

City Clerk

48:2 Election.

The city councils, being met in convention upon the day appointed by law or ordinance, shall by joint ballot elect a city clerk, who shall hold his office for the term fixed by law or ordinance, and until another is chosen and qualified, removable, however, at the pleasure of the city councils.

48:3 Clerk of Mayor and Aldermen.

The city clerk shall be ex officio clerk of the board of mayor and aldermen, shall keep a journal of all the acts, votes and proceedings of the mayor and aldermen, and also of the city councils when sitting in convention, and shall perform such other services as the mayor and aldermen or city councils may prescribe.

48:4 General Duties.

He shall perform all the duties and exercise all the powers incumbent upon or vested in the town clerks of towns, except where it is otherwise provided by law. He shall deliver to his successor in office, as soon as chosen and qualified, all journals, records, record books, papers, files and other things whatsoever held by him in his capacity of city clerk.

48:5 Invoices and Assessments.

The city clerk shall receive the invoice and assessments made, or a copy thereof required by law to be returned to his office, and keep the same there, open to public inspection, but need not record the same.

48:6 Deputy.

The city councils may elect a deputy city clerk, who shall qualify in the same manner as city clerks, and who shall perform all the duties of the city clerk in case of absence by sickness, resignation or otherwise of the city clerk.

48:7 Clerk Pro Tem.

Whenever the city clerk shall become unable, by reason of sickness or otherwise, to discharge his duties, and there is no deputy clerk, the mayor and aldermen may appoint a clerk pro tempore, who shall perform all the duties of a clerk during such time as the incapacity may continue.

48:8 Vacancy.

In case the office of city clerk shall become vacant from any cause the mayor and aldermen shall forthwith appoint a clerk pro tempore, who shall hold the office and perform the duties until a clerk shall be elected by the city councils at a convention which may be held at any time for that purpose.

48:9 Public Records.

All records, books, papers, vouchers and documents of every kind which shall be in the hands of any officer, committee or board of officers of the city, not their individual property, which shall not be needed for their present use, shall be properly filed and deposited in the office of the city clerk, and shall be kept and preserved there by him as public records of the city.

31:8 Town Officers' Associations.

For the encouragement of equitable taxation and the education of public officials in tax problems and other matters pertaining to the proper and efficient discharge of the duties of their respective offices, each town and city shall pay annually to the New Hampshire Association of Assessing Officials, the New Hampshire City and Town Clerks' Association and the New Hampshire Tax Collectors' Association, such amounts as shall be due for annual membership for its officials therein, providing that the amount paid for any one annual membership hereunder shall not exceed \$20. Members of these several organizations in addition to the annual membership fee, shall be entitled to receive their actual expenses incurred in attending the annual convention of their respective associations, the same to be audited by the selectmen of towns and the finance committee of cities and paid out of city and town fund.

Town Clerk

41:16 Election and Bond.

Every town at the annual meeting shall choose, by ballot, a town clerk, who shall record all votes passed by the town while he remains in office, and discharge all the duties of the office according to law.

41:16-b Three-Year Term; Town Clerk.

I. At any annual town meeting under an article in the warrant, the voters may vote to determine if they are in favor of having a 3-year term for town clerk. The governing body will determine whether the vote will be by official ballot or by special ballot. If the town has adopted an official ballot and the governing body decides such vote will be by official ballot, the clerk shall cause the following question to be printed on said ballot: Are you in favor of changing the term of the town clerk from one year to 3 years, beginning with the term of the town clerk to be elected at next year's regular town meeting? Said question shall be printed in the form prescribed by RSA 656:13. If the town has not adopted an official ballot or the governing body decides the vote will be by special ballot, the clerk shall cause the same question to be printed upon special ballots which shall be used to determine the vote of the town. If a majority of those voting on the question vote in favor of a 3-year term, at the next annual meeting after the vote of approval, the town shall elect a town clerk, for the 3-year term. The duties and bond of the town clerk for a 3-year term are the same as for a one-year term under RSA 41:16.

II. After a 3-year term for town clerk has been established, at any subsequent annual town meeting, under an article in the warrant, the voters may vote to determine if they are in favor of continuing to have a 3-year term for the town clerk. The governing body shall determine whether the vote will be by official ballot or by special ballot. If the town has adopted an official ballot and the governing body decides such vote will be by official ballot, the clerk shall cause the following question to be printed on said ballot: Are you in favor of changing the term of the town clerk from 3 years to one year, beginning at the end of the 3-year term of the town clerk elected this year (last year or 2 years ago)? Said question shall be printed in the form prescribed by RSA 656:13. If the town has not adopted an official ballot or the governing body decides the vote will be by special ballot, the clerk shall cause the same question to be printed upon special ballots which shall be used during the open, business session of the town meeting to determine the vote of the town. If a majority of those voting on the question do not vote in favor of continuing the 3-year term, then at the subsequent annual town meeting occurring at the completion of the most recently elected town clerk's 3-year term, the voters shall elect a clerk for a one-year term.

41:16-c Removal of Town Clerk.

The governing body may institute proceedings to remove a town clerk from office whenever, upon examination by the department of revenue administration, a certified public accountant, or a public accountant licensed by the state under RSA 309-A, the accounts are found to contain an irregularity or material error, or show evidence that the timely deposit of funds has not been made in accordance with RSA 261:165. For the purposes of this section, irregularity means an intentional misstatement of the financial statements or a theft of assets, and material error means a mistake or omission resulting from gross negligence which results in a material misstatement of the financial statements. The governing body may institute proceedings to remove the town clerk as follows:

I. The governing body shall notify the town clerk by certified mail with return receipt and the commissioner of the department of revenue administration of its intention to proceed under this section by providing a written explanation and justification for the removal, along with a copy of the audit findings.

II. (a) Within 20 days of receiving the notification provided in paragraph I, the town clerk shall respond to the alleged irregularities, material error, or failure to timely deposit funds. The response shall be submitted to the governing body and the commissioner of the department of revenue administration and shall include written comment on each audit finding.

(b) If the town clerk fails to respond at any step in the process under this section within the prescribed period of time, then the governing body shall be permitted to remove the town clerk from office as provided in paragraph V.

III. Within 20 days of receiving the town clerk's written response, the governing body shall provide written notification to the town clerk and commissioner of the department of revenue administration of its decision to proceed or not to proceed to remove the town clerk from office.

IV. Within 10 days of receiving the written notification in paragraph III, the town clerk may request a hearing before the governing body. If a hearing before the governing body is requested, it shall be:

(a) Conducted in accordance with RSA 91-A and RSA 43; and

(b) Held within 20 days of the date of the request.

V. After the town clerk's response and hearing, if any, and if the governing body determines that removal of the town clerk is justified, the governing body may remove the town clerk by written notice to the town clerk and the commissioner of revenue administration. Any vacancy created by such a removal shall be filled by appointment by the governing body as provided in RSA 669:65.

VI. The governing body's determination under paragraph V may be appealed de novo to the superior court in the county in which the municipality is located.

41:17 Clerk Pro Tem.

If the town clerk shall be absent from any town business meeting and there is no deputy clerk to act in his stead, the town shall choose by unofficial ballot by majority vote a town clerk pro tempore who shall be sworn and shall perform all the duties of the town clerk for that business meeting.

41:18 Deputy Town Clerk.

Each town may have a deputy town clerk who shall be qualified in the same manner as the town clerk and who shall perform all the duties of the town clerk in case of his or her absence by sickness, resignation, or otherwise subject to the provisions of RSA 669:65. A deputy town clerk appointed hereunder shall be appointed by the elected town clerk with the approval of the selectmen.

41:19 Report to Commissioner of Revenue Administration.

Every town clerk, after the annual elections, shall report the names and post office addresses of each town officer required to be reported to the commissioner of revenue administration. The commissioner shall adopt rules under RSA 541-A stating the title of each town officer to be reported and the form and content of each report. If any town officer required to be reported has not been chosen or appointed at that time the town clerk shall promptly make a like report when

such officer is chosen or appointed so that the commissioner of revenue administration shall at all times be informed of the names and mailing addresses of all such town officers.

41:20 Reports on Public Libraries.

He shall, within 30 days after the annual town meeting, report to the assistant state librarian the name of any public library within the city or town; the names and post-office addresses of all the officers of each; the town, person or persons in whom the ownership of said library is vested; for whom the use is provided; and the number of volumes owned by said library. He shall make like report of the names of officers elected or appointed at any other time, immediately after their election or appointment; and, if there is no public library within the town, he shall annually, within said time, notify the assistant state librarian of the fact.

41:21 Library Defined.

For the purposes of this chapter, every library regularly open to the public, or to some portion of the public, with or without limitations, shall be considered a public library, whether its ownership is vested in the town, in a corporation, in an organized association, or in individuals.

41:22 Reports for State Library.

The chairmen of boards of selectmen, of school boards, village commissioners, and all other public officers of a town organization shall promptly supply the town clerk of their respective places of office with 2 copies of any report made by them and printed, and such city or town clerk shall, without delay, forward 2 copies of the same to the state library.

