

Amendment to HB 649-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the maintenance obligations of motor vehicle operators.

4

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

6

7 1 New Section; Operation of Unsafe Motor Vehicle. Amend RSA 266 by inserting after section
8 RSA 266:8-a the following new section:

9 266:8-b Operator Vehicle Maintenance.

10 I. No person shall drive, or permit to be driven upon any way a motor vehicle, trailer, or
11 semitrailer:

12 (a) Which is in such unsafe condition as to endanger the driver, occupants, or any other
13 person or property; or

14 (b) Any motor vehicle which is not equipped with lamps, brakes, steering, tires, exterior
15 panels, glass, or other equipment as required by law.

16 II. The operation of a motor vehicle in violation of any condition, defect, or requirement set
17 forth in this section shall constitute prima facie evidence that the vehicle is unsafe for operation
18 upon a public way:

19 (a) Any defect that permits exhaust gases to enter the passenger or cargo compartment.

20 (b) Any exterior panel, including doors, hood, fenders, trunk, or bumpers, that are
21 missing; provided, however, that doors may be missing if originally and expressly designed by the
22 manufacturer to be removable.

23 (c) A frame or unibody that is cracked, broken, or rusted to the extent that structural
24 integrity is compromised.

25 (d) A windshield containing intersecting cracks or 3 or more star breaks or bullseyes
26 larger than 3 inches within the critical viewing area of the driver on the front windshield.

27 (1) For purposes of this subparagraph, "critical viewing area" means the portion of
28 the windshield extending 3 inches inward from the left windshield post; 3 inches down from the top
29 edge; 3 inches up from the bottom edge; and, 3 inches to the right of the vertical centerline.

30 (e) Tires, excluding spare tires.

31 (f) A fuel system showing evidence of large, obvious leakage.

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1 III. Law enforcement may issue a defective equipment tag for a vehicle it has judged unsafe
2 or not equipped as required under this section. Such tag shall provide a minimum period of 7
3 calendar days in which the owner of such vehicle is required to repair the defect specified in such
4 tag.

5 IV. The driver or owner who operates, or permits the operation of, a motor vehicle in
6 violation of this section shall be guilty of a violation. The fine for a violation of this section shall be
7 \$60.

8 V. Notwithstanding paragraph IV, the director may immediately suspend the registration
9 and plates of a motor vehicle if there is evidence from law enforcement that the vehicle is an
10 immediate hazard to public safety.

11 2 Sale of Used Motor Vehicles; Examination. Amend RSA 358-F:2 to read as follows:

12 358-F:2 Inspection. Before selling to any customer any used motor vehicle which is believed by
13 the customer to be unsafe for operation upon the highways pursuant to RSA 266, the dealer shall,
14 upon the request of the customer, conduct or have conducted a safety inspection of such vehicle. If
15 the vehicle is found to be unsafe for operation, the dealer may sell the vehicle to the customer
16 without correcting the defects, but only if the dealer presents to the customer at the time of sale a
17 notice which states: This motor vehicle is unsafe for operation upon the highways pursuant to RSA
18 266. The following defects must be corrected. The dealer shall list all defects under this statement
19 and specify the date on which the inspection was conducted and the person who performed the
20 inspection. The dealer may make a reasonable charge for conducting the inspection. ***The dealer***
21 ***shall provide the customer with one of the following written statements at the time of sale:***

22 ***I. If the dealer has conducted, or had conducted, an examination of the vehicle for***
23 ***compliance with the equipment requirements of RSA 266 and the vehicle is found to be in***
24 ***compliance, the dealer shall present to the customer at the time of sale a notice which***
25 ***states: This motor vehicle has been determined to be in compliance with the equipment***
26 ***requirements pursuant to RSA 266.***

27 ***II. If the dealer has conducted, or had conducted, an examination of the vehicle for***
28 ***compliance with the equipment requirements of RSA 266 and the vehicle is found not to be***
29 ***in compliance, the dealer shall provide a statement which reads: This motor vehicle has***
30 ***been examined and determined not to be in compliance with the equipment requirements***
31 ***pursuant to RSA 266. The following defects are identified.***

32 ***III. If the dealer has not conducted an examination of the vehicle for compliance***
33 ***with the equipment requirements of RSA 266, the dealer shall provide a statement which***
34 ***reads: No examination has been conducted to determine whether this motor vehicle is in***
35 ***compliance with the equipment requirements pursuant to RSA 266.*** The dealer may make a
36 reasonable charge for conducting an inspection ***examination under paragraphs I or II. Each***

1 *notice or statement provided under this section shall specify the date on which the*
2 *examination was conducted, if any, and the name of the person who performed it.*

3 3 Sale of Unsafe Used Motor Vehicles; Remedy. Amend RSA 358-F:4 to read as follows:

4 358-F:4 Remedy. A failure of any dealer to comply with the provisions of this section, or a
5 concealment by any dealer of any defect which was discovered, or should have been discovered,
6 during the inspection ***examination conducted*** requested under RSA 358-F:2 is an unfair or
7 deceptive act or practice within the meaning of RSA 358-A:2. Any right or remedy set forth in RSA
8 358-A may be used to enforce the provisions of this chapter.

