

CHAPTER 278
HB 1558-FN – FINAL VERSION

2014 SESSION

14-2388
03/05

HOUSE BILL ***1558-FN***

AN ACT relative to prevention of motor vehicle title fraud.

SPONSORS: Rep. Rhodes, Hills 30

COMMITTEE: Transportation

ANALYSIS

This bill makes various changes related to motor vehicle titles and fraud prevention.

This bill was requested by the department of safety.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to prevention of motor vehicle title fraud.

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

1 278:1 Owner. Amend RSA 259:72, III to read as follows:

2 III. For purposes of the provisions of this title relative to certificate of title, any person, other
3 than a lienholder, having the property in or title to a vehicle, including a person entitled to the use
4 and possession of a vehicle subject to a security interest in another person, not including a lessee
5 under a lease not intended as security[;]. ***Any person except a licensed dealer who purchases a***
6 ***vehicle for another shall not be considered an owner.***

7 278:2 Registration of Certain Title Exempted Vehicles. Amend RSA 261:2-a to read as follows:

8 261:2-a Registration of Certain Title Exempted Vehicles. Notwithstanding the provisions of
9 RSA 261:2 and RSA 261:148, no person shall register a motor vehicle exempted under RSA 261:3,
10 I(k) in this state without first providing a previously issued, current or expired New Hampshire
11 certificate of registration, a valid New Hampshire or out-of-state certificate of title, ***an application***
12 ***for a certificate of title***, or a current New Hampshire vehicle identification number verification
13 form as prescribed by the director. For the purposes of this section, a temporary registration issued
14 pursuant to RSA 261:57 does not meet the requirement of a previously issued New Hampshire
15 certificate of registration. The town or city clerk that issues the permit may copy the bill of sale and
16 the New Hampshire certificate of registration or the certificate of title for their records, but shall
17 return the original bill of sale and the New Hampshire certificate of registration or the certificate of
18 title to the person registering the vehicle upon issuing the permit. Any person who violates the
19 provisions of this section shall be guilty of a misdemeanor.

20 278:3 Department to Check Vehicle Identification Number. Amend RSA 261:6 to read as
21 follows:

22 261:6 Department to Check Vehicle Identification Number. The department, upon receiving
23 application for a first certificate of title, shall check the vehicle identification number shown in the
24 application against the records of vehicles required to be maintained by RSA 261:7 and against the
25 record of stolen and converted vehicles required to be maintained by RSA 262:2. ***The director may***
26 ***require a New Hampshire vehicle identification number verification form to be completed***
27 ***prior to issuance of a title.***

28 278:4 Unlicensed Sales. Amend RSA 261:103-b to read as follows:

29 261:103-b Unlicensed Sales Prohibited. No person may sell 5 or more vehicles at retail to the
30 general public ***or export 5 or more vehicles outside the United States*** in any consecutive 12-
31 month period unless the person has an established place of business and a valid dealer license issued

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1 under RSA 261:103-a.

2 278:5 Application for Municipal Permit. Amend RSA 261:148, II(b) to read as follows:

3 (b) If the previous owner was a dealer in vehicles, a temporary registration certificate **or**
4 ***an application for a certificate of title.***

5 278:6 New Paragraph; Penalties; Dealers. Amend RSA 261:177 by inserting after paragraph V
6 the following new paragraph:

7 VI. Any person who violates RSA 261:103-b shall be guilty of a misdemeanor if a natural
8 person or guilty of a felony if any other person.

9 278:7 Penalties. Amend RSA 262:1, I(d) to read as follows:

10 (d) Uses a false or fictitious name or address, or makes a ~~[material]~~ false statement, or
11 fails to disclose a security interest, or conceals any other material fact, in an application for a
12 certificate of title or certificate of origin, or in any proof or statement in writing in connection
13 therewith, shall be guilty of a class B felony if a natural person, or guilty of a felony if any other
14 person.

15 278:8 Effective Date. This act shall take effect 60 days after its passage.

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17 Approved: July 28, 2014

18 Effective Date: September 26, 2014