

SB 131-FN - AS AMENDED BY THE SENATE

03/18/2021 0771s

2021 SESSION

21-0839

06/04

SENATE BILL

***131-FN***

AN ACT

adopting omnibus legislation relative to vehicles, municipal water maintenance certificates, nondriver's picture identification, and firefighter and emergency medical services decals.

SPONSORS: Sen. Watters, Dist 4

COMMITTEE: Transportation

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AMENDED ANALYSIS

This bill adopts legislation relative to:

I. Electric vehicle supply equipment and infrastructure and relative to state motor vehicle fleet management.

II. Removal of abandoned or disabled vehicles by towing.

III. The municipal winter maintenance certification program.

IV. Eligibility for the issuance of a nondriver's picture identification card.

V. Certificate of boating safety.

VI. Allowing emergency medical services chiefs and fire chiefs to issue decals for multi-use decal plates.

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Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears ~~[in brackets and struck through]~~.

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 adopting omnibus legislation relative to vehicles, municipal water maintenance certificates, nondriver's picture identification, and firefighter and emergency medical services decals.

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

1 1 Sponsorship. This act consists of the following proposed legislation:

2 Part I. LSR 21-0839, relative to electric vehicle supply equipment and infrastructure and  
3 relative to state motor vehicle fleet management, sponsored by Sen. Watters, Prime/Dist. 4; Sen.  
4 Prentiss, Dist. 5; Sen. Sherman, Dist. 24; Rep. P. Schmidt, Straf. 19; Rep. Sykes, Graf. 13.

5 Part II. LSR 21-0324, relative to removal of abandoned or disabled vehicles by towing,  
6 sponsored by Sen. Birdsell, Prime/Dist. 19.

7 Part III. LSR 21-0523, relative to the municipal winter maintenance certification program,  
8 sponsored by Sen. Morse, Prime/Dist. 22.

9 Part IV. LSR 21-0896, relative to eligibility for the issuance of a nondriver's picture  
10 identification card, sponsored by Sen. Watters, Prime/Dist. 4; Rep. Sykes, Graf. 13.

11 Part V. LSR 21-0325, relative to certificate of boating safety, sponsored by Sen. Birdsell,  
12 Prime/Dist. 19.

13 Part VI. LSR 21-1055, relative to allowing emergency medical services chiefs and fire chiefs  
14 to issue decals for multi-use decal plates, sponsored by Sen. Prentiss, Prime/Dist. 5; Sen. Watters,  
15 Dist. 4; Sen. Sherman, Dist. 24; Rep. Merchant, Sull. 4; Rep. Goley, Hills. 8; Rep. McGuire, Merr. 29.

16 2 Legislation Enacted. The general court hereby enacts the following legislation:

17

18 PART I

19 Relative to electric vehicle supply equipment and infrastructure and  
20 relative to state motor vehicle fleet management.

21 1 Findings. The general court finds that:

22 I. Availability of electric vehicle supply equipment (EVSE) is critical to facilitating the  
23 development of the overall electric vehicle (EV) market in the region and will support our tourism-  
24 based economy. Adequate EVSE in New Hampshire, and in particular direct current fast chargers  
25 (DCFC) along major travel corridors in the state, is necessary to enable travel within and through  
26 the state, promote tourism, generate jobs, and support consumers, businesses, and automobile  
27 dealers and manufacturers. The state should commit to the development of zero emission vehicles  
28 (ZEV) technology and infrastructure, including the state, private and rental residence, business, and  
29 municipal installation of EVSE.

II. Electric utility investments in grid infrastructure to support the installation of EVSE lowers the barriers to such installation. Electric distribution companies (EDC) are uniquely positioned to enable strategic electrification as part of larger investments in grid modernization capabilities, specifically investments in electric vehicle charging infrastructure. EDC owned or funded behind the meter enabling infrastructure, also known as “make-ready” infrastructure, can accelerate charging infrastructure deployment, and it has the potential to put downward pressure on rates by spreading fixed costs over a greater volume of electric sales.

III. Initial investment from the Volkswagen Settlement and other potential sources should prioritize EVSE installation along the interstate highway system, the New Hampshire turnpike system, and other roadways, with careful consideration of the needs of rural areas and tourism centers, prioritized as determined by the office of strategic initiatives, the New Hampshire department of environmental services, and the New Hampshire department of transportation, in consultation with interested parties.

2 Vehicle Charging Station Requirements. Amend RSA 236:133, III to read as follows:

III. All publicly funded chargers, ***including those funded by the Volkswagen Trust Settlement or by federal or other competitively awarded funds***, installed after the effective date of this paragraph that are accessible to the public shall be equipped to enable universal access.

3 New Section; Community Revitalization Tax Relief; Electric Vehicle Supply Equipment. Amend RSA 79-E by inserting after section 7-a the following new section:

79-E:7-b Public Benefit; Electric Vehicle Supply Equipment. Cities and towns may provide tax relief under this chapter on the value of electric vehicle supply equipment installed in residential homes and rental properties, businesses, and industries.

4 New Subdivision; Electric Vehicle Charging Station Rate Design Standards. Amend RSA 378 by inserting after section 54 the following new subdivision:

Electric Vehicle Charging Station Rate Design Standards

378:55 Electric Vehicle Charging Station Rate Design Standards. In determining the schedule of rates, fares, charges, and prices applicable to electric vehicle supply equipment pursuant to RSA 378:1, every public utility shall adhere to the following rate design standards:

I. Initial electric vehicle charging rate design shall reflect the marginal cost of providing electric vehicle charging services to the maximum extent practicable, provided that these rates will be updated and reconciled on a regular basis to ensure they reflect costs associated with customer usage patterns.

II. Declining block rates shall not be used for electric vehicle charging for separately metered electric vehicle supply equipment; provided that where declining block rates are already offered, such rates may be appropriate for customers that do not want to separately meter electric vehicle supply equipment.

III. Seasonal rates may be charged to account for the seasonality of winter and summer cost

drivers on the electric system. Such rate changes may occur coincident with other rate changes.

IV. Interruptible rates are not appropriate for electric vehicle charging.

V. Load management offerings may be an appropriate strategy for electric vehicle rate design, especially when offered in conjunction with electric vehicle time of use rate offerings.

VI. Demand charges may be appropriate rate design for high demand draw electric vehicle supply equipment, but not for residential charging applications.

VII. Time of use rates are appropriate for electric vehicle charging, provided that utilities propose a separately metered electric vehicle time of use rate.

VIII. Any separately metered residential electric vehicle charging rate shall:

(a) Be based directly on cost causation.

(b) Incorporate time varying energy supply, transmission, and distribution components.

(c) Have off-peak, mid-peak, and peak periods.

(d) Be seasonably differentiated.

(e) Have an average price differential between off-peak and peak of no less than 3:1 for the entire year.

(f) Have a peak period no longer than 5 hours.

IX. Each utility seeking approval of an electric vehicle time of use rate shall provide a quantification of costs, including but not limited to billing, metering, and marketing costs.

5 Effective Date. Part I of this act shall take effect upon passage.

## PART II

Relative to removal of abandoned or disabled vehicles by towing.

1 New Section; Abandoned Vehicles; Use of Tow List Required. Amend RSA 262 by inserting after section 31 the following new section:

262:31-a Use of Tow List Required. In the event the state police in the interest of public safety and pursuant to applicable statutes and rules, including but not limited to clearing roads and entrances of disabled or abandoned vehicles, seeks to tow any vehicle, the tow company responsible for removal and storage shall be chosen from a tow list in accordance with RSA 106-B:26 through RSA 106-B:34.

