



NEW HAMPSHIRE CITY AND TOWN CLERK'S ASSOCIATION
(ORGANIZED OCTOBER 19, 1926)

January 16, 2018

The Honorable Steven Smith, Chairman
House Transportation Committee
Legislative Office Building, Room 203
Concord, NH 03301

Re. **TESTIMONY IN OPPOSITION TO HB 1734**

Dear Chairman Smith and Members of the House Transportation Committee:

My name is Becky Benvenuti, and I am the Revenue Administrator & Tax Collector for the City of Portsmouth. I am here today representing the NH City and Town Clerks Association. We respectfully request this Committee vote HB 1734 Inexpedient to Legislate for the reasons set forth below.

Vehicle owners currently have the option, which is required by this bill, to obtain a vehicle inspection prior to renewing their vehicle registration or prior to registering a new or used vehicle purchased in New Hampshire.

This bill removes the vehicle owner's current option of inspecting a vehicle after it is registered. It requires proof of a passed vehicle inspection before a vehicle owner is able to register their vehicle.

This bill removes a vehicle owner's convenience of renewing their vehicle registration by mail or online. Since this bill does not require the vehicle inspection to be captured in the State's motor vehicle database, it would necessitate that each vehicle owner present physical proof of passed vehicle inspection at their municipal clerk or tax office in order to renew their vehicle registration. In smaller municipalities where the offices are open only limited hours, this creates a hardship for residents. In Portsmouth approximately 275 people renew vehicles by the mail-in process and 320 renew online each month. Not only would these individuals be required to come to our office during business hours, but it likely could require them to come to our office twice—once to attempt to register and a second time because they did not bring their proof of inspection with them. It is important to note legislation was passed recently allowing vehicle owners to register their vehicle without presenting their previous registration provided it could be seen in the State's motor vehicle database. This legislation was in direct response to residents' frustrations when they could not register their vehicles without physically presenting this document. It is not difficult to imagine the frustration if a new document requirement is added to statute.

This bill changes the 'registration' periods for motorcycles, recreational vehicles, autocycles and antique vehicles from the owner's birth month to April and June. This would also greatly increase the volume of customer traffic during the months of April and June—especially because the customer would no longer be able to register online. Currently, residents have the convenience of registering all of their vehicles at one time.

This bill directly impacts the current staffing budgets of municipal offices. By removing the modern tools and efficiencies of mail-in and online renewal processes and increasing the customer traffic flow to municipal counters, municipalities will incur increased staffing costs. By requiring all motorcycles, recreational vehicles, antiques and autocycles to be registered within the same two months (April and June), staffing requirements will also be greater during these two months.

This bill conflicts with current statute by requiring new residents to pay full state registration fees before paying the municipal permit fee in order to obtain a temporary 20-day registration. By statute, RSA 261:152 residency is determined at the municipal level when the municipal permit fee is collected. The municipal permit is also requirement which first must be satisfied before a vehicle can be registered and the state registration fee collected. What would happen if the state registration fee were collected, the vehicle did not pass inspection, and the municipality determined the person was not a NH resident?

We sincerely hope and strongly urge you to vote HB 1734 Inexpedient to Legislate. Thank you for your time and the opportunity to provide this testimony.

Sincerely,



Kelli L. Barnaby, MMC, CMC, CNHMC
President, New Hampshire City and Town Clerks' Association



Becky I. Benvenuti
Legislative Committee, New Hampshire City & Town Clerks Association

HB 1734-FN - AS INTRODUCED

2018 SESSION

18-2561
03/05

HOUSE BILL ***1734-FN***

AN ACT relative to inspection and registration of motor vehicles.

SPONSORS: Rep. Prout, Hills. 37; Rep. Hynes, Hills. 21

COMMITTEE: Transportation

ANALYSIS

This bill requires that motor vehicles be inspected before registration, eliminates inspection stickers, modifies the validity period for inspections, and adjusts registration anniversaries for certain vehicles.

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 Eighteen

AN ACT relative to inspection and registration of motor vehicles.

