

Senate Transportation Committee

Peter O'Neill 271-4151

HB 137, relative to boating safety equipment rules and vessel numbering rules, and establishing a committee to study boat registrations fees.

Hearing Date: April 4, 2023

Time Opened: 1:10 p.m.

Time Closed: 1:19 p.m.

Members of the Committee Present: Senators Ricciardi, Watters, Ward, Gendreau and Fenton

Members of the Committee Absent : None

Bill Analysis: This bill allows the commissioner of the department of safety to adopt by reference certain U.S. Coast Guard rules on boating safety equipment regulations and boating safety state numbering system regulations. The bill also establishes a committee to study boat registration fees.

Sponsors:

Rep. Creighton

Rep. Vail

Rep. J. Harvey-Bolia

Rep. Harb

Rep. J. MacDonald

Rep. Post

Rep. Healey

Rep. Horgan

Sen. Avar

Sen. Fenton

Sen. Ward

Who supports the bill: Rep. Creighton, Tim Dunleavy; NH State Police Marine Patrol, Andrea Lamoreaux; NH Lakes, John Whalley; NH Marine Traders Association, Jared Maraio; Lakes Management Advisory Committee, Michele Tremblay; Rivers Management Advisory Committee, Bruce Freeman; Board Chair of NH Lakes, John Macone; Merrimack River Watershed Council, Marty Mobley; NH Fish and Game, Stuart Greer, Scott Powell, Charles Rhoades, David Beardsley, Stephanie Thornton, Suzanne Smith, Lorie Dunne, Lee Wells, Jack Kutner, James Lovell, Jennier King

Who opposes the bill: None

Who is neutral on the bill: None

Summary of Testimony Presented:

Representative Jim Creighton

- Rep. Creighton testified that New Hampshire is out of compliance with federal law where New Hampshire receives boat registration fees and then disperses

that money to DES, Fish and Game, and the Peace Commission. This is in violation with coast guard regulations.

- Noted that last year HB 641 was not capable of getting New Hampshire's laws up to par with federal standard.
- Rep. Creighton stated that HB 137 is a result of the interim study and aims to bring New Hampshire back into federal compliance. This bill would give a committee until November of this fiscal year to come up with a plan to bring New Hampshire up to federal standards. The Rep. added that simultaneously, there has been coordination with Senator Shaheen's office to change the federal standard. Added that there are seven other states in a similar predicament and that they are attacking this issue from both the internal and federal side, HB 137 would be the internal piece for the state of New Hampshire.
- Sen. Watters added that he had looked at the registration issue for a while and appreciates seeing this bill brought forth.

Tim Delevey

(Retied Captain of the Marine Patrol Unit)

- Mr. Delevey testified that HB 137 is a result of a review and audit of the coast as it relates to the receipt of federal boating safety dollars. Furthered that the first part of the bill is related to terms as the boating and vehicle industry moves so rapidly.
- Noted that so much of what the state needs to keep up with for federal requirements would require two to three bills a fiscal year so legislation reflects updates to federal statutes. What this bill does is recognize federal statutes in a way, so that when federal law and standards change, the commissioner through the administrative rule-making process can keep up with the federal changes.
- Mr. Delevey notes that this strategy came from the commercial vehicle section of the motor vehicle law.
- Provided the committee members with copies of CFR related to safety equipment.
- Mr. Delevey noted that the second part of this bill falls under what ep. Creighton said in the bill introduction. He added on that the committee collects fees for several agencies when a person registers their boat in New Hampshire. However, this is in violation of federal law for them to collect any fees that are related to different specific duties of different agencies.
- This puts these agencies in jeopardy as the fees are critical dollars to these agencies yet the committee is responsible for collecting these fees at the time of the boat registration, taking them away from the agencies.
- Concluded that this study committee would help solve how the fees should be collected in order to comply with federal law and by providing the appropriate grant funds to the agencies suffering from lost fee collection.
- Senator Ward asked whether the online exam, which was spoken about last year for anybody who is going to get a certificate, was added to those rules.
- Mr. Delevey answered that it was submitted to the department but is not sure whether those rules have been adopted, and deferred the question to the Department of Safety.

Andrea Lamreaux

(President and Policy Advocate for New Hampshire Lakes)

- Ms. Lamoreaux spoke on the non-compliance with federal law surrounding the collection of fees.
- Ms. Lamoreaux specifically brought up the lake restoration prevention fund largely funds our aquatic invasive species prevention and management programs in New Hampshire. She added that other states have been in this situation and that they have gone ahead and separated out the fees perhaps without much thought in how to best do that which has resulted in crippling reductions in funding. New Hampshire's aquatic invasive species and prevention fund is already underfunded and Ms. Lamoreaux believes that we cannot risk any more reduces in funding.
- Ms. Lamoreaux stated that by forming this study committee hopefully a solution will arise where the fees can still be collected in order to better allocate the fees to the appropriate agency funds.

John Walley

(New Hampshire State Highway Safety Engineer)

- Mr. Walley stated that he is the President of the New Hampshire Marine Trades Association and testified on behalf of them and in support of HB 137.
- Added that he would like to work with all parties to move forward this piece of legislation.

Tim Delevey

(Retied Captain of the Marine Patrol Unit)

- Sen. Watters asked about the difference between in-board and out-board engines, and questioned whether there is potential for new kinds of motors to require new kinds of changes to federal law and in turn state law, and asked whether this study committee could look into this as well.
- Mr. Delevey responded that he is familiar with foot pounds per thrust and that some of that horsepower with electric engines is lost between engine and propeller. Stated that he will try to add that in of the committee.

PJO

Date Hearing Report completed: April 7, 2023