HB 486-FN - AS INTRODUCED

2023 SESSION

23-0360
02/08

HOUSE BILL ***486-FN***

AN ACT relative to vehicle registrations and reciprocal toll collection enforcement agreements.

SPONSORS: Rep. Comtois, Belk. 7; Rep. Hoell, Merr. 27

COMMITTEE: Ways and Means

ANALYSIS

This bill removes the authority of the commissioner of the department of transportation to suspend the motor vehicle registration of owners in violation of reciprocal toll collection enforcement agreements.

- -

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 486-FN - AS INTRODUCED

23-0360
02/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to vehicle registrations and reciprocal toll collection enforcement agreements.

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

1 License Suspension and Revocation; Suspension for Evasion of Electronic Toll Collection System. Amend RSA 263:56-f to read as follows:

I. Upon receiving a report from the commissioner of the department of transportation or designee[~~, or another state having a reciprocal toll collection enforcement agreement,~~] that the owner of a vehicle, as defined in RSA 236:31, has violated the terms of RSA 236:31, [~~or a reciprocal toll collection enforcement agreement in accordance with RSA 237:16-e,~~] the director shall notify the owner in writing by first class mail that the owner's motor vehicle registration privileges for the vehicle driven in violation of RSA 236:31 are suspended as of the date which is 30 days from the date of notification unless the toll and any administrative fees assessed by the department of transportation are paid. Furthermore, the registered owner of the vehicle driven in violation of RSA 236:31 is prohibited from transferring a plate to said vehicle or obtaining a new plate for said vehicle or any other vehicle until such tolls and fees are paid. The registered owner is further prohibited from transferring ownership of said vehicle driven in violation of RSA 236:31[~~, or a reciprocal toll collection enforcement agreement in accordance with RSA 237:16-e,~~] to a family member or an individual with the same address listed in department of motor vehicle records, until such tolls and fees are paid. The director shall also notify the owner that he or she may request an administrative hearing before the suspension or prohibitions take effect. The hearing shall be limited in scope and shall not constitute an appeal of the fees or fines related to the unpaid tolls, which can only be determined by the department of transportation. A request for a hearing shall be in writing. A request for a hearing received by the division more than 30 days from the date the notice is issued shall be denied as untimely.

2 Regional Electronic Toll Collection; Additional Uses of E-Z Pass System. Amend RSA 237:16-g, I to read as follows:

I. The financial obligation has been incurred for a purpose approved by the department pursuant to RSA 237:16-d[~~, or the Interagency Group pursuant to procedures adopted in accordance with RSA 237:16-e~~].

3 Repeal. RSA 237:16-c, V, relative to regional electronic toll collection; E-Z Pass operations interagency agreement, is repealed.

4 Effective Date. This act shall take effect January 1, 2024.

LBA
23-0360
1/5/23

HB 486-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to vehicle registrations and reciprocal toll collection enforcement agreements.

FISCAL IMPACT: [X] State [ ] County [X] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Expenditures	$0	$16,000	($528)	($528)
Funding Source:	[ ] General [ ] Education [X] Highway [X] Other - Turnpike Fund & Restricted - Cost of Collection/Administration*			

*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:

Revenue	$0	$0	($528)	($528)
Expenditures	$0	$0	$0	$0

METHODOLOGY:

This bill removes the authority of the Department of Transportation to suspend the motor vehicle registration of owners in violation of reciprocal toll collection enforcement agreements. The Department states by removing its ability to continue (and develop) reciprocity agreements with our neighboring states with toll systems it would eliminate the Department's success in collecting tolls and administrative fees from out-of-state violators. The Department reports it collected $32,650 in Division of Motor Vehicles (DMV) holds (from Massachusetts and Maine) in FY 2022. It is anticipated the decrease in turnpike toll revenue related to this bill in FY 2024 and beyond will be a similar amount.

The Department of Safety states this bill would reduce DMV revenue collected relative to $50 administrative fees on registration holds. The Department states based on previous year data, there were 88 vehicles, therefore the annual revenue reduction would be approximately $4,400 beginning in FY 2024, and pursuant to RSA 235:23 ("Apportionment A"), 12 percent of road toll and motor vehicle fees collected are distributed to municipalities in the year following collection. Therefore this bill would decrease state expenditures and local revenue beginning in FY 2025 by

$528 per year ($4,400 X 12%). Lastly, the Department states it would incur a one-time cost of approximately $16,000 to make the necessary changes to its VISION and MAAP systems to reflect the changes in this bill.

