LEGISLATIVE COMMITTEE MINUTES

HB219

Bill as Introduced

HB 219-FN - AS AMENDED BY THE HOUSE

9Mar2023... 0461h

2023 SESSION

23-0603
10/04

HOUSE BILL ***219-FN***

AN ACT relative to certain public utilities statutes.

SPONSORS: Rep. Vose, Rock. 5; Rep. Harrington, Straf. 18

COMMITTEE: Science, Technology and Energy

AMENDED ANALYSIS

This bill recodifies the RSA chapter on transportation network companies, and establishes a legislative committee to study statutory provisions no longer associated with administration by the department of energy or the public utilities commission.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to certain public utilities statutes.

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

1 Repeal; Current Transportation Network Companies. RSA 376-A, relative to transportation network companies, is repealed

2 New Chapter; Transportation Network Companies; Recodified from RSA 376-A. Amend RSA by inserting after chapter 359-T the following new chapter:

CHAPTER 359-U

TRANSPORTATION NETWORK COMPANIES

359-U:1 Definitions. In this chapter:

I. "Department" means the department of safety.

II. "Digital network" means any online enabled technology application service, website, or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers.

III. "Personal vehicle" means a vehicle that is used by a transportation network company driver to provide a prearranged ride and is:

(a) Owned, leased, or otherwise authorized for use by the transportation network company driver; and

(b) Not a motor carrier or taxicab under RSA 376:2.

IV. "Prearranged ride" means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a transportation network company, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle. A prearranged ride does not include transportation provided through any of the following:

(a) A motor carrier or taxicab as defined in RSA 376:2.

(b) Shared expense carpool or van pool arrangements.

(c) A regional transportation provider.

V. "Transportation network company" (TNC) means a corporation, partnership, sole proprietorship, or other entity, that has a permit issued by the department and is operating in New Hampshire, that uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides. A transportation network company shall not be deemed to control, direct, or manage the personal vehicles or transportation network company drivers that connect to its digital network, except where agreed to by written contract.

VI. "Transportation network company driver" (TNC driver) means an individual who:

(a) Receives connections to potential passengers and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and

(b) Uses a personal vehicle to offer or provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee.

VII. "Transportation network company rider" (rider) means a person who uses a transportation network company's digital network to connect with a transportation network driver who provides prearranged rides to the rider in the driver's personal vehicle between points chosen by the rider.

359-U:2 Not Other Carriers. No TNC or TNC driver is a motor carrier, nor do they provide taxicab services pursuant to RSA 376:2. No TNC or TNC driver shall be required to:

I. Apply for a common carrier certificate under RSA 376:4 or a contract carrier permit under RSA 376:7; or

II. Register personal vehicles under RSA 376:24.

359-U:3 TNC Permit Required. No person shall operate a TNC in New Hampshire without first having obtained a permit from the department, provided that any transportation network company operating in the state before the effective date of this chapter may continue to operate in the state until the department establishes a permit process and provides a reasonable period in which to apply for and obtain a permit. The department shall issue a permit to each applicant that meets the requirements for a TNC under this chapter, and pays an annual permit fee of $500 to the department. The permit shall be issued annually and shall be effective on the date of issue.

359-U:4 Agent. Every TNC shall appoint an agent for service of process in the state of New Hampshire.

359-U:5 Fare. On behalf of a TNC driver, a TNC may charge a fare for the services provided to riders provided that if a fare is collected from a rider, the TNC shall disclose to the rider the fare or the fare calculation method on its website, within the vehicle, or on the online application service. The TNC shall also provide riders with the applicable rates being charged and the option to receive an estimated fare before the rider enters the TNC driver's vehicle.

359-U:6 Identification of TNC Vehicles and Drivers. The TNC's digital network or website shall display a picture of the TNC driver, and the license plate number of the motor vehicle utilized for providing the prearranged ride before the rider enters the TNC driver's vehicle.

359-U:7 Receipt. Within a reasonable period of time following the completion of a trip, a TNC shall transmit an itemized receipt to the rider on behalf of the TNC driver.

359-U:8 Financial Responsibility of TNCs. On the effective date of this chapter and thereafter:

I. Every TNC driver, or TNC on behalf of the driver, shall maintain primary motor vehicle insurance that recognizes that the driver is a TNC driver or otherwise uses a vehicle to transport passengers for compensation and covers the driver:

(a) While the driver is logged on to the TNC's digital network; or

(b) While the driver is engaged in a prearranged ride.

II. The following motor vehicle insurance requirements shall apply while a participating TNC driver is logged on to the TNC's digital network but is not engaged in a prearranged ride:

(a) Primary motor vehicle liability insurance, consistent with RSA 259:61, in the amount of at least $50,000 for death and bodily injury per person; $100,000 for death and bodily injury per incident; and $25,000 for property damage, including the duty to defend.

(b) Coverage consistent with New Hampshire financial responsibility laws.

III. The coverage requirements of paragraph II may be satisfied by any of the following:

(a) Motor vehicle insurance maintained by the TNC driver;

(b) Motor vehicle insurance maintained by the TNC; or

(c) Any combination of subparagraphs (a) and (b).

IV. The following motor vehicle insurance requirements shall apply while a TNC driver is engaged in a prearranged ride:

(a) Primary automobile liability insurance that provides at least $300,000 for death, bodily injury, and property damage.

(b) Coverage consistent with New Hampshire financial responsibility laws.

V. The coverage requirements of paragraph IV may be satisfied by any of the following:

(a) Motor vehicle insurance maintained by the TNC driver;

(b) Motor vehicle insurance maintained by the TNC; or

(c) Any combination of subparagraphs (a) and (b).

VI. If insurance maintained by the TNC driver in paragraphs II and IV has lapsed or does not provide the required coverage, insurance maintained by the TNC shall provide the coverage required by this section beginning with the first dollar of a claim and shall have the duty to defend and indemnify such claim.

VII. Coverage under a motor vehicle insurance policy maintained by the TNC shall not be dependent on a personal motor vehicle insurer first denying a claim nor shall a personal motor vehicle insurance policy be required to first deny a claim.

VIII. Insurance required by this section shall be placed with an admitted insurer that has the requisite certificate of authority to write motor vehicle insurance pursuant to RSA 401:1. Insurance required under this section may be placed with an unadmitted surplus lines insurer consistent with the provisions of RSA 405:24 through RSA 405:31, that has a credit rating of no less than "A-" from A.M. Best or "A" from Demotech or a similar rating from another rating agency recognized by the insurance department.

IX. Every TNC driver shall carry physical or electronic proof of coverage satisfying paragraphs II and IV with him or her at all times during his or her use of a vehicle in connection with a TNC's digital network. In the event of an accident, a TNC driver shall provide this insurance coverage information to the directly interested parties, automobile insurers, and investigating police officers. Upon request, a TNC driver shall also disclose to directly interested parties, automobile insurers, and investigating police officers, whether he or she was logged on to the TNC's digital network or on a prearranged ride at the time of an accident.

359-U:9 Disclosures. Every TNC shall disclose in writing to the TNC driver the following:

I. The insurance coverage, including the types of coverage and the limits for each coverage, that the TNC provides while the TNC driver uses a personal vehicle in connection with a TNC's digital network.

II. That the TNC driver's own motor vehicle insurance policy might not provide any coverage while the TNC driver is logged on to the TNC's digital network or is engaged in a prearranged ride, depending on its terms.

III. That the TNC driver shall contact the driver's personal vehicle insurer or insurance producer and lienholder to advise the insurer or producer and lienholder that the driver will be providing TNC services.

IV. That if the personal vehicle that the TNC driver uses to provide TNC services has a lien against it, using the personal vehicle for TNC services without physical damage coverage may violate the terms of the contract with the lienholder.

V. That if a TNC's insurer makes a payment for a claim covered under comprehensive coverage or collision coverage, the TNC shall cause its insurer to issue the payment directly to the business repairing the personal vehicle or jointly to the owner of the personal vehicle and the primary lienholder on the covered personal vehicle.

359-U:10 Motor Vehicle Insurance Provisions.

I.(a) Insurers that write motor vehicle insurance in New Hampshire may exclude any and all coverage afforded under the policy issued to an owner or operator of a personal vehicle for any loss or injury that occurs while a TNC driver is logged on to a TNC's digital network or while a driver provides a prearranged ride. The right to exclude all coverage may apply to any coverage included in a motor vehicle insurance policy including, but not limited to:

(1) Liability coverage for bodily injury and property damage.

(2) Uninsured and under insured motorist coverage.

(3) Medical payments coverage.

(4) Comprehensive physical damage coverage.

(5) Collision physical damage coverage.

(b) If the coverage has been excluded under this paragraph, and the insurance required to be maintained by the TNC driver under RSA 359-U:8, II and IV has lapsed or does not provide the

required coverage, the state financial responsibility requirements in RSA 259:61, I, including costs of defense, shall be satisfied by the TNC's motor vehicle insurance policy, beginning with the first dollar of a claim. Nothing in this section implies or requires that a personal motor vehicle insurance policy provide coverage while the TNC driver is logged on to the TNC's digital network, while the TNC driver is engaged in a prearranged ride, or while the TNC driver otherwise uses a vehicle to transport passengers for compensation. Nothing in this section shall be construed to require an insurer to use any particular policy language or reference to this section in order to exclude any and all coverage for any loss or injury that occurs while a driver is logged on to a TNC's digital network or while a TNC driver provides a prearranged ride. Nothing in this section shall be deemed to preclude an insurer from providing primary or excess coverage for the TNC driver's vehicle, if it chooses to do so by contract or endorsement.

