

HB 1313 – AS INTRODUCED

2014 SESSION

14-2474  
06/04

HOUSE BILL            **1313**

AN ACT                relative to highway surveillance.

SPONSORS:            Rep. Kurk, Hills 2

COMMITTEE:          Transportation

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ANALYSIS

This bill limits the use of data obtained through highway surveillance.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                   relative to highway surveillance.

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

1           1 Highway Surveillance. Amend RSA 236:130 to read as follows:

2           236:130 Highway Surveillance Prohibited.

3           I. In this subdivision, “surveillance” means the act of determining the ownership **or**  
4 **location** of a motor vehicle or the identity of a motor vehicle’s occupants on the public ways of the  
5 state or its political subdivisions through the use of a camera or other imaging device or any other  
6 device, including but not limited to a transponder, cellular telephone, global positioning satellite, or  
7 radio frequency identification device, that by itself or in conjunction with other devices or  
8 information can be used to determine the ownership of a motor vehicle or the identity of a motor  
9 vehicle’s occupants.

10           II. Neither the state of New Hampshire ~~[nor]~~, its political subdivisions, **nor any person**  
11 shall engage in surveillance on any public ways of the state or its political subdivisions.

12           III. The prohibition set forth in paragraph II shall not apply where surveillance:

13                   (a) Is specifically authorized by statute;

14                   (b) Is undertaken on a case-by-case basis in the investigation of a particular violation,  
15 misdemeanor, or felony;

16                   (c) Is undertaken to produce images or data that:

17                           (1) Are viewed only at the transportation management center of the department of  
18 transportation in connection with a particular incident occurring on a public way; and

19                           (2) Are not recorded;

20                   (d) Is incidental to the monitoring of a building or other structure ~~[under the control of~~  
21 ~~the state or a political subdivision of the state]~~;

22                   (e) Is undertaken for purposes of operation of the toll collection system; or

23                   (f) Is undertaken for the security of the following bridges and approach structures: I-95  
24 Piscataqua River Bridge, Sarah Mildred Long Bridge, and the Memorial Bridge, all in Portsmouth,  
25 **provided that no data, including images, collected through such surveillance shall be**  
26 **transferred to any other person or retained for more than 30 days except on a case-by-case**  
27 **basis in the investigation of a particular violation, misdemeanor, or felony.**

28           IV. Nothing in this section shall prevent the creation, transmission, or recording of any  
29 images or data which cannot, by enhancement, manipulation, or otherwise, be used for surveillance.

30           V. Any person violating the provisions of this section shall be guilty of a violation if a natural  
31 person, or guilty of a misdemeanor if any other person.

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**- Page 2 -**

1           2 Effective Date. This act shall take effect July 1, 2014.