AGENCIES CONTACTED:

Department of Transportation and Department of Safety

REGULAR CALENDAR

March 8, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Ways and Means to which was referred HB 486-FN,

AN ACT relative to vehicle registrations and reciprocal toll collection enforcement agreements. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Cyril Aures

FOR THE MAJORITY OF THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

MAJORITY
COMMITTEE REPORT

Committee:	**Ways and Means**
Bill Number:	**HB 486-FN**
Title:	**relative to vehicle registrations and reciprocal toll collection enforcement agreements.**
Date:	**March 8, 2023**
Consent Calendar:	**REGULAR**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

The sponsor of this bill believes the fines and possible vehicle registration suspension is too severe for habitual toll violators. It is the majority opinion that due to the number of violations required to start the suspension process (10+ violations and on average $500 +/- in fines), the $50 fine plus tolls and fees is commensurate. In addition, habitual violators would have received five notifications at 30 days each, totaling a minimum 150 days to settle their accounts. Also, this bill would eliminate NH's reciprocity with Massachusetts, Maine, and other states, eliminating NH's ability to collect tolls and fees from out-of-state habitual toll violators. This would also prevent our neighboring states from also collecting in the same manner.

Vote 18-2.

Rep. Cyril Aures
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Ways and Means

HB 486-FN, relative to vehicle registrations and reciprocal toll collection enforcement agreements. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Cyril Aures for the **Majority** of Ways and Means. The sponsor of this bill believes the fines and possible vehicle registration suspension is too severe for habitual toll violators. It is the majority opinion that due to the number of violations required to start the suspension process (10+ violations and on average $500 +/- in fines), the $50 fine plus tolls and fees is commensurate. In addition, habitual violators would have received five notifications at 30 days each, totaling a minimum 150 days to settle their accounts. Also, this bill would eliminate NH's reciprocity with Massachusetts, Maine, and other states, eliminating NH's ability to collect tolls and fees from out-of-state habitual toll violators. This would also prevent our neighboring states from also collecting in the same manner. **Vote 18-2.**

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

March 8, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Ways and Means to which was referred HB 486-FN,

AN ACT relative to vehicle registrations and reciprocal toll collection enforcement agreements. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. Jordan Ulery

FOR THE MINORITY OF THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

MINORITY
COMMITTEE REPORT

Committee:	**Ways and Means**
Bill Number:	**HB 486-FN**
Title:	**relative to vehicle registrations and reciprocal toll collection enforcement agreements.**
Date:	**March 8, 2023**
Consent Calendar:	**REGULAR**
Recommendation:	**OUGHT TO PASS**

STATEMENT OF INTENT

This bill would prevent foreign states from using the power of the state to deprive a New Hampshire resident of the ability to register any vehicle due to incurring civil fines associated with toll evasion. Nothing in the bill would prevent civil suits by the turnpike authority against an evader. The minority disagrees with using the force and power of government to collect a fee.

Rep. Jordan Ulery
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Ways and Means

HB 486-FN, relative to vehicle registrations and reciprocal toll collection enforcement agreements. **OUGHT TO PASS.**

Rep. Jordan Ulery for the **Minority** of Ways and Means. This bill would prevent foreign states from using the power of the state to deprive a New Hampshire resident of the ability to register any vehicle due to incurring civil fines associated with toll evasion. Nothing in the bill would prevent civil suits by the turnpike authority against an evader. The minority disagrees with using the force and power of government to collect a fee.

Original: House Clerk
Cc: Committee Bill File

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB 486-FN Date: 1/31/23

Committee: WAYS AND MEANS

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

Name	Address	Phone	Representing	Pro	Con

HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON HB 486-FN

BILL TITLE: **relative to vehicle registrations and reciprocal toll collection enforcement agreements.**

DATE: **January 31, 2023**

LOB ROOM: **202-204** **Time Public Hearing Called to Order:** **1:18 p.m.**

Time Adjourned: **2:15 pm.**

Committee Members: Reps. L. Sanborn, Janigian, Plett, Ulery, Doucette, Spilsbury, Soti, Aures, Rochefort, Almy, Ames, Malloy, Schamberg, Fellows, Bolton, Elberger, Leapley and G. Smith

Bill Sponsors:
Rep. Comtois **Rep. Hoell**

TESTIMONY

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

Rep. Comtois – I introduced this bill, a law that was passed last session. We can't register if we owe tolls in another state. If they don't know they owe tolls till they register, then they have to try to go to another state without a registered vehicle, and to call or visit is hours. Then they have to go to Concord to register, without a registered vehicle. We don't collect sales taxes for other states. Rep. Janigian – Potential unintended consequences – is the reciprocity occurring both ways? Answer – our responsibility is to NH residents. Rep. Fellows – drive through other state tolls without EZ-Pass or bank account – in MA there is no way to pay cash, no attendants – mail is sent, may not be received – If they move will it get to them? Fellows -supposed to notify DMV and Post Office? Yes, but is due in 10 days, could be hit with fines. Almy – States should be applying their law fairly, if they aren't, your result would potentially allow people here to run our toll booths with impunity? Answer – some scofflaws maybe, but most law-abiding people aren't that. Affects people who have hardest time. Almy – doesn't your bill do opposite? Commissioner shall not enforce reciprocal toll collections? Yes. Plett – what about people here in NH? Same treatment. Rep. Spillsbury - Why are we making distinction between NH and Other states? Answer – if she included in and out of state, would dismantle EZ Pass system. Rep. Rochefort, going back, better understanding reciprocity – punishing in NH for law broken in FL? Yes. Are there other examples other than tolls? Not certain – Schamberg – DRA Fiscal note – 88 vehicles? Almy – transportation & safety FN, not DRA.