41:23 Penalty for Failure to Make or Supply.

Any town clerk or other public officer, or the officer or owner of any public library, failing to comply with the foregoing provisions of this subdivision, shall be guilty of a violation.

41:24 Copies of Records.

The town clerk shall furnish, to any person requesting it and tendering pay therefor, an attested copy of any public record in his custody; and for neglect or refusal to do so he shall be guilty of a violation.

41:25 Fees.

I. Town clerks shall be entitled to a minimum fee of \$2 for recording a bill of conditional sale, a personal property mortgage or for a copy of any public records in his or her custody except copies of vital statistics, for recording writs of attachment, discharging a mortgage on the margin of a record or for recording an assignment thereof, provided, however, that each town, at the annual town meeting, may determine the rate and amount of compensation, in lieu of statutory fees, in combination with a portion of statutory fees or just statutory fees, to be allowed to the town clerk for his or her services.

II. Town clerks shall deposit all fees received with the town treasurer or in a municipal account controlled by the town treasurer at least monthly, or as directed by the selectmen, for the use of the town. In the event that any portion of the town clerk's compensation consists of statutory fees, the clerk shall submit an invoice for the amount of those fees to the treasurer, who shall pay out that amount to the clerk, notwithstanding RSA 32.

Town Clerk-Town Tax Collector Combined

41:45-a Approval by Town.

I. At any annual town meeting under an article in the warrant placed there by petition, the voters may, whether or not the terms of office for town clerk and tax collector for said town are coterminous, vote, by ballot, to determine if they are in favor of having the office of town clerk combined with the office of tax collector, thereby creating a new office of town clerk-tax collector to be held by one individual. If the town has adopted an official ballot for election of its officers the town clerk shall insert the question relative to this matter on said official ballot, or if the town does not have an official ballot the town clerk shall prepare a special ballot for the same purpose. If a majority of those persons voting on the question vote in favor of creating the combined office of town clerk-tax collector, at the next annual meeting, occurring after the vote of approval, the town shall choose by ballot one individual as town clerk-tax collector, and such individual shall serve for a term of one year, or a term of 3 years as the petition may set forth. The term of any individual then in office as town clerk or tax collector shall cease and the newly elected town clerk-tax collector shall take office.

II. At any annual town meeting held at least 2 years after the office of town clerk-tax collector has been created, under an article in the warrant, the voters may vote, by ballot, to determine if they are in favor of continuing the combined office. If a majority of those voting on the question do not vote in favor of continuing such combined office, at the next annual meeting, in which an election for town clerk-tax collector is to be held the voters shall choose one individual as town clerk and another individual as town tax collector.

41:45-b Requirements and Duties.

Except as otherwise provided in this subdivision, all laws of this state pertaining to town clerks and town tax collectors shall apply in full to the office of town clerk-tax collector.

41:45-c Deputy; Temporary Incapacity of Town Clerk-Tax Collector.

I. The town clerk-tax collector shall appoint a deputy, with the approval of the selectmen, who shall be sworn, give bond, have the powers of town clerk-tax collectors and may be removed at the pleasure of the town clerk-tax collector. The deputy shall perform such duties as are assigned to him by the town clerk-tax collector.

II. Provided, however, if the town clerk-tax collector is temporarily incapacitated before completing the collection of the taxes committed to him, or if any necessity may arise for such action, the deputy town clerk-tax collector shall serve during such incapacity. Said deputy shall possess the powers, perform the duties and be paid as the selectmen or town meeting shall decide.

Preservation of Public Records, Books and Documents of Towns

41:58 Deposit with Clerk.

All books, records, papers, vouchers, and documents which shall be in the possession of any officer, committee, or board of officers of the town, and which are not needed elsewhere by them in the discharge of official duty, shall be deposited in the office of the town clerk, and shall be there kept and preserved by him as public records of the town. Provided that, if the office of the clerk is not equipped for the safe keeping of the said public records, the clerk may, with the approval of the selectmen, deposit such records in some other safe and suitable place.

41:59 Care and Preservation.

The selectmen shall cause all books of public record belonging to the town to be well and strongly bound, and all papers and documents to be filed and arranged in an orderly manner convenient for reference and examination, and shall provide suitable fireproof safes or other means for their care and preservation, all at the expense of the town.

41:60 Copying Records.

The selectmen may authorize and direct the town clerk to make, in suitable books, true copies of any of the public records of the town which have become so faded, worn out or otherwise defaced that in their judgment it is necessary they should be copied in order to insure the preservation of a proper record of the facts or instruments recorded. The town clerk shall attach thereto certificates of their correctness, and showing when, by whom and under what authority they were made, and shall also preserve the originals. Such copies shall have the same force and effect as the originals, and copies made therefrom may be used in evidence the same as if made from the originals, without showing the loss of the originals.

41:61 Inspection.

No town officer having the custody of its public records or documents shall loan the same or permit them to be taken from the place where they are usually kept except when necessary for the discharge of official duty or upon the summons of a court of competent authority; and they shall be open at all proper times for public inspection and examination.

41:62 Books and Pamphlets.

The selectmen shall provide, at the expense of the town, suitable cases for the preservation of the laws, reports and other books and pamphlets received by the town from the state or others; and the town clerk shall arrange and keep them therein in such manner that they will be accessible and convenient for use.

41:63 Delivery by Clerk.

Whenever a town officer goes out of office he shall deliver to his successor all records, books, pamphlets, papers and other things in his possession pertaining to the office.

41:64 Old Records Copied by State.

The secretary of state shall require town clerks or other town officials having the custody of town or parish records, plans, documents or public papers, prior to the year 1825, to deposit the same in his office in the state house at Concord, for the purpose of being copied and indexed. Such records shall be known as Ancient Records of Towns, Parishes and other Divisions of the State of New Hampshire. The expense of transportation thereof to and from the secretary's office, and the expense of copying and indexing the same, shall be borne by the state, and paid upon the warrant of the governor, from any moneys in the treasury not otherwise appropriated. After the same have been copied they shall be returned to the officials of the towns from which they were received.

41:65 Unrecorded Documents.

Any person having an unrecorded document pertaining to the affairs of public importance of any town, parish or division of the state, prior to the year 1825, may submit the same to the secretary of state, with his affidavit of the source from which it was received, and, if it be found to come

within such classification, the secretary of state may cause the same to be recorded and indexed with the Ancient Records of Towns, Parishes and other Divisions of the State of New Hampshire, pertaining to such subdivision of the state, and shall record said affidavit therewith, and file the original affidavit in his office.

41:66 Copies Evidence.

Copies of such records, duly attested and certified by the secretary of state over the state's seal, shall be as competent evidence in any court within this state as the original record or document would be if produced by the legal custodian thereof.

41:67 Certification.

Any report, form or assurance required to be submitted to the state by a town officer which requires the submitting officer to certify to the accuracy of information it contains shall use a statement for the certification in a form substantially similar to the following: The information submitted on this form is a true and accurate statement to the best of my personal knowledge and belief based on the information available to me at the time entered hereon and no information is presently known by me to exist which leads me to believe or suspect otherwise.

41:68 Unauthorized Destruction; Penalty.

All municipal records as defined in RSA 33-A:1, IV belong to the public in perpetuity and shall not be destroyed, maliciously damaged or retained by any person not entitled to keep them. Municipal records shall be destroyed only with the approval of the municipal records board established under RSA 33-A:4-a. Any natural person who violates this section shall be guilty of a misdemeanor and any other person shall be guilty of a felony.

CHAPTER 42

Oaths of Town Officers

42:1 Oath Required.

Every town officer shall make and subscribe the oath or declaration as prescribed by part 2, article 84 of the constitution of New Hampshire and any such person who violates said oath after taking the same shall be forthwith dismissed from the office involved.

42:1-a Manner of Dismissal; Breach of Confidentiality.

I. The manner of dismissing a town officer who violates the oath as set forth in RSA 42:1 shall be by petition to the superior court for the county in which the town is located.

II. Without limiting other causes for such a dismissal, it shall be considered a violation of a town officer's oath for the officer to divulge to the public any information which that officer learned by virtue of his official position, or in the course of his official duties, if:

(a) A public body properly voted to withhold that information from the public by a vote of 2/3, as required by RSA 91-A:3, III, and if divulgence of such information would constitute an invasion of privacy, or would adversely affect the reputation of some person other than a member of the public body or would render proposed municipal action ineffective; or

(b) The officer knew or reasonably should have known that the information was exempt from disclosure pursuant to RSA 91-A:5, and that its divulgence would constitute an invasion of privacy, or would adversely affect the reputation of some person other than a member of the public body or agency, or would render proposed municipal action ineffective.

III. No town officer who is required by an order of a court to divulge information outlined in paragraph II in a legal proceeding under oath shall be guilty of a violation under this section.

42:2 Before Whom.