II. No automobile insurer that excludes the coverage described in RSA 359-U:8 shall have a duty to defend or indemnify any claim expressly excluded thereunder. Nothing in this section shall be deemed to invalidate or limit an exclusion contained in a policy, including any policy in use or approved for use in New Hampshire prior to the enactment of this chapter, that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public. An automobile insurer that defends or indemnifies a claim against a driver that is excluded under the terms of its policy, shall have a right of contribution against other insurers that provide automobile insurance to the same driver in satisfaction of the coverage requirements of RSA 359-U:8 at the time of loss.

III. In a claims coverage investigation, TNCs shall immediately provide, upon request by 3 directly involved parties or any insurer of the TNC driver if applicable, the precise times that a TNC driver logged on and off of the TNC's digital network in the 12-hour period immediately preceding and in the 12-hour period immediately following the accident. Insurers under RSA 359-U:8 shall disclose, upon request by any other insurer involved in the particular claim, the applicable coverage, exclusions, and limits provided under any automobile insurance maintained under RSA 359-U:8.

359-U:11 Zero Tolerance for Drug or Alcohol Use.

I. The TNC shall implement a zero tolerance policy regarding a TNC driver's activities while accessing the TNC's digital platform. The zero tolerance policy shall address the use of drugs or alcohol while a TNC driver is providing prearranged rides or is logged into the TNC's digital network but is not providing prearranged rides, and the TNC shall provide notice of this policy on its website, as well as procedures to report a complaint about a TNC driver with whom a rider was matched and whom the rider reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

II. Upon receipt of such rider complaint alleging a violation of the zero tolerance policy, the TNC shall suspend such TNC driver's access to the TNC's digital platform as soon as possible, and

shall conduct an investigation into the reported incident. The suspension shall last the duration of the investigation.

III. The TNC shall maintain records relevant to the enforcement of this requirement for a period of at least 2 years from the date that a rider complaint is received by the TNC. The suspension shall last the duration of the investigation.

359-U:12 TNC Driver Requirements.

I. Before allowing an individual to accept trip requests through a TNC's digital platform:

(a) The individual shall submit an application to the TNC, which includes information regarding his or her address, age, driver's license, motor vehicle registration, automobile liability insurance, and other information required by the TNC.

(b) The TNC shall conduct, or have a third party conduct, a local and national criminal background check for each applicant that shall include:

(1) Multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search); and

(2) U.S. Department of Justice National Sex Offender Public Website.

(c) The TNC shall obtain and review, or have a third party obtain and review, a driving history research report from such individual.

II. No individual shall act as a TNC driver on the TNC's digital platform who:

(a) Has had more than 3 moving violations in the prior 3-year period, or one major violation in the prior 3-year period, including, but not limited to, attempting to evade the police, reckless driving, or driving with a suspended or revoked license.

(b) Has been convicted, within the past 7 years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, and/or theft, acts of violence, or acts of terror.

(c) Is a match on the United States Department of Justice National Sex Offender Public Website.

(d) Does not possess a valid driver's license.

(e) Does not possess proof of registration for the motor vehicle used to provide prearranged rides.

(f) Does not possess proof of automobile liability insurance for the motor vehicle used to provide prearranged rides.

(g) Is not at least 19 years of age.

359-U:13 Vehicle Safety. Prior to permitting a TNC driver to accept trip requests through the TNC's digital platform, the TNC shall ensure that the TNC driver's personal vehicle meets New Hampshire's vehicle safety requirements for private motor vehicles.

359-U:14 Street Hails Prohibited. No TNC driver shall solicit or accept street hails.

359-U:15 Discrimination Prohibited; Accessibility.

I. The TNC shall adopt a policy of nondiscrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity with respect to riders and potential riders and notify TNC drivers of such policy.

II. TNC drivers shall comply with all applicable laws regarding nondiscrimination against riders or potential riders on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.

III. TNC drivers shall comply with all applicable laws relating to accommodation of service animals.

IV. No TNC shall impose additional charges for providing services to persons with physical disabilities because of such disabilities.

V. Every TNC shall provide riders an opportunity to indicate whether they require a wheelchair accessible vehicle. If a TNC cannot arrange a wheelchair accessible prearranged ride in any instance, it shall direct the rider to an alternate provider of wheelchair accessible service, if available.

359-U:16 Records. Every TNC shall maintain the following customer records:

I. Individual trip records for at least one year from the date each trip was provided.

II. TNC driver records at least until the one year anniversary of the date on which a TNC driver's customer relationship with the TNC has ended.

359-U:17 Controlling Authority. Notwithstanding any other provision of law, TNCs and TNC drivers are governed exclusively by this chapter and any rules by the department of safety consistent with this chapter. No municipality or other local entity may impose a tax on, or require a license for, a TNC, a TNC driver, or a vehicle used by a TNC driver where such tax or licenses relates to providing prearranged rides, or subject a TNC to the municipality's or other local entity's rate, entry, operational, or other requirements, except that an airport that is federally obligated may charge a TNC fee, as may be amended from time to time, which is not greater than a fee applied to a taxicab service.

359-U:18 Penalties. The department shall adopt rules pursuant to RSA 541-A for penalties, including:

I. The department may assess an administrative penalty for violations of this chapter in an amount not to exceed $500 for a first offense and $1,000 for a subsequent offense. Failure to pay such a penalty shall result in revocation of the TNC permit.

II. The department may suspend or revoke the TNC permit for repeated violations of this chapter.

III. Any person who subverts the intent and purposes of this chapter by filing false, misleading, or substantially inaccurate statements with the department shall be guilty of a violation.

359-U:19 General Duties and Powers of the Commissioner; Rulemaking; Confidentiality of TNC Records.

I. The commissioner shall regulate transportation network companies.

II. The commissioner shall administer and enforce RSA 359-U and shall adopt rules, pursuant to RSA 541-A, relative to the administration of RSA 359-U.

III. The commissioner may adopt rules, pursuant to RSA 541-A, relative to:

(a) Audits for compliance with this chapter and rules relative to the administration of RSA 359-U;

(b) Procedures for permit application and renewal;

(c) Account and record systems;

(d) Preservation of records and accounts; and

(e) Procedures for investigating and disposing of complaints, including a hearing process.

IV. Any rider, driver, trip, or financial records inspected by the department or any duly authorized representative of the department under this chapter are designated confidential, are not subject to disclosure to a third party by the department or duly authorized representative of the department without the prior written consent of the transportation network company, and are exempt from disclosure under the RSA 91-A. Nothing in this section shall be construed as limiting the applicability of any other exemptions under RSA 91-A.

359-U:20 TNC Drivers; Independent Contractors.

TNC drivers are presumed to be independent contractors and not employees of the TNC provided all of the following conditions are met:

I. The TNC does not prescribe specific hours during which a TNC driver must be logged into the TNC's digital platform.

II. The TNC imposes no restrictions on the TNC driver's ability to utilize digital platforms from other TNCs.

III. The TNC does not assign a TNC driver a particular territory in which prearranged rides can be provided.

IV. The TNC does not restrict a TNC driver from engaging in any other occupation or business.

V. The TNC and TNC driver agree in writing that the TNC driver is an independent contractor of the TNC.

3 Reference Changed; Motor Vehicle Records; Transportation Network Companies. Amend RSA 260:14,V-a, (a)(2) to read as follows:

(2) For use with respect to requests as to whether a driver meets the requirements of RSA [~~376-A:12~~] ***359-U:12***.

4 Committee Established; Legislative Examination of Laws; Public Utilities. There is established a legislative committee to examine certain laws codified under RSA Title XXXIV, Public Utilities, to determine if they should be amended, recodified, or repealed.

I. The members of the committee shall be as follows:

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III.(a) The committee shall examine certain laws codified under RSA Title XXXIV, Public Utilities, to determine if they should be amended, recodified, or repealed. Specifically the committee shall examine:

(1) RSA 362-E, on the telecommunications equipment assistance program.

(2) RSA 367, on the formation and union of railroad corporations; leases and extensions.

(3) RSA 368, on railroad trustees and holding companies.

(4) RSA 372, relative to laying out railroads.

(5) RSA 373, relative to crossings, stations, fences, cattle guards, bridges, and bridge guards, and including optional rulemaking under RSA 21-L:12-a, VII.

(6) RSA 377, relative to railroad transportation of passengers, baggage, and freight.

(7) RSA 379, relative to joint, connecting, and terminal service, and including optional rulemaking under RSA 21-L:12-a, X and XI.

(8) RSA 380, relative to railroads; fire damage and prevention.

(9) RSA 381, relative to railroad police, and including rulemaking under RSA 21-P:14, II(p) and appointment under RSA 228:62-a.

(10) RSA 382, relative to maintenance of parks by railroads and bus lines.

(b) The committee shall seek the input, advice, and expertise of any agency or organization with knowledge of the subject matter, including at least the department of energy, the public utilities commission, the department of transportation, and the department of safety.

IV. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2023.

5 Effective Date.

I. Section 4 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2023.

LBA
23-0603
12/16/22

HB 219-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to certain public utilities statutes.

