

CHAPTER 141
SB 337 – FINAL VERSION

03/27/14 0985s

2014 SESSION

14-2789
06/04

SENATE BILL **337**

AN ACT relative to the recovery of submerged vehicles by the department of environmental services.

SPONSORS: Sen. Woodburn, Dist 1; Sen. Fuller Clark, Dist 21

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill clarifies the responsibilities of the department of environmental services in situations involving abandoned vehicles.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 the recovery of submerged vehicles by the department of environmental services.

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

1 141:1 Water Management; Submerged Vehicles. Amend RSA 485-A:14, IV-V to read as follows:

2 IV. If the owner refuses or fails to remove a submerged vehicle or container as required by
3 paragraph I, ***or if no owner can be identified***, the department of environmental services may
4 contract for the removal of the vehicle or container in question. The owner of the submerged vehicle
5 or container shall be strictly liable for the costs of removing the vehicle or container and the costs of
6 the investigation, containment, cleanup, removal, and corrective measures associated with the
7 discharge. The cost shall be recoverable by the state in an action of debt brought by the attorney
8 general in the name of the state. ~~[The state]~~ ***If the owner of the vehicle or container has been***
9 ***identified, the contractor who removes the vehicle or container*** shall impound ~~[any~~
10 ~~submerged]~~ ***the recovered*** vehicle or container ~~[recovered]~~, at the expense of the owner[-]. ***No***
11 ***contractor shall release the vehicle or container to the owner*** until ***informed by the***
12 ***department that*** all costs incurred by the state have been paid by the owner of the vehicle or
13 container ***or that the impounded vehicle or container otherwise may be released. Upon***
14 ***receiving approval from the department to release the impounded vehicle or container, the***
15 ***contractor shall dispose of the impounded vehicle or container in accordance with RSA***
16 ***262:36-a. If no owner can be identified after reasonable efforts, the contractor who removes***
17 ***the vehicle or container shall deliver the vehicle or container to an appropriate salvage***
18 ***yard. Neither the state nor the contractor shall be liable for such delivery of the vehicle or***
19 ***container to anyone subsequently claiming ownership of the vehicle or container.***

20 V.(a) Any person who fails to remove a submerged or partially submerged vehicle or
21 container, as required by paragraph I, shall be guilty of a violation. Agents of the department of
22 safety, division of state police, or any police officer ~~[having jurisdiction over the water body,]~~ ***of the***
23 ***municipality in which the vehicle or container is submerged*** may issue citations for a violation
24 of this section and issue fines of \$500 for each day the vehicle remains in the water. ***No citation or***
25 ***fine so issued shall preclude the department of environmental services from taking action***
26 ***pursuant to subparagraph (b).***

27 (b) ***The department of environmental services may take action against any***
28 ***person who fails to remove a submerged or partially submerged vehicle or container, as***
29 ***required by paragraph I, in accordance with RSA 485-A:22. No action initiated by the***

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1 *department of environmental services under RSA 485-A:22 shall preclude the issuance of*
2 *citations and fines pursuant to subparagraph (a).*

3 141:2 Effective Date. This act shall take effect 60 days after its passage.

4 Approved: June 16, 2014

5 Effective Date: August 15, 2014