2 New Subdivision; Removal of Abandoned Vehicles by State Police. Amend RSA 106-B by inserting after section 25 the following new subdivision:

Removal of Abandoned Vehicles by State Police

106-B:26 Applicability.

I. This subdivision shall apply to the enforcement of provisions of the motor vehicle laws by the state police, including clearing roads and entrances of stolen, unregistered, illegally parked, disabled or abandoned vehicles, vehicles involved in accidents or crimes or other situations, regarding the removal, storage, and release of such vehicles towed and transported by wreckers,

1 towing, and emergency road service organizations in a fair and equitable manner, upon request of  
2 the division of state police:

3 (a) In response to requests from owners or custodians of vehicles that have encountered  
4 mechanical problems that rendered them inoperable or unsafe to be driven;

5 (b) In response to requests from a state trooper when a vehicle has been abandoned on  
6 private property without consent of the property owner;

7 (c) When a vehicle is found obstructing the passage of vehicles from a public street or  
8 highway onto the driveway of such private property or public building;

9 (d) When a vehicle was involved in a traffic accident or crime or its driver is  
10 incapacitated or under arrest, or is without a valid driver 's license;

11 (e) When a vehicle is interfering with snow removal or highway maintenance;

12 (f) When a vehicle has been left unattended within a state-owned park and ride facility  
13 for a period greater than 21 days; or

14 (g) When a vehicle is without proper registration or apparently unsafe to be driven.

15 II. Nothing in this subdivision shall restrict the authority of town and city law enforcement  
16 agencies to enforce relevant state statutes, to enact local bylaws or ordinances not in conflict with  
17 any state law or administrative rule regarding the clearance of disabled, abandoned, illegally  
18 parked, unregistered, or stolen vehicles or vehicles involved in crimes or collisions in areas where the  
19 local police have sole or shared jurisdiction with state police, or to enter into contractual agreements  
20 with tow companies for the removal of vehicles at the request of local authorities.

21 106-B:27 State Police; Use of Tow List.

22 I. In the event the division of state police seeks to tow or remove any vehicle pursuant to  
23 applicable laws and rules, whenever practicable the tow company responsible for such towing or  
24 removal shall be chosen from a tow list in accordance with this subdivision.

25 II. To facilitate the timely and effective towing and removal of vehicles pursuant to this  
26 subdivision, the division of state police is authorized to develop and maintain a rotating list of  
27 qualified tow services within each geographical troop. Where long distances could cause  
28 unreasonably long wrecker response times, the director of state police or designee may authorize a  
29 separate rotation list by county or group of municipalities within a troop. The director from time to  
30 time may enlarge or shrink an area if necessary, to ensure an adequate number of qualified tow  
31 businesses to handle the call workload and travel distances involved, and shall review the lists  
32 periodically to ensure that needs are being met. The list may be further segmented to distinguish  
33 between heavy and light/medium duty wreckers, recovery vehicles, rollback carriers and other  
34 specialized equipment.

35 III. Rotation lists shall include notations identifying tow businesses that maintain heavy  
36 duty wreckers, heavy duty recovery vehicles, and recovery vehicles, and whenever there is a specific,  
37 identified need for one of those vehicles it shall be summoned from the rotating list in the order in

1 which it appears. Nothing herein shall prevent a tow business on a tow list from responding to a call  
2 with a larger, heavier, or more sophisticatedly equipped vehicle where only a lighter wrecker is  
3 required, provided the tow business does not exceed its normal charge for a lighter duty wrecker.

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

10 V. State troopers handling an incident shall not call a tow business that, in their opinion,  
11 lacks a vehicle of sufficient size and equipment for a particular job. Under such conditions a tow  
12 business not called shall retain its position on the rotation list.

13 VI. Whenever a desired tow business is unable to respond to a call in a timely manner with  
14 the proper equipment, the tow business next on the rotation list shall be called.

15 VII. Tow businesses may also be called for service, such as for fuel, tire changes, dead  
16 battery, and removal of disabled, stolen, or abandoned vehicles according to placement on the  
17 appropriate rotation list and shall have a service vehicle suitably equipped and personnel capable of  
18 handling the assignment.

19 106-B:28 Definitions. In this subdivision:

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

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

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

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

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

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

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

35 (g) Light and airbrake hookups for the towed vehicle; and

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

1           II. "Light/Medium duty wrecker" means a wrecker intended and suitably equipped for safely  
2 towing vehicles weighing 26,000 pounds or less gross weight, including passenger cars, pickup  
3 trucks, motorcycles, small trailers, and similar vehicles, that meets the following requirements,  
4 provided that come-a-longs, chains, or other similar devices shall not serve as substitutes for a winch  
5 and cable:

- 6           (a) A minimum gross vehicle weight rating of not less than 14,500 pounds;  
7           (b) Individual boom capacity of not less than 8,000 pounds, as rated by the boom  
8 manufacturer;  
9           (c) Individual power takeoff or hydraulic power or electric winch capacity of not less  
10 than 8,000 pounds, as rated by the manufacturer, and wire rope of a capacity and length consistent  
11 with the device manufacturer;  
12           (d) A manufactured wheel-lift with a retracting lifting capacity of not less than 3,500  
13 pounds, as rated by the manufacturer, with safety chains;  
14           (e) Dual rear wheels;  
15           (f) Two chock blocks that will prevent rolling or slippage of the wrecker; and  
16           (g) Additional safety equipment as specified in this chapter and consistent with United  
17 States Department of Transportation inspection requirements.

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

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

- 26           (a) A minimum gross vehicle weight rating of at least 19,500 pounds;  
27           (b) A specially equipped chassis with a ramp on wheels and a hydraulic lift with a  
28 capacity to haul or tow another vehicle;  
29           (c) At least one 8,000 pound winch, as rated by the winch manufacturer, with at least 50  
30 feet of cable, as recommended by the winch manufacturer; and  
31           (d) Additional safety equipment as specified in this chapter and consistent with United  
32 States Department of Transportation inspection requirements.

33           V. "Tow business" means a person, enterprise, partnership, company, LLC, or other  
34 corporation having a registered trade name, an active New Hampshire tax identification number, an  
35 active New Hampshire workers' compensation insurance policy or exemption papers, an active New  
36 Hampshire employment security account, and that meets all state and local legal requirements  
37 including, but not limited to, those related to payment of business related taxes, fees, and insurance

1 coverage, and that regularly engages in the impoundment, recovery, transport, or storage of towed or  
2 abandoned vehicles, or in the disposal of abandoned vehicles.

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

11 VII. "Vehicle storage area" means a suitable yard or enclosed building where a qualified tow  
12 business keeps or stores towed or impounded vehicles.

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

16 106-B:29 Use of Tow List.

17 I. When a towing situation being handled by state police involves a vehicle that requires  
18 recovery, towing, or removal from the scene, the trooper in charge shall make a best effort attempt to  
19 allow the owner, operator, or other person lawfully responsible for the vehicle to contact a preferred  
20 tow business, unless doing so will delay the timely restoration of safe traffic movement, prolong a  
21 serious hazard, or compromise the preservation or collection of evidence. The preferred tow business  
22 when called shall notify state police communications of its estimated time of arrival. The trooper on  
23 scene shall determine if that time will unduly continue a hazardous condition or cause serious  
24 inconvenience for the public and, if so, state police communications shall summon the next  
25 appropriate tow business from the tow list. If there is no one on site who is the owner, operator, or  
26 other person lawfully responsible for the vehicle, and in the opinion of the trooper the vehicle  
27 presents a hazard or unreasonable delay to the public, the trooper on site shall request that state  
28 police communications contact the next appropriate tow business on the list.