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

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	$0	Indeterminable	Indeterminable
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

COUNTY:

Revenue	$0	$0	$0	$0
Expenditures	$0	$0	Indeterminable	Indeterminable

METHODOLOGY:

This bill repeals or moves several RSA chapters no longer administered by the Public Utilities Commission. Within some of the repealed RSAs are penalties. Repealing the penalties will have an indeterminable impact on State and County expenditures starting in FY 2025 as it is not known the frequency, if at all, these penalties are applied. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2023	FY 2024 through 12/31/23	FY 2024 (Starting 1/1/24 with repeal of Felonies First)
Violation and Misdemeanor Level Offense	$119	$122	$122
Complex Felony Case	$3,195	$3,244	$3,366
Routine Criminal Case	$644	$657	$779
Appeals	Varies	Varies	Varies

Judicial Council	FY 2023	FY 2024
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney - Felony	$825/Case $105 administrative fee $200 incarceration fee (If applicable)	$825/Case $105 administrative fee $200 incarceration fee (If applicable)

Contract Attorney – Misdemeanor	$300/Case $70 administrative fee $100 incarceration fee (If applicable)	$300/Case $70 administrative fee $100 incarceration fee (If applicable)
Contract Attorney - Major Crimes (aggravated felonious sexual assault, felonious sexual assault and first degree assault)	$2,490/Case $140 administrative fee $200 incarceration fee (If applicable)	$2,490/Case $140 administrative fee $200 incarceration fee (If applicable)
Assigned Counsel - Felony. Homicide including capital cases. Travel time to court does not count toward the cap.	$125/Hour up to $20,000	$125/Hour up to $20,000
Assigned Counsel - Major Crimes. Aggravated felonious sexual assault, felonious sexual assault, first degree assault, class A felony robbery and felony arson. Travel time to court does not count toward the cap.	$125/Hour up to $12,500	$125/Hour up to $12,500
Assigned Counsel - Felony. Travel time to court does not count toward the cap.	$90/Hour up to $5,500	$90/Hour up to $5,500
Assigned Counsel- Misdemeanor. Travel time to court does not count toward the cap.	$90/Hour up to $2,000	$90/Hour up to $2,000
Assigned Counsel - Supreme Court Appeal	$125/Hour up to $10,000	$125/Hour up to $10,000

It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. Historically, approximately 85% of the indigent defense caseload has been handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). Beginning in March of 2021, the public defender program has had to close intake of new cases due to excessive caseloads. Due to these closures, the contract and assigned counsel program have had to absorb significantly more cases. The system is experiencing significant delays in appointing counsel and the costs of representation have increased due to travel time and multiple appointments.

Department of Corrections	FY 2023	FY 2024
FY 2022 Average Cost of Incarcerating an Individual	$64,223	$64,223
FY 2022 Annual Marginal Cost of a General Population Inmate	$6,123	$6,123
FY 2022 Average Cost of Supervising an Individual on Parole/Probation	$688	$688

The Department notes any increase in the incarcerated population will have a direct impact on overtime costs given the Department's history of challenges associated with recruitment. In addition, the NH State Prison for Men has a degrading infrastructure which will only be exacerbated if an increase in the incarcerated population were to occur.

NH Association of Counties	FY 2023	FY 2024
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	$105 to $125	$105 to $125

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department may be able to absorb the cost within its existing budget. However, if the Department needs to prosecute significantly more cases or handle more appeals, then costs will increase by an indeterminable amount.

AGENCIES CONTACTED:

Judicial Branch, Departments of Corrections and Justice, Judicial Council, and New Hampshire Association of Counties

Contract Attorney – Misdemeanor	$300/Case $70 administrative fee $100 incarceration fee (If applicable)	$300/Case $70 administrative fee $100 incarceration fee (If applicable)
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Assigned Counsel - Felony. Travel time to court does not count toward the cap.	$90/Hour up to $5,500	$90/Hour up to $5,500
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AGENCIES CONTACTED:

Judicial Branch, Departments of Corrections and Justice, Judicial Council, and New Hampshire Association of Counties

LBA
23-0603
Amended 3/15/23

HB 219-FN FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2023-0461h)

AN ACT relative to certain public utilities statutes.

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

	Estimated Increase / (Decrease)			
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Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

COUNTY:

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METHODOLOGY:

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Appeals	Varies	Varies	Varies

Judicial Council	FY 2023	FY 2024
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney - Felony	$825/Case	$825/Case

	$105 administrative fee $200 incarceration fee (If applicable)	$105 administrative fee $200 incarceration fee (If applicable)
Contract Attorney – Misdemeanor	$300/Case $70 administrative fee $100 incarceration fee (If applicable)	$300/Case $70 administrative fee $100 incarceration fee (If applicable)
Contract Attorney - Major Crimes (aggravated felonious sexual assault, felonious sexual assault and first degree assault)	$2,490/Case $140 administrative fee $200 incarceration fee (If applicable)	$2,490/Case $140 administrative fee $200 incarceration fee (If applicable)
Assigned Counsel - Felony. Homicide including capital cases. Travel time to court does not count toward the cap.	$125/Hour up to $20,000	$125/Hour up to $20,000
Assigned Counsel - Major Crimes. Aggravated felonious sexual assault, felonious sexual assault, first degree assault, class A felony robbery and felony arson. Travel time to court does not count toward the cap.	$125/Hour up to $12,500	$125/Hour up to $12,500
Assigned Counsel - Felony. Travel time to court does not count toward the cap.	$90/Hour up to $5,500	$90/Hour up to $5,500
Assigned Counsel- Misdemeanor. Travel time to court does not count toward the cap.	$90/Hour up to $2,000	$90/Hour up to $2,000
Assigned Counsel - Supreme Court Appeal	$125/Hour up to $10,000	$125/Hour up to $10,000

It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. Historically, approximately 85% of the indigent defense caseload has been handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). Beginning in March of 2021, the public defender program has had to close intake of new cases due to excessive caseloads. Due to these closures, the contract and assigned counsel program have had to absorb significantly more cases. The system is experiencing significant delays in appointing counsel and the costs of representation have increased due to travel time and multiple appointments.

Department of Corrections	FY 2023	FY 2024
FY 2022 Average Cost of Incarcerating an Individual	$64,223	$64,223
FY 2022 Annual Marginal Cost of a General Population Inmate	$6,123	$6,123
FY 2022 Average Cost of Supervising an Individual on Parole/Probation	$688	$688

The Department notes any increase in the incarcerated population will have a direct impact on overtime costs given the Department's history of challenges associated with recruitment. In addition, the NH State Prison for Men has a degrading infrastructure which will only be exacerbated if an increase in the incarcerated population were to occur.

NH Association of Counties	FY 2023	FY 2024
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	$105 to $125	$105 to $125

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department may be able to absorb the cost within its existing budget. However, if the Department needs to prosecute significantly more cases or handle more appeals, then costs will increase by an indeterminable amount.

AGENCIES CONTACTED:

Judicial Branch, Departments of Corrections and Justice, Judicial Council, New Hampshire Association of Counties, and Department of Safety

HB 219-FN - VERSION ADOPTED BY BOTH BODIES

9Mar2023... 0461h

2023 SESSION

23-0603
10/04

HOUSE BILL ***219-FN***

AN ACT relative to certain public utilities statutes.

SPONSORS: Rep. Vose, Rock. 5; Rep. Harrington, Straf. 18

COMMITTEE: Science, Technology and Energy

AMENDED ANALYSIS

This bill recodifies the RSA chapter on transportation network companies, and establishes a legislative committee to study statutory provisions no longer associated with administration by the department of energy or the public utilities commission.

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 Twenty Three

AN ACT relative to certain public utilities statutes.

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

1 Repeal; Current Transportation Network Companies. RSA 376-A, relative to transportation network companies, is repealed

2 New Chapter; Transportation Network Companies; Recodified from RSA 376-A. Amend RSA by inserting after chapter 359-T the following new chapter:

CHAPTER 359-U

TRANSPORTATION NETWORK COMPANIES

359-U:1 Definitions. In this chapter:

I. "Department" means the department of safety.

II. "Digital network" means any online enabled technology application service, website, or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers.

III. "Personal vehicle" means a vehicle that is used by a transportation network company driver to provide a prearranged ride and is:

(a) Owned, leased, or otherwise authorized for use by the transportation network company driver; and

(b) Not a motor carrier or taxicab under RSA 376:2.

IV. "Prearranged ride" means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a transportation network company, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle. A prearranged ride does not include transportation provided through any of the following:

(a) A motor carrier or taxicab as defined in RSA 376:2.

(b) Shared expense carpool or van pool arrangements.

(c) A regional transportation provider.

V. "Transportation network company" (TNC) means a corporation, partnership, sole proprietorship, or other entity, that has a permit issued by the department and is operating in New Hampshire, that uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides. A transportation network company shall not be deemed to control, direct, or manage the personal vehicles or transportation network company drivers that connect to its digital network, except where agreed to by written contract.

VI. "Transportation network company driver" (TNC driver) means an individual who:

(a) Receives connections to potential passengers and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and

(b) Uses a personal vehicle to offer or provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee.

VII. "Transportation network company rider" (rider) means a person who uses a transportation network company's digital network to connect with a transportation network driver who provides prearranged rides to the rider in the driver's personal vehicle between points chosen by the rider.

