

HB 1492-FN - AS AMENDED BY THE SENATE

19Feb2026... 0662h
05/07/2026 1764s

2026 SESSION

26-2310
06/08

HOUSE BILL ***1492-FN***

AN ACT relative to the regulation and appeal of motor vehicle towing from public highways and relative to the removal of abandoned vehicles by law enforcement.

SPONSORS: Rep. Leishman, Hills. 33; Rep. Cloutier, Sull. 6

COMMITTEE: Transportation

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.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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-Six

AN ACT relative to the regulation and appeal of motor vehicle towing from public highways and relative to the removal of abandoned vehicles by law enforcement.

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

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

3 262:35-a Review of Fees for Removal and Impoundment.

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

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

26 III. Any time that a person is storing a vehicle pursuant to the provisions of this subdivision,
27 the person may remove any items from within the vehicle that are not a part of or accessories to the
28 vehicle. The person may hold any such items, other than wallets, purses, life essential clothing,
29 mail, legal documents, car seats, eyeglasses, medicine, medical equipment, or house keys pending

1 payment of any fees due under this subdivision. If fees remain unpaid after [20] **30** days, the person
2 may dispose of the items.

3 2 Abandoned Vehicles; Procedure for Removal and Impoundment. Amend RSA 262:33, II and
4 III to read as follows:

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

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

20 3 Requirements for Placement on the Tow List. Amend RSA 106-B:30, XVIII to read as follows:

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

27 4 New Section; Notice of Right to Dispute Towing and Storage Charges. Amend RSA 262 by
28 inserting after section 35-a the following new section:

29 262:35-b Notice of Right to Dispute Towing and Storage Charges.

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

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

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

4 5 State Police; Use of Tow List. Amend RSA 106-B:27, IV to read as follows:

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

11 6 Definitions; Removal of Abandoned Vehicles. Amend RSA 106-B:28 to read as follows:

12 106-B:28 Definitions.

13 In this subdivision:

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

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

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

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

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

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

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

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

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

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

34 ~~[H.]~~ III. "Light/Medium duty wrecker" means a wrecker intended and suitably equipped for
35 safely towing vehicles weighing 26,000 pounds or less gross weight, including passenger cars, pickup
36 trucks, motorcycles, small trailers, and similar vehicles, that meets the following requirements,

provided that come-a-longs, chains, or other similar devices shall not serve as substitutes for a winch and cable:

(a) A minimum gross vehicle weight rating of not less than 14,500 pounds;

(b) Individual boom capacity of not less than 8,000 pounds, as rated by the boom manufacturer;

(c) Individual power takeoff or hydraulic power or electric winch capacity of not less than 8,000 pounds, as rated by the manufacturer, and wire rope of a capacity and length consistent with the device manufacturer;

(d) A manufactured wheel-lift with a retracting lifting capacity of not less than 3,500 pounds, as rated by the manufacturer, with safety chains;

(e) Dual rear wheels;

(f) Two chock blocks that will prevent rolling or slippage of the wrecker; and

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

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

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

(a) A minimum gross vehicle weight rating of at least 19,500 pounds;

(b) A specially equipped chassis with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle;

(c) At least one 8,000 pound winch, as rated by the winch manufacturer, with at least 50 feet of cable, as recommended by the winch manufacturer; and

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

~~[V.]~~ **VI.** "Tow business" means a person, enterprise, partnership, company, LLC, or other corporation having a registered trade name, an active New Hampshire tax identification number, an active New Hampshire workers' compensation insurance policy or exemption papers, an active New Hampshire employment security account, and that meets all state and local legal requirements including, but not limited to, those related to payment of business related taxes, fees, and insurance coverage, and that regularly engages in the impoundment, recovery, transport, or storage of towed or abandoned vehicles, or in the disposal of abandoned vehicles.

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

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

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

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

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

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

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

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

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

III. The application shall include an individual form approved by the director of state police for each ~~[tow truck operator]~~ ***employee*** and for the owner and manager of the business and any supervisors, listing under penalty of unsworn falsification their full name, date and place of birth,

driver license number and type and any restrictions or limitations, and a listing of all motor vehicle offense convictions in this or any other state or Canadian province including type, court, and year in the preceding 5 years, and a list of any criminal convictions in this or any other state or Canadian province within the past 10 years, including type of offense, year of conviction, court, and sentence imposed, and whether the person is currently on probation or parole or has ever been a registered sex offender or subject to a domestic violence protective order. Nothing in this paragraph shall restrict the employer or state police in case of doubt from verifying the information through a record check or checks.

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

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

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

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

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

XIII. State troopers or other designated department of safety personnel may be assigned at the discretion of the state police director to conduct reviews from time to time of towing businesses, their records, and equipment to ensure compliance with relevant rules and laws and make a recommendation~~[through the state police communications commander]~~ to the director as to the level of compliance and any appropriate action. Tow businesses participating in the tow list shall make, during normal business hours, their records, vehicles, facility, and equipment available for

1 examination for such reviews by troopers or other department of safety employees. In cases of non-
2 compliance, the state police [~~communications commander~~] shall recommend appropriate action to
3 the director, which may include a verbal or written reprimand, suspension, or revocation from
4 continued participation in the rotating list. Such action is discretionary and shall be based on the
5 nature and seriousness of the discrepancy and any prior record of the business.

6 13 Compliance Action; Disciplinary Enforcement. RSA 106-B:34 is repealed and reenacted to
7 read as follows:

8 106-B:34 Compliance Action; Disciplinary Enforcement.

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

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

17 (a) The provisions of RSA 106-B:29 through RSA 106-B:33; or

18 (b) Any rule adopted pursuant to this subdivision.

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

20 (a) A verbal or written warning;

21 (b) Suspension of a tow business, a tow business employee, or both, from participation in
22 the state police tow list for a period not to exceed 2 years; or

23 (c) Removal from the state police tow list. Tow businesses that are removed are eligible
24 to reapply to the state police tow list after a period of not less than 2 years.

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

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

31 14 Effective Date.

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

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

LBA
26-2310
05/15/2026

HB 1492-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2026-1764s)

AN ACT relative to the regulation and appeal of motor vehicle towing from public highways and relative to the removal of abandoned vehicles by law enforcement.

FISCAL IMPACT:

This bill updates New Hampshire towing laws by requiring invoices to explain how vehicle owners can dispute towing and storage charges and increasing the appeal period from 15 to 30 days. It also modernizes statutory language, broadens certain requirements from “tow truck operators” to “employees,” removes confidentiality requirements for tow rate lists, and clarifies disciplinary and enforcement procedures for tow companies participating in the State Police tow list. The Department states this bill is not expected to have a direct fiscal impact on state, county, and local governments.

AGENCIES CONTACTED:

Department of Safety