29 II. To help ensure a timely and professional response and to promote fairness to individual  
30 towing businesses, the division of state police shall maintain a separate rotation list for each state  
31 police geographical troop area. In any case where distances involved could cause unreasonably long  
32 wrecker responses, the director of state police may authorize a separate rotational list by county or  
33 group of communities for that troop. The director may enlarge or shrink an area if necessary to  
34 provide a sufficient number of tow businesses to handle the number of calls in the area and the  
35 travel distances involved, and shall review the zones periodically to determine if needs are being  
36 met.



1           III. If the desired tow business is unable to respond to a call in a timely manner with the  
2 proper equipment, the tow business next in line on the rotation list will be called.

3           IV. Placement on the tow list shall be by order of application. Whenever a new tow business  
4 becomes authorized, it shall be placed on the bottom of the appropriate list or lists for which the  
5 director finds the tow business qualified. The director shall have authority to determine when a tow  
6 list is adequately staffed with towing businesses and may refuse to add a business to the list if he or  
7 she determines the amount and type of calls in that zone is insufficient to justify a larger list.

8           V. Separate rotation lists shall be maintained for each category of wrecker. When a  
9 situation requires services of a specific category of wrecker, such wrecker shall be called from the  
10 appropriate tow list unless the person responsible for the vehicle is present and has a preference for  
11 a different tow business with that category of wrecker, in which case the preferred wrecker shall be  
12 summoned if available within a reasonable response time.

13           VI. Nothing in this chapter shall be construed to confer any vested property rights upon a  
14 tow business to continue on the rotating list.

15           VII. Calling a tow company from the list does not create a contract with or obligation on the  
16 part of the state police or state police personnel to reimburse any fee or towing charge, except when  
17 towing a vehicle owned or leased by the state police or that is later forfeited to the state police, or if a  
18 court determines that the state police wrongfully authorized the tow and orders the state police to  
19 pay transportation and storage fees.

20           VIII. Placement on the rotation list does not guarantee a particular number of calls, an  
21 equal number of calls to every tow business on the list, nor any compensation as a consequence of  
22 not being called in accordance with the list, or when removed from the rotation list. If a towing  
23 business responds to a state police call and the call is later canceled due to the vehicle no longer  
24 being disabled, or the circumstances change such that after calling a tow company the vehicle must  
25 be stored in a manner that preserves all evidence in or on the vehicle and the tow business is not so  
26 equipped, the tow business shall go back to the top of the list.

27           IX. A tow business shall, upon receiving a request from the state police, use its own  
28 equipment and shall not refer a call to another tow business.

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

36           XI. New tow businesses, when qualified and accepted, shall be placed on the bottom of the  
37 rotation list.

1           XII. The trooper in charge at the scene of a towing situation shall have discretionary  
2 authority to deny a request for a specific tow business whenever time is of the essence and the  
3 request will delay the restoration of safe traffic movement.

4           XIII. If a motorcycle is to be towed, a tow sling, wheel lift, car carrier, or other comparable  
5 device shall be used that has the capability to transport motorcycles.

6           XIV. The division shall not call a tow business that, in its opinion, does not have a vehicle of  
7 sufficient size and equipment for a specific job. Under these conditions, the tow business not called  
8 will remain on the top of the rotation list.

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

14           XVI. A tow business shall appear on the rotation list only once. The listing shall use the  
15 name of the business submitted at the time of application and a designation for any specialty in  
16 which the business is qualified. A tow business conducting business at a location shall not receive  
17 multiple listings or classifications by utilizing a different or fictitious name for trucks operating from  
18 the same location or trucks operating with the same name out of different locations within that zone.

19           XVII. When emergency conditions necessitate, the state police may request the services of  
20 the tow business that is best equipped to handle the emergency and can reach the scene in the  
21 shortest time, regardless of its position on the rotation list. A call made under these circumstances  
22 shall count as such business's next rotation call.

23           XVIII. Whenever heavy equipment or large vehicles are involved in an incident, and it is  
24 determined that the tow business next up on the rotation list lacks adequate equipment to handle  
25 the incident, the division may call a larger piece of equipment from a business on the list that can  
26 handle the situation. In such case, the tow business shall be repositioned on the rotation list  
27 accordingly. Having only one large rotation wrecker shall not justify for being called to all truck  
28 accidents.

29           XIX. In the event of an overturned truck, the state police shall determine at the time if the  
30 situation requires the use of only one tow business or if additional vehicles are required. The first  
31 named tow business shall determine the amount of assistance necessary to remove any public  
32 hazards. The tow business responding to the law enforcement request shall be responsible for  
33 contacting others meeting the qualifications to operate in New Hampshire and shall be the business  
34 responsible for efficient and safe handling of the recovery. Decisions made pursuant to this  
35 paragraph shall be based on the public safety concerns.

1 XX. At no time shall any towing vehicle exceed its manufacturer's gross vehicle weight  
2 rating or the manufacturer's rated capacity for the towing assembly or be attached to a vehicle which  
3 by its size and or weight would make towing it an unsafe movement.

4 106-B:30 Requirements for Placement on the Tow List.

5 I. Any tow business that wishes to be placed on the rotation list with appropriate  
6 designation shall make application to the director of state police.

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

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

23 IV. Any criminal history of convictions involving a felony against persons or property  
24 involving fraudulent activity, aggravated assaults, sex offenses, burglary or thefts resulting in a  
25 felony conviction within the last 3 years, or a serious or repetitive motor vehicle violation history of  
26 any such individual shall be grounds for refusing to place on or removing the business from the  
27 rotation list.

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

35 VI. In the event the ownership of a tow business changes for any reason including but not  
36 limited to the sale of the business, death, or retirement of the owner, the tow business shall reapply  
37 before the effective date of the change in ownership for approval or the tow business shall be

1 removed from the rotation list until such time as the new owner complies with the application  
2 process.

3 VII. The business shall have a telephone number listed in its name and shall also have an  
4 after-hours telephone number where it can be contacted after normal business hours. The business  
5 shall be staffed Monday through Friday from at least 9 a.m. to 5 p.m. with someone who will be  
6 available for administrative matters and the release of a vehicle or other related items stored on  
7 premises. After normal business hours and on weekends or holidays a responsible person shall be on  
8 call to provide those services.

9 VIII. Wreckers dispatched shall arrive at the scene within 30 minutes of being called, except  
10 for cases where the travel distance, posted speeds, or traffic and weather conditions and volume of  
11 traffic make this unreasonable. For heavy duty calls the company shall respond within a maximum  
12 of 60 minutes regardless of the time of day. If the time exceeds the above limit and the tow business  
13 does not provide state police communications or the trooper in charge at the scene a valid reason for  
14 the delay within that time, a second rotation wrecker may be dispatched. If a second wrecker is  
15 requested before the arrival of the initially dispatched rotation wrecker, the initially requested  
16 wrecker shall forfeit the call and leave the incident scene. Repeated tardiness may result in  
17 suspension or removal from the rotation list.

