

HB 1461-FN - AS AMENDED BY THE HOUSE

17Feb2022... 0283h

2022 SESSION

22-2415

12/05

HOUSE BILL ***1461-FN***

AN ACT increasing penalties for littering.

SPONSORS: Rep. Green, Rock. 13

COMMITTEE: Transportation

ANALYSIS

This bill establishes penalties for littering on any right-of-way.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT increasing penalties for littering.

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

1 1 Littering; Penalty. Amend RSA 265:102, IV to read as follows:

2 IV. Any person who violates any provision of this section shall be guilty of a violation if a
3 natural person, or guilty of a misdemeanor if any other person, ***and shall be fined \$300 plus***
4 ***penalty assessment for a first offense and \$500 plus penalty assessment for each subsequent***
5 ***offense.***

6 2 Effective Date. This act shall take effect January 1, 2023.

**HB 1461-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT increasing penalties for littering.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	\$97,500	\$0	\$0
Funding Source:	<input type="checkbox"/> General <input type="checkbox"/> Education <input checked="" type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Restricted - Cost of Collections*			

*Pursuant to Part II, article 6-a of the New Hampshire constitution, any costs associated with the collection and administration of Highway Funds by the Department of Safety shall be deducted by the Department before such funds are credited to the Highway Fund as unrestricted revenue.

METHODOLOGY:

This bill, effective January 1, 2023, amends RSA 265:102, IV, by adding a fine of a minimum of \$300 for a first offense, a fine of \$500 for a second offense, and third or subsequent offense shall receive a suspension of a person's driver license for a period of 90 days. The assumption is the suspension will be applied upon conviction, meaning that once a person indicates a plea of guilty, the Division of Motor Vehicles will provide a notice via first class mail to the driver notifying the driver their privilege to drive will be suspended in 30 days from the date of the notice for a period of 90 days for a third offense or subsequent offense. For each third or subsequent violation under this bill, a driver would be subject to the suspension of operating privileges and for each restoration there is an associated \$100 fee.

While this bill would increase state highway fund fine revenue, the amount is indeterminable as there is no mechanism in place to calculate how many tickets would be issued in the future for littering, nor is there a way to calculate how many third or subsequent tickets would be issued resulting in restoration fees. For illustrative purposes, the Department of Safety has provided the following data on littering fines for the previous three calendar years:

Calendar Year	Number of 1 st Offense	Current (\$62)	Proposed (\$300)		Number of 2 nd Offense	Current (\$124)	Proposed (\$500)
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2018	220	\$13,640	\$66,000		0	0	0
2019	244	\$15,128	\$73,200		1	\$124	\$500
2020	170	\$10,540	\$51,000		1	\$124	\$500
Total:		\$39,308	\$190,200			\$248	\$1,000

The Department of Safety states there would be an increase in state expenditures of approximately \$97,500 in FY 2023 relative to costs associated with system program changes and reprinting of the uniform fine schedule. Expenditures in future fiscal years are not expected to noticeably increase due to postage for suspension letters based on the 3-year history noted above.

AGENCIES CONTACTED:

Department of Safety