

Amendment to SB 26

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT relative to the definition of deposits as they pertain to land sales and escrow of
4 deposits.
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6 Amend the bill by replacing all after the enacting clause with the following:

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8 1 New Paragraph; Trade and Commerce; Land Sales Full Disclosure Act; Definitions. Amend
9 RSA 356-A:1 by inserting after paragraph XVII the following new paragraph:

10 XVIII. "Deposits" means the deposit of earnest money for a purchase and sales agreement
11 for the disposition of any sale, contract, assignment, or any other voluntary transfer of a legal or
12 equitable interest in a lot, parcel, unit, or interest in subdivided lands. Deposit shall be limited to
13 earnest money and shall not include any change orders, upgrades, or additional funds due to the
14 seller or seller's agent due to buyer upgrades or selections.

15 2 Trade and Commerce; Land Sales Full Disclosure Act; Escrow of Deposits. Amend RSA 356-
16 A:9-a to read as follows:

17 356-A:9-a Escrow of Deposits. Any deposit made in regard to any disposition of a lot, parcel,
18 unit or interest in subdivided lands shall be held in escrow until settlement or closing. Such escrow
19 funds shall be deposited in a separate account designated for this purpose; provided, however, if such
20 funds are being held by a real estate broker or attorney licensed under the laws of this state, they
21 may be placed in that broker's or attorney's regular escrow account and need not be placed in a
22 separate designated account. Such escrow funds shall not be subject to attachment by the creditors
23 of either the purchaser or the subdivider. ***Notwithstanding the foregoing requirement that the***
24 ***deposit be held in escrow, the department of justice's consumer protection and antitrust***
25 ***bureau may authorize the preclosing use of a portion of a deposit designated pursuant to a***
26 ***purchase and sales agreement for the payment of any of the following, on such terms as the***
27 ***bureau might reasonably impose:***

28 (a) *Customizations,*

29 (b) *Upgrades,*

30 (c) *Change orders,*

31 (d) *Similar items, and*

32 (e) *Any combination of subparagraphs (a) through (d).*

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1 3 New Paragraph; Trade and Commerce; Condominium Act; Definitions. Amend RSA 356-B:3
2 by inserting after paragraph XIII the following new paragraph:

3 XIII-a. "Deposits" means the deposit of earnest money for a purchase and sales agreement
4 for the disposition of any sale, contract, assignment, or any other voluntary transfer of a legal or
5 equitable interest in a lot, parcel, unit, or interest in subdivided lands. Deposit shall be limited to
6 earnest money and shall not include any change orders, upgrades, or additional funds due to the
7 seller or seller's agent due to buyer upgrades or selections.

8 4 Trade and Commerce; Condominium Act; Escrow of Deposits. Amend RSA 356-B:57 to read as
9 follows:

10 356-B:57 Escrow of Deposits. Any deposit made in regard to any disposition of any interest in a
11 unit shall either be held in escrow until settlement or closing or shall be delivered to the person
12 providing construction financing, who shall either hold said deposit in escrow or shall apply said
13 deposit to the construction of the condominium; provided, however, that any deposit made under a
14 nonbinding reservation agreement shall be placed in escrow. Subject to the foregoing, such escrow
15 funds shall be deposited in a separate account designated for this purpose; provided, however, if such
16 funds are being held by a real estate broker or attorney licensed under the laws of this state, they
17 may be placed in that broker's or attorney's regular escrow account and need not be placed in a
18 separate designated account. Such escrow funds shall not be subject to attachment by the creditors
19 of either the purchaser or the declarant. ***Notwithstanding the foregoing requirement that the***
20 ***deposit be held in escrow, the department of justice's consumer protection and antitrust***
21 ***bureau may authorize the preclosing use of a portion of a deposit designated pursuant to a***
22 ***purchase and sales agreement for the payment of any of the following, on such terms as the***
23 ***bureau might reasonably impose:***

24 ***(a) Customizations,***

25 ***(b) Upgrades,***

26 ***(c) Change orders,***

27 ***(d) Similar items, and***

28 ***(e) Any combination of subparagraphs (a) through (d).***

29 5 Effective Date. This act shall take effect 60 days after its passage.

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2025-0906s

AMENDED ANALYSIS

This bill:

- I. Defines the meaning of "deposits" as they pertain to land sales.
- II. Allows the consumer protection and antitrust bureau to authorize the preclosing use of a security deposit designated pursuant to a purchase and sales agreement for the payment of customizations, upgrades, or change orders.