18 IX. If a tow business responds to a rotation call and through no fault of its own, does not tow  
19 the vehicle, the business shall retain its position on the rotation list.

20 X. Towing personnel shall wear reflective clothing meeting Federal Highway Administration  
21 specifications at all times when working in or adjacent to the roadway.

22 XI. The tow business shall maintain a reasonably secure area for the safe storage of motor  
23 vehicles or other items stored at the request of the state police. Storage facilities shall be clearly  
24 marked as belonging to that tow business and shall have adequate lighting to illuminate the  
25 enclosed area. If a vehicle must be stored for processing after a crime, death, or serious injury then  
26 storage facilities shall include a gated or fenced area adequate to reasonably secure the storage  
27 facility and prevent unauthorized entrance. Camera surveillance is recommended but not  
28 mandatory.

29 XII. A secure building that provides written proof that it meets all applicable state and local  
30 codes and which is suitably alarmed may substitute for a fenced area if the tow business provides for  
31 total inside storage.

32 XIII. The tow business shall provide reasonable accommodations for after-hours release of  
33 personal property in stored vehicles or other related storage once the state police releases any hold  
34 on personal or other property not affixed to the towed vehicle, and upon payment in full or mutual  
35 agreement for payment of all towing and storage fees. The towing of a vehicle at the request of law  
36 enforcement shall grant a lien to the tow business, equal to the cost of recovery and storage.

1           XIV. Under no circumstance may a tow business withhold wallets, purses, life essential  
2 clothing, mail, legal documents, child safety seats, eyeglasses or contact lenses, medicines, medical  
3 equipment, license plates, or house or place of business keys pending payment of fees.

4           XV. Any towing or recovery vehicle used by the tow business shall display lettering on both  
5 sides of the vehicle in letters that contrast in color with the background and are readily legible  
6 during daylight hours from a distance of 50 feet while the vehicle is stationary, and kept and  
7 maintained in a manner that retains such legibility, indicating the name or trade name of the  
8 wrecking service or owner thereof, the city or town and state in which the vehicle is customarily  
9 based, and the business telephone number on each front door of the truck. The identification  
10 number issued by the Federal Motor Carrier Safety Administration to the motor carrier, preceded by  
11 the letters "USDOT"; shall also be included in such lettering.

12           XVI. The tow business participating in the tow list shall maintain tow and hook, liability,  
13 and garage-keepers' liability insurance in an amount not less than that designated under New  
14 Hampshire law or administrative rule. This shall include a minimum coverage of \$1,000,000 in  
15 liability including garage-keeper's insurance coverage. The tow business shall also comply with all  
16 other business requirements and taxes required under state or federal law.

17           XVII. The tow business shall not place or imprint on its vehicles, buildings, equipment,  
18 clothing, or correspondence anything that suggests or implies an official relationship between the  
19 company and any emergency services provider or law enforcement agency. This shall extend to  
20 paint schemes, colors, shoulder patches, or decals similar in design to department of safety or state  
21 police vehicles or any name or logo implying an official connection. State police may design and  
22 issue a suitable decal to indicate that a tow vehicle's owner is on the rotating list. Termination of  
23 services or suspension, even if temporary, from the rotation list shall require any decal provided,  
24 issued, or approved by state police to be removed immediately from the tow vehicle if such vehicle  
25 will be operated on public roads.

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

32           XIX. Whenever the owner of a towed or impounded vehicle or their agent pays a towing  
33 company for those services, the company shall provide a detailed receipt to the owner or agent for  
34 the services rendered.

35           XX. Motorists using a wrecker under the rotation list shall have the option of paying by cash  
36 or major debit or credit card. The tow business may inquire, prior to accepting a dispatch, as to how  
37 the motorist will be paying. The owner of a towed or impounded vehicle who believes an exorbitant

1 or unreasonable fee was charged for towing the vehicle if such service rendered was covered by RSA  
2 262:31 through RSA 262:40-c, may file a complaint with the commissioner of safety and request  
3 review pursuant to RSA 262:35-a. If not covered by RSA 262:31 through RSA 262:40-c, the owner or  
4 his or her agent shall be notified of his or her ability to make a complaint to the consumer protection  
5 division of the department of justice.

6 XXI. A tow business shall not be operated without a Federal Motor Carrier Safety  
7 Administration safety registration, an active United States Department of Transportation number,  
8 and valid New Hampshire registration.

9 106-B:31 Requirements to Remain on the Tow List.

10 I. Tow personnel shall perform a general cleanup of an accident area before leaving the  
11 scene, and remove any glass, vehicle parts, debris, or other substances dropped or spilled prior to  
12 leaving an incident scene. Vehicle fluids or hazardous substances shall not be intentionally drained  
13 or left on the road or surrounding environment. There will be no charge for normal highway cleanup  
14 of 30 minutes or less unless cleanup is a regular part of the itemized bill. If the debris field was  
15 caused by more than one vehicle all tow personnel shall share in the cleanup duties under the  
16 direction of the trooper in charge at the scene.

17 II. The tow business shall be responsible for securing and preserving personal property in a  
18 vehicle to be towed, unless the owner or person responsible is present and wishes to take custody of  
19 it.

20 III. The tow business shall employ reasonable safeguards and procedures so that all  
21 personal belongings and contents in the towed vehicle are intact and returned to the vehicle's owner  
22 or authorized agent upon release of the vehicle upon payment in full or mutual agreement for  
23 payment of fees with the exception of those essential items as provided.

24 IV. All personal property left in a vehicle and unclaimed shall be handled in accordance with  
25 applicable state laws.

26 V. No tow business shall accept a call if the employee who will be responding is under the  
27 influence of any substance that could cause impairment or has the odor of alcohol on his or her  
28 breath, nor shall a tow business employee respond in such a condition.

29 VI. The tow business shall maintain a log or ledger of all vehicles towed at the request of  
30 state police. It shall contain the date, time, and location of the tow, a description of the vehicle  
31 towed including the owner's name and address, vehicle identification number, registration plate  
32 number and state of registration, name of the tow vehicle operator, name and address of the person  
33 to whom the vehicle was released, and location to which the vehicle was towed. This record and any  
34 other records and equipment associated with compliance with these applicable state statutes and  
35 these rules shall be open to inspection by department of safety personnel during normal business  
36 hours and retained for the year when the record was made and one full year beyond.

VII. The owner, operator, and any employee of the tow business on the list shall comply with all applicable state and federal laws and local ordinances. In matters where conflict of laws arises the tow business shall follow the lawful direction of the law enforcement officer controlling the scene of the investigations and shall be held harmless from any conflicts.

VIII. All wrecker drivers shall have a valid driver's license for the class of vehicle they are operating. Wrecker drivers shall have a motor vehicle record free of convictions of serious motor vehicle offenses, or license revocations, or suspensions for serious motor vehicle offenses for the past 3 years.

IX. Tow companies on the tow list shall not permit any person to drive a wrecker if said person has been convicted for any felony against persons or property involving fraudulent activity, sex offenses, aggravated assaults, burglary, theft resulting in a felony conviction within the last 3 years. No tow company shall permit any person to drive a wrecker if the person is currently subject to probation, parole restrictions, or court order restricting the area the person may or may not be present in at any time.

X. Wreckers at the scene of a service call may be asked to provide minor on-site repairs, such as jump-starting a dead battery or changing a tire.

