

Rep. Aylward, Merr. 5
Rep. Fracht, Graf. 16
February 13, 2026
2026-0731h
09/05

Amendment to HB 1135

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

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3 1 Subdivision Heading Change. Amend the subdivision heading preceding RSA 477:33 to read
4 as follows:

5 ~~[No Prescription Against the Public]~~ ***Adverse Possession and Prescriptive Easements;***

6 ***Limitation***

7 2 New Section; Private Roads and Trails. Amend RSA 477 by inserting after section 34 the
8 following new section:

9 477:34-a Private Roads and Trails.

10 I. The use of a landowner's roads, ways, driveways, or trails, by any person or the public,
11 regardless of duration, shall not create or establish any right, title, interest, or easement by
12 prescription, or adverse possession, implication, or otherwise, nor raise any presumption of a grant
13 thereof.

14 II. This section shall not apply to:

15 (a) Any claims for easement by prescription or claims for adverse possession for utilities
16 in use prior to January 1, 1948.

17 (b) Any existing state, county, or municipal prescriptive easement.

18 3 Application. This act shall not apply to any claims already fully adjudicated or currently being
19 adjudicated before the effective date of this act.

20 4 Effective Date. This act shall take effect 120 days after its passage.