359-U:2 Not Other Carriers. No TNC or TNC driver is a motor carrier, nor do they provide taxicab services pursuant to RSA 376:2. No TNC or TNC driver shall be required to:

I. Apply for a common carrier certificate under RSA 376:4 or a contract carrier permit under RSA 376:7; or

II. Register personal vehicles under RSA 376:24.

359-U:3 TNC Permit Required. No person shall operate a TNC in New Hampshire without first having obtained a permit from the department, provided that any transportation network company operating in the state before the effective date of this chapter may continue to operate in the state until the department establishes a permit process and provides a reasonable period in which to apply for and obtain a permit. The department shall issue a permit to each applicant that meets the requirements for a TNC under this chapter, and pays an annual permit fee of $500 to the department. The permit shall be issued annually and shall be effective on the date of issue.

359-U:4 Agent. Every TNC shall appoint an agent for service of process in the state of New Hampshire.

359-U:5 Fare. On behalf of a TNC driver, a TNC may charge a fare for the services provided to riders provided that if a fare is collected from a rider, the TNC shall disclose to the rider the fare or the fare calculation method on its website, within the vehicle, or on the online application service. The TNC shall also provide riders with the applicable rates being charged and the option to receive an estimated fare before the rider enters the TNC driver's vehicle.

359-U:6 Identification of TNC Vehicles and Drivers. The TNC's digital network or website shall display a picture of the TNC driver, and the license plate number of the motor vehicle utilized for providing the prearranged ride before the rider enters the TNC driver's vehicle.

359-U:7 Receipt. Within a reasonable period of time following the completion of a trip, a TNC shall transmit an itemized receipt to the rider on behalf of the TNC driver.

359-U:8 Financial Responsibility of TNCs. On the effective date of this chapter and thereafter:

I. Every TNC driver, or TNC on behalf of the driver, shall maintain primary motor vehicle insurance that recognizes that the driver is a TNC driver or otherwise uses a vehicle to transport passengers for compensation and covers the driver:

(a) While the driver is logged on to the TNC's digital network; or

(b) While the driver is engaged in a prearranged ride.

II. The following motor vehicle insurance requirements shall apply while a participating TNC driver is logged on to the TNC's digital network but is not engaged in a prearranged ride:

(a) Primary motor vehicle liability insurance, consistent with RSA 259:61, in the amount of at least $50,000 for death and bodily injury per person; $100,000 for death and bodily injury per incident; and $25,000 for property damage, including the duty to defend.

(b) Coverage consistent with New Hampshire financial responsibility laws.

III. The coverage requirements of paragraph II may be satisfied by any of the following:

(a) Motor vehicle insurance maintained by the TNC driver;

(b) Motor vehicle insurance maintained by the TNC; or

(c) Any combination of subparagraphs (a) and (b).

IV. The following motor vehicle insurance requirements shall apply while a TNC driver is engaged in a prearranged ride:

(a) Primary automobile liability insurance that provides at least $300,000 for death, bodily injury, and property damage.

(b) Coverage consistent with New Hampshire financial responsibility laws.

V. The coverage requirements of paragraph IV may be satisfied by any of the following:

(a) Motor vehicle insurance maintained by the TNC driver;

(b) Motor vehicle insurance maintained by the TNC; or

(c) Any combination of subparagraphs (a) and (b).

VI. If insurance maintained by the TNC driver in paragraphs II and IV has lapsed or does not provide the required coverage, insurance maintained by the TNC shall provide the coverage required by this section beginning with the first dollar of a claim and shall have the duty to defend and indemnify such claim.

VII. Coverage under a motor vehicle insurance policy maintained by the TNC shall not be dependent on a personal motor vehicle insurer first denying a claim nor shall a personal motor vehicle insurance policy be required to first deny a claim.

VIII. Insurance required by this section shall be placed with an admitted insurer that has the requisite certificate of authority to write motor vehicle insurance pursuant to RSA 401:1. Insurance required under this section may be placed with an unadmitted surplus lines insurer consistent with the provisions of RSA 405:24 through RSA 405:31, that has a credit rating of no less than "A-" from A.M. Best or "A" from Demotech or a similar rating from another rating agency recognized by the insurance department.

IX. Every TNC driver shall carry physical or electronic proof of coverage satisfying paragraphs II and IV with him or her at all times during his or her use of a vehicle in connection with a TNC's digital network. In the event of an accident, a TNC driver shall provide this insurance coverage information to the directly interested parties, automobile insurers, and investigating police officers. Upon request, a TNC driver shall also disclose to directly interested parties, automobile insurers, and investigating police officers, whether he or she was logged on to the TNC's digital network or on a prearranged ride at the time of an accident.

359-U:9 Disclosures. Every TNC shall disclose in writing to the TNC driver the following:

I. The insurance coverage, including the types of coverage and the limits for each coverage, that the TNC provides while the TNC driver uses a personal vehicle in connection with a TNC's digital network.

II. That the TNC driver's own motor vehicle insurance policy might not provide any coverage while the TNC driver is logged on to the TNC's digital network or is engaged in a prearranged ride, depending on its terms.

III. That the TNC driver shall contact the driver's personal vehicle insurer or insurance producer and lienholder to advise the insurer or producer and lienholder that the driver will be providing TNC services.

IV. That if the personal vehicle that the TNC driver uses to provide TNC services has a lien against it, using the personal vehicle for TNC services without physical damage coverage may violate the terms of the contract with the lienholder.

V. That if a TNC's insurer makes a payment for a claim covered under comprehensive coverage or collision coverage, the TNC shall cause its insurer to issue the payment directly to the business repairing the personal vehicle or jointly to the owner of the personal vehicle and the primary lienholder on the covered personal vehicle.

359-U:10 Motor Vehicle Insurance Provisions.

I.(a) Insurers that write motor vehicle insurance in New Hampshire may exclude any and all coverage afforded under the policy issued to an owner or operator of a personal vehicle for any loss or injury that occurs while a TNC driver is logged on to a TNC's digital network or while a driver provides a prearranged ride. The right to exclude all coverage may apply to any coverage included in a motor vehicle insurance policy including, but not limited to:

(1) Liability coverage for bodily injury and property damage.

(2) Uninsured and under insured motorist coverage.

(3) Medical payments coverage.

(4) Comprehensive physical damage coverage.

(5) Collision physical damage coverage.

(b) If the coverage has been excluded under this paragraph, and the insurance required to be maintained by the TNC driver under RSA 359-U:8, II and IV has lapsed or does not provide the

required coverage, the state financial responsibility requirements in RSA 259:61, I, including costs of defense, shall be satisfied by the TNC's motor vehicle insurance policy, beginning with the first dollar of a claim. Nothing in this section implies or requires that a personal motor vehicle insurance policy provide coverage while the TNC driver is logged on to the TNC's digital network, while the TNC driver is engaged in a prearranged ride, or while the TNC driver otherwise uses a vehicle to transport passengers for compensation. Nothing in this section shall be construed to require an insurer to use any particular policy language or reference to this section in order to exclude any and all coverage for any loss or injury that occurs while a driver is logged on to a TNC's digital network or while a TNC driver provides a prearranged ride. Nothing in this section shall be deemed to preclude an insurer from providing primary or excess coverage for the TNC driver's vehicle, if it chooses to do so by contract or endorsement.

II. No automobile insurer that excludes the coverage described in RSA 359-U:8 shall have a duty to defend or indemnify any claim expressly excluded thereunder. Nothing in this section shall be deemed to invalidate or limit an exclusion contained in a policy, including any policy in use or approved for use in New Hampshire prior to the enactment of this chapter, that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public. An automobile insurer that defends or indemnifies a claim against a driver that is excluded under the terms of its policy, shall have a right of contribution against other insurers that provide automobile insurance to the same driver in satisfaction of the coverage requirements of RSA 359-U:8 at the time of loss.

III. In a claims coverage investigation, TNCs shall immediately provide, upon request by 3 directly involved parties or any insurer of the TNC driver if applicable, the precise times that a TNC driver logged on and off of the TNC's digital network in the 12-hour period immediately preceding and in the 12-hour period immediately following the accident. Insurers under RSA 359-U:8 shall disclose, upon request by any other insurer involved in the particular claim, the applicable coverage, exclusions, and limits provided under any automobile insurance maintained under RSA 359-U:8.

359-U:11 Zero Tolerance for Drug or Alcohol Use.

I. The TNC shall implement a zero tolerance policy regarding a TNC driver's activities while accessing the TNC's digital platform. The zero tolerance policy shall address the use of drugs or alcohol while a TNC driver is providing prearranged rides or is logged into the TNC's digital network but is not providing prearranged rides, and the TNC shall provide notice of this policy on its website, as well as procedures to report a complaint about a TNC driver with whom a rider was matched and whom the rider reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

II. Upon receipt of such rider complaint alleging a violation of the zero tolerance policy, the TNC shall suspend such TNC driver's access to the TNC's digital platform as soon as possible, and

shall conduct an investigation into the reported incident. The suspension shall last the duration of the investigation.

III. The TNC shall maintain records relevant to the enforcement of this requirement for a period of at least 2 years from the date that a rider complaint is received by the TNC. The suspension shall last the duration of the investigation.

359-U:12 TNC Driver Requirements.

I. Before allowing an individual to accept trip requests through a TNC's digital platform:

(a) The individual shall submit an application to the TNC, which includes information regarding his or her address, age, driver's license, motor vehicle registration, automobile liability insurance, and other information required by the TNC.

(b) The TNC shall conduct, or have a third party conduct, a local and national criminal background check for each applicant that shall include:

(1) Multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search); and

(2) U.S. Department of Justice National Sex Offender Public Website.

(c) The TNC shall obtain and review, or have a third party obtain and review, a driving history research report from such individual.