The moderator, town clerk, one of the selectmen or a justice of the peace are authorized to administer the oath required by this chapter.

42:3 Swearing in of Officers.

Any person elected to an office where no other person was a candidate on the ballot for that office and no write-in candidate received 5 percent or more of the votes cast for that office, may be sworn in after the results are declared from the election and the annual business meeting has ended or at any time thereafter provided the oath is taken by the deadline established by RSA 42:6. If no recount of the office is requested, any person elected to an office that was contested or for which a write-in candidate received 5 percent or more of the votes cast may be sworn in upon the expiration of the period for requesting a recount provided in RSA 669:30.

42:4 Notice to Take.

The town clerk shall immediately, or in accordance with the time adopted by the governing body, if one has been adopted, direct a constable or police officer to notify the persons so chosen or notify such persons by registered mail, return receipt requested, to appear before the clerk within 6 days after receiving the notice, and take the oath by law prescribed. The officer shall, within 4 days, give personal notice to the persons therein named, or leave a notice in writing at the abode of each, and make return of the precept and of his doings therein to the town clerk within 6 days.

42:5 Neglect to Notify.

Any constable or police officer neglecting his duty in any of the foregoing particulars shall be guilty of a violation. One-half of all fines collected hereunder shall inure to the use of the town and the remaining shall inure to the use of the county.

42:6 Penalty for Neglect to Appear.

Every person so chosen and notified, not by law exempt from serving, who shall neglect, for 6 days after personal notice, or notice left at the person's abode, or after the person's return in the case of absence when such notice was left, but in no case later than 30 days after the person's election, to appear before the town clerk and take the oath, shall be guilty of a violation, and any fines shall be appropriated as in RSA 42:5.

42:7 Exception.

Any person so chosen and notified, who shall take the oath of office before one of the selectmen or a justice of the peace, and file a certificate thereof with the town clerk within said 6 days, shall be exempt from such penalty.

42:8 Record.

The town clerk shall make a record of every oath of a town officer taken in open town meeting at the time of the election, and of every such oath taken before him at any other time and place, the import of which record may be that the officer took the oath of office prescribed by law; and he shall record and keep on file every certificate filed with him pursuant to RSA 42:7.

CHAPTER 482-A

Fill and Dredge in Wetlands

482-A:3 Excavating and Dredging Permit; Certain Exemptions.

I. (a) No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the department. Unless otherwise specified in rules adopted by the commissioner pursuant to RSA 482-A:11, any person seeking to obtain a permit shall submit to the department;

(1) A complete application form that has been signed by the town or city clerk in the municipality in which the property is located or, if the property is located in more than one municipality, by the city or town clerk of each municipality, certifying that the municipality has received 4 copies of the form and attachments as provided in subparagraph (a) (2). The town or city clerk shall send a copy of the form and attachments to the local governing body, the municipal planning board, if any, and the municipal conservation commission, if any, and shall retain one copy to be made reasonably accessible to the public. Applications and fees for projects by agencies of the state may be filed directly with the department, with 4 copies of the application, plan, and map filed at the same time with the town or city clerk.

(2) Such other information as required by rules adopted by the commissioner pursuant to RSA 482-A:11, which may include maps and plans.

(3) A nonrefundable application fee as specified in subparagraphs (b) or (c), as applicable.

(b) The application fee for shoreline structure shall be \$200 plus an amount based on the area of dredge, fill, or dock surface area proposed, or a combination thereof, which shall be \$2 per square foot for permanent dock surface area; \$1 per square foot for seasonal dock surface area; and \$.20 per square foot for dredge or fill surface area or both. For projects involving only the repair, reconstruction, or reconfiguration of an existing docking structure, the application fee shall be \$200.

(c) The permit application fee shall be \$200 for minimum impact dredge and fill projects under this chapter. The application fee for all projects under this chapter which are not covered by subparagraph (b) or (c) or paragraphs IV-a, V, X through XII, XV, XVI, or XVII through XIX shall be \$.20 per square foot of proposed impact, with a minimum fee of \$200 for all such projects that impact fewer than 1,000 square feet.

(d) At the time the applicant files the application with the department, the applicant shall provide written notice of the proposed project to:

(1) All abutters, as defined in the rules of the department, unless exempted in such rules, which shall be provided by certified mail or other delivery method that provides proof of receipt. The applicant shall retain such receipts and provide copies to the department upon request. The department shall have no obligation to verify the identity of abutters or their receipt of notice. Any abutter who has actual notice of the filing of an application shall have no cause to challenge the application based on failure to receive written notice. Nothing in this subparagraph shall prevent the department from taking appropriate action in the event an applicant fails to provide the required notice or provides false information.

(2) The local river management advisory committee if the project is within a river corridor as defined in RSA 483:4, XVIII, or a river segment designated in RSA 483:15. Such notice shall be sent by certified mail or other delivery method that provides a proof of receipt. The applicant shall retain such receipts and provide copies to the department upon request. The local river

management advisory committee shall, under RSA 483:8-a, III (a)-(b), advise the commissioner and consider and comment on the permit application.

(e) Beginning October 1, 2007, the department shall submit an annual report to the house and senate finance committees, the house resources, recreation and development committee, and the senate energy and natural resources committee relative to administration of the wetlands fees permit process established by this section.

CHAPTER 292

Voluntary Corporations and Associations

292:4 Record of Articles of Agreement; Effect.

The articles of agreement shall be recorded in the office of the secretary of state. When so recorded, the signers thereof shall be a corporation, and such corporation, its officers, and members shall have all the rights and powers and be subject to all the duties and liabilities of other similar corporations incorporated under this chapter, their officers, and members, except so far as they are limited or enlarged by this chapter. Subsequent to filing with the secretary of state a copy shall be filed in the office of the clerk of the town in which the mailing address of the corporation is located.

292:5 Fees for Recording.

The fee for recording the articles of agreement in the office of the secretary of state as required in RSA 292:4 shall be \$25. The fee for recording any record of amendment in the office of the secretary of state as required in RSA 292:7 shall be \$25. The fee for recording the articles of agreement or amendments to such articles in the office of the town or city clerk as required in RSA 292:4 and RSA 292:7 shall be \$5.

CHAPTER 259

Words and Phrases Defined

259:2-a Agricultural/Industrial Utility Vehicle.

“Agricultural/industrial utility vehicle” shall mean a vehicle, including an off highway recreational vehicle, with 4 or 6 wheels, an internal combustion engine or electric motor, or both, but excluding a tractor, equipped in accordance with the provisions of RSA 261:41-1, III, that is capable of carrying not more than 6 occupants, has a load capacity of 1,500 pounds or less, and is in use for farming, agricultural, or light industrial uses, and is limited to ways or portions of ways where such vehicles are allowed and having posted speed limits of 40 miles per hour or less, within a 10 mile radius from an entrance to land used by the farm or a 2 mile radius from the entrance to the light industrial complex or construction site, and subject to any other special conditions established by the government authority controlling the way.

259:4 Antique Motor Vehicle or Motorcycle.

Antique motor vehicle or motorcycle shall mean any motor vehicle, including a truck regardless of weight, over 25 years old which is maintained for use in exhibitions, club activities, parades and other functions of public interest, but not for use in commerce.

259:12-e Commercial Motor Vehicle.

I. Commercial motor vehicle shall mean a motor vehicle or a combination of motor vehicles, used in commerce, designed or used to transport passengers or property if:

- (a) The vehicle has a gross vehicle weight rating of 26,001 pounds or more;
 - (b) The vehicle has a gross combination weight rating or actual weight of 26,001 or more pounds, inclusive of any towed unit with gross vehicle weight rating or actual weight of more than 10,000 pounds;
 - (c) The vehicle is designed or used to transport 16 or more passengers, including the driver;
- or
- (d) The vehicle is of any size and is used in the transportation of hazardous materials required to be placarded under 49 CFR part 172, subpart F.

II. The term commercial motor vehicle shall not include:

- (a) Emergency vehicles assigned or registered to a fire department or fire service organization when driven by fire service personnel in pursuit of fire service purposes.
- (b) Recreational vehicles.
- (c) Military vehicles when driven by non-civilian military personnel in pursuit of military purposes.
- (d) Vehicles used exclusively for agriculture and farming within 150 miles of the owner’s farm.

III. For purposes of RSA 263:93-a, “commercial motor vehicle” shall also mean a commercial motor vehicle as defined in 49 C.F.R section 390.5 and in any other federal regulations adopted by rule under RSA 541-A.

259:13-a Compact Utility Tractor.

“Compact utility tractor” shall mean any self-propelled 4-wheel vehicle utilizing diesel fuel, with a rated horsepower not to exceed 28 horsepower, that is capable of carrying not more than one occupant, is equipped by the manufacturer with at least one PTO (power take-off) in addition to

any PTO installed for the purpose of an under-tractor mower deck, and has no provision for carrying a load other than attached implements such as snowplows, tool boxes, or bucket loaders.

259:23 Domicile.