XI. Each tow vehicle shall carry at a minimum the following supplies and equipment in good working order, in addition to meeting the requirements herein for each class of vehicle that will be responding to wrecker calls:

(a) Emergency lights meeting statutory requirements, visible at 3/4 of a mile when illuminated, and visible over any vehicle being towed. Sirens are prohibited.

(b) At least one working spotlight capable of being aimed.

(c) One fire extinguisher, 5-lb. carbon monoxide or dry powder, fully charged and able to be operated.

(d) At least one heavy duty push broom and garbage container.

(e) A steering lock mechanism or capability to properly lock steering.

(f) A first aid kit.

(g) A reflectorized safety vest for each employee on the vehicle.

(h) For heavy duty vehicles and heavy-duty recovery vehicles, portable lighting equipment.

(i) Heavy duty wreckers and heavy-duty recovery vehicles shall have 10 of at least 2 of the following: reflector flare, road flare, colored LED flashing road flare. Lighter vehicles shall have at least 3 of 2 or more of the following: reflector flare, road flare, colored LED flashing road flare. Traffic cones may be substituted for one of the above on a clear day during the hours from dawn to dusk.

(j) At least one flat scoop type shovel.

1 (k) For heavy duty wreckers and heavy-duty recovery vehicles, necessary equipment to  
2 perform the tasks necessary for towing a vehicle.

3 (l) For any wreckers called to recover vehicles with air assisted brakes, the capability to  
4 provide air to the towed vehicle to facilitate brake operation.

5 (m) A current, valid motor vehicle registration and a current, valid state safety  
6 inspection sticker.

7 (n) An FCC licensed 2-way business radio or a wireless telephone.

8 (o) Portable lights for any vehicle being towed including taillights, stop lights, and  
9 directional signals.

10 (p) A minimum of 40 pounds of sand or other appropriate absorbent material designed  
11 and verified by the manufacturer to absorb hazardous waste and spills in an efficient and effective  
12 manner.

13 XII. The management of a towing business on the rotating list shall be primarily responsible  
14 to the division of state police to inspect and maintain an ongoing awareness of compliance with  
15 relevant rules, regulations, and laws affecting the business and to make prompt corrections of any  
16 discrepancies. Each tow business on the list shall annually, on or before January 15 of the following  
17 year, certify to the director of state police under penalty for unsworn falsification that it has it has  
18 conducted an internal inspection and that the business is in compliance with the provisions of this  
19 subdivision and any administrative rules adopted pursuant to it.

20 XIII. State troopers or other designated department of safety personnel may be assigned at  
21 the discretion of the state police director to conduct reviews from time to time of towing businesses,  
22 their records, and equipment to ensure compliance with relevant rules and laws and make a  
23 recommendation through the state police communications commander to the director as to the level  
24 of compliance and any appropriate action. Tow businesses participating in the tow list shall make,  
25 during normal business hours, their records, vehicles, facility, and equipment available for  
26 examination for such reviews by troopers or other department of safety employees. In cases of non-  
27 compliance, the state police communications commander shall recommend appropriate action to the  
28 director, which may include a verbal or written reprimand, suspension, or revocation from continued  
29 participation in the rotating list. Such action is discretionary and shall be based on the nature and  
30 seriousness of the discrepancy and any prior record of the business.

31 XIV. Before being removed from the rotating list for disciplinary reasons, a tow business or  
32 employee shall be served with a written notice of intent describing the reasons, and notified that it  
33 may request a hearing before the department of safety bureau of hearings prior to any such removal.  
34 A tow business that is removed from the list may contest the result of the hearing in superior court.  
35 Nothing in this subdivision shall be construed to confer any vested property rights upon a tow  
36 business or employee to remain on the state police rotating tow list.



1 XV. Tow vehicle owners, operators, and employees shall not be abusive, disrespectful, or use  
2 profane language when dealing with the public or officials and shall cooperate with the members of  
3 the state police.

4 XVI. Tow businesses shall employ only drivers who demonstrate an ability to perform  
5 required services in a safe, timely, courteous and civil manner and who satisfy all applicable state  
6 and federal laws and regulations.

7 XVII. The tow business shall tow disabled vehicles to any destination requested by the  
8 vehicle owner or person in charge of the vehicle after financial obligations have been finalized to the  
9 satisfaction of the tow business providing the service. The tow business may hold the vehicle for  
10 payment of services at the business location if not satisfied with payment on site.

11 XVIII. Access to the storage facility or yard by insurance inspectors, appraisers, attorneys  
12 and their assistants and private investigators shall be at their own risk and the tow business shall  
13 not be responsible for any injury sustained. A vehicle owner or the owner's authorized agent, upon  
14 presentation of suitable identification, may enter the yard at their own risk under supervision by the  
15 tow business to remove personal items or belongings.

16 XIX. A wrecker operator on the rotation list shall not offer towing services to the owner or  
17 operator of a vehicle currently under the supervision of state police unless dispatched by the rotation  
18 list or specifically hailed for service by the trooper or other law enforcement officer under emergency  
19 circumstances. Any activity done or designed for the purpose of circumventing the list shall be cause  
20 for the division to remove the business from the rotating list permanently or for a specific time  
21 determined by the division.

22 XX. Tow service vehicles shall not be driven at an unsafe or unreasonable speed, commit  
23 other moving motor vehicle violations or drive recklessly on the way to or from a towing service call,  
24 and may be removed from the list for such behavior.

25 XXI. State police shall not show any favoritism or circumvent the tow list to favor one or  
26 more businesses and shall be subject to divisional discipline for doing so.

27 106-B:32 Recordkeeping; Mandatory Records.

28 I. Each operator or business on the rotating list shall maintain a record system covering all  
29 services performed in roadside service, pulling, towing, or transporting vehicles in response to calls  
30 from the state police, which shall include the following information:

31 (a) The date and time of day the business was contacted and requested to the scene and  
32 the times of arrival and departure from the scene.

33 (b) The name of the person requesting the service.

34 (c) The location of the vehicle or incident.

35 (d) A description of the vehicle including license plate and vehicle identification number.

36 (e) The name and address of the owner or lessee of the vehicle, if known.

1 (f) The name and address, date of birth, driver license number, and licensing state or  
2 province of the driver of the vehicle, if known.

3 (g) The service or towing charge and other related fees.

4 II. All such records shall be available for inspection and copying by state troopers or agents  
5 of the department of safety during normal business hours at the place of business of the wrecker  
6 business, and shall be maintained for the current calendar year and the year immediately prior to  
7 the current calendar year.

8 106-B:33 Confiscated Vehicles; Impoundment. A state trooper may impound or confiscate a  
9 vehicle towed by a tow business that is on the rotation list in furtherance of law enforcement duties,  
10 such as when the vehicle is reported stolen or involved in a crime, is unsafe to be driven, or is to be  
11 processed for possible forensic evidence of a crime. In such events:

12 I. The vehicle may be towed to a location specified by the processing officer to facilitate  
13 evidence preservation, collection, or processing, otherwise it shall be securely stored on the premises  
14 of the towing service.

15 II. The towing and storage of the vehicle shall be at the expense of the state police. The  
16 wrecker business shall not release the vehicle to anyone unless and until authorized to do so by the  
17 trooper who arranged for the hold or a state police officer superior in rank to that trooper, or on an  
18 order by the court.

19 III. The tow business shall not allow anyone except a member of the law enforcement agency  
20 having jurisdiction or someone having written permission from the state police to enter, inspect, or  
21 touch the vehicle or any parts from the vehicle.