II. No individual shall act as a TNC driver on the TNC's digital platform who:

(a) Has had more than 3 moving violations in the prior 3-year period, or one major violation in the prior 3-year period, including, but not limited to, attempting to evade the police, reckless driving, or driving with a suspended or revoked license.

(b) Has been convicted, within the past 7 years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, and/or theft, acts of violence, or acts of terror.

(c) Is a match on the United States Department of Justice National Sex Offender Public Website.

(d) Does not possess a valid driver's license.

(e) Does not possess proof of registration for the motor vehicle used to provide prearranged rides.

(f) Does not possess proof of automobile liability insurance for the motor vehicle used to provide prearranged rides.

(g) Is not at least 19 years of age.

359-U:13 Vehicle Safety. Prior to permitting a TNC driver to accept trip requests through the TNC's digital platform, the TNC shall ensure that the TNC driver's personal vehicle meets New Hampshire's vehicle safety requirements for private motor vehicles.

359-U:14 Street Hails Prohibited. No TNC driver shall solicit or accept street hails.

359-U:15 Discrimination Prohibited; Accessibility.

I. The TNC shall adopt a policy of nondiscrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity with respect to riders and potential riders and notify TNC drivers of such policy.

II. TNC drivers shall comply with all applicable laws regarding nondiscrimination against riders or potential riders on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.

III. TNC drivers shall comply with all applicable laws relating to accommodation of service animals.

IV. No TNC shall impose additional charges for providing services to persons with physical disabilities because of such disabilities.

V. Every TNC shall provide riders an opportunity to indicate whether they require a wheelchair accessible vehicle. If a TNC cannot arrange a wheelchair accessible prearranged ride in any instance, it shall direct the rider to an alternate provider of wheelchair accessible service, if available.

359-U:16 Records. Every TNC shall maintain the following customer records:

I. Individual trip records for at least one year from the date each trip was provided.

II. TNC driver records at least until the one year anniversary of the date on which a TNC driver's customer relationship with the TNC has ended.

359-U:17 Controlling Authority. Notwithstanding any other provision of law, TNCs and TNC drivers are governed exclusively by this chapter and any rules by the department of safety consistent with this chapter. No municipality or other local entity may impose a tax on, or require a license for, a TNC, a TNC driver, or a vehicle used by a TNC driver where such tax or licenses relates to providing prearranged rides, or subject a TNC to the municipality's or other local entity's rate, entry, operational, or other requirements, except that an airport that is federally obligated may charge a TNC fee, as may be amended from time to time, which is not greater than a fee applied to a taxicab service.

359-U:18 Penalties. The department shall adopt rules pursuant to RSA 541-A for penalties, including:

I. The department may assess an administrative penalty for violations of this chapter in an amount not to exceed $500 for a first offense and $1,000 for a subsequent offense. Failure to pay such a penalty shall result in revocation of the TNC permit.

II. The department may suspend or revoke the TNC permit for repeated violations of this chapter.

III. Any person who subverts the intent and purposes of this chapter by filing false, misleading, or substantially inaccurate statements with the department shall be guilty of a violation.

359-U:19 General Duties and Powers of the Commissioner; Rulemaking; Confidentiality of TNC Records.

I. The commissioner shall regulate transportation network companies.

II. The commissioner shall administer and enforce RSA 359-U and shall adopt rules, pursuant to RSA 541-A, relative to the administration of RSA 359-U.

III. The commissioner may adopt rules, pursuant to RSA 541-A, relative to:

(a) Audits for compliance with this chapter and rules relative to the administration of RSA 359-U;

(b) Procedures for permit application and renewal;

(c) Account and record systems;

(d) Preservation of records and accounts; and

(e) Procedures for investigating and disposing of complaints, including a hearing process.

IV. Any rider, driver, trip, or financial records inspected by the department or any duly authorized representative of the department under this chapter are designated confidential, are not subject to disclosure to a third party by the department or duly authorized representative of the department without the prior written consent of the transportation network company, and are exempt from disclosure under the RSA 91-A. Nothing in this section shall be construed as limiting the applicability of any other exemptions under RSA 91-A.

359-U:20 TNC Drivers; Independent Contractors.

TNC drivers are presumed to be independent contractors and not employees of the TNC provided all of the following conditions are met:

I. The TNC does not prescribe specific hours during which a TNC driver must be logged into the TNC's digital platform.

II. The TNC imposes no restrictions on the TNC driver's ability to utilize digital platforms from other TNCs.

III. The TNC does not assign a TNC driver a particular territory in which prearranged rides can be provided.

IV. The TNC does not restrict a TNC driver from engaging in any other occupation or business.

V. The TNC and TNC driver agree in writing that the TNC driver is an independent contractor of the TNC.

3 Reference Changed; Motor Vehicle Records; Transportation Network Companies. Amend RSA 260:14,V-a, (a)(2) to read as follows:

(2) For use with respect to requests as to whether a driver meets the requirements of RSA [~~376-A:12~~] *359-U:12*.

4 Committee Established; Legislative Examination of Laws; Public Utilities. There is established a legislative committee to examine certain laws codified under RSA Title XXXIV, Public Utilities, to determine if they should be amended, recodified, or repealed.

I. The members of the committee shall be as follows:

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III.(a) The committee shall examine certain laws codified under RSA Title XXXIV, Public Utilities, to determine if they should be amended, recodified, or repealed. Specifically the committee shall examine:

(1) RSA 362-E, on the telecommunications equipment assistance program.

(2) RSA 367, on the formation and union of railroad corporations; leases and extensions.

(3) RSA 368, on railroad trustees and holding companies.

(4) RSA 372, relative to laying out railroads.

(5) RSA 373, relative to crossings, stations, fences, cattle guards, bridges, and bridge guards, and including optional rulemaking under RSA 21-L:12-a, VII.

(6) RSA 377, relative to railroad transportation of passengers, baggage, and freight.

(7) RSA 379, relative to joint, connecting, and terminal service, and including optional rulemaking under RSA 21-L:12-a, X and XI.

(8) RSA 380, relative to railroads; fire damage and prevention.

(9) RSA 381, relative to railroad police, and including rulemaking under RSA 21-P:14, II(p) and appointment under RSA 228:62-a.

(10) RSA 382, relative to maintenance of parks by railroads and bus lines.

(b) The committee shall seek the input, advice, and expertise of any agency or organization with knowledge of the subject matter, including at least the department of energy, the public utilities commission, the department of transportation, and the department of safety.

IV. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2023.

5 Effective Date.

I. Section 4 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2023.

LBA
23-0603
Amended 3/15/23

HB 219-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2023-0461h)

AN ACT relative to certain public utilities statutes.

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

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	$0	Indeterminable	Indeterminable
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

COUNTY:

Revenue	$0	$0	$0	$0
Expenditures	$0	$0	Indeterminable	Indeterminable

METHODOLOGY:

This bill repeals or moves several RSA chapters no longer administered by the Public Utilities Commission. Within some of the repealed RSAs are penalties. Repealing the penalties will have an indeterminable impact on State and County expenditures starting in FY 2025 as it is not known the frequency, if at all, these penalties are applied. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2023	FY 2024 through 12/31/23	FY 2024 (Starting 1/1/24 with repeal of Felonies First)
Violation and Misdemeanor Level Offense	$119	$122	$122
Complex Felony Case	$3,195	$3,244	$3,366
Routine Criminal Case	$644	$657	$779
Appeals	Varies	Varies	Varies

Judicial Council	FY 2023	FY 2024
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney - Felony	$825/Case $105 administrative fee $200 incarceration fee (If applicable)	$825/Case $105 administrative fee $200 incarceration fee (If applicable)

Contract Attorney – Misdemeanor	$300/Case $70 administrative fee $100 incarceration fee (If applicable)	$300/Case $70 administrative fee $100 incarceration fee (If applicable)
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Assigned Counsel - Felony. Homicide including capital cases. Travel time to court does not count toward the cap.	$125/Hour up to $20,000	$125/Hour up to $20,000
Assigned Counsel - Major Crimes. Aggravated felonious sexual assault, felonious sexual assault, first degree assault, class A felony robbery and felony arson. Travel time to court does not count toward the cap.	$125/Hour up to $12,500	$125/Hour up to $12,500
Assigned Counsel - Felony. Travel time to court does not count toward the cap.	$90/Hour up to $5,500	$90/Hour up to $5,500
Assigned Counsel- Misdemeanor. Travel time to court does not count toward the cap.	$90/Hour up to $2,000	$90/Hour up to $2,000
Assigned Counsel - Supreme Court Appeal	$125/Hour up to $10,000	$125/Hour up to $10,000

It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. Historically, approximately 85% of the indigent defense caseload has been handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). Beginning in March of 2021, the public defender program has had to close intake of new cases due to excessive caseloads. Due to these closures, the contract and assigned counsel program have had to absorb significantly more cases. The system is experiencing significant delays in appointing counsel and the costs of representation have increased due to travel time and multiple appointments.

Department of Corrections	FY 2023	FY 2024
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Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department may be able to absorb the cost within its existing budget. However, if the Department needs to prosecute significantly more cases or handle more appeals, then costs will increase by an indeterminable amount.

AGENCIES CONTACTED:

Judicial Branch, Departments of Corrections and Justice, Judicial Council, New Hampshire Association of Counties, and Department of Safety

CHAPTER 30
HB 219-FN - FINAL VERSION

9Mar2023... 0461h

2023 SESSION

23-0603
10/04

HOUSE BILL ***219-FN***

AN ACT relative to certain public utilities statutes.