9 4 Temporary Permit and Plates Pending Registration. New Paragraphs; Temporary Permit and
10 Plates Pending Registration. Amend RSA 261:56 by inserting after paragraph II the following new
11 paragraphs:

12 III. Notwithstanding paragraphs I and II, no dealer shall issue a temporary plate or
13 temporary registration certificate to any motor vehicle that fails to meet the requirements set forth
14 in RSA 266.

15 IV. The director shall adopt rules, pursuant to RSA 541-A, relative to the requirements
16 dealers must follow prior to issuing a temporary plate or temporary registration under this section.

17 5 Twenty-Day Registration. Amend RSA 261:57, I to read as follows:

18 I. Any resident of this state who intends to purchase a vehicle in another state or from
19 another person or who is unable to register a vehicle because of limited hours of operation of the
20 town clerk in the town where the person resides may apply to the division or its substation or
21 authorized agent nearest his or her residence for a registration to drive said vehicle on the ways of
22 the state in an unregistered condition. Said resident shall appear in person at the division or
23 substation to obtain such registration and shall sign under penalty of perjury a statement that the
24 vehicle ***is safe for operation upon the highways pursuant to RSA 266*** meets all New
25 Hampshire inspection requirements, and in the case of a person seeking an extension of his or her
26 registration, that he or she was unable to register the vehicle because of the limited hours of the
27 town clerk, before said registration may be issued. Said registration shall be valid for 20 days from
28 the time it is issued. Application blanks and permits in the form prescribed by the director shall be
29 designed, printed, and supplied to the substations by the division. The fee for the issuance of a
30 registration shall be \$20. It shall be unlawful for any person to drive a vehicle on the ways of the
31 state under a registration issued pursuant to this section unless said person has in his or her
32 possession a valid bill of sale for the vehicle he or she is driving, or in the case of a person whose
33 registration is extended, a copy of the form indicating he or she was unable to register because of the
34 limited hours of the town clerk. No person shall make application for a 20-day registration on the
35 same vehicle more than once within a 12-month period. Only 3 20-day registrations shall be issued
36 on the same vehicle within a 12-month period.

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1 6 Off Highway Recreational Vehicles And Trails; Rental Fleet Passenger Vehicle Registration
2 Program. RSA 261:40-b is repealed and reenacted to read as follows:

3 261:40-b Rental Fleet Passenger Vehicle Registration Program.

4 I. The division of motor vehicles shall establish a rental fleet registration program, whereby
5 a qualified registrant, according to paragraph II, may register 50 or more in-service rental passenger
6 vehicles as a fleet, elect a common annual expiration date for all vehicles in the fleet, receive
7 registration stickers for each vehicle in the fleet that shall be valid for 2 years, and pay registration
8 fees for each fleet vehicle based on the common 2-year expiration date and according to rates and
9 costs established in existing law. In addition to the registration fees, the registrant shall pay all
10 registration permit fees and municipal fees for each registration year.

11 II. The rental fleet registration program shall be solely for the registration of a fleet of 50 or
12 more in-service rental passenger vehicles. A rental car company intending to register such a fleet
13 shall submit a current New Hampshire certificate of good standing issued by the secretary of state's
14 office to the division of motor vehicles and receive the division's approval to enroll in the program.
15 Once enrolled in the program, a registrant shall submit a current certificate of good standing at the
16 time of payment of registration fees and costs. Additionally, the division may require a company
17 enrolled in the program to produce a current certificate of good standing at any time during the 2-
18 year period of registration. If a rental car company is not in good standing with the secretary of
19 state or fails to meet other enrollment criteria set by the division of motor vehicles, including
20 maintaining an in-service fleet of 50 or more vehicles, the division shall terminate the registrant's
21 fleet registration and revert any existing registration credentials to those of a non-fleet vehicle.

22 III. Upon initial registration of a fleet, and at least 60 days prior to the common 2-year
23 expiration date for the fleet, the registrant shall provide an itemized account of all motor vehicles in
24 the fleet in the manner required by the division.

25 IV. Any vehicle added to the fleet after the initial fleet registration shall receive a
26 registration sticker identical to those of the registered fleet and the registrant shall be required to
27 pay a prorated amount of registration fees and costs for the remainder of the year until the common
28 2-year expiration date. A registrant may transfer the registration of a permanently retired fleet
29 vehicle to a new in-service fleet vehicle for any remainder period of registration.

30 V. The director of the division of motor vehicles shall adopt rules pursuant to RSA 541-A
31 regarding enrollment and cancellation of enrollment.

32 VI. No later than 60 days after the effective date of this paragraph, the commissioner of the
33 department of safety shall make rules under RSA 541-A relative to the establishment and
34 administration of the rental fleet passenger vehicle program established in RSA 261:40-b.

35 7 Effective Date. This act shall take effect upon its passage.

2026-0345s

AMENDED ANALYSIS

This bill:

- I. Establishes a duty for motorists to maintain vehicles.
- II. Defines specific mechanical and structural defects that render a vehicle unsafe.
- III. Empowers law enforcement to conduct limited safety inspections.
- IV. Restricts the sale and registration of vehicles that fail to meet safety standards.