22 IV. When the vehicle is released, the tow business shall require that the person to whom the  
23 vehicle is released display a valid photo driver license or other official government photo  
24 identification, and the tow business shall keep a photocopy of such card or document.

25 106-B:34 Compliance Action; Disciplinary Enforcement. Participation in the state police tow list  
26 is a privilege, not a right. The director of state police is charged with the responsibility of ensuring  
27 that the towing, storage, roadside emergency service, and recovery of vehicles at the direction or  
28 request of the division of state police is accomplished consistent with state law and administrative  
29 rules and in a manner that maintains the confidence and respect of the motoring public. To  
30 accomplish this, the director may take appropriate action to uphold the integrity and efficiency of the  
31 tow list and the duties and responsibilities of businesses participating in the list and their owners,  
32 managers, and employees. The director may take appropriate action including removal of a tow  
33 business or a tow business employee from participating in the tow list, and which may include upon  
34 satisfactory evidence of violations or deliberate noncompliance, a verbal or written warning,  
35 suspending the business or employee or both from the list for a period of one to 120 days, or removal  
36 from the list and ineligibility for restoration for up to 2 years, depending on the seriousness of the  
37 offense, any prior history of violations, and any resulting harm. Causes for such action shall include

violations of the equipment and other requirements set forth in RSA 106-B:28, and the provisions of RSA 106-B:29 through 106-B:33. Disciplinary actions may be appealed to the department of safety bureau of hearings and to the superior court as provided in RSA 106-B:31, XIV.

3 Effective Date. Part II of this act shall take effect 60 days after its passage.

### PART III

Relative to the municipal winter maintenance certification program.

1 Salt Applicator Certification; Definitions. New Paragraph; Municipal Winter Maintenance Certification Program. Amend RSA 489-C to 489-C:1 by inserting after paragraph IV the following new paragraph:

IV-a. "Municipal winter maintenance certification program" means a program implemented by a governmental unit as defined in RSA 507-B:1, I to maintain public roads, parking areas, and walkways in the winter months to be safe for public passage.

2 Commercial Applicators; Certification Option.. Amend RSA 489-C:2 to read as follows:

489-C:2 **Commercial Applicator** Certification Option.

**I.** Commercial applicators may elect to be ~~annually~~ certified by the department. Applicator certificates shall be issued by the department **and may be renewed annually.**

**II.** Any business that employs multiple commercial applicators may obtain a master certificate for the owner or chief supervisor, and commercial applicators employed by the business may obtain ~~certificates~~ **either an individual certificate or a subordinate certificate** to qualify under the master certificate. Any business holding a master certificate shall ensure that all commercial applicators operating **with a subordinate certificate** under its master certificate receive the required training and shall provide the required record keeping on behalf of all commercial applicators **working under the master certificate.**

**III. The department shall charge an annual fee for master, individual, and subordinate certificates.** Annual fees for ~~certificates~~ **a subordinate certificate** obtained under a master certificate shall be significantly less than the fees for a master certificate. **Annual fees for individual certificates shall be higher than the fee for a subordinate certificate but less than the fee for a master certificate.**

3 New Section; Municipal Winter Maintenance Certification Program Option. Amend RSA 489-C by inserting after section 2 the following new section:

489-C:2-a Municipal Winter Maintenance Certification Program Option.

**I.** Any governmental unit that has a municipal winter maintenance program may elect to have the program certified by the department. Municipal winter maintenance certification program certificates shall be issued by the department and may be renewed annually.

**II.** Any governmental unit holding a municipal winter maintenance program certificate shall ensure that each applicator operating under its certificate receives the required training approved by

the department and shall provide record keeping on behalf of all applicators working under the municipal winter maintenance certificate. A governmental unit may meet the training requirement by requiring its employees to obtain commercial applicator individual certificates.

III. The department may create more than one class of certificate to recognize different complexity levels of municipal winter maintenance programs. If such classes are created, the department shall, through rules adopted pursuant to RSA 541-A, identify the criteria, required record keeping, and other requirements as may apply to each level.

IV. The department shall charge an annual fee for a municipal winter maintenance program certificate.

4 Salt Applicator Certification; Rulemaking. Amend RSA 489-C:3, V to read as follows:

V. Recordkeeping [~~required for commercial applicators to maintain certification~~] **and reporting requirements for certificate holders.**

5 New Paragraph; Salt Applicator Licenses; Rulemaking. Amend RSA 489-C:3 by inserting after paragraph VI the following new paragraph:

VII. Procedures for governmental units to obtain certification for their municipal winter maintenance programs.

6 Snow, Ice, and Other Weather Hazards. Amend RSA 507-B:2-b to read as follows:

507-B:2-b Snow, Ice, and Other Weather Hazards. Notwithstanding RSA 507-B:2, a governmental unit shall not be liable for damage arising from insufficiencies or hazards on any premises owned, occupied, maintained, or operated by it, even if it has actual notice of them, when such hazards are caused solely by snow, ice, or other inclement weather, and the governmental unit's failure or delay in removing or mitigating such hazards is the result of its implementation, absent gross negligence or reckless disregard of the hazard, of a winter or inclement weather maintenance policy or set of priorities with respect to such premises, adopted in good faith by the official responsible for such policy. All governmental units, officials, and agents shall be presumed to be acting pursuant to such a policy or set of priorities in the absence of proof to the contrary. ***Municipal winter maintenance programs certified under RSA 489-C:2-a shall be presumed to meet the standards herein for all public roads, parking areas, and walkways in the absence of proof to the contrary.***

7 Liability Limited for Winter Maintenance. Amend RSA 508:22 to read as follows:

508:22 Liability Limited for Winter Maintenance.

I. No commercial applicator as defined in RSA 489-C:1, II and certified under RSA 489-C:2, ***or his or her employer or principal, or an*** owner, occupant, or lessee of land whose premises is maintained by a commercial applicator certified under RSA 489-C:2, ***whether by contract with the commercial applicator or his or employer or principal,*** shall be liable for damages arising from insufficiencies or hazards on any premises owned, occupied, maintained, or operated by them, even with actual notice thereof, when such hazards are caused solely by snow or ice, and the [~~commercial~~]

applicator's, owner's, occupant's, or lessee's] failure or delay in removing or mitigating such hazards is the result of [its] **the** implementation, absent gross negligence or reckless disregard of the hazard, of best management practices for winter road, parking lot, and sidewalk maintenance adopted and published by the department of transportation and the department of environmental services. All commercial applicators, owners, occupants, or lessees who adopt such best management practices shall be presumed to be acting pursuant to the best management practices in the absence of proof to the contrary.

II. In order to receive the liability protection provided in paragraph I, a commercial applicator as defined in RSA 489-C:1, II, or an owner, occupant, or lessee of land shall keep a written record describing its winter road, parking lot and property maintenance practices. The written record shall include the type ~~[and rate of application]~~ of de-icing materials used, **the rate or quantity of deicing materials used**, the dates of treatment, and the weather conditions for each event requiring de-icing. Such records shall be kept for a period of 3 years.

8 Effective Date. Part III of this act shall take effect July 1, 2021.

#### PART IV

Relative to eligibility for the issuance of a nondriver's picture identification card.

