

**HB 1135 - AS INTRODUCED**

2026 SESSION

26-2311

09/05

HOUSE BILL            ***1135***

AN ACT                prohibiting the acquisition of prescriptive rights in private roads through adverse use.

SPONSORS:            Rep. Aylward, Merr. 5; Rep. Fracht, Graf. 16

COMMITTEE:          Municipal and County Government

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ANALYSIS

This bill prohibits acquiring of rights in private roads, ways, driveways, or trails through adverse use.

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Explanation:          Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struck through.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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-Six*

AN ACT prohibiting the acquisition of prescriptive rights in private roads through adverse use.

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

1 1 Subdivision Heading Change. Amend the subdivision heading preceding RSA 477:33 to read  
2 as follows:

3 [No] Prescription ***Prohibited*** [~~Against the Public~~]

4 2 New Section; Private Roads and Trails. Amend RSA 477 by inserting after section 34 the  
5 following new section:

6 477:34-a Private Roads and Trails.

7 The use of a landowner's roads, ways, driveways, or trails, by any person or the public,  
8 regardless of duration, shall not create or establish any right, title, interest, or easement by  
9 prescription, adverse use, or implication, nor raise any presumption of a grant thereof.

10 3 Application. This act shall not apply to any claims already fully adjudicated before the  
11 effective date of this act.

12 4 Effective Date. This act shall take effect 60 days after its passage.