

Floor Amendment to HB 224

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT relative to tinted windows on motor vehicles, relative to civil liability for damage to
4 highways, and relative to employer access to motor vehicle records.

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6 Amend the bill by replacing all after section 3 with the following:

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8 4 Liability for Obstruction or Injury to Highway; Civil Liability. Amend RSA 236:39 to read as
9 follows:

10 236:39 Civil Liability.

11 *I.* If any person, without authority, shall place any obstruction in a highway, or cause any
12 defect, insufficiency, or want of repair of a highway which renders it unsuitable for public travel, he
13 or she shall be *strictly* liable to the state for all damages to the highway, including *full and*
14 *current* replacement costs of protective barriers, *and any structure or device that is part of the*
15 *highway or turnpike system*, when maintained by the state, or to the municipality for all damages
16 to a highway, including *full and current* replacement costs of protective barriers *and any*
17 *structure or device that is part of the highway*, when maintained by the municipality, and for
18 all damages and costs which the state or municipality shall be compelled to pay to any person
19 injured by such obstruction, defect, insufficiency, or want of repair as established through an
20 appropriate contribution claim or under the rules of joint and several liability.

21 *II. "Full and current replacement cost" as used in this section means actual or*
22 *reasonable estimates of labor, including contracted labor; material, equipment, and*
23 *overhead. Such costs shall not be reduced for depreciation.*

24 5 New Paragraph; Motor Vehicle Records; Employer Access. Amend RSA 260:14 by inserting
25 after paragraph IV the following new paragraph:

26 IV-a.(a) Except for a person's photograph, computerized image, and social security number,
27 motor vehicle records and at least monthly electronic bulk files indicating changes in driving
28 violations and driver license status shall be made available upon proof of the identity of the person
29 requesting the records and representation by such person on a form satisfactory to the department
30 that the records will be strictly limited to one or both of the following described uses:

31 (1) For use by an entity that employs drivers in the course of their business, or an
32 authorized agent of such an entity, which requires a motor vehicle record or a monthly notification of

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1 changes to motor vehicle records in connection with pre-employment or continued employment
2 screening of employees for driver safety reasons; or

3 (2) For use with respect to requests as to whether a driver meets the requirements of
4 RSA 376-A:12.

5 (b) No motor vehicle records made available under this paragraph shall be sold, rented,
6 transferred, or otherwise made available in whole or in part, in any form or format, directly or
7 indirectly, to another person, except that an authorized agent may make such records available to
8 any principal on whose behalf the records were sought if the name of that principal was provided to
9 the department at the time the records were sought.

10 (c) Any person who makes a request under this paragraph shall have first obtained the
11 written consent of the person whose records are being requested. The written consent shall be
12 retained for a period of 3 years and shall be made available upon request to the division for
13 inspection. Motor vehicle records obtained under this paragraph shall not be subject to the
14 notarization requirements of RSA 260:14, VII.

15 6 Effective Date.

16 I. Sections 1-4 of this act shall take effect 60 days after its passage.

17 II. The remainder of this act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill allows for after market tinting of side windows, clarifies civil liability applicable to obstruction or injury to highways, and clarifies the circumstances under which employers may access motor vehicle records.