1 Identification Cards; Eligibility. Amend RSA 260:21, I to read as follows:

I. The department shall upon application issue a nondriver's picture identification card to any resident who:

(a) Is 12 years of age or older and does not possess a driver's license, **or**

(b) Is disabled and does not possess a driver's license~~[-or~~

~~(c) Is 65 years of age or older, whether or not said resident possesses a driver's license].~~

2 Identification Cards; Design and Validity. Amend RSA 260:21, III and IV to read as follows:

III. The identification card shall bear the name, address, date of birth, blood type (optional), gender indicated as "M" for "male," "F" for "female," or "X" for "other," veteran's status for the purposes of identification for receiving benefits and services under New Hampshire law (optional), **and the** picture and signature of the applicant~~[-and in the case of a card issued pursuant to RSA 260:21, I(e), said card shall bear the notation "Golden Granite State Discount Card."].~~ The identification card shall bear an approved security marking indicating that it was not issued in compliance with Public Law 109-13 and is therefore not acceptable for federal identification purposes.

IV. The identification card shall be valid for 5 years from the date of issuance; provided, however, that ~~[a card issued pursuant to RSA 260:21, I(e) shall be valid for as long as the holder is a resident of the state and]~~ a card issued pursuant to RSA 260:21, XI shall be valid for 2 years from the date of issuance. If the director has adopted rules under RSA 263:10, II with respect to on-line renewal of licenses, the director shall provide the same on-line option for identification cards,

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provided that the applicant is eligible for identification card renewal and has a computerized image on file with the division. An identification card may be renewed on-line only once in every other license renewal cycle and the next cycle shall require appearance in person at a licensing facility.

3 Administration of Motor Vehicle Laws; Disposition of Fees; Reimbursement to the Highway Fund. Amend RSA 260:22 to read as follows:

260:22 Disposition of Fees; Reimbursement to the Highway Fund. The necessary expenses incurred under RSA 260:21 shall be a charge against the operating budget of the department of safety, division of motor vehicles, motor vehicle and driver safety, driver licensing. Pursuant to RSA 260:21, 50 percent of all fees collected shall be credited to the department to reimburse operating expenditures and are hereby appropriated for that purpose. Fifty percent of all fees collected shall be credited as unrestricted revenue to the highway fund[; ~~provided, however, that 50 percent of all fees collected for cards issued pursuant to RSA 260:21, I(c) shall be credited to the state committee on aging pursuant to RSA 161-F:29~~]. Upon prior approval of governor and council, transfers may be made from nondriver's picture identification card unrestricted revenue for other related expenditures, but in no event shall the cumulative annual transfers exceed 50 percent of all fees collected.

4 Effective Date. Part IV of this act shall take effect 60 days after its passage.

PART V

Relative to certificate of boating safety.

1 Safe Boater Education; Certificate Required. Amend RSA 270-D:10, I to read as follows:

I. No person ~~[born on or after the dates provided in this section]~~ shall operate a motorized vessel with any type of power motor in excess of 25 horsepower on the public waters of this state without first obtaining a certificate of boating safety education in accordance with this subdivision[;

~~Date of Birth: \_\_\_\_\_ Certificate Required:~~

~~January 1, 1983 \_\_\_\_\_ January 1, 2002~~

~~January 1, 1977 \_\_\_\_\_ January 1, 2003~~

~~January 1, 1973 \_\_\_\_\_ January 1, 2004~~

~~January 1, 1967 \_\_\_\_\_ January 1, 2005~~

~~January 1, 1963 \_\_\_\_\_ January 1, 2006~~

~~January 1, 1957 \_\_\_\_\_ January 1, 2007~~

~~All \_\_\_\_\_ January 1, 2008].~~

2 Effective Date. Part V of this act shall take effect upon its passage.

PART VI

Relative to allowing emergency medical services chiefs and fire chiefs  
to issue decals for multi-use decal plates.

1 Firefighter Decals. Amend RSA 261-B:3-a to read as follows:

261-B:3-a Firefighter ***and Emergency Medical Services*** Decals.

***I.*** A city or town fire chief may issue a firefighter decal to a full-time or volunteer firefighter employed by the city or town or a retired firefighter. A firefighter decal may only be placed on the multi-use decal plate of a motor vehicle registered and owned or leased by the firefighter.

***II. Emergency medical services chiefs and fire chiefs may issue an emergency medical services decal solely to emergency medical services personnel and retired emergency medical services personnel. An emergency medical services decal may only be placed on a multi-use decal plate on a motor vehicle owned and registered by the emergency services personnel.***

2 Effective Date. Part VI of this act shall take effect 60 days after its passage.

**SB 131-FN- FISCAL NOTE**  
**AS INTRODUCED**

AN ACT adopting omnibus legislation relative to vehicles, municipal water maintenance certificates, safety certificates, nondrivers's picture I.D.s, decals, and private roads.

**PART I: Relative to electric vehicle supply equipment and infrastructure and relative to state motor vehicle fleet management**

**FISCAL IMPACT:**    ☒ State            ☐ County            ☒ Local            ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input checked="" type="checkbox"/> Highway <input checked="" type="checkbox"/> Other- NH Volkswagen Trust Mitigation Fund			

**LOCAL:**

<b>Revenue</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable

The Public Utilities Commission was contacted for a fiscal note worksheet on January 8, 2021 and January 12, 2021, which the Commission has not supplied as of February 2, 2021.

**METHODOLOGY:**

This section requires state agencies and departments and the New Hampshire Transportation Council (RSA 238-A:2) to utilize the recommendations of the Electric Vehicle Charging Stations Infrastructure Commission. This section also does the following:

- Requires the Office of Strategic Initiatives to allocate a portion of the New Hampshire Volkswagen Trust for a non-proprietary Level 2 Electric Vehicle Supply Equipment (EVSE) rebate program for municipalities for publicly accessible chargers, to be administered by a non-governmental entity.
- Regulated utilities may include EVSE make-ready programs to fund upgrades necessary to support the installation of EVSE in the systems benefits charge or other mechanisms.



- Requires all publicly funded chargers, including those funded by the New Hampshire Volkswagen Trust Settlement or by federal or other competitively awarded funds installed after January 1, 2022 to be equipped for universal access.
- Allows municipalities with populations greater than 50,000 to expand the use motor vehicle permit fees collected pursuant to RSA 261:154 to fund the construction, operation and maintenance of EVSE.
- Establishes a \$20 registration fee on all electric and hybrid vehicles to fund the construction of EVSE on state highways and turnpikes.
- Authorizes municipalities to provide property tax relief under RSA 79-E on the value of EVSE installed in residential homes and rental properties, businesses, and industries.
- Amends the definitions of the terms "light duty truck", "passenger vehicle" and "motor vehicle" as applied to the state's motor vehicle fleet.
- Requires the Department of Administrative Services to establish procedures to convert the state's vehicle fleet of light duty trucks and passenger vehicles to (Zero Emission Vehicles) ZEVs by 2042. Requires that by 2026, all new leases or purchases of light duty trucks or passenger vehicles shall be ZEVs and by 2032 any new leases or purchase of trucks and other vehicles in excess for 10,000 pounds in weight shall be ZEVs. Transition plans shall be developed by all state agencies and departments for submission to the Office of Strategic Initiatives by June 30, 2022 and revised and submitted every 2 years thereafter until all of the state's motor vehicles are ZEVs.
- Establishes electric vehicle charging station rate design standards.