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

1 1 Application for Registration. Amend RSA 261:52 to read as follows:

2 261:52 Application for Registration. Application for the registration of vehicles may be made by
3 the owner thereof by mail or otherwise to the department, upon blanks prepared by the director. In
4 addition to such other particulars as the director may require, the application shall contain the
5 applicant's birth date, unless the vehicle is registered in the name of a person other than a natural
6 person, in which case the date assigned by the director shall be used as the date of birth, **and proof**
7 **of a passed vehicle inspection under RSA 266:1 valid through the expiration of the**
8 **registration.** All applications shall contain the words: "This application is signed and any
9 additional information is offered under penalty of unsworn falsification pursuant to RSA 641:3."
10 The proper fee shall be deposited before the application is granted.

11 2 Reference Added. Amend RSA 261:57-a, III to read as follows:

12 III. The registration and title fees paid in accordance with paragraph I **or VI** of this section
13 shall not be refunded, except that the fees shall be deemed the fees for the permanent registration
14 and certificate of title. Any registration fee paid shall be transferable credit on a replacement
15 vehicle in accordance with RSA 261:66.

16 3 New Paragraph; Temporary Registrations and Number Plates. Amend RSA 261:57-a by
17 inserting after paragraph V the following new paragraph:

18 VI. The director may issue a temporary registration certificate and temporary number
19 plates to a new resident who is required to obtain an inspection in accordance with RSA 261 upon
20 payment of the appropriate registration and title fees as provided by RSA 261:141 and RSA 261:20
21 when the vehicle has been previously registered in a foreign state. The temporary registration
22 certificate and temporary number plates shall be valid for 20 days. A permanent registration
23 certificate and permanent number plates shall be issued when the requirements of RSA 261 relative
24 to inspection have been met by the new resident.

25 4 New Paragraph; Registration Expiration. Amend RSA 261:62 by inserting after paragraph
26 III the following new paragraph:

27 IV. Paragraphs I and II shall not apply to the following vehicles, for which the registration
28 shall expire as provided:

29 (a) If the vehicle is an antique motor vehicle or custom vehicle, the registration shall
30 expire at midnight on the last day of April.

31 (b) If the vehicle is a motorcycle, autocycle, or recreation vehicle, the registration shall

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1 expire at midnight on the last day of June.

2 5 Reference Deleted. Amend RSA 263:1-b to read as follows:

3 263:1-b Offenses Committed by Unlicensed Driver. A person who is convicted of violating RSA
4 263:1 and is also convicted of a motor vehicle violation, exclusive of a violation of RSA 261:40[5] **or**
5 RSA 261:59, [~~or RSA 266:5,~~] shall not be entitled to be issued a driver's license sooner than 12
6 months from the date of the conviction or, if the person has not yet reached the age required for a
7 license, 12 months from the date of eligibility, except that a license may be issued if the person
8 satisfies the director after an administrative hearing that the person will drive in a safe manner if
9 the license is issued. The director may place such restrictions on any license so issued as the
10 director deems in the best interest of public safety.

11 6 Reference Deleted. Amend RSA 263:14, III(a) to read as follows:

12 III.(a) The director is authorized to revoke or suspend any original license held by a person
13 under 20 years of age after a hearing upon a showing by its records or other sufficient evidence that
14 the driver has committed an offense, excluding the offenses of RSA 261:40[5] **and** RSA 261:59, [~~and~~
15 ~~RSA 266:5,~~] following the issuance of an original license for which the original license holder has
16 been convicted.

17 7 Inspections. Amend RSA 266:1, II-II-a to read as follows:

18 II. Any vehicle registered under this title, except an OHRV, snowmobile, moped, or other
19 exempt vehicle, shall be inspected once a year, ***unless otherwise specified in this chapter,***
20 ***during the [month in which the birth date of the owner is observed, if the owner is a natural person]***
21 ***2 months prior to the expiration of the registration when necessary to renew the***
22 ***registration.*** An inspection [~~sticker~~] shall be valid for [~~the same duration as the vehicle's~~
23 ~~registration, which shall not exceed~~] 16 months ***from the date of inspection for annual***
24 ***inspections, or 28 months from the date of the inspection for biennial inspections.*** [~~If the~~
25 ~~month in which the anniversary of the owner's birth occurs will be one of the next 4 months, an~~
26 ~~inspection sticker may be issued, with an expiration date of the birth month in the following year, of~~
27 ~~the first person named on the title application. Nothing in this paragraph shall require any person~~
28 ~~who has registered and had inspected a vehicle with temporary plates to have the vehicle~~
29 ~~reinspected upon receipt of permanent motor vehicle plates.] An inspection [~~sticker~~] shall not
30 expire when a vehicle is transferred [~~to a licensed dealer~~].~~

