

SB 617 - AS AMENDED BY THE HOUSE

03/26/2026 1218s
23Apr2026... 1510h

2026 SESSION

26-2182
09/08

SENATE BILL **617**

AN ACT relative to the removal of abandoned vehicles by law enforcement, relative to the regulation and appeal of motor vehicle towing from public highways, and prohibiting the division of motor vehicles from suspending a license on the basis of debt owed to a private entity related to the towing or storing of a motor vehicle.

SPONSORS: Sen. Gannon, Dist 23; Sen. Innis, Dist 7; Sen. Birdsell, Dist 19; Sen. McGough, Dist 11; Rep. Bernardy, Rock. 36; Rep. Litchfield, Rock. 32; Rep. Khan, Rock. 30; Rep. M. Pearson, Rock. 34

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill:

I. This bill substantially revises the procedures and processes concerning the maintenance of and utilization of a list of contracted tow companies used by the division of state police for the removal of vehicles.

II. Requires that invoices generated from towing and impounding vehicles clearly indicate the process for appealing said tow or impoundment and extends the time period for a vehicle owner to appeal the reasonableness of towing and impoundment fees to the department of safety.

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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to the removal of abandoned vehicles by law enforcement, relative to the regulation and appeal of motor vehicle towing from public highways, and prohibiting the division of motor vehicles from suspending a license on the basis of debt owed to a private entity related to the towing or storing of a motor vehicle.

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

1 1 State Police; Use of Tow List. Amend RSA 106-B:27, IV to read as follows:

2 IV. The director of state police with the approval of the commissioner of safety may adopt
3 rules pursuant to RSA 541-A consistent with relevant provisions of this subdivision setting forth
4 minimum qualifications of tow companies and their employees to participate in the state police tow
5 list, including qualifications, training, and minimum standards for equipment, response times,
6 storage and release of towed vehicles and their contents, and criminal history and motor vehicle
7 record checks of ~~[-tow truck drivers]~~ **employees**.

8 2 Definitions; Removal of Abandoned Vehicles. Amend RSA 106-B:28 to read as follows:
9 106-B:28 Definitions.

10 In this subdivision:

11 I. **"Employee" means any individual employed by the tow business who may**
12 **physically respond roadside to a state police tow call for service.**

13 II. "Heavy duty wrecker" means a wrecker intended and suitably equipped for towing
14 vehicles in excess of 10,000 pounds gross weight, such as a tractor-trailer, large truck, or similar
15 vehicle but excluding carriers and flatbeds, and meeting the following requirements, provided that
16 come-a-longs, chains, or other similar devices shall not be used as substitutes for winch and cable:

17 (a) A truck chassis having a minimum gross vehicle weight rating of not less than 54,500
18 pounds;

19 (b) Tandem axles, or a cab-to-axle length of not less than 102 inches;

20 (c) A combined winch capacity of not less than 50,000 pounds, as rated by the winch
21 manufacturer;

22 (d) A single winch in good operating condition with a capacity of 50,000 pounds, as rated
23 by the winch manufacturer, or if equipped with 2 winches, a combined rating of 50,000 pounds;

24 (e) A manufactured wheel-lift in good operating condition, with retracted lifting capacity
25 of not less than 20,000 pounds, as rated by the lift manufacturer, with safety chains or a tow bar of
26 equal capacity;

27 (f) A winch cable rated as specified by the winch manufacturer, in good condition;

28 (g) Light and air brake hookups for the towed vehicle; and

1 (h) Additional safety equipment as specified in this chapter and consistent with United
2 States Department of Transportation inspection requirements.

3 [~~III.~~] **III.** "Light/Medium duty wrecker" means a wrecker intended and suitably equipped for
4 safely towing vehicles weighing 26,000 pounds or less gross weight, including passenger cars, pickup
5 trucks, motorcycles, small trailers, and similar vehicles, that meets the following requirements,
6 provided that come-a-longs, chains, or other similar devices shall not serve as substitutes for a winch
7 and cable:

8 (a) A minimum gross vehicle weight rating of not less than 14,500 pounds;

9 (b) Individual boom capacity of not less than 8,000 pounds, as rated by the boom
10 manufacturer;

11 (c) Individual power takeoff or hydraulic power or electric winch capacity of not less
12 than 8,000 pounds, as rated by the manufacturer, and wire rope of a capacity and length consistent
13 with the device manufacturer;

14 (d) A manufactured wheel-lift with a retracting lifting capacity of not less than 3,500
15 pounds, as rated by the manufacturer, with safety chains;

16 (e) Dual rear wheels;

17 (f) Two chock blocks that will prevent rolling or slippage of the wrecker; and

18 (g) Additional safety equipment as specified in this chapter and consistent with United
19 States Department of Transportation inspection requirements.

