

CHAPTER 100  
SB 84 – FINAL VERSION

02/14/13 0201s

2013 SESSION

13-0414  
03/05

SENATE BILL **84**

AN ACT relative to road toll administration, relative to motor vehicles carrying property for hire, and relative to administration of the international registration plan.

SPONSORS: Sen. Rausch, Dist 19; Sen. Gilmour, Dist 12; Sen. Boutin, Dist 16; Sen. Stiles, Dist 24; Rep. Campbell, Hills 33; Rep. Graham, Hills 7; Rep. Chandler, Carr 1

COMMITTEE: Transportation

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AMENDED ANALYSIS

This bill clarifies certain provisions relating to licensing under the road toll laws and transfers primary responsibility for administering the international registration plan to the division of motor vehicles. This bill also repeals the chapter regulating motor vehicles carrying property for hire.

This bill was requested by the department of safety.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT                   relative to road toll administration, relative to motor vehicles carrying property for hire, and relative to administration of the international registration plan.

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

1           100:1 Licensing of Distributors. Amend RSA 260:36 to read as follows:

2           260:36 Application for License; Licensing of Distributors. It shall be unlawful for any person to  
3 sell or use motor fuel upon which the road toll imposed and collected under this subdivision has not  
4 been paid, unless the person is the holder of a valid license to engage in business as a distributor of  
5 motor fuels. To procure a motor fuel distributor license, an application, signed subject to prosecution  
6 for unsworn falsification and accompanied by a bond, shall be filed with the department in such form  
7 as the commissioner may prescribe. Once approved, the department shall issue a license certificate  
8 valid only for the distributor in whose name issued. The license shall be unassignable and shall  
9 remain in full force and effect [~~on a fiscal year basis from July 1~~] **from the date of issuance**  
10 through June 30 unless cancelled, suspended, or revoked. The license shall be renewable upon  
11 completion of an **annual** application renewal form, provided that the distributor is in good standing  
12 with the division. **Renewals are effective July 1 through June 30.** The department shall  
13 [~~furnish~~] **make available to** each distributor, monthly, a list of current licenses issued under this  
14 section.

15           100:2 Transporter License. Amend RSA 260:42, IV to read as follows:

16           IV. The commissioner shall issue a license certificate when the application has been  
17 accepted and approved, and all other conditions and requirements of this subdivision have been fully  
18 complied with. The license shall be valid only for the transporter in whose name it is issued. The  
19 license shall not be assignable and shall remain in full force and effect [~~on a fiscal year basis from~~  
20 ~~July 1~~] **from the date of issuance** through June 30 unless cancelled, suspended, or revoked. The  
21 license shall be renewable upon completion of an **annual** application renewal form, provided that  
22 the transporter is in good standing with the division. **Renewals are effective July 1 through**  
23 **June 30.**

24           100:3 Transporter License. Amend RSA 260:42, VI(b) to read as follows:

25           (b) Any person who fails to report a delivery of petroleum fuel or petroleum products  
26 within the time period specified in this section shall be assessed a penalty of \$500 or [~~\$50~~] **\$10** per  
27 unreported delivery, whichever is greater. Such penalty shall immediately accrue and shall bear  
28 interest as specified in RSA 260:40-a.

29           100:4 New Paragraph; Transporter License. Amend RSA 260:42 by inserting after paragraph

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1 VIII the following new paragraph:

2 IX.(a) All distributors licensed under RSA 260:36 who require transport of motor fuel or  
3 products subject to the fees stipulated in RSA 146-A shall use a licensed motor fuel and petroleum  
4 products transporter. The department shall make available to each distributor, monthly, a list of  
5 current licenses issued under this section.

6 (b) Any distributor who fails to use a motor fuel and petroleum products transporter  
7 licensed in accordance with this section shall be assessed a penalty of \$500 or **\$10** per delivery,  
8 whichever is greater. Such penalty shall immediately accrue and shall bear interest as specified in  
9 RSA 260:40-a.

10 100:5 New Section; Road Toll Abatement. Amend RSA 260 by inserting after section 50 the  
11 following new section:

12 260:50-a Abatement of Road Tolls. The commissioner shall have the authority to abate, in whole  
13 or in part, any road tolls, penalties, or interest assessed under this subdivision which, in his or her  
14 judgment, are uncollectible or for which the administrative and collection costs involved would not  
15 warrant collection of the amount due or for such other good cause as the commissioner shall  
16 determine after consultation with the department of justice bureau of civil law.

17 100:6 Repeal. The following are repealed:

18 I. RSA 375-B, relative to motor vehicles carrying property for hire.

19 II. RSA 21-P:14, II(x), relative to rulemaking.

20 100:7 Reference Deleted. Amend RSA 21-P:4, IV(c) to read as follows:

21 (c) Power to enforce the provisions of RSA 375-A[~~375-B~~] and 376.

22 100:8 Reference Deleted. Amend RSA 228:92, II to read as follows:

23 II. Any common carrier which is subject to RSA 375-A[~~RSA 375-B~~] or RSA 376 shall not be  
24 subject to the provisions of this subdivision.

25 100:9 Reference Deleted. Amend RSA 374-A:6, I(a)(1) to read as follows:

26 (1) The provisions of RSA 367, 368, 372, 373, 375-A, [~~375-B~~] 376, 377, 379, 380, 381,  
27 and 382 and all sections in RSA Title XXXIV relating solely to public utilities other than electric  
28 utilities shall not apply to any such municipal utility;

29 100:10 Reference Deleted. Amend RSA 376:28 to read as follows:

30 376:28 Disposition of Revenues. All fees and fines collected pursuant to the provisions of this  
31 chapter [~~and RSA 375-B~~] shall be made available to the department of safety, except that the cost of  
32 issuance of registration plates shall be paid to the division of motor vehicles.

33 100:11 Division of Administration. Amend RSA 21-P:6, VIII to read as follows:

34 VIII. Collection of fuel taxes and administration of road tolls, the international fuel tax  
35 agreement, and the **audit functions of the** international registration plan under RSA 260.

36 100:12 Division of Motor Vehicles. Amend RSA 21-P:8, III to read as follows:

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1           III. Administration of the motor vehicle laws under RSA 260, except for road toll  
2 administration under RSA 260:30 through RSA 260:65-a[~~7~~] **and** the fuel tax agreement under  
3 RSA 260:65-b through RSA 260:65-c, [~~and the international registration plan under RSA 260:73~~  
4 ~~through RSA 260:75,~~] which shall be administered by the division of administration.

5           100:13 Effective Date. This act shall take effect 60 days after its passage.

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7       Approved: June 24, 2013

8       Effective Date: August 23, 2013