

SB 442-FN - VERSION ADOPTED BY BOTH BODIES

02/16/2022 0639s  
03/31/2022 1194s

2022 SESSION

22-3023  
12/04

SENATE BILL **442-FN**

AN ACT relative to the suspension of a vehicle registration as a result of evading toll collection systems.

SPONSORS: Sen. Birdsell, Dist 19; Sen. Watters, Dist 4

COMMITTEE: Transportation

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ANALYSIS

This bill requires the director of the division of motor vehicles to suspend an owner's vehicle registration privileges until any unpaid tolls and administrative fees are paid. This bill also prevents an owner from transferring ownership of a vehicle until any unpaid tolls and fees are paid.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to the suspension of a vehicle registration as a result of evading toll collection systems.

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

1 1 Suspension for Evasion of Electronic Toll Collection System. Amend RSA 263:56-f to read as  
2 follows:

3 263:56-f Suspension for Evasion of Electronic Toll Collection System.

4 I. Upon receiving a report from the commissioner of the department of transportation or  
5 designee, or another state having a reciprocal toll collection enforcement agreement, that the owner  
6 of a vehicle, as defined in RSA 236:31, has violated the terms of RSA 236:31, or a reciprocal toll  
7 collection enforcement agreement in accordance with RSA 237:16-c, the director shall notify the  
8 owner in writing by first class mail that the owner's motor vehicle registration [~~renewal~~] privileges  
9 for the vehicle driven in violation of RSA 236:31 [~~may be~~] **are** suspended [~~on~~] **as of** the date which is  
10 30 days from the date of notification unless the toll and any administrative fees assessed by the  
11 department of transportation are paid. Furthermore, the registered owner of the vehicle driven in  
12 violation of RSA 236:31 is prohibited from transferring a plate to said vehicle or obtaining a new  
13 plate for said vehicle **or any other vehicle** until such tolls and fees are paid. **The registered**  
14 **owner is further prohibited from transferring ownership of said vehicle driven in violation**  
15 **of RSA 236:31, or a reciprocal toll collection enforcement agreement in accordance with**  
16 **RSA 237:16-c, to a family member or an individual with the same address listed in**  
17 **department of motor vehicle records, until such tolls and fees are paid.** The director shall  
18 also notify the owner that he or she may request an administrative hearing before the suspension **or**  
19 **prohibitions** [~~takes~~] **take** effect. The hearing shall be limited in scope and shall not constitute an  
20 appeal of the fees or fines related to the unpaid tolls, which can only be determined by the  
21 department of transportation. A request for a hearing shall be in writing. A request for a hearing  
22 received by the division more than 30 days from the date the notice is issued shall be denied as  
23 untimely.

24 II.(a) The director shall, pursuant to RSA 541-A, adopt by rule, a uniform administrative  
25 fine schedule for suspension of registration [~~renewal~~] privileges and reinstatement of those  
26 privileges. The fine for each suspension of registration [~~renewal~~] privileges requested by the  
27 commissioner of transportation shall not exceed:

28 (1) \$250 for a first requested suspension.

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1 (2) \$500 for a second offense within a 12-month period from the time of the first  
2 requested suspension.

3 (3) \$1,000 for a third or subsequent offense within a 12-month period from the time  
4 of the first requested suspension.

5 (b) The commissioner of safety, in proven cases of hardship or for other good cause, may  
6 suspend all or part of any administrative fine for reinstatement of registration [~~renewal~~] privileges  
7 so imposed. Notwithstanding any other law to the contrary, all administrative fines collected under  
8 this section shall be deposited into the highway fund.

9 III. The director shall adopt rules under RSA 260:5 establishing a uniform administrative  
10 hearing process.

11 IV.(a) The scope of the hearing shall be limited to:

12 (1) Whether the owner has paid all tolls and administrative fees owed to the  
13 department of transportation;

14 (2) Whether the report from the department of transportation correctly identified  
15 the owner of the vehicle at the time of the incident; or

16 (3) Whether the vehicle, identified as having violated the duty to pay a toll, had been  
17 reported as taken without the owner's consent, pursuant to RSA 262:12, or stolen to a law  
18 enforcement agency in a timely manner.

19 (b) A notice of violation may be based in whole or in part upon inspection of any  
20 photographic or other recorded image of a vehicle using the bridge or highway subject to a toll or  
21 charge. The written certification of any person employed by or under contract with the department  
22 of transportation that the notice is so based shall be admissible in any hearing held hereunder and  
23 shall create a rebuttable presumption that the owner is liable for such violation.

24 V. The **owner's** registration [~~renewal~~] privileges [~~of any vehicle, if applicable, of an owner~~]  
25 shall be reinstated upon notice to the director from the department of transportation that all tolls,  
26 fees, and fines have been paid.

27 2 Effective Date. This act shall take effect January 1, 2023.

**SB 442-FN- FISCAL NOTE**  
 AS AMENDED BY THE SENATE (AMENDMENT #2022-0639s)

AN ACT relative to the suspension of a vehicle registration as a result of evading toll collection systems.

**FISCAL IMPACT:**     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Expenditures</b>	\$0	\$250,000	\$0	\$0
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other

\*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, seeks to suspend an owner’s vehicle registration privileges for a vehicle driven in violation of RSA 236:31 until any unpaid tolls and administrative fees are paid. The proposed legislation seeks to prevent said vehicle from being sold or ownership transferred until any unpaid tolls and fees are paid. The motor vehicle system currently has the capacity to suspend the privilege for a single vehicle as well as for an owner’s privilege. Titles can be suspended or voided which would prohibit a new owner from registering or titling a vehicle that was purchased with such a hold. The Department of Safety states this bill’s impact on state revenue is indeterminable as there is no mechanism for estimating the number of fines that could be assessed/collected or how many individuals may pay turnpike system tolls owed. The Department estimates there would be one-time costs, assumed to be incurred in FY 2023, of approximately \$250,000 to reprogram the registration and VISION systems to suspend a vehicle based on the VIN and adds that additional programming changes will be required to accommodate the newly established fines related to the suspension of registration privileges.

**AGENCIES CONTACTED:**

Department of Safety