20 [~~III.~~] **IV.** "Recovery vehicle" means a motor vehicle consisting of a commercially available
21 truck chassis equipped with a commercially manufactured tow body or bed and that is rated and
22 issued a serial number by the manufacturer, designed and equipped for and used in the towing or
23 recovery of vehicles, in good condition and capable of towing a vehicle by means of a tow bar, sling, or
24 wheel lift, and capable of recovering a vehicle by means of a hoist, winch, or towline.

25 [~~IV.~~] **V.** "Rollback carrier" means a flatbed vehicle in good condition that meets the following
26 requirements, provided that come-a-longs, chains, or similar devices shall not be used as substitutes
27 for a winch and cable:

28 (a) A minimum gross vehicle weight rating of at least 19,500 pounds;

29 (b) A specially equipped chassis with a ramp on wheels and a hydraulic lift with a
30 capacity to haul or tow another vehicle;

31 (c) At least one 8,000 pound winch, as rated by the winch manufacturer, with at least 50
32 feet of cable, as recommended by the winch manufacturer; and

33 (d) Additional safety equipment as specified in this chapter and consistent with United
34 States Department of Transportation inspection requirements.

35 [~~V.~~] **VI.** "Tow business" means a person, enterprise, partnership, company, LLC, or other
36 corporation having a registered trade name, an active New Hampshire tax identification number, an
37 active New Hampshire workers' compensation insurance policy or exemption papers, an active New

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1 Hampshire employment security account, and that meets all state and local legal requirements
2 including, but not limited to, those related to payment of business related taxes, fees, and insurance
3 coverage, and that regularly engages in the impoundment, recovery, transport, or storage of towed or
4 abandoned vehicles, or in the disposal of abandoned vehicles.

5 ~~[VI.]~~ **VII.** "Tow list" means a list or lists of qualified New Hampshire businesses compiled by
6 the division of state police and used by them to dispatch wreckers and recovery and road service
7 vehicles to tow, recover, and temporarily store a vehicle when the owner, driver, or other person
8 responsible for the vehicle is not present or wishes to have the vehicle removed and expresses no
9 choice or preference of a specific tow business, or when public safety requires the law enforcement
10 official in charge at the scene to clear the vehicle from the location believing, in his or her sole
11 opinion, the vehicle is causing a public hazard or safety issue or is stolen, unregistered, was involved
12 in a crime, or is in violation of a statute that requires immediate removal.

13 ~~[VII.]~~ **VIII.** "Vehicle storage area" means a suitable yard or enclosed building where a
14 qualified tow business keeps or stores towed or impounded vehicles.

15 ~~[VIII.]~~ **IX.** "Wrecker" for purposes of this chapter and except where the context clearly
16 indicates otherwise, means a tow truck, road service vehicle, or carrier and recovery vehicle used by
17 tow businesses on the state police tow list.

18 3 Use of Tow List. Amend RSA 106-B:29, X to read as follows:

19 X. A tow business may terminate or temporarily suspend its designation as a service
20 provider and be removed from the rotation list by providing prompt written notice to state police
21 ~~[communications]~~. In the event of unforeseen circumstances such as death, fire, bankruptcy, or loss
22 of equipment from accident or failure, a tow business on the tow list shall timely notify the director
23 of state police in writing of its intent to suspend its designation as a service provider. If and when it
24 desires to return to service, such tow company shall send a new application to the director. If
25 approved to resume operation, they shall be placed at the bottom of the rotation list.

26 4 Use of Tow List. Amend RSA 106-B:29, XV to read as follows:

27 XV. A tow business shall not sell, assign, transfer, pledge, surrender, encumber, or dispose
28 of its place on the rotation list. By applying to be placed on the list, a tow business agrees to respond
29 to all state police calls 24 hours a day, 7 days a week. If for any reason the business cannot respond
30 to a call, it rotates to the bottom of the list. Businesses that develop a pattern of non-response to
31 calls ***or fail to meet the response times outlined in RSA 106-B:30*** may be subject to removal
32 from the rotation list ***or actions outlined in RSA 106-B:34***.

