

HB 469 - AS INTRODUCED

2015 SESSION

15-0402  
06/10

HOUSE BILL           **469**

AN ACT               relative to highway surveillance.

SPONSORS:       Rep. Kurk, Hills 2; Rep. Gorman, Hills 31; Rep. Packard, Rock 5; Sen. Boutin,  
Dist 16; Sen. Stiles, Dist 24

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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 (g) Is undertaken for security and to facilitate law enforcement in the investigation of  
26 criminal activity at the state-owned park and ride facilities that provide regularly scheduled public  
27 transit service listed below. A video recording may only be retrieved from the department of  
28 transportation's transportation management center, subject to its availability. The storage of any  
29 video recording shall be limited by the storage capacity of the individual server at each facility. No  
30 video recording shall be stored longer than 24 days. Any video recordings requested and retrieved  
31 prior to expiration may only be used by the requesting party for a lawful purpose, including as

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1 evidence in a judicial or administrative proceeding, and shall be copied and retained by the  
2 department of transportation's transportation management center for no longer than 18 months  
3 from the date of the recording. The state-owned park and ride facilities which conduct video  
4 surveillance shall display signage indicating the presence of 24 hour video cameras.

5 (1) I-93 Exit 2 in Salem.

6 (2) I-93 Exit 4 in Londonderry.

7 (3) I-93 Exit 5 in Londonderry.

8 (4) I-93 Exit 14 in Concord.

9 (5) I-95 Exit 3 in Portsmouth.

10 (6) Spaulding Turnpike Exit 9 in Dover.

11 (7) Everett Turnpike Exit 8 in Nashua.

12 (8) I-89 Exit 12 in New London.

13 (9) NH Route 101 Exit 7 in Epping.

14 (10) Any future state-owned park and ride facilities that provide regularly scheduled  
15 public transit service.

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

18 V. Any person violating the provisions of this section shall be guilty of a ~~[violation if a~~  
19 ~~natural person, or guilty of a]~~ misdemeanor ~~[if any other person]~~.

20 2 Effective Date. This act shall take effect July 1, 2015.