Domicile shall mean a natural person taking up residence in a town or city within the state and includes but is not limited to occupying a primary place of habitation, placing children in a public school within the state, accepting gainful employment, or being a registered voter liable for a resident tax, provided, however, that no person shall be considered to be domiciled in this state who simultaneously claims residence in any other state for any of the purposes indicated above. In the case of other than a natural person, domicile shall also apply in the case of vehicles principally garaged or kept on the premises of a firm or corporation with a place of business within the state.

259:29-b EVR Integrator.

“EVR Integrator” shall mean an electronic vehicle registration integrator who provides necessary hardware, software, software updates, or network connections between dealer agents, the department, and towns for the electronic transmittal and receipt of registration and title data and money.

259:29-c EVR Program.

“EVR program” means the electronic vehicle registration program that allows dealer agents to process motor vehicle registrations, permits for registrations, or registration transfers and title applications in conjunction with the sale of a new or used vehicle by said dealer pursuant to RSA 261:74-h through 261:74-s.

259:32 Farm.

The word farm means any land, buildings, or structures on or in which agriculture and farming activities are carried out or conducted and shall include the residence or residences of owners, occupants, or employees located on such land. Structures shall include all farm outbuildings used in the care of livestock, and in the production and storage of fruit, vegetables, or nursery stock; in the production of maple syrup; greenhouses for the production of annual or perennial plants; and any other structures used in operations named in RSA 21:34-a, II.

259:41 Heavy Truck.

Heavy truck shall mean any motor truck having more than 2 axles.

259:42 Construction Equipment.

Construction equipment shall mean all bulldozers, rollers, scrapers, graders, spreaders, pavers, bituminous mixers, retreading machines, compressors, power shovels, excavators, backhoes, wagons, concrete mixers, generators, message boards, wood chippers, bucket loaders, snow loaders, rooters, scarifiers and construction tractors, and such other items of equipment which in the opinion of the director should be classified as construction equipment. Construction equipment that must be transported or moved over the highways that is over width or overweight shall comply with special permits as required by RSA 228:21 and RSA 265:7. Road oilers, bituminous distributors and heavy duty platform trailers and semi-trailers are expressly excepted from this definition.

259:44 Implement of Husbandry.

“Implement of husbandry” shall mean equipment designed or adapted and used exclusively for agricultural, horticultural, forestry, or livestock operations, for which use on a public way is incidental to its intended function. “Implement of husbandry” shall include a self-propelled custom harvester, sprayer, soil amendment spreader, or forage mower.

259:49 Lienholder.

Lienholder shall mean a person holding a security interest in a vehicle.

259:49-a Light Industrial Use.

“Light industrial use” shall mean manufacturing and distribution of products for wholesale or retail use where the operation includes the need for access to contiguous or nearby warehouses, showrooms, construction sites, or manufacturing facilities including crossing a way or portion of a way or driving on a way where the route or crossing is approved by the government authority controlling the way.

259:50 Light Truck.

Light truck shall mean any motor truck having no more than 2 axles.

259:51 Maker's List Price.

Maker's list price, as used in RSA 261:153 and 261:154, in the case of motor vehicles of foreign manufacture, shall mean the advertised port of entry retail list price, less the manufacturer's motor vehicle excise tax imposed by the United States if said motor vehicle excise tax is included in the advertised port of entry retail list price, at New York, New York, regardless of the actual port through which said motor vehicle entered the United States.

259:53 Manufacturer's or Importer's Certificate of Origin.

Manufacturer's or importer's certificate of origin shall mean the original written instrument or document required to be executed and delivered by the manufacturer to his agent or dealer, or a person purchasing direct from the manufacturer, certifying the origin of the vehicle.

259:57 Moped.

Moped shall mean a motor-driven cycle whose speed attainable in one mile is 30 miles per hour or less; if an internal combustion engine is used, the piston displacement shall not exceed 50 cubic centimeters and the power-drive system shall not require the operator to shift gears.

259:63 Motorcycle.

Motorcycle shall mean every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground, but excluding tractors and mopeds. The term shall also include 3-wheel scooters with enclosed cabs.

259:66-b Neighborhood Electric Vehicle.

Neighborhood electric vehicle shall mean any 4-wheeled electric vehicle that has a maximum speed which is greater than 20 miles per hour but not greater than 25 miles per hour, and which complies with the federal safety standards established in 49 C.F.R. section 571.500.

259:67 Nonresident.

Nonresident shall mean:

I. Except as provided in paragraph II, any person whose legal residence is in some state, district or country other than New Hampshire, but a nonresident, having a regular abode or place of business within the state for more than 6 months in any year, shall be deemed a resident as to all vehicles principally used in connection with such abode or place of business and the director for the purposes of registration shall determine what vehicles are so used;

II. For the purposes of the reciprocal provisions as to arrest of nonresidents, RSA262:27 and 28, a person who is a resident of or holds a driving license issued by a reciprocating state.

259:68 Number Plate. – "Number plate" shall mean the sign or marker furnished by the director, on which is displayed the registration number or mark of a vehicle assigned thereto by the director, which shall bear on the face thereof a permanent or changeable designation of the effective period.

259:68-a Words and Phrases Defined; Number Plate Scanning Device.

"Number plate scanning device" or "LPR" means a license plate reading device that is mounted to a vehicle, that is attended to and operated by a law enforcement officer, and that uses automated high speed camera and optical character recognition technology to passively read, instantaneously identify against a list or lists, check, send an audible or visual alarm to the operator, and store for a prescribed period of time, a record of each number plate read.

259:69 Off Highway Recreational Vehicle.

Off highway recreational vehicle shall mean any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires, tracks, or cushion of air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ice or snow or not, where the driver sits in or on the vehicle. All legally registered vehicles when used for off highway recreational purposes shall fall within the meaning of this definition; provided that when said vehicle is being used for transportation purposes only, it shall be deemed that said vehicle is not being used for recreational purposes. Off highway recreational vehicle shall not include snowmobiles as defined in RSA 215-C:1.

259:84-a Recreation Vehicle.

Recreation vehicle shall mean a self-propelled or towed vehicle that is equipped to serve as temporary living quarters for recreational, camping, or travel purposes and is used solely as a family or personal conveyance.

259:98 Semi-Trailer.

Semi-trailer shall mean a vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight or that of its load rests upon and is carried by the towing vehicle, and not including a pair or set of wheels commonly used as an implement for other purposes than transportation, provided, however, that the word semi-trailer shall not include any vehicle as described in this section if used exclusively for agricultural purposes unless said vehicle be of the type constructed specifically to be towed by a tractor-type truck.

259:101 Ski Area Vehicles.

Ski area vehicles shall mean motor vehicles, except private passenger vehicles, whether wheeled or tracked, on-highway or off-highway, owned or leased by a ski area as defined in RSA 225-A:2, VIII, and used exclusively in winter or summer maintenance of ski trails, parking lots,

private access roads, structures and other ski area facilities. These vehicles shall include snow cats, snow dozers, snow grooming equipment and tractors, except that it shall not include vehicles with metal tracks or cleats operated outside the bounds of any road maintained exclusively by the ski area.

259:106-a Street Rod.

Street rod shall mean a vehicle, the body and frame of which were manufactured prior to the year 1949 and which has been modified for safe road use, or a replica thereof which has also been modified for safe road use. For purposes of this section, the word modified means, but is not limited to, a substantial and material alteration or replacement of the engine, drive-train, suspension or brake system or alteration of the body which may be chopped, channeled, sectioned, filled or otherwise changed dimensionally from the original manufactured body. Any such modification may be made only if said modification equals, improves or enhances the safety aspects of the original equipment so modified. For purposes of this section, the word replica means a body or frame manufactured after the year 1949 and which resembles that of the original vehicle and which retains the basic style and dimensions as originally manufactured and whose major components such as grill shell, hood, or doors are readily interchangeable with the original pre-1949 component.

259:108 Tractor.

“Tractor” shall mean: Any self-propelled vehicle designed or used for agricultural purposes or as a traveling power plant or for drawing other vehicles, but having no provision for carrying a load other than attached implements such as snowplows, tool boxes, or bucket loaders, but shall not include vehicles used for recreational purposes or agricultural/industrial utility vehicles as defined in RSA 259:2-a.

259:109 Tractor-trailer.

Tractor-trailer shall mean any truck-tractor and semi-trailer.

259:116 Truck-tractor.

Truck-tractor shall mean any vehicle designed and intended primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the vehicle and load so drawn, except that a truck-tractor engaged in the transportation of automobiles may transport motor vehicles on a part of the power unit.

CHAPTER 261
Certificates of Title and Registration of Vehicles
Certificate of Title

261:1 When Certificate Required.

Except as provided in RSA261:3, the provisions of this chapter shall apply to all motor vehicles when a change of registration is required under the provisions of this chapter by reason of a sale for consideration. The department shall not require an application for a certificate of title upon the renewal of the registration, if required, of a vehicle. The department shall note on the face of the registration, if required, of each vehicle for which a certificate of title has been issued a statement to that effect.

