

HB 1135 - AS AMENDED BY THE HOUSE

5Mar2026... 0731h

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

ANALYSIS

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Against the Public]~~ ***Adverse Possession and Prescriptive Easements;***
4 ***Limitation***

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

7 477:34-a Private Roads and Trails.

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

12 II. This section shall not apply to:

13 (a) Any claims for easement by prescription or claims for adverse possession for utilities
14 in use prior to January 1, 1948.

15 (b) Any existing state, county, or municipal prescriptive easement.

16 3 Application. This act shall not apply to any claims already fully adjudicated or currently being
17 adjudicated before the effective date of this act.

18 4 Effective Date. This act shall take effect 120 days after its passage.