33 5 Requirements for Placement on the Tow List. Amend RSA 106-B:30, II-III to read as follows:

34 II. The tow business shall provide as part of its application a list of all ~~[tow truck operator~~
35 ~~personnel]~~ ***employees***, including full name, current address, date and place of birth, driver's license
36 number and type, and any restrictions, ***and*** license expiration date~~[, and social security number]~~.

1 The application shall be updated with *the* state police [~~communications~~] within 5 days of whenever a
 2 new employee is hired, or an employee leaves the employ of the business.

3 III. The application shall include an individual form approved by the director of state police
 4 for each [~~tow truck operator~~] **employee** and for the owner and manager of the business and any
 5 supervisors, listing under penalty of unsworn falsification their full name, date and place of birth,
 6 driver license number and type and any restrictions or limitations, and a listing of all motor vehicle
 7 offense convictions in this or any other state or Canadian province including type, court, and year in
 8 the preceding 5 years, and a list of any criminal convictions in this or any other state or Canadian
 9 province within the past 10 years, including type of offense, year of conviction, court, and sentence
 10 imposed, and whether the person is currently on probation or parole or has ever been a registered
 11 sex offender or subject to a domestic violence protective order. Nothing in this paragraph shall
 12 restrict the employer or state police in case of doubt from verifying the information through a record
 13 check or checks.

14 6 Requirements for Placement on the Tow List. Amend RSA 106-B:30, V to read as follows:

15 V. If an [~~operator~~] **individual** is [~~employed by~~] **an employee of** more than one listed towing
 16 company, each company shall maintain an independent and separate driver file on such individual.
 17 When [~~a driver, manager, or supervisor~~] **an employee** ceases employment at the business or a new
 18 such employee is hired, the company shall notify the state police director in writing within 10 days
 19 and include a copy of the application including a copy of the form described in paragraph III. It shall
 20 be the responsibility of the operator to maintain appropriate records of driving times showing full
 21 compliance with all applicable laws, rules, and regulations.

22 7 Requirements for Placement on the Tow List. Amend RSA 106-B:30, VIII to read as follows:

23 VIII. Wreckers dispatched shall arrive at the scene within 30 minutes of being called, except
 24 for cases where the travel distance, posted speeds, or traffic and weather conditions and volume of
 25 traffic make this unreasonable. For heavy duty calls the company shall respond within a maximum
 26 of 60 minutes regardless of the time of day. If the time exceeds the above limit and the tow business
 27 does not provide state police communications or the trooper in charge at the scene with a valid
 28 reason for the delay within that time, a second rotation wrecker may be dispatched. If a second
 29 wrecker is requested before the arrival of the initially dispatched rotation wrecker, the initially
 30 requested wrecker shall forfeit the call and leave the incident scene. Repeated tardiness may result
 31 in suspension or removal from the rotation list **or any other disciplinary action as outlined in**
 32 **RSA 106-B:34. Notwithstanding any other provision of law, for imminent concerns related**
 33 **to public health, safety, or welfare, the director may order the immediate suspension of the**
 34 **tow business at their discretion, and without a hearing. Any such suspension shall be**
 35 **subject to the hearing requirements and timelines set forth in RSA 541-A:30, III.**

36 8 Requirements to Remain on the Tow List. Amend RSA 106-B:31, XIII to read as follows:

1 XIII. State troopers or other designated department of safety personnel may be assigned at
2 the discretion of the state police director to conduct reviews from time to time of towing businesses,
3 their records, and equipment to ensure compliance with relevant rules and laws and make a
4 recommendation[~~through the state police communications commander~~] to the director as to the level
5 of compliance and any appropriate action. Tow businesses participating in the tow list shall make,
6 during normal business hours, their records, vehicles, facility, and equipment available for
7 examination for such reviews by troopers or other department of safety employees. In cases of non-
8 compliance, the state police [~~communications commander~~] shall recommend appropriate action to
9 the director, which may include a verbal or written reprimand, suspension, or revocation from
10 continued participation in the rotating list. Such action is discretionary and shall be based on the
11 nature and seriousness of the discrepancy and any prior record of the business.