261:2 Final Date.

No motor vehicle may be registered in this state, except those exempted pursuant to the provisions of RSA261:3, unless a certificate of title shall be issued and in force relative to the same pursuant to the provisions of this chapter.

261:2-a Registration of Certain Title Exempted Vehicles.

Notwithstanding the provisions of RSA 261:2 and RSA261:148, no person shall register a motor vehicle exempted under RSA 261:3, I(k) in this state without first providing a previously issued, current or expired New Hampshire certificate of registration, a valid New Hampshire or out-of-state certificate of title, an application for a certificate of title, or a current New Hampshire vehicle identification number verification form as prescribed by the director. For the purposes of this section, a temporary registration issued pursuant to RSA 261:57 does not meet the requirement of a previously issued New Hampshire certificate of registration. The town or city clerk that issues the permit may copy the bill of sale and the New Hampshire certificate of registration or the certificate of title for their records, but shall return the original bill of sale and the New Hampshire certificate of registration or the certificate of title to the person registering the vehicle upon issuing the permit. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

261:3 Exempted Vehicles.

I. No certificate of title need be obtained for:

(a) A vehicle owned by the United States or owned or operated by the New Hampshire National Guard;

(b) A vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration; or a vehicle used by a manufacturer solely for testing;

(c) A vehicle owned by a nonresident of this state and not required by law to be registered in this state;

(d) A vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state;

(e) A vehicle moved solely by animal power;

(f) An implement of husbandry;

(g) Special mobile equipment;

(h) A self-propelled wheelchair or invalid tricycle;

- (i) A snowmobile as defined in RSA 259:102;
- (j) Trailers with gross weight of less than 3,001 pounds;
- (k) Any motor vehicle whose manufacturer's model year is before the year 2000, except heavy trucks and truck-tractors whose gross vehicle weight exceeds 18,000 pounds.

II. RSA 262:1 to 5 inclusive do not apply to:

- (a) A vehicle moved solely by animal power;
- (b) An implement of husbandry;
- (c) Special mobile equipment;
- (d) A self-propelled wheelchair or invalid tricycle.

261:4 Application for Certificate.

I. The application for the first certificate of title of a vehicle in this state shall be made by the owner to the department on the form the director prescribes and shall contain:

- (a) The name, residence and mailing address of the owner;
- (b) A description of the vehicle including, so far as the following data exists, its make, model, vehicle identification number, model year, type of body, the number of cylinders and whether new or used;
- (c) The date of purchase by the applicant, the name and address of the person from whom the vehicle was acquired and the names and addresses of any lienholders in the order of their priority and the dates of their security agreements and, if a new vehicle, the application shall be accompanied by the manufacturer's or importer's certificate of origin; and
- (d) Any further information the director reasonably requires to identify the vehicle and to enable him to determine whether the owner is entitled to a certificate of title and the existence or nonexistence of security interests in the vehicle.

II. If the application refers to a vehicle purchased from a dealer, it shall contain the name and address of any lienholder holding a security interest created or reserved at the time of the sale and the date of the security agreement and be signed by the dealer as well as the owner, and the dealer shall within 10 days of the date of sale mail or deliver to the department the application and other supporting documents as required by the director, except when the title is in the possession of a lienholder at the time of sale in which event the dealer shall have 40 days from the date of sale to mail or deliver to the department the application and other supporting documents as required by the director. A dealer who makes a courtesy delivery shall prepare the title application and supporting documents, but said delivery shall not be construed as a sale by the New Hampshire dealer.

III. If the application refers to a vehicle last previously registered in another state or country, the application shall contain or be accompanied by:

- (a) Any certificate of title issued by the other state or country. Said certificate shall either be printed in the English language, or a notarized translation of the certificate shall be provided.
- (b) Any other information and documents the director reasonably requires to establish the ownership of the vehicle and the existence or nonexistence of security interests in it.
- (c) The certificate of a person authorized by the director that the vehicle identification number of the vehicle has been inspected and found to conform to the description given in the application, or any other proof of the identity of the vehicle the director reasonably requires.

IV. The department shall furnish every town clerk and may furnish to certain dealers and financial institutions, forms for application for certificate of title and shall have such forms available at the office of the division. Said forms shall be prepared in typewritten form from information supplied by the owner, either by an employee of the division, town clerk, such dealer

or such financial institution. Every application for certificate of title shall be examined by the town clerk to determine whether it has been completed according to law. For preparation, examination, record keeping, and filing of such forms as herein provided a town clerk shall be paid a fee of \$2 by the owner of each application, which shall be in addition to any other fees required under the provisions of this chapter. For preparation of such forms and remittance of required fees by such a dealer or such a financial institution, said dealer or institution may charge a maximum fee of \$2. In the event said dealer or institution charges more than said maximum, he or it shall be guilty of a violation.

V. If the application refers to a vehicle not purchased from a dealer, the application and other supporting documents as required by the director, shall within 20 days of the date of sale be mailed or delivered to the department by the owner.

261:4-a Antique Motor Vehicle; Certificate of Title.

Nothing in RSA 261:3 or RSA 261:4 shall prohibit the department from issuing a certificate of title for an antique motor vehicle upon the request of the vehicle owner. The commissioner shall adopt rules, under RSA 541-A, relative to the issuance of a certificate of title for an antique motor vehicle.

261:5 Implement of Husbandry or Special Mobile Equipment.

The owner of an implement of husbandry or special mobile equipment may apply for and obtain a certificate of title on it. All of the provisions of this subdivision are applicable to a certificate of title so issued, except that a person who receives a transfer of an interest in the vehicle without knowledge of the certificate of title is not prejudiced by reason of the existence of the certificate, and the perfection of a security interest under this chapter is not effective until the lienholder has complied with the provisions of applicable law which otherwise relate to the perfection of security interests in personal property.

261:6 Department to Check Vehicle Identification Number.

The department, upon receiving application for a first certificate of title, shall check the vehicle identification number shown in the application against the records of vehicles required to be maintained by RSA 261:7 and against the record of stolen and converted vehicles required to be maintained by RSA 262:2. The director may require a New Hampshire vehicle identification number verification form to be completed prior to issuance of a title.

261:7 Issuance of Certificate; Records.

I. The department shall file each application received and, when satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title of the vehicle.

II. The department shall maintain at its central office a record of all certificates of title issued by it:

- (a) Under a distinctive title number assigned to the vehicle;
- (b) Under the vehicle identification number;
- (c) Alphabetically, under the name of the owner; and
- (d) In the discretion of the director, by any other method he determines.

261:8 Information in Certificate.

I. Each certificate of title issued by the department shall contain:

- (a) The date issued;
- (b) The name and address of the owner;
- (c) The names and addresses of any lienholders, in the order of priority as shown on the application, or, if the application is based on a certificate of title, as shown on the certificate;
- (d) The title number assigned to the vehicle; and
- (e) A general description of the vehicle.

II. The certificate of title shall contain forms for assignment and warranty of title by the owner and for assignment and warranty of title by a dealer, and may contain forms for applications for a certificate of title by a transferee, the naming of a lienholder and the assignment or release of the security interest of a lienholder.

III. A certificate of title issued by the department is prima facie evidence of the facts appearing on it.

IV. A certificate of title for a vehicle is not subject to garnishment, attachment, execution or other judicial process, but this paragraph does not prevent a lawful levy upon the vehicle.

261:9 Mailing of Certificate.

The certificate of title shall be mailed to the first lienholder named in it or, if none, to the owner. In the event the lien has been satisfied by a dealer, the dealer becomes the owner and the state is authorized to mail the title to the dealer.

261:10 Withholding of Certificate; Bond Requirement.

If the director is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the director may register the vehicle but shall either:

I. Withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the director as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it; or

II. As a condition of issuing a certificate of title, require the applicant to file with the department a bond in the form prescribed by the director and executed by the applicant, and either accompanied by the deposit of cash with the department or also executed by a person authorized to conduct a surety business in this state. The bond shall be in an amount equal to 1- times the value of the vehicle as determined by the director and conditioned to indemnify any prior owner and lienholder and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of title of the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of 3 years or prior thereto if the vehicle is no longer registered in this state and the currently valid certificate of title is surrendered to the department, unless the department has been notified of the pendency of an action to recover the bond.

261:11 Refusal of Certificate.

The department shall refuse issuance of a certificate of title if any required fee is not paid or if it has reasonable grounds to believe that:

I. The applicant is not the owner of the vehicle;

II. The application contains a false or fraudulent statement; or

III. The applicant fails to furnish required information or documents or any additional information the director reasonably requires.

261:12 Duplicate Certificate.

I. If a certificate of title is lost, stolen, mutilated or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the department, or dealer who has purchased the vehicle, shall promptly make application for and may obtain a duplicate upon furnishing information satisfactory to the director.

