

HB 99 - AS AMENDED BY THE HOUSE

24Feb2021... 0203h

2021 SESSION

21-0108

11/08

HOUSE BILL **99**

AN ACT relative to seasonal platforms on public waters of the state.

SPONSORS: Rep. J. MacDonald, Carr. 6; Rep. Marsh, Carr. 8; Rep. Crawford, Carr. 4; Sen. Bradley, Dist 3; Rep. Deshaies, Carr. 6

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill requires that any person seeking to anchor a floating dock, seasonal platform, inflatable platform or float on public waters of the state adhere to requirements specified by the department of safety, division of marine patrol.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to seasonal platforms on public waters of the state.

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

1 1 New Subdivision; Anchored Seasonal Platforms. Amend RSA 270 by inserting after section
2 72-a the following new subdivision:

3 Anchored Seasonal Platforms

4 270:72-b Definitions. In this subdivision:

5 I. "Anchored seasonal platform" means a seasonal platform, inflatable platform, float, or
6 device attached to such platform, inflatable platform, or float, that is attached by chains, cables,
7 ropes, or related equipment to a fixed object or stationary point, or that is attached to an anchor or
8 weight which is designed to rest on the bed or to be buried in the bed of a navigable body of water.

9 II. "Director" means the director, division of state police, department of safety.

10 III. "Division" means the division of state police, department of safety.

11 IV. "Shorefront property" means any property abutting public waters of the state.
12 "Shorefront property" shall include:

13 (a) A lot on the public waters that is divided by a road so that the lot is on the opposite
14 side of the road from the public waters or divided by an exclusive right-of-way which has been
15 acquired as a result of an eminent domain proceeding which resulted in the break or loss of property
16 between the property owner's residence and shore frontage.

17 (b) A lot of record with not less than 25 feet of frontage.

18 (c) Shorefront property shall not mean a deeded right-of-way, nor shall it mean lots not
19 contiguous to the shore with any other type of legal shorefront access. Property owned in common by
20 associations and other groups shall be deemed owned by the group and shall not convey any rights to
21 individual members of such group.

22 270:72-c Anchored Seasonal Platform; Limitations.

23 I. No person shall erect, install, maintain, or exercise control over an anchored seasonal
24 platform on the public waters of the state who is not the legal owner of the adjacent shorefront
25 property.

26 II. Any person erecting, installing, maintaining, or exercising control over an anchored
27 seasonal platform on any public body of water shall attach his or her name and contact information
28 to any such seasonal platform as provided in this subdivision.

29 270:72-d Anchored Seasonal Platform Prohibited.

30 I. No anchored seasonal platform shall be located:

HB 99 - AS AMENDED BY THE HOUSE

- Page 2 -

1 (a) In such a manner that it constitutes a hazard to the public safety because it
2 interferes with or impedes, or could potentially interfere with or impede, navigation; or

3 (b) In such proximity to moorings or to other anchored seasonal platforms as to
4 constitute a hazard to public safety; or

5 (c) In such a manner that it presents an unreasonable adverse effect on the
6 environment, including but not limited to water quality, wildlife habitats, or natural areas; or

7 (d) In such a manner that it unreasonably interferes with other recreational uses of the
8 water and adjacent land.

9 II. The director shall develop rules for the purposes of this subdivision pursuant to RSA 541-
10 A and 270:72-g.

11 270:72-e Removal of Anchored Seasonal Platforms; Powers of Director.

12 I. The director or his agents shall remove or cause the removal of, or shall move or cause the
13 moving of, any anchored seasonal platform, which:

14 (a) Is in violation of RSA 270:72-d; or

15 (b) Does not bear the owner's name and contact information as required under RSA
16 270:72-c; or

17 (c) Constitutes a hazard to public safety because of the manner in which it is constructed
18 or maintained.

19 II. The owner of record of anchored seasonal platform, if known, shall be notified, by the
20 director or his agents, of the removal, by certified mail with return receipt requested, within 10 days
21 of removal.

22 III. Any anchored seasonal platform which is removed pursuant to paragraph I shall be
23 stored in a safe place and the owner shall be notified. Before he or she may reclaim a platform
24 which has been removed pursuant to paragraph I, the owner shall reimburse the person who
25 removes the platform for any costs incurred in transporting and storing the platform.

26 270:72-f Liability. Nothing in this subdivision shall relieve the owner or installer of an anchored
27 seasonal platform from liability relating to water pollution, accidents, or other liabilities associated
28 with ownership of an anchored seasonal platform.

29 270:72-g Rulemaking.

30 I. The director of the division shall adopt rules under RSA 541-A relative to:

31 (a) The use, design, weight or size, construction, lighting, placement including safe
32 spacing, and required maintenance of individual anchored seasonal platforms.

33 (b) The enforcement of this subdivision.

34 270:72-h Penalty. Any person violating the provisions of this subdivision shall be guilty of a
35 violation for the first offense and guilty of a misdemeanor for any additional offenses.

36 270:72-i Exemptions. This subdivision and any rules implemented under RSA 270:72-g shall
37 not apply to any local, state, or federal government agency, such an agency's sub-contractors, or to

HB 99 - AS AMENDED BY THE HOUSE

- Page 3 -

1 any conservation groups engaged in the non-recreational execution of their duties including, but not
2 limited to, work related to law enforcement, bridge and road work, pollution control, the protection of
3 fish and wildlife, or environmental studies.

4 2 Effective Date. This act shall take effect January 1, 2022.