

Amendment to HB 1146

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

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3 AN ACT prohibiting certain fees for motor vehicle features.

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5 Amend the bill by replacing section 1 with the following:

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7 1 Regulation of Business Practices; Prohibited Conduct; Vehicle Feature Fees Prohibited.

8 Amend RSA 357:C-3, IV to read as follows:

9 IV. ~~[It shall be deemed a violation for a motor]~~ **Motor** vehicle dealer to require a purchaser
10 of a new motor vehicle, as a condition of sale and delivery, to also purchase special features,
11 appliances, equipment, parts or accessories not desired or requested by the purchaser; provided,
12 however, that this paragraph shall not apply to special features, appliances, equipment, parts or
13 accessories which are already installed on the car when received by the dealer and; provided further,
14 that the motor vehicle dealer, prior to the consummation of the purchase, reveals to the purchaser
15 the substance of this paragraph.

16 ***IV-a.(a) Manufacturer, motor vehicle dealer, or agent thereof to charge any***
17 ***additional fee, whether recurring, periodic, subscription-based, activation-based, or one-***
18 ***time, for the use or activation of any motor vehicle feature that:***

19 ***(1) Relies solely on hardware or physical components that are installed in***
20 ***the vehicle at the time of sale or lease to the consumer. A feature shall be considered***
21 ***installed if the hardware necessary for its operation is physically present and connected***
22 ***within the vehicle at the time of sale, regardless of whether software activation is required;***

23 ***(2) Is capable of performing its primary operational function without***
24 ***ongoing external cellular, satellite, wireless, Internet, or other off-vehicle network***
25 ***connectivity;***

26 ***(A) For the purposes of this paragraph:***

27 ***(i) "Primary operational function" means the essential mechanical,***
28 ***electrical, or software-enabled capability of a feature as ordinarily understood by a***
29 ***reasonable consumer, excluding ancillary enhancements, data services, or remote access***
30 ***features.***

1 (ii) *“Ongoing external connectivity” shall not include incidental or*
2 *temporary communication that is not required for the continuous operation of the feature*
3 *once activated; and*

4 (3) *Does not require a recurring third-party service for the essential*
5 *operation of its primary function;*

6 (b) *Provided, however that nothing in this paragraph shall prohibit:*

7 (1) *Charges for services that by design require continuous external data*
8 *transmission, including but not limited to live traffic data, streaming media, satellite*
9 *radio, vehicle Wi-Fi hotspots, telematics services, remote vehicle control via mobile*
10 *application, or emergency communication systems;*

11 (2) *The sale of optional hardware packages that are not physically installed*
12 *in the vehicle at the time of sale; or*

13 (3) *Safety-related updates or recalls required under federal or state law,*
14 *provided no charge is imposed.*

Amendment to HB 1146
- Page 3 -

2026-0957h

AMENDED ANALYSIS

This bill prohibits motor vehicle manufacturers, dealers, and their agents from charging additional fees for vehicle features which are physically installed in the vehicle at the time of sale or lease and which do not require ongoing external connectivity. This bill also makes a clerical amendment to the statute.