The Department of Environmental Services (DES) states the recommendations of the Electric Vehicle Charging Stations Infrastructure Commission include actions relating to the development of electric vehicle supply equipment (EVSE); the use of the Volkswagen settlement's New Hampshire Volkswagen Beneficiary Mitigation Trust (NH VW Trust) for such development; the sale of electric vehicles (EVs) in New Hampshire; the adoption of EVs by state agencies; participation in regional programs aimed at increasing adoption of EVs; investment by regulated utilities to support EVSE installations; adoption of building codes to encourage EVSE installation; and other measures will result in some level of unknown expense for state agencies.

DES states the rebate program using the NH VW Trust funds could utilize up to 15% of the project cost for administrative expense with no expected impact on general funds. The Trust Fund has a maximum allowable funding for support of EVSE but the impact on this fund from this provision is indeterminable..

DES projects the additional \$20 registration fee on 4,713 electric vehicles (EVs) including plug-in hybrids, registered in New Hampshire as of January 1, 2021, would yield approximately \$94,260 in additional revenue. The number of EVs is expected to increase over time.

DES also notes the cost to transition the state vehicle fleet to ZEVs over time is required to be performed "to the extent feasible, practicable and cost effective."

The Office of Strategic Initiatives states the recommendations of the Electric Vehicle Charging Station Infrastructure Commission includes actions relating to the development of EVSE and the use of the NH VW Trust funds for such development. The NH VW Trust may only be spent as allowed by the terms of the Trust and would have no impact on general funds. The impact to the Trust is indeterminable.

The Department of Justice provides some assistance to the Office of Strategic Initiatives in its administration of the NH VW Trust but DOJ states there may only be a slight increase in necessary assistance resulting from this section. Since any such assistance would be negligible and would be accomplished within the current budget, there is no fiscal impact on the Department.

The Department of Administrative Services assumes the requirement to convert the state fleet to ZEVs does not apply to heavy construction equipment, ATVs, snowmobiles, boats or other equipment not used primarily on roads and highways. The department also assumes most new ZEVs will be electric vehicles. Capital expenditures would increase beginning in FY 2023 with new EV sites and the first agency EV purchases and leases would begin in FY 2024. The department expects incremental costs to replace existing vehicles, EV charging site development costs and maintenance and training costs for state agency personnel. More frequent upgrades of vehicles and equipment are also anticipated. The department estimates it will cost the state \$46.3 million to replace the entire state fleet with ZEVs. The department estimates charging site development and infrastructure at 50 locations would cost between \$4.5 million-\$14.5 million for Level 2 Public Advanced Technology Chargers and between \$6.9 million-\$20.5 million for Level 3 DC Fast Chargers.

The Department of Safety states the current vehicle counts for electric (3,102) and plug-in electric vehicles (543) at \$20 per vehicle would yield \$72,900 per year or \$36,450 for FY 2022 with an effective date of January 1, 2022. The Department estimates a state expenditure of \$540,000 in FY 2022 for the programming of the vehicle registration system (MAAP) and reprogramming of the VIN decoder. State highway expenditures would increase beginning in FY

2023 pursuant to RSA 235:23 which requires 12% of the gross road toll revenue and motor vehicle fees collected in the prior year to be distributed as local highway aid.

The Department of Transportation indicates the construction of ESVE on state highways and turnpikes, long term operation and maintenance, including power, communications, lights and paving and winter maintenance will require a significant unknown expense. Utility make ready charges and extension of power to such facilities may exceed construction costs. The requirement to purchase and lease the lowest emission vehicles available as practicable will still require the Department to perform additional analyses to determine which vehicles are appropriate and may affect field usage of such vehicles with limited charging options. Changing the definitions of light duty trucks and passenger vehicles for the DOT fleet may impact employee efficiency and vehicle performance if the transportation of staff, materials, tools and equipment is compromised for the work task or for long distance travel. The department would require the use of outside consultants to develop and maintain a plan for transition of its vehicle fleet to entirely ZEVs. The total cumulative fiscal impact of these provisions is indeterminable but is expected to be in the tens of millions of dollars.

The New Hampshire Municipal Association states the rebate program may provide additional revenue to municipalities to offset the cost of publicly accessible chargers but the purchase of this equipment is voluntary and therefore the amount of such revenue is indeterminable. The use of fees under RSA 261:154 would allow municipalities to utilize these existing fees for this purpose but it does not affect municipal revenues or expenditures. The provision for tax relief pursuant to RSA 79-E for EVSE on private property is also voluntary and would not change revenues or expenditures, but would shift the tax burden among taxpayers.

**AGENCIES CONTACTED:**

Departments of Environmental Services, Administrative Services, Safety, Transportation, and Justice, Office of Strategic Initiatives, Public Utilities Commission, and New Hampshire Municipal Association

**PART II: Relative to removal of abandoned or disabled vehicles by towing.**

**FISCAL IMPACT:**    ☒ State            ☐ County            ☐ Local            ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0

<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b><i>Funding Source:</i></b>	[ X ] General Turnpike Fund	[ ] Education	[ X ] Highway	[ X ] Other-

#### **METHODOLOGY:**

This section modifies procedures surrounding the removal of abandoned or disabled vehicles. Department of Safety states any impact to state expenditures is indeterminable relative to administering this bill, specifically regarding inspecting and approving wrecker or other motorist service assistance vehicles for a tow list. The Department cannot estimate the number of complaints that would be received and require investigation and processing. State police uniformed officers are currently challenged to provide rapid response to emergencies and thorough follow-up to calls. With existing current backlogs in clerical functions, it may also require additional full or part-time clerical personnel or overtime to maintain current operations.

#### **AGENCIES CONTACTED:**

Department of Safety

#### **PART III: Relative to the municipal winter maintenance certification program.**

#### **FISCAL IMPACT:**

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2021 through 2024.

#### **AGENCIES CONTACTED:**

Department of Environmental Services

#### **PART IV: Relative to implementing a mandatory OHRV and snowmobile safety certificate program certification program.**

The Fish and Game Department was contacted for a fiscal note worksheet on January 4, 2021, which the Department has not supplied as of February 2, 2021.

#### **PART V: Relative to eligibility for the issuance of a nondriver's picture identification card.**

#### **FISCAL IMPACT:**

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2021 through 2024.

**PART VI: Relative to the operation of bicycles at or approaching intersections.**

This part has no fiscal impact.

**PART VII: Relative to certificate of boating safety.**

This part has no fiscal impact.

**PART VIII: Relative to allowing emergency medical services chiefs and fire chiefs to issue decals for multi-use decal plates.**

**FISCAL IMPACT:**

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2021 through 2024.

**PART IX: Relative to private roads.**

**FISCAL IMPACT:**    ☐ State            ☐ County            ☒ Local            ☐ None

LOCAL:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This bill defines a "qualified private community" and requires a municipality to reimburse or provide such communities and property owners within such communities with services related to roads equivalent to what is provided for properties along public roads, including: removal of snow, ice, and other obstructions from the roads and streets; street lighting charges; collection of leaves and recyclable materials and collection or disposal of solid waste; and repairs, maintenance and replacement of water and sewer infrastructure within qualified private communities. Municipalities currently do not provide such services to private entities. To the extent that any municipality has such communities, there would be a significant but variable increase in expenditures to provide these services to this population. The increase in municipal expenditures is therefore indeterminable. There is no increase in municipal revenues.

The bill also requires municipalities to repair class VI roads, which is currently not done and will similarly require an indeterminable expense that varies by municipality.

**AGENCIES CONTACTED:**

New Hampshire Municipal Association