31 II-a. Notwithstanding RSA 266:1, II, if the month in which the [~~anniversary of the owner's~~
32 ~~birth occurs~~] ***registration expires*** will be one of the next [~~4~~] **6** months, and the vehicle owner
33 provides written verification of absence from New Hampshire during the entire [~~anniversary~~
34 ~~month~~] ***2 months before the expiration,*** an inspection [~~sticker may be issued, with an expiration~~
35 ~~date of the birth month in the following year, of the first person named on the title application~~] ***may***
36 ***be conducted.***

37 8 Inspections. Amend RSA 266:1, IV to read as follows:

38 IV. Notwithstanding paragraphs II and III, [~~newly registered~~] vehicles ***requiring***

1 ~~registration~~, other than ~~[vehicles transferred to a licensed dealer,]~~ OHRVs, snowmobiles, and
 2 mopeds~~[, and vehicles, other than vehicles transferred to a licensed dealer, OHRVs, snowmobiles,~~
 3 ~~and mopeds, the ownership of which has been transferred,]~~ shall be inspected ~~[not later than 10~~
 4 ~~days after the]~~ **prior to** registration or transfer of ownership of said vehicle. However, if a new
 5 vehicle is purchased at retail from a licensed dealer, as defined in RSA 259:18, the vehicle shall be
 6 inspected not later than 20 days after the date of transfer. A used vehicle for which a dealer has
 7 issued a 20-day plate pursuant to RSA 261:109 shall be inspected by the dealer or an authorized
 8 inspection station on behalf of the dealer at the time of the attachment of the plate ~~[unless a valid~~
 9 ~~inspection sticker issued by the dealer is in place, in which case the vehicle shall be inspected~~
 10 ~~within 20 days or before the sticker expires, whichever occurs first. All other expired motor vehicle~~
 11 ~~inspections shall be subject to the 10-day grace period in RSA 266:5].~~

12 9 Reference Deleted. Amend RSA 266:1-a, I to read as follows:

13 I. The director of the division of state police, with the approval of the commissioner of safety
 14 shall assign a suitable complement of state troopers to assist the director of motor vehicles in
 15 enforcing the motor vehicle inspection laws and rules. A state trooper assigned pursuant to this
 16 section shall have the powers of a peace officer, certified under RSA 106-L:5, V, and shall have as a
 17 primary function statewide enforcement duties related to the inspection process, including
 18 inspection station auditing, investigation of alleged inspection station malfeasance, **and** rejected
 19 vehicle follow-up~~[, and sticker monitoring]~~. A state trooper assigned under this section shall have
 20 the authority to enter any motor vehicle inspection station authorized under RSA 266:1, during the
 21 station's business hours, to fulfill his or her duties, and shall be assigned other enforcement duties
 22 as determined by the commissioner.

23 10 Reference Deleted. Amend RSA 266:1-b, II to read as follows:

24 II. The director may authorize properly qualified dealers holding utility dealer registrations
 25 to inspect trailers of more than 10,000 pounds gross vehicle weight, to determine whether they are
 26 fit to be driven, and to ~~[issue inspection stickers]~~ **conduct inspections**, under rules adopted for this
 27 purpose pursuant to RSA 541-A. This section shall not apply to full trailers as defined in RSA
 28 259:37-a or semi-trailers as defined in RSA 259:98, and shall not prohibit other official inspection
 29 stations from inspecting trailers.

30 11 Inspections; Fees. Amend RSA 266:2 to read as follows:

31 266:2 Fees. The fee for ~~[inspection stickers]~~ **inspections** shall be \$3.25 for each ~~[sticker~~
 32 ~~furnished]~~ **inspection by** an approved inspection station. The division shall transfer \$.25 of each
 33 fee collected under this section to the motor vehicle air pollution abatement fund established by
 34 RSA 125-S:3 and \$.25 of each fee collected under this section to the general fund. ~~[All unused~~
 35 ~~stickers returned by the approved inspection station to the division shall be refundable at the rate~~
 36 ~~of \$3.25 each, except that unused stickers purchased from the division for a fee of \$2.50 shall be~~
 37 ~~refundable at the rate of \$2.50 each.]~~