12 9 Compliance Action; Disciplinary Enforcement. RSA 106-B:34 is repealed and reenacted to
13 read as follows:

14 106-B:34 Compliance Action; Disciplinary Enforcement.

15 I. Participation in the state police tow list is a privilege and not a right. The director of the
16 division of state police shall administer the state police tow list and shall ensure that towing,
17 storage, roadside emergency service, and vehicle recovery performed at the direction or request of
18 the division of state police are conducted in compliance with state law and rules adopted pursuant to
19 RSA 541-A, and in a manner that promotes public safety and maintains the confidence of the
20 motoring public.

21 II. The director may take disciplinary action upon a finding, supported by satisfactory
22 evidence, that a tow business or tow business employee has violated:

- 23 (a) The provisions of RSA 106-B:29 through RSA 106-B:33; or
24 (b) Any rule adopted pursuant to this subdivision.

25 III. Disciplinary actions authorized under this section may include:

- 26 (a) A verbal or written warning;
27 (b) Suspension of a tow business, a tow business employee, or both, from participation in
28 the state police tow list for a period not to exceed 2 years; or
29 (c) Removal from the state police tow list. Tow businesses that are removed are eligible
30 to reapply to the state police tow list after a period of not less than 2 years.

31 IV. In determining the appropriate disciplinary action, the director shall consider the
32 seriousness of the violation, any prior history of violations, and any resulting harm to the public or to
33 property.

34 V. Any person aggrieved by a disciplinary action imposed under this section may appeal the
35 decision to the department of safety bureau of hearings and thereafter to the superior court in
36 accordance with RSA 106-B:31, XIV.

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

3 262:35-a Review of Fees for Removal and Impoundment.

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

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

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

33 11 Abandoned Vehicles; Procedure for Removal and Impoundment. Amend RSA 262:33, II and
34 III to read as follows:

35 II. Whenever a vehicle is towed pursuant to RSA 262:31-a or RSA 262:32, the owner or other
36 person lawfully entitled to the possession of the vehicle shall be entitled to recover said vehicle and
37 release of the above lien by payment of all reasonable towing and storage charges. ***The invoice for***

1 *towing and impoundment of the vehicle shall clearly indicate the process for appeal*
2 *pursuant to this section.* If the owner or other person lawfully entitled to possession of the vehicle
3 wishes to challenge whether there was sufficient grounds for towing and impoundment, he or she
4 may pay over to the custodian of the vehicle an amount equal to the towing and storage charges to
5 secure the release of such vehicle, and, within ~~[15]~~ **30** days of the ~~[towing and impoundment]~~ **receipt**
6 **of the invoice**, request in writing a hearing.

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

14 12 New Section; License Suspension; Failure to Pay Fines and Fees. Amend RSA 263 by
15 inserting after section 56-g the following new section:

16 263:56-h License Suspension Prohibited for Unpaid Towing or Storage Fees.

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

19 II. A person whose driver's license has been suspended for outstanding vehicle removal or
20 storage fees and who is otherwise eligible to drive shall have their driver's license reinstated and
21 shall not be required to pay a reinstatement fee. No later than 30 days after the effective date of this
22 section, the division shall, without requiring a reinstatement fee, reinstate the driver's license or
23 nonresident operating privilege. In cases where a driver's license was not renewed due to
24 outstanding removal and storage fees, the person shall be immediately eligible for license renewal
25 and shall pay the same renewal fee as a driver not under suspension, but not a separate
26 reinstatement fee.

27 13 License Suspension Restricted. Amend RSA 263:57, I to read as follows:

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

33 14 Requirements for Placement on the Tow List. Amend RSA 106-B:30, XVIII to read as
34 follows:

35 XVIII. The tow business shall provide state police with a complete updated list of all rates
36 for the services it performs related to the towing and storage of vehicles, on the letterhead of the
37 business, and shall update such list when prices change. State Police shall not set the fees for these

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1 services nor use the rate schedule provided in determining placement on a rotation schedule. [~~Price~~
2 ~~lists shall remain confidential except when determining the reasonable fee in a requested hearing~~
3 ~~conducted by the department of safety.]~~

4 15 Effective Date.

5 I. Sections 10, 11, and 14 of this act shall take effect January 1, 2027.

6 II. The remainder of this act shall take effect 60 days after its passage.