

HB 298 - AS INTRODUCED

2023 SESSION

23-0500

10/08

HOUSE BILL **298**

AN ACT relative to placement of personal wireless service facilities.

SPONSORS: Rep. Parshall, Ches. 8; Sen. Ricciardi, Dist 9

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill allows state and local authorities additional authority in the review of applications for personal wireless service facilities.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to placement of personal wireless service facilities.

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

1 1 Personal Wireless Service Facilities; Application Review. Amend RSA 12-K:10, II(a) to read as
2 follows:

3 (a)(1) Review the collocation application or modification application in light of its
4 conformity with applicable building permit ***and structural integrity standards and*** requirements
5 and consistency with this chapter. ***To facilitate this review each application shall be***
6 ***supported by adequate proof by a licensed engineer demonstrating compliance with all***
7 ***applicable national, state, and local building, electrical, and fire codes and ANSI/APCO***
8 ***Public Safety Grade Site Hardening Requirements, also referred to as “APCO ANSI 2.106.1-***
9 ***2019”***. A collocation application or modification application is deemed to be complete unless the
10 authority notifies the applicant in writing, within 15 calendar days of submission of the specific
11 deficiencies in the collocation application or modification application which, if cured, would make the
12 collocation application or modification application complete. Upon receipt of a timely written notice
13 that a collocation application or modification application is deficient, an applicant shall have 15
14 calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the
15 deficiencies within 15 calendar days, the collocation application or modification application shall be
16 reviewed and processed within 45 calendar days from the initial date received by the authority. If
17 the applicant requires more than 15 calendar days to cure the specific deficiencies, the 45 calendar
18 days deadline for review shall be extended by the same period of time; ***and***

19 (2) ***Inform itself of the environmental impact of any proposed personal***
20 ***wireless service facilities and ensure that, other than with regard to the environmental***
21 ***effects of radio frequency emissions that are consistent with the Federal Communications***
22 ***Commission’s regulations concerning such emissions, the facilities and their operation will***
23 ***not significantly affect historical or environmentally-sensitive areas;***

24 2 New Subparagraph; Planning Board Procedures; Review of Personal Wireless Service Facility
25 Application. Amend RSA 676:4, I by inserting after subparagraph (i) the following new
26 subparagraph:

27 (j) A planning board may require the applicant for any personal wireless service facility
28 and/or any personal wireless service provider that will place personal wireless service equipment on
29 the facility to (1) indemnify the authority for any costs or losses and (2) carry adequate liability
30 coverage, including pollution insurance.

31 3 Effective Date. This act shall take effect 60 days after its passage.