38 12 Reference Deleted. Amend RSA 266:18-d, III to read as follows:

1 III. Vehicles so certified include the power unit and trailer. The vehicle shall be certified
2 upon submission to the department of documentation satisfactory to the department from the
3 manufacturer attesting that the vehicle is capable of safely carrying the additional weight. Such
4 attestation shall be required upon the first application for certification and a new attestation shall
5 be required at any time when the configuration of the vehicle relative to power unit, axles, springs,
6 or other safety items that could affect the vehicle's ability to qualify for an excess weight
7 certification is altered. Such attestation shall designate the maximum safe gross weight for the
8 vehicles as determined by the components and the summation of the manufacturer's axle design
9 limits for each axle of the vehicle. ~~[The power unit and trailer shall be required at all times to have~~
10 ~~a current inspection sticker or decal from an official inspection station.]~~

11 13 Reference Deleted. Amend RSA 266:60-a, II to read as follows:

12 II. The driver or owner of any motor vehicle failing to comply with this section shall be
13 guilty of a violation ~~[in accordance with RSA 266:5].~~

14 14 Reference Deleted. Amend RSA 266:78-o, I to read as follows:

15 I. Official inspection stations shall not ~~[issue an inspection sticker to]~~ **inspect** a vehicle
16 equipped with emergency lights or warning lights except as authorized in this subdivision. No
17 permit shall be required for such lights if equipped in accordance with this subdivision.

18 15 Reference Deleted. Amend RSA 358-F:2 to read as follows:

19 358-F:2 Inspection. Before selling to any customer any used motor vehicle which is unsafe for
20 operation upon the highways pursuant to RSA 266:8, the dealer shall, upon the request of the
21 customer, conduct or have conducted a safety inspection of such vehicle. If the vehicle is found to be
22 unsafe for operation, the dealer may sell the vehicle to the customer without correcting the defects,
23 but only if the dealer presents to the customer at the time of sale a notice which states:

24 This motor vehicle will not pass a New Hampshire inspection and is unsafe for operation. The
25 following defects must be corrected before ~~[an inspection sticker will be issued]~~ **receiving a**
26 **passing inspection report.**

27 The dealer shall list all inspection defects under this statement and specify the date on which
28 the inspection was conducted and the person who performed the inspection. The dealer may make
29 a reasonable charge for conducting the inspection.

30 16 Repeal. RSA 266:5, relative to penalty for failure to obey inspection requirements, is
31 repealed.

32 17 Effective Date.

33 I. Sections 5, 6, 9, 13, and 16 of this act shall take effect January 1, 2020.

34 II. The remainder of this act shall take effect January 1, 2019.

**HB 1734-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to inspection and registration of motor vehicles.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2019	FY 2020	FY 2021	FY 2022
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Under \$10,000	Under \$10,000	Under \$10,000
Funding Source:	<input type="checkbox"/> General <input type="checkbox"/> Education <input 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 requires that motor vehicles be inspected before registration, eliminates inspection stickers, modifies the validity period for inspections, and adjusts registration anniversaries for certain vehicles. Vehicle owners would have up to two months prior to the expiration date of the registration to have their vehicle inspected with new residents to the state required to obtain a 20-day temporary plate at full registration costs prior to getting the vehicle inspected. Due to the changes for new residents and the expiration dates of certain vehicles and motorcycles, the registration computer system would need to be reprogrammed. Reprogramming includes testing and re-certification of the vendors to be conducted to ensure changes are working properly and is estimated to be a total one-time cost of \$172,500. Additionally, the Division of Motor Vehicles (DMV) would have to create a new standardized form for all vehicles to be used by the inspection stations. The completed form would serve as proof of a successful inspection and the customer would be a required to provide this document at time of registration. DMV would incur a cost to produce this form and supply it to the 2,235 currently licensed inspection stations. At this time that figure is indeterminable as we do not know what the new form will be and cannot estimate what the cost would be to create it, however, it is estimated that it will be under \$10,000. Lastly, as this bill would eliminate the need for an inspection stickers, there would be a cost savings associated. Recent changes to the inspection process and the advent of on demand inspection stickers will greatly reduce the amount of inspection stickers purchased by the state. It is too early in the new process to estimate the savings from these purchases as a result of this bill.

AGENCIES CONTACTED:

Department of Safety