

SB 213-FN – AS INTRODUCED

2012 SESSION

12-2822

05/09

SENATE BILL **213-FN**

AN ACT relative to the authority of state agencies to assess fines and penalties.

SPONSORS: Sen. De Blois, Dist 18; Sen. Barnes, Jr., Dist 17; Sen. Boutin, Dist 16; Sen. Carson, Dist 14; Sen. Forrester, Dist 2; Sen. Forsythe, Dist 4; Sen. Gallus, Dist 1; Sen. Groen, Dist 6; Sen. Lambert, Dist 13; Sen. Sanborn, Dist 7; Rep. Warden, Hills 7; Rep. Manuse, Rock 5; Rep. Reagan, Rock 1

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill requires state agencies to issue a warning before imposing certain fines or penalties. The bill also requires agencies to waive first time paperwork violations.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

1 (e) The person previously violated a substantially similar requirement.

2 V.(a) Nothing in this section prohibits an agency from waiving fines, civil penalties, or
3 administrative sanctions for a paperwork violation that is not a first-time offense.

4 (b) Any fine, civil penalty, or administrative sanction that is waived under this section
5 may be reinstated and imposed in addition to any additional fines, penalties, or administrative
6 sanctions associated with a subsequent violation for noncompliance with a substantially similar
7 paperwork requirement, or failure to correct the previous violation as required by the agency under
8 paragraph I.

9 VI. Nothing in this section may be construed to diminish the responsibility for any person to
10 apply for and obtain a permit, license, or authorizing document that is required to engage in a
11 regulated activity, or otherwise comply with state or federal law.

12 VII. Nothing in this section shall be construed to apply to a person required to provide
13 accurate and complete information and documentation in relation to any claim for payment of state
14 or federal funds or who are licensed or certified to provide care and services to vulnerable adults or
15 children.

16 VIII. Nothing in this section affects the attorney general’s authority to impose fines, civil
17 penalties, or administrative sanctions as otherwise authorized by law; nor shall this section affect
18 the attorney general’s authority to enforce the consumer protection act, RSA 358-A.

19 IX. In this section:

20 (a) “Paperwork violation” means the violation of any statutory or regulatory requirement
21 that mandates the collection of information by an agency, or the collection, posting, or retention of
22 information.

23 (b) “First-time paperwork violation” means the first instance of a particular or
24 substantially similar paperwork violation.

25 2 Effective Date. This act shall take effect January 1, 2013.

LBAO
12-2822
12/07/11

SB 213-FN - FISCAL NOTE

AN ACT relative to the authority of state agencies to assess fines and penalties.

FISCAL IMPACT:

The Department of Administrative Services states this bill would have an indeterminable impact on state revenues and expenditures in FY 2013 and each year thereafter. There will be no impact on county and local revenues or expenditures.

METHODOLOGY:

The Department of Administrative Services states this bill requires all state agencies to issue warnings before assessing certain fines, penalties, or administrative sanctions against individuals, and also requires state agencies to waive first time paperwork related violations. The Department states it is unable to predict the total amount of fines or penalties that may be waived under this bill. The Department also states it is unable to estimate costs agencies may incur as a result of this bill relative to the production and delivery of copies of relevant state laws and agency rules to individuals or administration costs relative to implementation of a new waiver process. Ultimately, the Department cannot estimate this bill's potential impact on state revenues or expenditures in FY 2013 and each year thereafter.