SPONSORS: Rep. Vose, Rock. 5; Rep. Harrington, Straf. 18

COMMITTEE: Science, Technology and Energy

AMENDED ANALYSIS

This bill recodifies the RSA chapter on transportation network companies, and establishes a legislative committee to study statutory provisions no longer associated with administration by the department of energy or the public utilities commission.

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Matter removed from current law appears [~~in brackets and struckthrough.~~]
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CHAPTER 30
HB 219-FN - FINAL VERSION

9Mar2023... 0461h

23-0603
10/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to certain public utilities statutes.

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

30:1 Repeal; Current Transportation Network Companies. RSA 376-A, relative to transportation network companies, is repealed.

30:2 New Chapter; Transportation Network Companies; Recodified from RSA 376-A. Amend RSA by inserting after chapter 359-T the following new chapter:

CHAPTER 359-U

TRANSPORTATION NETWORK COMPANIES

359-U:1 Definitions. In this chapter:

I. "Department" means the department of safety.

II. "Digital network" means any online enabled technology application service, website, or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers.

III. "Personal vehicle" means a vehicle that is used by a transportation network company driver to provide a prearranged ride and is:

(a) Owned, leased, or otherwise authorized for use by the transportation network company driver; and

(b) Not a motor carrier or taxicab under RSA 376:2.

IV. "Prearranged ride" means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a transportation network company, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle. A prearranged ride does not include transportation provided through any of the following:

(a) A motor carrier or taxicab as defined in RSA 376:2.

(b) Shared expense carpool or van pool arrangements.

(c) A regional transportation provider.

V. "Transportation network company" (TNC) means a corporation, partnership, sole proprietorship, or other entity, that has a permit issued by the department and is operating in New Hampshire, that uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides. A transportation network company shall not be deemed to control, direct, or manage the personal vehicles or transportation

network company drivers that connect to its digital network, except where agreed to by written contract.

VI. "Transportation network company driver" (TNC driver) means an individual who:

(a) Receives connections to potential passengers and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and

(b) Uses a personal vehicle to offer or provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee.

VII. "Transportation network company rider" (rider) means a person who uses a transportation network company's digital network to connect with a transportation network driver who provides prearranged rides to the rider in the driver's personal vehicle between points chosen by the rider.

359-U:2 Not Other Carriers. No TNC or TNC driver is a motor carrier, nor do they provide taxicab services pursuant to RSA 376:2. No TNC or TNC driver shall be required to:

I. Apply for a common carrier certificate under RSA 376:4 or a contract carrier permit under RSA 376:7; or

II. Register personal vehicles under RSA 376:24.

359-U:3 TNC. Permit Required. No person shall operate a TNC in New Hampshire without first having obtained a permit from the department, provided that any transportation network company operating in the state before the effective date of this chapter may continue to operate in the state until the department establishes a permit process and provides a reasonable period in which to apply for and obtain a permit. The department shall issue a permit to each applicant that meets the requirements for a TNC under this chapter, and pays an annual permit fee of $500 to the department. The permit shall be issued annually and shall be effective on the date of issue.

359-U:4 Agent. Every TNC shall appoint an agent for service of process in the state of New Hampshire.

359-U:5 Fare. On behalf of a TNC driver, a TNC may charge a fare for the services provided to riders provided that if a fare is collected from a rider, the TNC shall disclose to the rider the fare or the fare calculation method on its website, within the vehicle, or on the online application service. The TNC shall also provide riders with the applicable rates being charged and the option to receive an estimated fare before the rider enters the TNC driver's vehicle.

359-U:6 Identification of TNC Vehicles and Drivers. The TNC's digital network or website shall display a picture of the TNC driver, and the license plate number of the motor vehicle utilized for providing the prearranged ride before the rider enters the TNC driver's vehicle.

359-U:7 Receipt. Within a reasonable period of time following the completion of a trip, a TNC shall transmit an itemized receipt to the rider on behalf of the TNC driver.

359-U:8 Financial Responsibility of TNCs. On the effective date of this chapter and thereafter:

I. Every TNC driver, or TNC on behalf of the driver, shall maintain primary motor vehicle insurance that recognizes that the driver is a TNC driver or otherwise uses a vehicle to transport passengers for compensation and covers the driver:

(a) While the driver is logged on to the TNC's digital network; or

(b) While the driver is engaged in a prearranged ride.

II. The following motor vehicle insurance requirements shall apply while a participating TNC driver is logged on to the TNC's digital network but is not engaged in a prearranged ride:

(a) Primary motor vehicle liability insurance, consistent with RSA 259:61, in the amount of at least $50,000 for death and bodily injury per person; $100,000 for death and bodily injury per incident; and $25,000 for property damage, including the duty to defend.

(b) Coverage consistent with New Hampshire financial responsibility laws.

III. The coverage requirements of paragraph II may be satisfied by any of the following:

(a) Motor vehicle insurance maintained by the TNC driver;

(b) Motor vehicle insurance maintained by the TNC; or

(c) Any combination of subparagraphs (a) and (b).

IV. The following motor vehicle insurance requirements shall apply while a TNC driver is engaged in a prearranged ride:

(a) Primary automobile liability insurance that provides at least $300,000 for death, bodily injury, and property damage.

(b) Coverage consistent with New Hampshire financial responsibility laws.

V. The coverage requirements of paragraph IV may be satisfied by any of the following:

(a) Motor vehicle insurance maintained by the TNC driver;

(b) Motor vehicle insurance maintained by the TNC; or

(c) Any combination of subparagraphs (a) and (b).

VI. If insurance maintained by the TNC driver in paragraphs II and IV has lapsed or does not provide the required coverage, insurance maintained by the TNC shall provide the coverage required by this section beginning with the first dollar of a claim and shall have the duty to defend and indemnify such claim.

VII. Coverage under a motor vehicle insurance policy maintained by the TNC shall not be dependent on a personal motor vehicle insurer first denying a claim nor shall a personal motor vehicle insurance policy be required to first deny a claim.

VIII. Insurance required by this section shall be placed with an admitted insurer that has the requisite certificate of authority to write motor vehicle insurance pursuant to RSA 401:1. Insurance required under this section may be placed with an unadmitted surplus lines insurer consistent with the provisions of RSA 405:24 through RSA 405:31, that has a credit rating of no less

than "A-" from A.M. Best or "A" from Demotech or a similar rating from another rating agency recognized by the insurance department.

IX. Every TNC driver shall carry physical or electronic proof of coverage satisfying paragraphs II and IV with him or her at all times during his or her use of a vehicle in connection with a TNC's digital network. In the event of an accident, a TNC driver shall provide this insurance coverage information to the directly interested parties, automobile insurers, and investigating police officers. Upon request, a TNC driver shall also disclose to directly interested parties, automobile insurers, and investigating police officers, whether he or she was logged on to the TNC's digital network or on a prearranged ride at the time of an accident.

359-U:9 Disclosures. Every TNC shall disclose in writing to the TNC driver the following:

I. The insurance coverage, including the types of coverage and the limits for each coverage, that the TNC provides while the TNC driver uses a personal vehicle in connection with a TNC's digital network.

II. That the TNC driver's own motor vehicle insurance policy might not provide any coverage while the TNC driver is logged on to the TNC's digital network or is engaged in a prearranged ride, depending on its terms.

III. That the TNC driver shall contact the driver's personal vehicle insurer or insurance producer and lienholder to advise the insurer or producer and lienholder that the driver will be providing TNC services.

IV. That if the personal vehicle that the TNC driver uses to provide TNC services has a lien against it, using the personal vehicle for TNC services without physical damage coverage may violate the terms of the contract with the lienholder.

V. That if a TNC's insurer makes a payment for a claim covered under comprehensive coverage or collision coverage, the TNC shall cause its insurer to issue the payment directly to the business repairing the personal vehicle or jointly to the owner of the personal vehicle and the primary lienholder on the covered personal vehicle.

359-U:10 Motor Vehicle Insurance Provisions.

I.(a) Insurers that write motor vehicle insurance in New Hampshire may exclude any and all coverage afforded under the policy issued to an owner or operator of a personal vehicle for any loss or injury that occurs while a TNC driver is logged on to a TNC's digital network or while a driver provides a prearranged ride. The right to exclude all coverage may apply to any coverage included in a motor vehicle insurance policy including, but not limited to:

(1) Liability coverage for bodily injury and property damage.

(2) Uninsured and under insured motorist coverage.

(3) Medical payments coverage.

(4) Comprehensive physical damage coverage.

(5) Collision physical damage coverage.

(b) If the coverage has been excluded under this paragraph, and the insurance required to be maintained by the TNC driver under RSA 359-U:8, II and IV has lapsed or does not provide the required coverage, the state financial responsibility requirements in RSA 259:61, I, including costs of defense, shall be satisfied by the TNC's motor vehicle insurance policy, beginning with the first dollar of a claim. Nothing in this section implies or requires that a personal motor vehicle insurance policy provide coverage while the TNC driver is logged on to the TNC's digital network, while the TNC driver is engaged in a prearranged ride, or while the TNC driver otherwise uses a vehicle to transport passengers for compensation. Nothing in this section shall be construed to require an insurer to use any particular policy language or reference to this section in order to exclude any and all coverage for any loss or injury that occurs while a driver is logged on to a TNC's digital network or while a TNC driver provides a prearranged ride. Nothing in this section shall be deemed to preclude an insurer from providing primary or excess coverage for the TNC driver's vehicle, if it chooses to do so by contract or endorsement.

