

CHAPTER 274
SB 617 - FINAL VERSION

03/26/2026 1218s
23Apr2026... 1510h
14May2026... 1755h

2026 SESSION

26-2182
09/08

SENATE BILL **617**

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: Sen. Gannon, Dist 23; Sen. Innis, Dist 7; Sen. Birdsell, Dist 19; Sen. McGough, Dist 11; Rep. Bernardy, Rock. 36; Rep. Litchfield, Rock. 32; Rep. Khan, Rock. 30; Rep. M. Pearson, Rock. 34

COMMITTEE: Judiciary

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 274
SB 617 - FINAL VERSION

03/26/2026 1218s
23Apr2026... 1510h
14May2026... 1755h

26-2182
09/08

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:

1 274:1 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 market
6 variables, including, but not limited to, distance traveled to and from the storage facility, vehicle size and
7 weight, the amount of time needed to remove and store the vehicle, any special equipment needed, and
8 personnel costs. If the owner or other person lawfully entitled to possession of the vehicle wishes to
9 challenge the reasonableness of the fee charged, the owner or other person may pay over to the
10 custodian of the vehicle an amount equal to the towing and storage charges to secure the release of the
11 vehicle, and, within ~~[15]~~ **30** days of the ~~[release of the vehicle]~~ **receipt of the invoice**, request in writing a
12 review by the commissioner of safety. The commissioner of safety or designee shall review the claim to
13 determine if there are sufficient grounds to conduct a hearing to determine whether the charge was
14 reasonable. If the commissioner or designee determines that a hearing is necessary, the hearing shall be
15 scheduled by the bureau of hearings within 20 days after review by the commissioner, at which time the
16 extent of removal and storage fees shall be determined. The commissioner or designee shall approve or
17 disapprove of the decision of the bureau of hearings within 7 days after the hearing was held.
18 Notwithstanding RSA 262:25, any person aggrieved by a decision of the commissioner or designee under
19 this section may appeal the decision to the superior court in the same manner as that prescribed in RSA
20 263:75, II and III. If no request for review is filed within the ~~[15-day]~~ **30-day** period, the owner or other
21 person lawfully entitled to possession of the vehicle shall be deemed to have waived all rights to review
22 under this section and shall be liable for the total amount billed.

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

25 III. Any time that a person is storing a vehicle pursuant to the provisions of this subdivision, the
26 person may remove any items from within the vehicle that are not a part of or accessories to the vehicle.
27 The person may hold any such items, other than wallets, purses, life essential clothing, mail, legal
28 documents, car seats, eyeglasses, medicine, medical equipment, or house keys pending payment of any
29 fees due under this subdivision. If fees remain unpaid after ~~[20]~~ **30** days, the person may dispose of the
30 items.

CHAPTER 274
SB 617 - FINAL VERSION
- Page 2 -

1 274:2 Abandoned Vehicles; Procedure for Removal and Impoundment. Amend RSA 262:33, II and
2 III to read as follows:

3 II. Whenever a vehicle is towed pursuant to RSA 262:31-a or RSA 262:32 the owner or other
4 person lawfully entitled to the possession of the vehicle shall be entitled to recover said vehicle and
5 release of the above lien by payment of all reasonable towing and storage charges. If the owner or other
6 person lawfully entitled to possession of the vehicle wishes to challenge whether there was sufficient
7 grounds for towing and impoundment, he or she may pay over to the custodian of the vehicle an amount
8 equal to the towing and storage charges to secure the release of such vehicle, and, within ~~[45]~~ **30** days of
9 the ~~[towing and impoundment]~~ **receipt of the invoice**, request in writing a hearing.

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

17 274:3 Requirements for Placement on the Tow List. Amend RSA 106-B:30, XVIII to read as follows:

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

24 274:4 New Section; Notice of Right to Dispute Towing and Storage Charges. Amend RSA 262 by
25 inserting after section 35-a the following new section:

26 262:35-b Notice of Right to Dispute Towing and Storage Charges.

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

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

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

36 274:5 State Police; Use of Tow List. Amend RSA 106-B:27, IV to read as follows:

37 IV. The director of state police with the approval of the commissioner of safety may adopt rules
38 pursuant to RSA 541-A consistent with relevant provisions of this subdivision setting forth minimum
39 qualifications of tow companies and their employees to participate in the state police tow list, including

CHAPTER 274
SB 617 - FINAL VERSION
- Page 3 -

1 qualifications, training, and minimum standards for equipment, response times, storage and release of
2 towed vehicles and their contents, and criminal history and motor vehicle record checks of [~~tow-truck~~
3 drivers] **employees**.

