

SB 381-FN - AS INTRODUCED

2024 SESSION

24-2969

11/05

SENATE BILL      ***381-FN***

AN ACT            prohibiting a municipality from designating a road as a private road under certain conditions.

SPONSORS:        Sen. Avard, Dist 12; Sen. Gannon, Dist 23; Sen. Carson, Dist 14; Rep. Kofalt, Hills. 32; Rep. Mooney, Hills. 12; Rep. Hill, Merr. 2

COMMITTEE:      Election Law and Municipal Affairs

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ANALYSIS

This bill prohibits a municipality from designating a road as a private road under certain conditions.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                    prohibiting a municipality from designating a road as a private road under certain conditions.

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

1            1 New Section; Private Road Designation. Amend RSA 231 by inserting after section 231:4 the  
2 following new section:

3            231:4-a Private Road Designation.

4            I. For the purposes of this section, "private road" means a road where a motor vehicle can no  
5 longer reasonably gain access to or drive to another road, or where a municipality or town has not  
6 maintained or repaired the road for reasonable travel for 5 successive years or more.

7            II. No municipality may designate a road as a private road if the road was designated a  
8 Class V or Class VI road before the requirements of the enhanced 911 telecommunications system  
9 and it does not meet the definition of private road in paragraph I.

10          2 Effective Date. This act shall take effect 60 days after its passage.

LBA  
24-2969  
11/29/23

**SB 381-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT prohibiting a municipality from designating a road as a private road under certain conditions.

**FISCAL IMPACT:**    ☐ State                    ☐ County                    ☒ Local                    ☐ None

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	\$0	Indeterminable		

**METHODOLOGY:**

This bill prohibits a municipality from designating a road as a “private road”, under certain circumstances. The New Hampshire Municipal Association states it is unclear as to the intent and applicability of this bill, as written, and therefore is unable to provide information as to any potential fiscal impact on local governments. The Department of Transportation states this bill will have no impact on state expenditures, as it only applies to municipal roads.

**AGENCIES CONTACTED:**

Department of Transportation and New Hampshire Municipal Association