

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 relative to the removal of abandoned vehicles by law enforcement.
5

6 Amend the bill by replacing all after the enacting clause with the following:

7
8 1 Fees for Removal and Impoundment of Motor Vehicles. Amend RSA 262:35-a to read as
9 follows:

10 262:35-a Review of Fees for Removal and Impoundment.

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

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

Amendment to HB 1492-FN
- Page 2 -

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

7 2 Abandoned Vehicles; Procedure for Removal and Impoundment. Amend RSA 262:33, II and
8 III to read as follows:

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

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

24 3 Requirements for Placement on the Tow List. Amend RSA 106-B:30, XVIII to read as follows:

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

31 4 New Section; Notice of Right to Dispute Towing and Storage Charges. Amend RSA 262 by
32 inserting after section 35-a the following new section:

33 262:35-b Notice of Right to Dispute Towing and Storage Charges.

34 I. This section shall apply to any tow of a motor vehicle performed at the direction of a law
35 enforcement officer within the state. This section shall not apply to any tow conducted pursuant to a
36 private property agreement, municipal contract, or municipal ordinance.

Amendment to HB 1492-FN
- Page 3 -

1 II. An invoice for towing or storage of a motor vehicle shall clearly indicate the process for
2 appealing the reasonableness of such charges. Such notice shall be provided on the invoice and may
3 include an Internet website address or scannable code linking to additional information.

4 III. Any towing service that fails to provide the notice required in paragraph II shall be
5 guilty of a violation and shall be fined \$100 for each violation. Repeated violations of this section
6 may be referred to the department of safety for review and for any action authorized under the law.

7 5 State Police; Use of Tow List. Amend RSA 106-B:27, IV to read as follows:

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

14 6 Definitions; Removal of Abandoned Vehicles. Amend RSA 106-B:28 to read as follows:

15 106-B:28 Definitions.

16 In this subdivision:

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

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

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

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

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

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

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

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

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

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

Amendment to HB 1492-FN
- Page 4 -

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

- 6 (a) A minimum gross vehicle weight rating of not less than 14,500 pounds;
7 (b) Individual boom capacity of not less than 8,000 pounds, as rated by the boom
8 manufacturer;
9 (c) Individual power takeoff or hydraulic power or electric winch capacity of not less
10 than 8,000 pounds, as rated by the manufacturer, and wire rope of a capacity and length consistent
11 with the device manufacturer;
12 (d) A manufactured wheel-lift with a retracting lifting capacity of not less than 3,500
13 pounds, as rated by the manufacturer, with safety chains;
14 (e) Dual rear wheels;
15 (f) Two chock blocks that will prevent rolling or slippage of the wrecker; and
16 (g) Additional safety equipment as specified in this chapter and consistent with United
17 States Department of Transportation inspection requirements.

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

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

- 26 (a) A minimum gross vehicle weight rating of at least 19,500 pounds;
27 (b) A specially equipped chassis with a ramp on wheels and a hydraulic lift with a
28 capacity to haul or tow another vehicle;
29 (c) At least one 8,000 pound winch, as rated by the winch manufacturer, with at least 50
30 feet of cable, as recommended by the winch manufacturer; and
31 (d) Additional safety equipment as specified in this chapter and consistent with United
32 States Department of Transportation inspection requirements.

33 ~~[H.]~~ **VI.** "Tow business" means a person, enterprise, partnership, company, LLC, or other
34 corporation having a registered trade name, an active New Hampshire tax identification number, an
35 active New Hampshire workers' compensation insurance policy or exemption papers, an active New
36 Hampshire employment security account, and that meets all state and local legal requirements
37 including, but not limited to, those related to payment of business related taxes, fees, and insurance

Amendment to HB 1492-FN
- Page 5 -

1 coverage, and that regularly engages in the impoundment, recovery, transport, or storage of towed or
2 abandoned vehicles, or in the disposal of abandoned vehicles.

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

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

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

16 7 Use of Tow List. Amend RSA 106-B:29, X to read as follows:

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

24 8 Use of Tow List. Amend RSA 106-B:29, XV to read as follows:

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

31 9 Requirements for Placement on the Tow List. Amend RSA 106-B:30, II-III to read as follows:

32 II. The tow business shall provide as part of its application a list of all ~~[tow truck operator~~
33 ~~personnel]~~ ***employees***, including full name, current address, date and place of birth, driver's license
34 number and type, and any restrictions, ***and*** license expiration date~~[-and social security number]~~.
35 The application shall be updated with ***the*** state police ~~[communications]~~ within 5 days of whenever a
36 new employee is hired, or an employee leaves the employ of the business.

Amendment to HB 1492-FN
- Page 6 -

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

12 10 Requirements for Placement on the Tow List. Amend RSA 106-B:30, V to read as follows:

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

20 11 Requirements for Placement on the Tow List. Amend RSA 106-B:30, VIII to read as follows:

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

34 12 Requirements to Remain on the Tow List. Amend RSA 106-B:31, XIII to read as follows:

35 XIII. State troopers or other designated department of safety personnel may be assigned at
36 the discretion of the state police director to conduct reviews from time to time of towing businesses,
37 their records, and equipment to ensure compliance with relevant rules and laws and make a

Amendment to HB 1492-FN
- Page 7 -

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

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

11 106-B:34 Compliance Action; Disciplinary Enforcement.

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

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

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

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

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

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

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

34 14 Effective Date.

35 I. Sections 1-4 of this act shall take effect January 1, 2027.

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

Amendment to HB 1492-FN
- Page 8 -

2026-1764s

AMENDED ANALYSIS

This bill extends deadlines for disputing towing and storage fees and requires invoices to include information on how to challenge charges. This bill also 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.