4 274:6 Definitions; Removal of Abandoned Vehicles. Amend RSA 106-B:28 to read as follows:

5 106-B:28 Definitions.

6 In this subdivision:

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

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

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

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

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

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

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

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

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

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

27 [~~III~~] III. ***"Light/Medium duty wrecker" means a wrecker intended and suitably equipped for safely***
28 ***towing vehicles weighing 26,000 pounds or less gross weight, including passenger cars, pickup trucks,***
29 ***motorcycles, small trailers, and similar vehicles, that meets the following requirements, provided that***
30 ***come-a-longs, chains, or other similar devices shall not serve as substitutes for a winch and cable:***

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

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

34 (c) Individual power takeoff or hydraulic power or electric winch capacity of not less than
35 8,000 pounds, as rated by the manufacturer, and wire rope of a capacity and length consistent with the
36 device manufacturer;

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

39 (e) Dual rear wheels;

CHAPTER 274
SB 617 - FINAL VERSION
- Page 4 -

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

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

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

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

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

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

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

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

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

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

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

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

39 274:7 Use of Tow List. Amend RSA 106-B:29, X to read as follows:

CHAPTER 274
SB 617 - FINAL VERSION
- Page 5 -

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

8 274:8 Use of Tow List. Amend RSA 106-B:29, XV to read as follows:

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

15 274:9 Requirements for Placement on the Tow List. Amend RSA 106-B:30, II-III to read as follows:

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

21 III. The application shall include an individual form approved by the director of state police for
22 each [~~tow-truck-operator~~] ***employee*** and for the owner and manager of the business and any supervisors,
23 listing under penalty of unsworn falsification their full name, date and place of birth, driver license number
24 and type and any restrictions or limitations, and a listing of all motor vehicle offense convictions in this or
25 any other state or Canadian province including type, court, and year in the preceding 5 years, and a list of
26 any criminal convictions in this or any other state or Canadian province within the past 10 years, including
27 type of offense, year of conviction, court, and sentence imposed, and whether the person is currently on
28 probation or parole or has ever been a registered sex offender or subject to a domestic violence protective
29 order. Nothing in this paragraph shall restrict the employer or state police in case of doubt from verifying
30 the information through a record check or checks.

31 274:10 Requirements for Placement on the Tow List. Amend RSA 106-B:30, V to read as follows:

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

39 274:11 Requirements for Placement on the Tow List. Amend RSA 106-B:30, VIII to read as follows:

CHAPTER 274
SB 617 - FINAL VERSION
- Page 6 -

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.***

274:12 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 examination for such reviews by troopers or other department of safety employees. In cases of non-compliance, the state police [~~communications commander~~] shall recommend appropriate action to the director, which may include a verbal or written reprimand, suspension, or revocation from continued participation in the rotating list. Such action is discretionary and shall be based on the nature and seriousness of the discrepancy and any prior record of the business.

274:13 Compliance Action; Disciplinary Enforcement. RSA 106-B:34 is repealed and reenacted to read as follows:

106-B:34 Compliance Action; Disciplinary Enforcement.

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

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

- (a) The provisions of RSA 106-B:29 through RSA 106-B:33; or
- (b) Any rule adopted pursuant to this subdivision.

III. Disciplinary actions authorized under this section may include:

- (a) A verbal or written warning;

CHAPTER 274
SB 617 - FINAL VERSION
- Page 7 -

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

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

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

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

10 274:14 New Section; License Suspension; Failure to Pay Fines and Fees. Amend RSA 263 by
11 inserting after section 56-g the following new section:

12 263:56-h License Suspension Prohibited for Unpaid Towing or Storage Fees.

13 I. Under no circumstances shall the director suspend or revoke a driver's license for failure to pay
14 removal and storage fees for a vehicle towed or stored for any reason. The director is permitted to not
15 renew a driver's license for failure to pay such fees until such a time as the fees are paid.

16 II. A person whose driver's license has been suspended for outstanding vehicle removal or
17 storage fees and who is otherwise eligible to drive shall have their driver's license reinstated and shall not
18 be required to pay a reinstatement fee. No later than 30 days after the effective date of this section, the
19 division shall, without requiring a reinstatement fee, reinstate the driver's license or nonresident operating
20 privilege.

21 274:15 Effective Date.

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

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

Approved: July 02, 2026

Effective Date:

I. Sections 1-4 effective January 1, 2027

II. Remainder effective August 31, 2026