II. The department shall not issue a new certificate of title to a transferee or dealer upon application made on a duplicate until 15 days after receipt of the application.

III. A person recovering an original certificate of title for which a duplicate has been issued shall promptly surrender the original certificate to the department.

261:13 Certificate of Origin.

When a new vehicle is delivered in this state by the manufacturer to his agent or his franchised dealer, the manufacturer shall execute and deliver to his agent or his franchised dealer a certificate of origin in the form prescribed by the director, and no person shall bring into this state any new vehicle unless he has in his possession the certificate of origin as prescribed by the director. The certificate of origin shall contain the vehicle identification number of the motor vehicle, the name of the manufacturer, model year, year of manufacture, number of cylinders, a general description of the body, if any, and the type of model. When a new vehicle is sold in this state, the manufacturer, his agent or his franchised dealer shall execute and deliver to the purchaser, in case of an absolute sale, assignment of the certificate of origin, or, if other than absolute sale, assignment of the certificate of origin subject to contract, signed or executed by the manufacturer, his agent or his dealer, with the genuine names and business or residence addresses of both stated thereon, and certified to have been executed with full knowledge of the contents and with the consent of both purchaser and seller. No manufacturer, distributor, or manufacturer's authorized agent shall issue any duplicate, supplemental, or replacement certificate of origin unless the legend duplicate is placed on said certificate and the director is notified in writing of the circumstances under which said certificate was issued. A dealer registered under the provisions of RSA 261 who makes a courtesy delivery shall prepare the title application and supporting documents, but said delivery shall not be construed as a sale by the New Hampshire dealer.

261:14 Transfer of Interest in Vehicle.

I. If an owner transfers his interest in a vehicle, other than by the creation of a security interest, he shall, at the time of delivery of the vehicle, execute an assignment and warranty of title to the transferee in the space provided therefor on the certificate or as the director prescribes, and cause the certificate and assignment to be mailed or delivered to the transferee or to the department.

II. Upon request of the owner or transferee, a lienholder in possession of the certificate of title shall, unless the transfer was a breach of his security agreement, either deliver the certificate to the transferee for delivery to the department or, upon receipt from the transferee of the owner's assignment, the transferee's application for a new certificate and the required fee, mail or deliver them to the department. The delivery of the certificate does not affect the rights of the lienholder under his security agreement.

III. If a security interest is reserved or created at the time of the transfer, the certificate of title shall be retained by or delivered to the person who becomes the lienholder, and the parties shall comply with the provisions of RSA261:25.

IV. Except as provided in RSA 261:15 and as between the parties, a transfer by an owner is not effective until the provisions of this section and RSA 261:19 have been complied with; however, an owner who has delivered possession of the vehicle of the transferee and has complied with the provisions of this section and RSA 261:19 requiring action by him is not liable as owner for any damages thereafter resulting from driving of the vehicle.

261:15 Resale by a Dealer.

If a dealer buys a vehicle and holds it for resale and procures the certificate of title from the owner or the lienholder within 10 days after delivery to him of the vehicle, he need not send the certificate to the department but, upon transferring the vehicle to another person other than by the creation of a security interest, shall promptly execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of any lienholder holding a security interest created or reserved at the time of the resale and the date of his security agreement, in the spaces provided therefor on the certificate or as the director prescribes, and mail or deliver the certificate to the department with the transferee's application for a new certificate.

261:16 Involuntary Transfers.

I. If the interest of an owner in a vehicle passes to another other than by voluntary transfer, the transferee shall, except as provided in paragraph II, promptly mail or deliver to the department the last certificate of title, if available, proof of the transfer, and his application for a new certificate in the form the director prescribes.

II. If the interest of the owner is terminated or the vehicle is sold under a security agreement by a lienholder named in the certificate of title, the transferee shall promptly mail or deliver to the department the last certificate of title, his application for a new certificate in the form the director prescribes, and an affidavit made by or on behalf of the lienholder that the vehicle was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement. If the lienholder succeeds to the interest of the owner and holds the vehicle for resale, he need not secure a new certificate of title but, upon transfer to another person, shall promptly mail or deliver to the transferee or to the department the certificate, affidavit and other documents required to be sent to the director by the transferee.

III. A person holding a certificate of title whose interest in the vehicle has been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificate to the department upon request of the department. The delivery of the certificate pursuant to the request of the department does not affect the rights of the person surrendering the certificate, and the action of the department issuing a new certificate of title as provided herein is not conclusive upon the rights of an owner or lienholder named in the old certificate.

261:17 Joint Tenancy With Rights of Survivorship.

Upon the death of a married resident owner of a motor vehicle registered in this state, said motor vehicle, if used for family purposes, shall be deemed to have been jointly held property with right of survivorship unless otherwise designated on the certificate of title, and the interest of said decedent shall pass to his or her surviving spouse.

I. Where a certificate of title has been issued on the vehicle the surviving spouse may transfer the vehicle pursuant to RSA 261:14 without obtaining a new certificate of title. The signature of the surviving spouse on the certificate and a copy of the death record shall be deemed valid and sufficient for the proper transfer of the motor vehicle.

II. Where no certificate of title has been issued on the vehicle and where such transfer requires the issuance of a certificate of title, a first certificate of title shall be immediately issued to said spouse upon the following conditions; application shall be made to the department including information required by RSA 261:4, I(a) and (b), accompanied by:

- (a) A copy of the death record; and
- (b) The required fee.

III. Individuals who are joint owners may provide for survivorship. If their joint ownership is held by using and between their names, they may obtain title as joint tenants with rights of survivorship by designating this preference on their title application. If their joint ownership is held by using or between their names, no other designation is required. Upon the death of one of the owners, the surviving owner may transfer the vehicle pursuant to RSA261:14 without obtaining a new title. The signature of the surviving owner on the record and a copy of the death record shall be deemed valid and sufficient for the proper transfer of the motor vehicle. One of the joint owners may be a nonresident, who shall be exempt from the requirements of RSA 261:71 for the purposes of this section only.

261:18 Liens; Fee.

In the case of a transfer of a motor vehicle under RSA 261:17 any lien on the motor vehicle shall be automatically continued. The fee for issuance of a certificate of title under RSA 261:17 shall be as provided in RSA 261:20.

261:19 Fee to Accompany Applications.

I. An application for a certificate of title shall be accompanied by the required fee when mailed or delivered to the department.

II. An application for the naming of a lienholder or his assignee on a certificate of title shall be accompanied by the required fee when mailed or delivered to the department.

III. The provisions of this section shall not apply to motor vehicles owned by the state or any of its political subdivisions. These entities shall not be assessed any fee for a certificate of title for their respective motor vehicles.

261:20 Fees.

I. The department shall be paid the following fees:

- (a) For filing an application for a first certificate of title, with or without a lienholder named, \$25;
- (b) For a certificate of title after a transfer, with or without a lienholder named, \$25;
- (c) For a duplicate certificate of title, \$25;
- (d) For an ordinary certificate of title issued upon surrender of a distinctive certificate, \$20;
- (e) For filing a notice of security interest, \$20;
- (f) For a certificate of search of the records of the division, for each name or identification number searched against, \$20;
- (g) For filing an assignment of security interest, \$2;
- (h) For issuing a distinctive New Hampshire number in place of a vehicle identification number, \$30;

- (i) For issuing a salvage vehicle decal pursuant to RSA 261:22, IV, \$50.
- II.** If an application, certificate of title or other document required to be mailed or delivered to the department under any provision of this chapter is not delivered to the department within 20 days from the time it is required to be mailed or delivered, the department shall collect, as a penalty, an amount equal to the fee required for the transaction.
- III.** No fee shall be charged for a certificate of title to a motor vehicle owned by a veteran who is either an amputee or blind as a result of a service connected disability as certified by the Department of Veterans Affairs.
- III-a.** No fee shall be charged for a first certificate of title to a motor vehicle that has passed to a surviving spouse by rights of survivorship, provided that the application for the first certificate of title is in the surviving spouse's name alone and the application is made within 13 months of the decedent's date of death.
- IV.** Notwithstanding any other provision of law, 3/5 of the fees collected under RSA 261:20, I(a)(c) shall be deposited in the highway fund and 2/5 of the fees collected under RSA 261:20, I(a)(c) shall be deposited as unrestricted revenue in the general fund, and 50 percent of the fees collected under RSA 261:20, I(d)(i) shall be deposited as unrestricted revenue in the general fund and 50 percent of the fees collected under RSA 261:20, I(d)(i) shall be deposited in the highway fund.
- IV.** Notwithstanding any other provision of law, the fees collected under RSA 261:20, I shall be deposited in the highway fund.

261:21 Issuance of New Certificate.

- I.** The department, upon receipt of a properly assigned certificate of title, with an application for a new certificate of title, the required fee and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner and mail it to the first lienholder named in it or, if none, to the owner.
- II.** The department upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, with proof of the transfer, the required fee and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner. If the outstanding certificate of title is not delivered to it, the department shall make demand therefor from the holder thereof.
- III.** The department shall file and retain for 5 years every surrendered certificate of title, the file to be maintained so as to permit the tracing of title of the vehicle designated therein.