II. No automobile insurer that excludes the coverage described in RSA 359-U:8 shall have a duty to defend or indemnify any claim expressly excluded thereunder. Nothing in this section shall be deemed to invalidate or limit an exclusion contained in a policy, including any policy in use or approved for use in New Hampshire prior to the enactment of this chapter, that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public. An automobile insurer that defends or indemnifies a claim against a driver that is excluded under the terms of its policy, shall have a right of contribution against other insurers that provide automobile insurance to the same driver in satisfaction of the coverage requirements of RSA 359-U:8 at the time of loss.

III. In a claims coverage investigation, TNCs shall immediately provide, upon request by 3 directly involved parties or any insurer of the TNC driver if applicable, the precise times that a TNC driver logged on and off of the TNC's digital network in the 12-hour period immediately preceding and in the 12-hour period immediately following the accident. Insurers under RSA 359-U:8 shall disclose, upon request by any other insurer involved in the particular claim, the applicable coverage, exclusions, and limits provided under any automobile insurance maintained under RSA 359-U:8.

359-U:11 Zero Tolerance for Drug or Alcohol Use.

I. The TNC shall implement a zero tolerance policy regarding a TNC driver's activities while accessing the TNC's digital platform. The zero tolerance policy shall address the use of drugs or alcohol while a TNC driver is providing prearranged rides or is logged into the TNC's digital network but is not providing prearranged rides, and the TNC shall provide notice of this policy on its website, as well as procedures to report a complaint about a TNC driver with whom a rider was matched and whom the rider reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

II. Upon receipt of such rider complaint alleging a violation of the zero tolerance policy, the TNC shall suspend such TNC driver's access to the TNC's digital platform as soon as possible, and shall conduct an investigation into the reported incident. The suspension shall last the duration of the investigation.

III. The TNC shall maintain records relevant to the enforcement of this requirement for a period of at least 2 years from the date that a rider complaint is received by the TNC. The suspension shall last the duration of the investigation.

359-U:12 TNC Driver Requirements.

I. Before allowing an individual to accept trip requests through a TNC's digital platform:

(a) The individual shall submit an application to the TNC, which includes information regarding his or her address, age, driver's license, motor vehicle registration, automobile liability insurance, and other information required by the TNC.

(b) The TNC shall conduct, or have a third party conduct, a local and national criminal background check for each applicant that shall include:

(1) Multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search); and

(2) U.S. Department of Justice National Sex Offender Public Website.

(c) The TNC shall obtain and review, or have a third party obtain and review, a driving history research report from such individual.

II. No individual shall act as a TNC driver on the TNC's digital platform who:

(a) Has had more than 3 moving violations in the prior 3-year period, or one major violation in the prior 3-year period, including, but not limited to, attempting to evade the police, reckless driving, or driving with a suspended or revoked license.

(b) Has been convicted, within the past 7 years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, and/or theft, acts of violence, or acts of terror.

(c) Is a match on the United States Department of Justice National Sex Offender Public Website.

(d) Does not possess a valid driver's license.

(e) Does not possess proof of registration for the motor vehicle used to provide prearranged rides.

(f) Does not possess proof of automobile liability insurance for the motor vehicle used to provide prearranged rides.

(g) Is not at least 19 years of age.

359-U:13 Vehicle Safety. Prior to permitting a TNC driver to accept trip requests through the TNC's digital platform, the TNC shall ensure that the TNC driver's personal vehicle meets New Hampshire's vehicle safety requirements for private motor vehicles.

359-U:14 Street Hails Prohibited. No TNC driver shall solicit or accept street hails.

359-U:15 Discrimination Prohibited; Accessibility.

I. The TNC shall adopt a policy of nondiscrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity with respect to riders and potential riders and notify TNC drivers of such policy.

II. TNC drivers shall comply with all applicable laws regarding nondiscrimination against riders or potential riders on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.

III. TNC drivers shall comply with all applicable laws relating to accommodation of service animals.

IV. No TNC shall impose additional charges for providing services to persons with physical disabilities because of such disabilities.

V. Every TNC shall provide riders an opportunity to indicate whether they require a wheelchair accessible vehicle. If a TNC cannot arrange a wheelchair accessible prearranged ride in any instance, it shall direct the rider to an alternate provider of wheelchair accessible service, if available.

359-U:16 Records. Every TNC shall maintain the following customer records:

I. Individual trip records for at least one year from the date each trip was provided.

II. TNC driver records at least until the one year anniversary of the date on which a TNC driver's customer relationship with the TNC has ended.

359-U:17 Controlling Authority. Notwithstanding any other provision of law, TNCs and TNC drivers are governed exclusively by this chapter and any rules by the department of safety consistent with this chapter. No municipality or other local entity may impose a tax on, or require a license for, a TNC, a TNC driver, or a vehicle used by a TNC driver where such tax or licenses relates to providing prearranged rides, or subject a TNC to the municipality's or other local entity's rate, entry, operational, or other requirements, except that an airport that is federally obligated may charge a TNC fee, as may be amended from time to time, which is not greater than a fee applied to a taxicab service.

359-U:18 Penalties. The department shall adopt rules pursuant to RSA 541-A for penalties, including:

I. The department may assess an administrative penalty for violations of this chapter in an amount not to exceed $500 for a first offense and $1,000 for a subsequent offense. Failure to pay such a penalty shall result in revocation of the TNC permit.

II. The department may suspend or revoke the TNC permit for repeated violations of this chapter.

III. Any person who subverts the intent and purposes of this chapter by filing false, misleading, or substantially inaccurate statements with the department shall be guilty of a violation.

359-U:19 General Duties and Powers of the Commissioner; Rulemaking; Confidentiality of TNC Records.

I. The commissioner shall regulate transportation network companies.

II. The commissioner shall administer and enforce RSA 359-U and shall adopt rules, pursuant to RSA 541-A, relative to the administration of RSA 359-U.

III. The commissioner may adopt rules, pursuant to RSA 541-A, relative to:

(a) Audits for compliance with this chapter and rules relative to the administration of RSA 359-U;

(b) Procedures for permit application and renewal;

(c) Account and record systems;

(d) Preservation of records and accounts; and

(e) Procedures for investigating and disposing of complaints, including a hearing process.

IV. Any rider, driver, trip, or financial records inspected by the department or any duly authorized representative of the department under this chapter are designated confidential, are not subject to disclosure to a third party by the department or duly authorized representative of the department without the prior written consent of the transportation network company, and are exempt from disclosure under the RSA 91-A. Nothing in this section shall be construed as limiting the applicability of any other exemptions under RSA 91-A.

359-U:20 TNC Drivers; Independent Contractors. TNC drivers are presumed to be independent contractors and not employees of the TNC provided all of the following conditions are met:

I. The TNC does not prescribe specific hours during which a TNC driver must be logged into the TNC's digital platform.

II. The TNC imposes no restrictions on the TNC driver's ability to utilize digital platforms from other TNCs.

III. The TNC does not assign a TNC driver a particular territory in which prearranged rides can be provided.

IV. The TNC does not restrict a TNC driver from engaging in any other occupation or business.

V. The TNC and TNC driver agree in writing that the TNC driver is an independent contractor of the TNC.

30:3 Reference Changed; Motor Vehicle Records; Transportation Network Companies. Amend RSA 260:14,V-a, (a)(2) to read as follows:

(2) For use with respect to requests as to whether a driver meets the requirements of RSA [~~376-A:12~~] ***359-U:12.***

30:4 Committee Established; Legislative Examination of Laws; Public Utilities. There is established a legislative committee to examine certain laws codified under RSA Title XXXIV, Public Utilities, to determine if they should be amended, recodified, or repealed.

I. The members of the committee shall be as follows:

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III.(a) The committee shall examine certain laws codified under RSA Title XXXIV, Public Utilities, to determine if they should be amended, recodified, or repealed. Specifically the committee shall examine:

(1) RSA 362-E, on the telecommunications equipment assistance program.

(2) RSA 367, on the formation and union of railroad corporations; leases and extensions.

(3) RSA 368, on railroad trustees and holding companies.

(4) RSA 372, relative to laying out railroads.

(5) RSA 373, relative to crossings, stations, fences, cattle guards, bridges, and bridge guards, and including optional rulemaking under RSA 21-L:12-a, VII.

(6) RSA 377, relative to railroad transportation of passengers, baggage, and freight.

(7) RSA 379, relative to joint, connecting, and terminal service, and including optional rulemaking under RSA 21-L:12-a, X and XI.

(8) RSA 380, relative to railroads; fire damage and prevention.

(9) RSA 381, relative to railroad police, and including rulemaking under RSA 21-P:14, II(p) and appointment under RSA 228:62-a.

(10) RSA 382, relative to maintenance of parks by railroads and bus lines.

(b) The committee shall seek the input, advice, and expertise of any agency or organization with knowledge of the subject matter, including at least the department of energy, the public utilities commission, the department of transportation, and the department of safety.

IV. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2023.

30:5 Effective Date.