*Rep. Hoell – what happens when vehicle privileges suspended? $250 penalty, Constitution clear penalties should match offense. USPS delivery timely manner is not a given. Even is malicious, $250 is not proportional to offense. Rep. Leapley – understand testimony – line 10 – in bill. Rep. Rochefort – help him – someone doesn't pay $1.75 toll in NH – NH loses out on registration revenue? NH biggest loser? If you assume car registration never done. His argument is proportionate fine to offense. Rep. Ames- reciprocal agreement with other states, what do they do? No expert in other states. Rep. Plett - What is the cost to NH DMV of suspending and reinstating license. Don't know. Rep. Elberger – Penalties – we set maximum penalty. Almy – if we pass this we would be relieving our citizens of penalties of violations in other states but not this state? Answer - We shouldn't be law enforcement for 49 other states. Aures – would it be possible to amend bill to lower penalties, set clock for time to clear when receive registered letter? Answer - Sure.

John Corcoran – DOT. Turnpike System is an enterprise fund. All revenues go into system, reductions reduce capital outlays. 19 State EZ-Pass system. We opposed this bill. Reciprocity with MA and ME for toll collection through non-registration of vehicles if tolls due. Other sttes in 129

state compact do not have this reciprocity but we can look up plates to determine ownership, addresses, etc. First invoice 30 days to pay, then pink second notice, another 30 days, then a violation notice, then another 30 days, then offer a settlement, then finally DMV. DMV then sends out letter, 30 days to pay. 1.3 Million images to review. 51% NH, 24% MA, remainder ME. Takes 10 or more violations to enter communication with DMV hold. Backlog is so big that would take years. Only allowed to send 20 holds a month because a manual system. Trying to automate MA and ME reciprocity process.

Rep. Malloy – what other 5 states CT VT RI NY NJ – address lookup. Rep. Doucette – Over 1.3 million, images to be reviewed. License plate tied to account, charge EZ Pass anyway. If we suspend, other states would also suspend? Would still allow getting addressees. NH person – what method for communication? Text, email, and then letter. Rep. Plett - basis $250 fine – Answer – don't know, that is DMV business. Rep. Soti – No where in process do they get registered letter? No -first class. Rep. Plett – reciprocity in ability toread with FL Sunpass. Lousiana Geauxpass? Yes with FL. Spillsbury - What % of state roads covered by toll? Eighty-three-mile turnpike system. Rep. Almy – what % of revenues in Turnpike system are tolls? Bond payments $40 million – toll revenues $122 million – rest goes to operation, maintenance, etc. The entire turnpike system is supported by toll revenue alone.

Respectfully submitted,

Rep. Fred Plett, Clerk

House Remote Testify

Ways and Means Committee Testify List for Bill HB486 on 2023-01-31

Support: 5 Oppose: 0 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	S
Wikstrom, Kathleen	Exeter, NH kjwikstrom@gmail.com	A Member of the Public	Myself	Support	No	No	1
Creem, Jeffrey	Nashua, NH jeff@thecreems.com	A Member of the Public	Myself	Support	No	No	1
Creem, Melissa	Nashua, NH melissa@thecreems.com	A Member of the Public	Myself	Support	No	No	1
Howland, Curtis	Manchester, NH howland@priss.com	A Member of the Public	Myself	Support	No	No	1
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	1

HOUSE COMMITTEE ON WAYS AND MEANS

EXECUTIVE SESSION on HB 486-FN

BILL TITLE: relative to vehicle registrations and reciprocal toll collection enforcement agreements.

DATE: March 8, 2023

LOB ROOM: 202-204

MOTIONS: **INEXPEDIENT TO LEGISLATE**

Moved by Rep. Aures Seconded by Rep. Southworth Vote: 18-2

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Fred Plett, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2023 9:55:04 AM
Roll Call Committee Registers Report

2023 SESSION

Ways and Means

Bill #: HB 496-FN Motion: ITL AM #: _____ Exec Session Date: 3/8/23

Members	YEAS	Nays	NV
Sanborn, Laurie J. Chairman	6		
Janigian, John C. Vice Chairman	1		
Ulery, Jordan G.		1	
Doucette, Fred G.	2		
~~Spilsbury, Walter~~ Hones, Tony	3		
Plett, Fred R. Clerk	4		
~~Hynes, Dan~~ Hatter, Jeannine	5		
Soti, Julius F.	6		
Aures, Cyril Nicholas	7		
Rochefort, David		2	
Almy, Susan W.	8		
Ames, Richard	9		
Southworth, Thomas L.	10		
Mal~~loy, Denn~~is J. Tanner, Pudi, Laura	11		
Schamberg, Thomas C.	12		
Fellows, Sallie D.	13		
Bolton, Bill R	14		
Elberger, Susan A	15		
Leapley, Nicole M	16		
Smith, Geoffrey	17		
TOTAL VOTE:	18	2	