

Rep. Osborne, Rock. 2
Rep. T. Walsh, Merr. 10
Rep. Giasson, Hills. 29
Rep. Coker, Belk. 2
January 30, 2026
2026-0422h
05/08

Amendment to HB 1560-FN

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

2

3 1 Statement of Purpose. As part of the state budget process, the New Hampshire legislature
4 repealed the state's annual vehicle inspection requirement. Pursuant to 2025, 141:244 - 256,
5 statutory authority for the vehicle inspection program is repealed effective January 31, 2026.
6 However, on January 27, 2026, the federal court in Gordon-Garby Holdings Inc. v. NH Department
7 of Safety, Commissioner et al., Civil No. 25-cv-508-LM-AJ (D.N.H. 2025), issued a preliminary
8 injunction, providing that the state of New Hampshire's vehicle inspection and maintenance
9 program, as codified in New Hampshire's federally approved state implementation plan shall remain
10 in effect unless and until the Environmental Protection Agency (EPA) grants federal approval of a
11 revised state implementation plan removing or otherwise amending that vehicle inspection program.
12 This act is intended to address the application and administration of the program pending EPA
13 approval of the revised state implementation plan.

14 2 New Section; State Inspection Program. Amend RSA 266 by inserting after section 1-b the
15 following new section:

16 266:1-c State Inspection Program; Application Pending EPA Approval. Pending United States
17 Environmental Protection Agency (EPA) approval of the revised state implementation plan, the
18 state's inspection program, as previously established pursuant to this chapter and rules adopted
19 thereunder, shall remain in effect provided that, notwithstanding any law or rule to the contrary:

20 I. Any fine for the failure to inspect a motor vehicle shall be \$1.

21 II. No law enforcement agency shall use the lack of inspection or absence of a current
22 inspection sticker as probable cause for a motor vehicle stop. Lack of inspection may be considered a
23 secondary offense only when a driver of a motor vehicle has been stopped for a suspected violation of
24 another provision of Title XXI or some other offense.

25 III. The director may authorize properly qualified persons to inspect any motor vehicle
26 which has been involved in a fatal accident or an accident involving serious bodily injury as defined
27 in RSA 625:11, VI, to determine whether the vehicle was in compliance with the equipment
28 requirements of this chapter; provided that under no circumstance shall the lack of inspection be
29 considered evidence of liability or fault.

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1 IV. Failure to have a motor vehicle inspected shall not be used as the reason not to insure,
2 register, or operate the vehicle on public roadways. Nor shall the failure to have a motor vehicle
3 inspected form the basis for determining liability or fault in a motor vehicle collision or accident.
4 Reasonable proof of defective equipment or operation shall be required in any such criminal or civil
5 action.

6 V. Upon the effective date of this section, the department of safety shall immediately begin
7 the process of issuing a request for proposals for new equipment contracts related to emissions
8 testing and OBD II diagnostic testing. The state shall also move to terminate its existing contract
9 with Gordon-Darby, Gordon-Darby NHOST Services, Inc., and any related parent or subsidiary
10 companies.

11 3 New Section; Motor Vehicle Insurance Rates; Inspection. Amend RSA 412:17 by inserting
12 after section 17-a the following new section:

13 412:17-b Cancellation of Policy Due to Lack of Inspection Prohibited. No insurance company
14 authorized to transact business in this state, which insures against loss by reason of the liability to
15 pay damages to others for damage to property or bodily injury including death, arising from the
16 operation, maintenance, or use of motor vehicles within this state, shall cancel, reduce liability
17 limits, refuse to renew, or increase the premium of any such motor vehicle policy for the sole reason
18 that the person to whom such policy has not had the vehicle inspected in accordance with RSA 266:1.

19 4 Severability. If any provision of this act or the application thereof to any person or
20 circumstances is held invalid, such invalidity shall not affect other provisions or applications of the
21 act which can be given effect without the invalid provision or application, and to this end the
22 provisions of this act are declared to be severable.

23 5 Contingency. Section 6 of this act shall take effect on the date the commissioner of the
24 department of environmental services certifies to the director of the office of legislative services and
25 the secretary of state that the United States Environmental Protection Agency has approved
26 amendments to the state implementation plan removing or otherwise amending the state's vehicle
27 inspection program.

28 6 Repeal. RSA 266:1-a, relative to the state inspection program, is repealed.

29 7 Effective Date.

30 I. Section 6 of this act shall take effect as provided in section 5 of this act.

31 II. The remainder of this act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill provides that the lack of a current inspection sticker shall not be the primary basis for a motor vehicle stop; it shall be a secondary offense only. The bill also reduces the fine for lack of a motor vehicle inspection, provides that lack of inspection shall not be considered in the determination of liability or fault, or the basis for denial of insurance. The bill also directs the department of safety to issue an RFP for emissions and OBD II diagnostic testing contracts and to terminate any contract with Gordon Darby Holdings.

UNAPPROVED