

Amendment to HB 1492-FN

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

2

3 AN ACT relative to the regulation and appeal of motor vehicle towing from public highways
4 and prohibiting the division of motor vehicles from suspending a license on the basis
5 of debt owed to a private entity related to the towing or storing of a motor vehicle.
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7 Amend the bill by replacing all after the enacting clause with the following:

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9 1 Fees for Removal and Impoundment of Motor Vehicles. Amend RSA 262:35-a to read as
10 follows:

11 262:35-a Review of Fees for Removal and Impoundment.

12 I. All fees charged for the removal and storage of any vehicle caused to be removed by an
13 authorized official pursuant to RSA 262:32 or RSA 262:40-a shall be reasonable, and may reflect
14 market variables, including, but not limited to, distance traveled to and from the storage facility,
15 vehicle size and weight, the amount of time needed to remove and store the vehicle, any special
16 equipment needed, and personnel costs. ***The invoice for towing and impoundment of the***
17 ***vehicle shall clearly indicate the process for appeal pursuant to this section.*** If the owner or
18 other person lawfully entitled to possession of the vehicle wishes to challenge the reasonableness of
19 the fee charged, the owner or other person may pay over to the custodian of the vehicle an amount
20 equal to the towing and storage charges to secure the release of the vehicle, and, within ~~[15]~~ **30** days
21 of the ~~[release of the vehicle]~~ ***receipt of the invoice***, request in writing a review by the
22 commissioner of safety. The commissioner of safety or designee shall review the claim to determine
23 if there are sufficient grounds to conduct a hearing to determine whether the charge was reasonable.
24 If the commissioner or designee determines that a hearing is necessary, the hearing shall be
25 scheduled by the bureau of hearings within 20 days after review by the commissioner, at which time
26 the extent of removal and storage fees shall be determined. The commissioner or designee shall
27 approve or disapprove of the decision of the bureau of hearings within 7 days after the hearing was
28 held. Notwithstanding RSA 262:25, any person aggrieved by a decision of the commissioner or
29 designee under this section may appeal the decision to the superior court in the same manner as
30 that prescribed in RSA 263:75, II and III. If no request for review is filed within the ~~[15-day]~~ **30-day**
31 period, the owner or other person lawfully entitled to possession of the vehicle shall be deemed to
32 have waived all rights to review under this section and shall be liable for the total amount billed.

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1 II. Nothing in this section shall prevent a review of the reasonableness of the towing or
2 other action as may be permitted by laws of this state by a court of competent jurisdiction.

3 III. Any time that a person is storing a vehicle pursuant to the provisions of this subdivision,
4 the person may remove any items from within the vehicle that are not a part of or accessories to the
5 vehicle. The person may hold any such items, other than wallets, purses, life essential clothing,
6 mail, legal documents, car seats, eyeglasses, medicine, medical equipment, or house keys pending
7 payment of any fees due under this subdivision. If fees remain unpaid after [20] **30** days, the person
8 may dispose of the items.

9 2 Abandoned Vehicles; Procedure for Removal and Impoundment. Amend RSA 262:33, II and
10 III to read as follows:

11 II. Whenever a vehicle is towed pursuant to RSA 262:31-a or RSA 262:32, the owner or other
12 person lawfully entitled to the possession of the vehicle shall be entitled to recover said vehicle and
13 release of the above lien by payment of all reasonable towing and storage charges. ***The invoice for***
14 ***towing and impoundment of the vehicle shall clearly indicate the process for appeal***
15 ***pursuant to this section.*** If the owner or other person lawfully entitled to possession of the vehicle
16 wishes to challenge whether there was sufficient grounds for towing and impoundment, he or she
17 may pay over to the custodian of the vehicle an amount equal to the towing and storage charges to
18 secure the release of such vehicle, and, within [15] **30** days of the [~~towing and impoundment~~] ***receipt***
19 ***of the invoice,*** request in writing a hearing.

20 III. The hearing shall be held before the head of the law enforcement agency which employs
21 the authorized official who caused the vehicle to be removed and stored, or his or her designee. In
22 the event such agency head or his or her designee determines sufficient grounds did not exist for the
23 removal and storage of the vehicle, the law enforcement agency shall reimburse the owner or other
24 person lawfully claiming possession for any amount paid to the custodian to secure release of the
25 vehicle, ***or, if payment has not yet been made, order that the vehicle be immediately released***
26 ***from impoundment, with the agency assuming full liability of the lien.***

27 3 New Section; License Suspension; Failure to Pay Fines and Fees. Amend RSA 263 by
28 inserting after section 56-g the following new section:

29 263:56-h License Suspension Prohibited for Unpaid Towing or Storage Fees.

30 I. Under no circumstances shall the director suspend, revoke, or fail to renew a driver's
31 license for failure to pay removal and storage fees for a vehicle towed or stored for any reason.

32 II. A person whose driver's license has been suspended for outstanding vehicle removal or
33 storage fees and who is otherwise eligible to drive shall have their driver's license reinstated and
34 shall not be required to pay a reinstatement fee. No later than 30 days after the effective date of this
35 section, the division shall, without requiring a reinstatement fee, reinstate the driver's license or
36 nonresident operating privilege. In cases where a driver's license was not renewed due to
37 outstanding removal and storage fees, the person shall be immediately eligible for license renewal

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1 and shall pay the same renewal fee as a driver not under suspension, but not a separate
2 reinstatement fee.

3 4 License Suspension Restricted. Amend RSA 263:57, I to read as follows:

4 I. Any justice of [~~a district or municipal court~~] ***the circuit court*** or of the superior court
5 may suspend any license issued to any person, for a period not to exceed 30 days, after a conviction
6 of an offense under the provisions of this title, after [~~due hearing~~] ***a hearing where the driver had***
7 ***reasonable notice of the possibility of license suspension prior to the hearing***, for any cause
8 ***not prohibited in RSA 263***, which he *or she* may deem sufficient.

9 5 Requirements for Placement on the Tow List. Amend RSA 106-B:30, XVIII to read as follows:

10 XVIII. The tow business shall provide state police with a complete updated list of all rates
11 for the services it performs related to the towing and storage of vehicles, on the letterhead of the
12 business, and shall update such list when prices change. State Police shall not set the fees for these
13 services nor use the rate schedule provided in determining placement on a rotation schedule. [~~Price~~
14 ~~lists shall remain confidential except when determining the reasonable fee in a requested hearing~~
15 ~~conducted by the department of safety.~~]

16 6 Effective Date.

17 I. Sections 3 and 4 of this act shall take effect 60 days after its passage.

18 II. The remainder of this act shall take effect January 1, 2027.

2026-0662h

AMENDED ANALYSIS

This bill:

I. Extends the time period for a vehicle owner to appeal the reasonableness of towing and impoundment fees to the department of safety.

II. Requires that invoices generated from towing and impounding vehicles clearly indicate the process for appealing said tow or impoundment.

III. Prohibits the division of motor vehicles from suspending a person's license or driving privileges based on their failure to pay a debt related to a commercial entity's towing or storage of a vehicle.