 2/9/2022 | H | Executive Session: 02/09/2022 10:00 a.m. LOB305-307 |
| 2/14/2022 | H | Committee Report: Ought to Pass (Vote 20-0; CC) |
| 3/11/2022 | H | **Ought to Pass**: MA VV 03/10/2022 **HJ 5** |
| 3/15/2022 | S | Introduced 02/24/2022 and Referred to Transportation; **SJ 5** |
| 3/23/2022 | S | **Hearing:** 03/29/2022, Room 101, LOB, 02:30 pm; **SC 13** |
| 3/29/2022 | S | Committee Report: Ought to Pass, 03/31/2022; Vote 5-0; CC; **SC 13A** |
| 3/31/2022 | S | **Ought to Pass**: MA, VV; OT3rdg; 03/31/2022; **SJ 7** |
| 4/25/2022 | S | Enrolled Adopted, VV, (In recess 04/21/2022); **SJ 10** |
| 4/25/2022 | H | Enrolled (in recess of) 04/21/2022 **HJ 10** |
| 5/6/2022 | H | Signed by Governor Sununu 05/03/2022; Chapter 37; eff 07/02/2022 |

| NH House | NH Senate |
|---|---|

# Other Referrals

# Senate Inventory Checklist for Archives

**Bill Number:** HB 1316 **Senate Committee:** Transportation

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

X Final docket found on Bill Status

**Bill Hearing Documents: {Legislative Aides}**

X Bill version as it came to the committee
X All Calendar Notices
X Hearing Sign-up sheet(s)
X Prepared testimony, presentations, & other submissions handed in at the public hearing
X Hearing Report
___ Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

**Committee Action Documents: {Legislative Aides}**

All amendments considered in committee (including those not adopted):

___ - amendment # _____ ___ - amendment # _____
___ - amendment # _____ ___ - amendment # _____

X Executive Session Sheet
X Committee Report

**Floor Action Documents: {Clerk's Office}**

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # _____ ___ - amendment # _____
___ - amendment # _____ ___ - amendment # _____

**Post Floor Action: (if applicable) {Clerk's Office}**

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
___ Enrolled Bill Amendment(s)
___ Governor's Veto Message

**All available versions of the bill: {Clerk's Office}**

___ as amended by the senate ___ as amended by the house
A final version

**Completed Committee Report File Delivered to the Senate Clerk's Office By:**

Peter O'Neill 6/7/2022

**Committee Aide** **Date**

**Senate Clerk's Office** AK