CHAPTER 301
HB 1188 - FINAL VERSION

10Mar2022... 0582h
04/28/2022 1691s

2022 SESSION

22-2015
12/08

HOUSE BILL ***1188***

AN ACT establishing a commission to study OHRV use in the state and clarifying certain towing statutes.

SPONSORS: Rep. Suzanne Smith, Graf. 8; Rep. Thompson, Coos 1; Rep. Egan, Graf. 2; Rep. Weston, Graf. 8; Rep. E. Kelley, Coos 3; Rep. Gould, Hills. 7; Sen. Hennessey, Dist 1; Sen. Watters, Dist 4

commission: Resources, Recreation and Development

AMENDED ANALYSIS

This bill establishes a commission to study OHRV use in the state and requires the commission to submit annual reports and proposed legislation. This bill also makes changes to certain statutes related to the removal of abandoned vehicles by the state police.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT establishing a commission to study OHRV use in the state and clarifying certain towing statutes.

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

301:1 New Subdivision; OHRV Commission. Amend RSA 215-A by inserting after section 44 the following new subdivision:

OHRV Commission

215-A:44-a OHRV Commission.

I. Commission Established. There is established a commission to study the use of OHRVs in New Hampshire.

II. Membership and Compensation.

(a) The members of the commission shall be as follows:

(1) Four members of the house of representatives, appointed by the speaker of the house of representatives:

(A) Two of whom shall be members of the house resources, recreation and development committee, one of whom shall be from the majority party and one of whom shall be from the minority party.

(B) One of whom shall be a member from the house transportation committee.

(C) One of whom shall be a member from Coos county.

(2) One member of the senate, appointed by the president of the senate.

(3) One representative of the fish and game department, appointed by the executive director of the fish and game department.

(4) The chief supervisor of the bureau of trails of the department of natural and cultural resources, or designee.

(5) One representative of municipal police departments, appointed by the New Hampshire Association of Chiefs of Police.

(6) One representative of the department of transportation, appointed by the commissioner.

(7) One representative of the New Hampshire state police, appointed by the director of the state police.

(8) One representative of the New Hampshire Off Highway Vehicle Association, appointed by the association.

(9) One representative of the New Hampshire Municipal Association, appointed by the association.

(10) One member representing landowners, appointed jointly by the New Hampshire Timberland Owners Association and New Hampshire Farm Bureau.

(11) One representative of the New Hampshire Auto Dealers Association, appointed by the association.

(12) One member representing the New Hampshire Society for the Protection of Forests, the Appalachian Mountain Club, and the Nature Conservancy, appointed jointly by those organizations.

(13) One representative of the New Hampshire Rail Trail Coalition, appointed by the coalition.

(14) Two members of the public; one of whom shall be appointed by the New Hampshire Association of Conservation Commissions; and one of whom shall be appointed by the North Country Council who shall be an abutter.

III. Duties. The commission shall study:

(a) Current statutes related to OHRVs, including but not limited to RSA 215-A and RSA 259:108.

(b) How the fish and game department, the state police, county sheriffs, and municipal police work together to provide consistency in enforcement of current laws related to OHRVs.

(c) Positive and adverse effects of OHRV use on state and town roads, including class 5 and class 6 roads.

(d) The effects of noise, dust, and careless or reckless behavior of riders on abutters to trails and roads where OHRVs are used.

(e) Education and safety requirements for OHRV riders.

(f) Positive and adverse effects of OHRV activity upon the state and local economies.

(g) The impacts of requiring all rental agents to install speed regulating governors on any OHRV provided to members of the general public for temporary use and the impacts of requiring charging infrastructure near trail heads.

(h) All other issues related to OHRVs which come before the committee.

IV. Chairperson; Quorum. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

V. Report. The commission shall report its findings and recommend proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1 of each year.

301:2 Repeal. RSA 215-A:44-a, relative to the OHRV commission, is repealed.

301:3 Removal of Abandoned Vehicles by State Police; Requirements for Placement on the Tow List. Amend RSA 106-B:30, IV to read as follows:

IV. Any [~~criminal~~] history of ***criminal*** convictions involving ***(i)*** a felony against persons or property involving fraudulent activity, aggravated assaults, ***or*** sex offenses[~~,~~]***; (ii)*** burglary***,*** or thefts resulting in a felony conviction within the last 3 years[~~,~~]***;*** or ***(iii)*** a serious or repetitive motor vehicle violation history [~~of~~

~~any~~] ***involving*** such individual ***or business,*** shall be grounds for refusing to place on or removing the ***individual or*** business from the rotation list.

301:4 Removal of Abandoned Vehicles by State Police; Liens. Amend RSA 106-B:30, XIII to read as follows:

XIII. The tow business shall provide reasonable accommodations for after-hours release of personal property in stored vehicles or other related storage once the state police releases any hold on personal or other property not affixed to the towed vehicle, and upon payment in full or mutual agreement for payment of all towing and storage fees. The towing of a vehicle at the request of law enforcement shall [~~grant~~] ***create*** a lien to the tow business, equal to the cost of [~~recovery and storage~~] ***impoundment, recovery, transport, and storage***.

301:5 Removal of Abandoned Vehicles by State Police; Requirements to Remain on the Tow List. Amend RSA 106-B:31, IX to read as follows:

IX. Tow companies on the tow list shall not permit any person to drive a wrecker if said person has been convicted for any felony against persons or property involving fraudulent activity, sex offenses, aggravated assaults, burglary, ***or*** theft resulting in a felony conviction within the last 3 years. No tow company shall permit any person to drive a wrecker if the person is currently subject to probation, parole restrictions, or ***a*** court order restricting the area the person may or may not be present in at any time.

301:6 Removal of Abandoned Vehicles by State Police; Confiscated Vehicles; Impoundment. Amend RSA 106-B:33, II to read as follows:

II. [~~The towing and storage of the vehicle shall be at the expense of the state police.~~] The wrecker business shall not release the vehicle to anyone unless and until authorized to do so by the trooper who arranged for the hold or a state police officer superior in rank to that trooper, or on an order by the court.

301:7 Removal of Abandoned Vehicles by State Police; Procedure for Removal and Impoundment. Amend RSA 262:33, II to read as follows:

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

301:8 Effective Date.

I. Section 2 of this act shall take effect November 1, 2026.

II. The remainder of this act shall take effect upon its passage.

Approved: July 01, 2022
Effective Date:
I. Section 2 effective November 1, 2026
II. Remainder effective July 1, 2022