261:22 Destruction of Vehicles; Total Loss, Salvage, and Rebuilt Vehicles.

- I(a).** The owner of a facility where any motor vehicle is first crushed, shredded, baled, or sheared shall submit within 30 days to the department a form provided by the department that requires such information and signatures as are necessary to:
- (1) Identify the vehicle and the owner of the vehicle when it was brought to the facility;
 - (2) Provide certification by the facility owner that the vehicle was destroyed and that no potential contaminants, as specified by the department of environmental services, were in the vehicle prior to its destruction;
 - (3) Identify the facility, business entity, or individual owner responsible for removing the contaminants in the vehicle, including a declaration by the same that such removal and subsequent storage, processing, and disposal was done in accordance with all applicable local, state, and federal laws;

(4) Identify the location of the contaminant removal and the location of the vehicle's destruction; and

(5) Provide contact information for all parties identified on the form, including notation of any applicable registrations, permits, or licenses issued by the department of environmental services and held by the parties.

(b). For purposes of this section, "facility" means the motor vehicle salvage facility, as defined in RSA 149-M:4, XI-b, or other location at which a vehicle is crushed, shredded, baled, or sheared.

(c). The submission of the form shall be accompanied by the certificate of title for the vehicle, unless one is not required for the vehicle under RSA 261:3, and any other information and documents the director reasonably requires.

(d). Any vehicle that has been crushed, shredded, baled, or sheared in the state shall be accompanied while being transported on the ways of the state by either a copy of the fully completed form as submitted to the department or some alternative means, approved by the department, of certifying that such submission was made.

(e). The provisions of this paragraph shall not be construed to place any liability upon any owner of a motor vehicle crusher or a facility that is permitted under RSA 149-M, relative to contaminants that are removed by others where such removal is declared on the form in accordance with RSA 261:22, I(a)(3).

II. Any insurance firm or representative thereof who shall declare a motor vehicle other than an exempt vehicle as provided in RSA 261:3 as having been a total loss shall make application for a salvage certificate of title within 20 days of the total loss payment. Such application shall be accompanied by:

(a) Any certificate of title;

(b) Any other information and documents the director reasonably requires to establish ownership of the vehicle and the existence or nonexistence of security interest in it; and

(c) The required fee of \$10.

III. The department shall file each application received and when satisfied as to its genuineness and regularity and when satisfied that the applicant is entitled to the issuance of a salvage certificate of title shall issue a salvage certificate of title of the vehicle to the owner. The salvage certificate of title shall serve as proof of ownership and shall contain a legend indicating that the vehicle has been declared a total loss. The department may adopt rules relative to the circumstances, if any, under which a salvage certificate of title should reflect any legend pertaining to recovered theft.

IV. If the department has issued a salvage certificate of title after the vehicle has been declared a total loss, the owner shall not apply for title or registration again until the vehicle has been inspected by the director or the directors authorized representative. The inspection of the vehicle shall include verification of the vehicle identification number and bills of sale or titles for major component parts used to rebuild the vehicle. When necessary for rebuilt vehicles, a new vehicle identification number shall be attached to the vehicle and shall take precedence over any other number that may be engraved on or attached to the vehicle. Any new title and registration issued for a rebuilt vehicle shall contain the legend "rebuilt vehicle". The department shall also issue a decal bearing the legend salvage vehicle which the title bureau investigator shall affix to the vehicle on the rear of the left front door post. Each salvage vehicle decal shall include a statement indicating that removing the decal or causing the decal to be removed is a misdemeanor under RSA 261:22, V.

IV-a. Before selling to any buyer any used vehicle, the title to which is required to be marked salvage pursuant to this section, or the title and the registration to which is required to be marked rebuilt pursuant to this section, the seller shall disclose to the buyer in writing that the vehicle is a salvage vehicle and the reasons for such designation. Failure to comply with the provisions of this paragraph shall constitute an unfair or deceptive act or practice under RSA 358-A:2.

V. It shall be a misdemeanor for any person to remove or cause to be removed a salvage vehicle decal from a motor vehicle to which it has been affixed pursuant to paragraph IV. A bona fide purchaser for value of a motor vehicle which is not properly accompanied by the disclosure required by RSA 261:22, IV-a, or from which the seller has removed or caused to be removed a salvage vehicle decal in violation of this paragraph may rescind the purchase within 3 business days after receiving a certificate of title disclosing that the vehicle is a salvage vehicle or receiving a certificate of title or registration disclosing that the vehicle is a rebuilt vehicle.

VI. For purposes of this section, a total loss vehicle shall mean either an unrecovered stolen vehicle or a damaged vehicle:

(a) That is determined to be physically or economically impractical to repair in connection with an insurance claim settlement; or

(b) For which the cost of repairing the vehicle is 75 percent or more of its fair market value prior to the vehicle being damaged, if the damage occurs during its model year or the 4 subsequent calendar years. The total cost of repairing the vehicle shall not include the cost of repairing, replacing, or reinstalling inflatable safety restraints, tires, or entertainment systems.

261:23 Certain Liens and Security Interests Not Affected.

This chapter does not apply to or affect:

I. A lien given by statute or rule of law to a supplier of services or materials for the vehicles;

II. A lien given by statute to the United States, this state or any political subdivision of this state;

III. A security interest in a vehicle created by a manufacturer or dealer who holds the vehicle for sale, but a buyer in the ordinary course of trade from the manufacturer or dealer takes free of the security interest.

261:23-a Terminal Rental Adjustment Clause; Vehicle Leases That are not Sales or Security Interests.

Notwithstanding any other provision of law, a transaction involving a motor vehicle or a trailer does not create a sale or security interest merely because it provides that the rental price is permitted or required to be adjusted under the agreement either upward or downward by reference to the amount realized upon sale or other disposition of the motor vehicle or trailer.

261:24 Perfecting of Security Interest.

I. Unless excepted by RSA 261:23, a security interest in a vehicle of a type for which a certificate of title is required is not valid against creditors of the owner or subsequent transferees or lienholders of the vehicle unless perfected as provided in this chapter.

II. A security interest is perfected by the delivery to the department of the existing certificate of title, if any, an application for a certificate of title containing the name and address of the lienholder and the date of his security agreement and the required fee. It is perfected as of the time of its creation if delivery is completed within 20 days thereafter, otherwise as of the time of the delivery.

III. If a vehicle is subject to a security interest when brought into this state, the validity of the security interest is determined by law of the jurisdiction where the vehicle was when the security interest attached, subject to the following:

(a) If the parties understood at the time the security interest attached that the vehicle would be kept in this state and it was brought into this state within 30 days thereafter for purposes other than transportation through this state, the validity of the security interest in this state is determined by the law of this state.

(b) If the security interest was perfected under the law of the jurisdiction where the vehicle was when the security interest attached, the following rules apply:

(1) If the name of the lienholder is shown on an existing certificate of title issued by that jurisdiction, his security interest continues perfected in this state;

(2) If the name of the lienholder is not shown on an existing certificate of title issued by that jurisdiction, the security interest continues perfected in this state for 4 months after a first certificate of title of the vehicle is issued in this state, and also thereafter if, within the 4-month period, it is perfected in this state. The security interest may also be perfected in this state after the expiration of the 4-month period; in that case perfection dates from the time of perfection in this state.

(c) If the security interest was not perfected under the law of the jurisdiction where the vehicle was when the security interest attached, it may be perfected in this state; in that case, perfection dates from the time of perfection in this state.

(d) A security interest may be perfected under part (2) of subparagraph (b) of this paragraph or subparagraph (c) of this paragraph either as provided in paragraph II or by the lienholder delivering to the department a notice of security interest in the form the director prescribes and the required fee.

261:25 Duties on Creation of Security Interest.

If an owner creates a security interest in a vehicle:

I. The owner shall immediately execute the application, in the space provided therefor on the certificate of title or on a separate form the director prescribes, to name the lienholder on the certificate, showing the name and address of the lienholder and the date of his security agreement, and cause the certificate, the application and the required fee to be delivered to the lienholder.

II. The lienholder shall immediately cause the certificate, the application and the required fee to be mailed or delivered to the department.

III. Upon request of the owner or subordinate lienholder, a lienholder in possession of the certificate of title shall either mail or deliver the certificate to the subordinate lienholder for delivery to the department or, upon receipt from the subordinate lienholder of the owner's application and the required fee, mail or deliver them to the department with the certificate. The delivery of the certificate does not affect the rights of the first lienholder under his security agreement.

IV. Upon receipt of the certificate of title, the application and the required fee, the department shall either endorse the certificate or issue a new certificate containing the name and address of the new lienholder, and mail the certificate to the first lienholder named in it.

261:26 Assignment of Security Interest.

