

Floor Amendment to HB 1461-FN

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

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3 1 Littering; Penalty. Amend RSA 265:102, IV to read as follows:

4 IV. Any person who violates any provision of this section shall be guilty of a violation if a
5 natural person, or guilty of a misdemeanor if any other person, ***and shall be fined a minimum of***
6 ***\$300 for a first offense and \$500 for a second offense. Any third or subsequent offense may***
7 ***cause the suspension of the person's driver's license for a period of 90 days, pursuant to a***
8 ***valid court order.***

9 2 Duties of Clerks; Disposition of Fines. Amend RSA 502-A:8, I to read as follows:

10 I. The clerk of the applicable circuit court established in RSA 490-F shall receive all fines
11 and forfeitures paid into the district court from any source. The clerk of any circuit court may accept
12 payment of the fine by credit card in lieu of cash payment. Any transaction costs assessed by the
13 issuer of the credit card shall be paid out of the portion of the fine amount which is deposited with
14 the treasurer and not out of the penalty assessment charged by a district court. The clerk shall
15 forward fines collected for violations of title XXI to the treasurer for deposit in the highway fund
16 ~~[and]~~ ***within 14 days; provided that, the clerk shall forward 80 percent of the total fines***
17 ***collected under RSA 265:102, IV to the highway fund and shall retain the remainder for the***
18 ***citing law enforcement entity. The clerk shall forward*** fines collected for violations of title
19 LXII and all other statutes to the treasurer for deposit in the general fund within 14 days. The clerk
20 shall separately indicate which fines were for violations of title XXI. Fines and forfeitures collected
21 by the clerk for ***remittance to the citing law enforcement entity for violations of RSA 265:102,***
22 ***IV and for*** violations of municipal ordinances, codes, or regulations, except those adopted pursuant
23 to RSA 31:39, I(g); RSA 41:11; RSA 47:17, IV, VI, VII, or VIII; and RSA 105:6 and RSA 105:7, shall
24 be remitted monthly to the treasurer of the municipality prosecuting said violations, for the use of
25 the municipality. All expenses related to the processing of parking violations and the administrative
26 collection of parking fines shall be the responsibility of the local unit of government, and all fines
27 collected shall be retained in their entirety by the local unit of government.

28 3 Effective Date. This act shall take effect January 1, 2023.

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AMENDED ANALYSIS

This bill establishes penalties for littering on any right-of-way and provides for the citing law enforcement agency to receive a portion of fines collected for littering.