

CHAPTER 242
HB 506 – FINAL VERSION

11Mar2015... 0536h
05/07/2015 1495s
11June2015... 2294EBA

2015 SESSION

15-0660
08/03

HOUSE BILL **506**

AN ACT clarifying the conditions under which motor vehicle information may be used.

SPONSORS: Rep. T. Walsh, Merr 24; Rep. Packard, Rock 5

COMMITTEE: Transportation

ANALYSIS

This bill requires motor vehicle information gained from people who evade tolls, from E-Z Pass Interagency Agreements, and motor vehicle certifications to comply with certain privacy laws.

This bill also includes vessels as motor vehicles for purposes of motor vehicle records access.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT clarifying the conditions under which motor vehicle information may be used.

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

1 242:1 New Paragraph; Evasion of Tolls and Charges; Motor Vehicle Records. Amend RSA
2 236:31 by inserting after paragraph VIII the following new paragraph:

3 IX. The information and data referred to in this section shall not include any motor vehicle
4 records obtained from the department of safety pursuant to RSA 260:14, III-a or RSA 260:14, III-c,
5 whose use and release shall be in strict accordance with RSA 260:14.

6 242:2 E-Z Pass Operations Interagency Agreement; Motor Vehicle Records. Amend RSA 237:16-
7 c, IV to read as follows:

8 IV. The commissioner may enter into discussions with other state jurisdictions to create
9 reciprocal agreements for the enforcement and collection of tolls and administrative fees due under
10 the E-Z Pass system. The departments of transportation and safety may release driver's and owner's
11 information to other jurisdictions [~~relative to~~] **for the purpose of** enforcement or collection of tolls
12 and may take such other action as is necessary to effectuate the reciprocal enforcement agreements.

13 242:3 Confidentiality of Records; Motor Vehicle Records. Amend RSA 237:16-e to read as
14 follows:

15 237:16-e Confidentiality of Records. Notwithstanding RSA 91-A or any other provision of law,
16 all information received by the department that could serve to identify vehicles, vehicle owners,
17 vehicle occupants, or account holders in any electronic toll collection system in use in this state shall
18 be for the exclusive use of the department for the sole purpose of administering the electronic toll
19 collection system, and shall not be open to any other organization or person, nor be used in any court
20 in any action or proceeding, unless the action or proceeding relates to the imposition of or
21 indemnification for liability pursuant to this subdivision. The department may make such
22 information available to another organization or person in the course of its administrative duties,
23 only on the condition that the organization or person receiving such information is subject to the
24 limitations set forth in this section. For the purposes of this section, administration or
25 administrative duties shall not include marketing, soliciting existing account holders to participate
26 in additional services, taking polls, or engaging in other similar activities for any purpose. ***The use***
27 ***and release of all information obtained from the department of safety pursuant to***

CHAPTER 242
HB 506 - FINAL VERSION
- Page 2 -

1 ***RSA 260:14, III-a, shall be governed by RSA 260:14.***

2 242:4 Motor Vehicle Records and Certification. Amend RSA 260:14, III-a to read as follows:

3 III-a. [~~Except for a person's photograph, computerized image, and social security number,~~
4 ~~motor vehicle records]~~ ***The name and last known address of the owner of a vehicle used in***
5 ***violation of RSA 236:31-b and the physical characteristics of such vehicle*** may be made
6 available to the department of transportation ***or to a nongovernmental contracted agent of the***
7 ***department of transportation*** for [~~collection of a toll]~~ ***toll collection purposes only*** as identified
8 by a toll collection system, [~~pursuant to RSA 236:31]~~ ***as defined by RSA 236:31, I(i).*** Any records
9 received under this paragraph shall not be ***used for purposes other than for toll collection and***
10 ***shall not be*** further transferred or otherwise made available to any other [~~non-governmental~~
11 ~~agency]~~ ***person or entity*** that is not a [~~contracting]~~ ***contracted*** agent of the department of
12 transportation for toll collection. ***The nongovernmental contracted agent of the department of***
13 ***transportation for toll collection is prohibited from releasing the motor vehicle records to a***
14 ***third party or from using the records for the collection of debts outside the toll collection***
15 ***system. Notwithstanding the provisions of RSA 260:14, XIV, the department of***
16 ***transportation shall be responsible for ensuring its own and its contracted agent's***
17 ***compliance with this section, and the commissioner, upon determining that the***
18 ***department of transportation or its contracted agent has violated any provisions of this***
19 ***section may issue a written order prohibiting the department of transportation and its***
20 ***contracted agent from receiving motor vehicle records commencing 10 days following the***
21 ***issuance of the order and lasting for no longer than 5 years, unless the commissioner is***
22 ***satisfied that procedures are in place and will be enforced to ensure compliance with this***
23 ***chapter.***

24 242:5 New Paragraph; Motor Vehicle Records and Certification. Amend RSA 260:14 by
25 inserting after paragraph III-b the following new paragraph:

26 III-c. The name and last known address of the owner of a vehicle used in violation of a toll
27 collection system and the physical characteristics of such vehicle may be made available to another
28 state, or to a statutory or nongovernmental contracted agent of such other state for the collection of a
29 toll in such other state as identified by a toll collection system, as defined by RSA 236:31, I(i),
30 whether the vehicle was used in violation of an electronic toll collection system or the vehicle was
31 identified by a toll collection monitoring system when there is no cash option in the toll lanes. Any
32 records received under this paragraph shall not be used for purposes other than for toll collection
33 and shall not be further transferred or otherwise made available to a person or entity that is not a
34 statutory or contracted agent of such other state for toll collection. The other state or statutory or
35 nongovernmental contracted agent of such other state is prohibited from releasing the motor vehicle
36 records to a third party or from using the records for the collection of debts outside the toll collection

CHAPTER 242
HB 506 - FINAL VERSION
- Page 3 -

1 system. Notwithstanding the provisions of RSA 260:14, XIV, such other state shall be responsible
2 for ensuring its own and its statutory or contracted agent's compliance with this section, and the
3 commissioner, upon determining that such other state or its statutory or contracted agent has
4 violated any provisions of this section may issue a written order prohibiting such other state and its
5 statutory or contracted agent from receiving motor vehicle records commencing 10 business days
6 following the issuance of the order and lasting no longer than 5 years, unless the commissioner is
7 satisfied that procedures are in place and will be enforced to ensure compliance with this chapter.

8 242:6 Motor Vehicle Records; Definition. Amend RSA 260:14, I(a) to read as follows:

9 (a) "Motor vehicle records" means all applications, reports required by law, registrations,
10 histories, certificates, and licenses issued or revoked by the department *relative to motor vehicles*
11 and the information, including personal information, contained in them.

12 242:7 New Paragraph; Records Pertaining to Vessels Covered Under Driver Privacy Act. Amend
13 RSA 259:60 by inserting after paragraph IV the following new paragraph:

14 V. As used in RSA 260:14, relative to motor vehicle records, vehicles described in paragraph
15 I and vessel as defined by RSA 270-E:2, XII.

16 242:8 Repeal. RSA 270-E:3, VI relative to the public nature of vessel records made or kept by
17 the department of safety.

18 242:9 Effective Date. This act shall take effect 60 days after its passage.

19
20 Approved: July 13, 2015

21 Effective Date: September 11, 2015