I. Section 4 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2023.

Approved: May 17, 2023
Effective Date:
Section 4 effective May 17, 2023
Remainder effective July 1, 2023

Committee Minutes

SENATE CALENDAR NOTICE
Energy and Natural Resources

Sen Kevin Avard, Chair
Sen Howard Pearl, Vice Chair
Sen Regina Birdsell, Member
Sen David Watters, Member
Sen Debra Altschiller, Member

Date: March 30, 2023

HEARINGS

Tuesday	04/04/2023
(Day)	(Date)

Energy and Natural Resources	State House 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)

9:00 a.m.	**HB 442-FN**	establishing a scuba diver recreational lobster license and relative to lobster trap location tracking.
9:15 a.m.	**HB 56**	relative to permits for the siting of new landfills.
9:30 a.m.	**HB 219-FN**	relative to certain public utilities statutes.
9:45 a.m.	**HB 96**	recognizing May 3rd as Old Man of the Mountain Day.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 442-FN

Rep. Hill	Rep. Ankarberg	Rep. Weyler	Rep. Spillane
Rep. Janvrin	Rep. Lewicke	Sen. Pearl	

HB 56

Rep. M. Murray	Rep. Massimilla	Rep. Almy	Rep. Petrigno
Rep. Hamer	Rep. Stapleton	Rep. Simpson	Sen. Watters

HB 219-FN

Rep. Vose	Rep. Harrington		

HB 96

Rep. Potucek	Rep. Packard	Rep. Shurtleff	Sen. Bradley
Sen. Soucy			

Nikolas Liamos 271-7875

Kevin A. Avard
Chairman

Senate Energy and Natural Resources Committee

Nikolas Liamos 271-7875

HB 219-FN, relative to certain public utilities statutes.

Hearing Date: April 4, 2023

Time Opened: 11:31 a.m. **Time Closed:** 11:34 a.m.

Members of the Committee Present: Senators Avard, Pearl, Birdsell, Watters and Altschiller

Members of the Committee Absent : None

Bill Analysis: This bill recodifies the RSA chapter on transportation network companies, and establishes a legislative committee to study statutory provisions no longer associated with administration by the department of energy or the public utilities commission.

Sponsors:
Rep. Vose Rep. Harrington

Who supports the bill: Representative Michael Vose (Rockingham County, District 5), Representative Doug Thomas (Rockingham County, District 16), and Representative John Potucek (Rockingham County, District 13).

Who opposes the bill: None

Who is neutral on the bill: None

Summary of testimony presented:

Representative Michael Vose

Rockingham County, District 5

- Representative Michael Vose introduced House Bill 219
- Representative Vose said the House Science, Technology, and Energy Committee passed HB 219 unanimously.
- Rep. Vose said that in the 1880s and 1890s the Public Utilities Commission (PUC) regulated railroads and telegraphs. He said they still do according to statute, even though in reality they do not.
- Rep. Vose said the PUC asked him to introduce legislation that would remove the sections of statute requiring them to oversee railroads and telegraphs.

- Rep. Vose said that while the original version of HB 219 repealed 10 RSAs, after hearing testimony the House Science, Technology, and Energy Committee decided that some of the RSAs may only need to be recodified.
- Rep. Vose said HB 219 directed a study committee to study the RSAs in question and determine whether they need to be repealed or recodified.
- Senator Watters asked for an elaboration on the Transportation Network Company (TNC) driver requirements.
    - Rep. Vose said that the section was a recodification. He said that the requirements were transplanted from one section of statute to another.
- Sen. Watters asked if there were any substantive changes to the requirements.
    - Rep. Vose said there were no substantive changes.

NPL
Date Hearing Report completed: April 7, 2023

Speakers

Senate Energy and Natural Resources Committee
SIGN-IN SHEET

Date: 4/4/2023 **Time:** 9:30 a.m.

HB 219-FN AN ACT relative to certain public utilities statutes

Name/Representing *(please print neatly)*

Rep Michael Vose	Support ☑	Oppose ☐	Speaking?	Yes ☑ No ☐
Rep Doug Thomas Rock 16	Support ☒	Oppose ☐	Speaking?	Yes ☐ No ☒
Rep John Potucek Rock 13	Support ☑	Oppose ☐	Speaking?	Yes ☐ No ☒
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐

Senate Remote Testify

Energy and Natural Resources Committee Testify List for Bill HB219 on 2023-0

Support: 0 Oppose: 1

Name	Title	Representing	Position
Fuentes, Sebastian	A Lobbyist	Rights & Democracy NH	Oppose

Testimony

STATE OF NEW HAMPSHIRE

CHAIRMAN
Daniel C. Goldner

COMMISSIONER
Pradip K. Chattopadhyay

COMMISSIONER
Carleton B. Simpson

Tel. (603) 271-2431

Website:
www.puc.nh.gov

PUBLIC UTILITIES COMMISSION
21 S. Fruit St., Suite 10
Concord, N.H. 03301-2429

April 3, 2023

Chairman Kevin Avard
And Members of the Senate Energy and Natural Resources Committee
107 North Main Street, Room 103
Concord, NH 03301

Re: HB 219-FN, relative to certain public utilities statutes

Dear Chairman Avard and Members of the Committee:

The Commission is writing to express its support of HB 219-FN, as amended by the House. This bill would deal with a number of statutes currently found under RSA Title XXXIV, entitled "Public Utilities," which no longer relate to the regulation of public utilities. The Commission thanks Representative Michael Vose for sponsoring this legislation.

Sincerely,

Daniel C. Goldner
Chairman

Pradip K. Chattopadhyay
Commissioner

Carleton B. Simpson
Commissioner

cc: Senator Kevin Avard
Senator Howard Pearl
Senator Regina Birdsell
Senator David Watters
Senator Debra Altschiller

Voting Sheets

Senate Energy and Natural Resources Committee
EXECUTIVE SESSION RECORD
2023-2024 Session

Bill # SB 219

Hearing date: 4/4/23

Executive Session date: 4/4/23

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

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	X			X	
Sen. Pearl, Vice Chair	X	X		X	
Sen. Birdsell	X			X	
Sen. Watters	X		X	X	
Sen. Altschiller	X			X	

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

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	X			X	
Sen. Pearl, Vice Chair	X	X		X	
Sen. Birdsell	X			X	
Sen. Watters	X		X	X	
Sen. Altschiller	X			X	

Motion of: _____ **Vote:** _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair					
Sen. Pearl, Vice Chair					
Sen. Birdsell					
Sen. Watters					
Sen. Altschiller					

Reported out by: Watters

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, April 5, 2023

THE COMMITTEE ON Energy and Natural Resources

to which was referred **HB 219-FN**

AN ACT relative to certain public utilities statutes.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator David Watters
For the Committee

House Bill 219-FN has two main objectives, recodify an RSA chapter on transportation network companies and establish a legislative committee to study provisions no longer under the administration of the Department of Energy or the Public Utilities Commission. House Bill 219-FN was introduced at the request of the Public Utilities Commission to examine certain statutes to determine if they should be repealed or recodified to another department. The committee established by HB 219-FN will examine these statutes and recommend the appropriate determination for these statutes. The Senate Energy and Natural Resources committee voted unanimously on a motion of ought to pass on House Bill 219-FN.

Nikolas Liamos 271-7875

FOR THE CONSENT CALENDAR

ENERGY AND NATURAL RESOURCES

HB 219-FN, relative to certain public utilities statutes.
Ought to Pass, Vote 5-0.
Senator David Watters for the committee.

House Bill 219-FN has two main objectives, recodify an RSA chapter on transportation network companies and establish a legislative committee to study provisions no longer under the administration of the Department of Energy or the Public Utilities Commission. House Bill 219-FN was introduced at the request of the Public Utilities Commission to examine certain statutes to determine if they should be repealed or recodified to another department. The committee established by HB 219-FN will examine these statutes and recommend the appropriate determination for these statutes. The Senate Energy and Natural Resources committee voted unanimously on a motion of ought to pass on House Bill 219-FN.

General Court of New Hampshire - Bill Status System

Docket of HB219

Docket Abbreviations

Bill Title: relative to certain public utilities statutes.

Official Docket of **HB219.**:

Date	Body	Description
1/3/2023	H	**Introduced** 01/04/2023 and referred to Science, Technology and Energy
1/25/2023	H	Public Hearing: 02/03/2023 03:00 pm LOB 302-304
2/1/2023	H	Executive Session: 02/06/2023 01:30 pm LOB 302-304
2/16/2023	H	Executive Session: 02/21/2023 09:30 am LOB 302-304
2/27/2023	H	Committee Report: Ought to Pass with Amendment **#2023-0461h** 02/21/2023 (Vote 20-0; CC) **HC 14** P. 7
3/9/2023	H	Amendment **#2023-0461h**: AA VV 03/09/2023 **HJ 8** P. 9
3/9/2023	H	**Ought to Pass with Amendment** 2023-0461h: MA VV 03/09/2023 **HJ 8** P. 9
3/14/2023	S	Introduced 03/09/2023 and Referred to Energy and Natural Resources; **SJ 10**
3/30/2023	S	**Hearing:** 04/04/2023, Room 103, SH, 09:30 am; **SC 16**
4/5/2023	S	Committee Report: Ought to Pass, 04/13/2023; Vote 5-0; CC; **SC 17**
4/13/2023	S	**Ought to Pass**: MA, VV; OT3rdg; 04/13/2023; **SJ 13**
5/12/2023	S	Enrolled Adopted, VV, (In recess 05/11/2023); **SJ 15**
5/15/2023	H	Enrolled (in recess of) 05/04/2023
5/19/2023	H	Signed by Governor Sununu 05/17/2023; Chapter 30; Sec 4 Eff: 5/17/2023 Rem Eff: 7/1/2023

NH House	NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 219-FN **Senate Committee:** ENR

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

X 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

X final version

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

Committee Aide 8/2/23 Date

Senate Clerk's Office AK