I. A lienholder may assign, absolutely or otherwise, his security interest in the vehicle to a person other than the owner without affecting the interest of the owner or the validity of the security interest, but any person without notice of the assignment is protected in dealing with the lienholder as the holder of the security interest and the lienholder remains liable for any obligations as lienholder until the assignee is named as lienholder on the certificate.

II. The assignee may, but need not to perfect the assignment, have the certificate of title endorsed or issued with the assignee named as lienholder, upon delivering to the department the certificate and an assignment by the lienholder named in the certificate in the form the director prescribes.

261:27 Release of Security Interest.

I. Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of the lienholder, he shall, within 10 days after demand and, in any event, within 30 days, execute a release of his security interest, in the space provided therefor on the certificate or as the director prescribes, and mail or deliver the certificate and release to the next lienholder named therein, or, if none, to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate. The owner, other than a dealer holding the vehicle for resale, shall promptly cause the certificate and release to be mailed or delivered to the department, which shall release the lienholder's rights on the certificate or issue a new certificate.

II. Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of a prior lienholder, the lienholder whose security interest is satisfied shall within 10 days after demand execute a release in the form the director prescribes and deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive it. The lienholder in possession of the certificate of title shall either deliver the certificate to the owner, or the person authorized by the owner, for delivery to the department or, upon receipt of the release, mail or deliver it with the certificate to the department, which shall release the subordinate lienholder's rights on the certificate or issue a new certificate. If the lienholder does not have the certificate, the lienholder shall, within 7 days of receipt of final payment on the loan, apply for a duplicate title, a copy of which shall be sent to the payor.

261:28 Lienholder to Furnish Information Concerning the Security Agreement.

A lienholder named in a certificate of title shall, upon written request of the owner or of another lienholder named on the certificate, disclose any pertinent information as to his security agreement and the indebtedness secured by it.

261:29 Method of Perfecting Interest Exclusive.

The method provided in this chapter of perfecting and giving notice of security interests subject to this chapter is exclusive. Security interests subject to this chapter are hereby exempted from the provisions of law which otherwise require or relate to the filing of instruments creating or evidencing security interests.

261:30 Suspension or Revocation of Certificate.

I. The department shall suspend or revoke a certificate of title, upon notice and reasonable opportunity to be heard in accordance with RSA 260:6, if it finds that:

- (a) The certificate of title was fraudulently procured or erroneously issued, or

- b) The vehicle has been scrapped, dismantled, or destroyed.
- II. Suspension or revocation of a certificate of title does not, in itself, affect the validity of a security interest noted on it.
- III. When the department suspends or revokes a certificate of title, the owner or person in possession of it shall, immediately upon receiving notice of the suspension or revocation, mail or deliver the certificate to the department.
- IV. The department may seize and impound any certificate of title which has been suspended or revoked.

261:31 Powers and Duties of Director.

The director shall:

- I. Prescribe and provide suitable forms of applications, certificates of title, notices of security interests and all other notices and forms necessary to carry out the provisions of this chapter;
- II. Make necessary investigations to procure information required to carry out the provisions of this chapter;
- III. Adopt pursuant to RSA 260:5 and enforce reasonable rules to carry out the provisions of this chapter;
- IV. Assign a new vehicle identification number to a vehicle if it has none, or if its vehicle identification number is destroyed or obliterated, or its motor is changed, and shall either issue a new certificate of title showing the new vehicle identification number or make an appropriate endorsement on the original certificate.

261:31-a Rental Vehicle Title and Registration Recovery Fee.

A vehicle title and registration recovery fee charged to customers by a company engaged in the rental of motor vehicles shall be fully disclosed to the customer by being separately stated and identified on the rental agreement.

Previously Registered Vehicles

261:32 Exemption of Previously Registered Vehicle.

RSA 261:1 to 31 inclusive do not apply to a previously registered vehicle until:

- I. There is a change of registration by reason of a sale for consideration; or
- II. The department issues a certificate of title for the vehicle.

261:33 Issuance of Distinctive Certificate.

If the director is not satisfied that there are no undisclosed security interests, created before September 1, 1968, in a previously registered vehicle, he may, in addition to his options under RSA 261:10, issue a distinctive certificate of title of the vehicle containing the legend. This vehicle may be subject to an undisclosed lien and any other information the director prescribes.

261:34 Perfection of Security Interest.

A security interest in a previously registered vehicle for which no certificate of title or application for a certificate is required is perfected by the delivery to the department of a notice of security interest in the form the director prescribes and the required fee. It is perfected as of the time of its creation if the delivery is completed within 10 days thereafter, otherwise as of the time of delivery. A notice of a security interest created or reserved before September 1, 1968, need be executed by the lienholder only.

261:35 Perfection Under Other Statute.

If a security interest in a previously registered vehicle is perfected under any other applicable law of this state on September 1, 1968, the security interest continues perfected until its perfection lapses under the law under which it was perfected.

261:36 Filing of Notices of Security Interest.

I. The department shall file each notice of security interest received by it with the required fee and maintain a record of all notices of security interests filed by it:

- (a)** Alphabetically, under the name of the owner;
- b)** Under the vehicle identification number; and
- c)** In the discretion of the director, by any other method he determines.

II. The department need not maintain, in the record provided for in paragraph I, any reference to a security interest in a previously registered vehicle after the department files a notice of release of the security interest or issues a certificate of title of the vehicle containing the name of the lienholder.

III. The department, before issuing or reissuing a certificate of title, shall check the name of the owner and the vehicle identification number against the record provided for in paragraph I.

261:37 Assignment of Security Interest.

I. A lienholder may assign, absolutely or otherwise, his security interest in the vehicle to a person other than the owner without affecting the interest of the owner or the validity of the security interest, but any person without notice of the assignment is protected in dealing with the lienholder as the holder of the security interest and the lienholder remains liable for any obligations as lienholder until an assignment by the lienholder is delivered to the department as provided in this section.

II. The assignee may, but need not to perfect the assignment, deliver to the department an assignment by the lienholder in the form the director prescribes with the required fee.

III. The department shall file each assignment received by it with the required fee and note the assignee as lienholder upon the record of notice of security interests maintained by the department pursuant to RSA 261:36.

261:38 Release of Interest.

I. If the security interest of a lienholder named in a notice of security interest filed by the department is satisfied, the lienholder shall, within 10 days after demand execute a release of the security interest in the form the director prescribes and mail or deliver the release to the department and the lienholder shall return the certificate to the payor within 10 days of receipt of satisfaction.

II. Upon receipt of the release of security interest the department shall file the release and note it upon the record of notices of security interests maintained by the department pursuant to RSA 261:36.

261:39 Lienholder to Furnish Information Concerning Security Agreement.

A lienholder named in a notice of security interest filed by the department shall, upon written request of the owner or of another lienholder, disclose any pertinent information as to his security agreement and the indebtedness secured by it.

Registration Required

261:40 Registration Required.

Except as otherwise provided, it is a violation for any person to drive or any owner or custodian to knowingly permit or cause to be driven on the ways of this state any vehicle which is not specifically exempt by statute or rule from the requirement of registration, unless the same has been registered and the appropriate fee paid in accordance with the provisions of this chapter. The fine for a violation of this section shall be \$100.

261:41 Exemption of Vehicles Owned by Military Personnel.

The provisions of this chapter relative to the registration of vehicles and the display of number plates shall not apply to vehicles having registration and displaying plates issued by the armed forces of the United States for vehicles owned by military personnel, but such exemption shall be valid only for a period of 7 days after the owner thereof has entered this state for the purpose of traveling to either his place of residence or a point of military duty.

261:41-a Registration, Equipment, and Inspection of Vehicles; Exemption for Utility Vehicles.

I. An agricultural/industrial utility vehicle, as defined in RSA 259:2-a, if operated upon a way shall be registered as provided in RSA 261:141, III(dd).

II. Any agricultural/industrial utility vehicle, as defined in RSA 259:2-a, shall be exempt from inspection under RSA 266:1, but shall be subject to inspection by a law enforcement officer at any time when being operated on a way. Any person operating such a vehicle on a way shall hold a valid driver's license.

III. When operated on a way for purposes other than crossing the way for trail access, any agricultural/industrial utility vehicle, as defined in RSA 259:2-a, shall be equipped in accordance with the provisions of RSA 215-A:14 and in addition shall be equipped with at least one red reflex reflector on the left rear if operated during the hours of darkness; an interior or exterior mirror; a vehicle identification number that conforms to federal requirements; seatbelts installed at each designated seating position if originally so equipped; an intact windshield if originally so equipped; and tires inflated to cold inflation pressure not more than the maximum permissible pressure molded on the sidewall. Such vehicle shall also be equipped with a slow moving vehicle emblem to the rear and may be equipped in addition with an amber flashing or rotating light.

III. A motorcycle, trail bike, or agricultural/industrial utility vehicle that meets all the requirements of an off highway recreational vehicle in RSA 215-A:1, VI shall be used as an off highway recreational vehicle only when it has a valid OHRV registration issued under the provisions of RSA 215-A:21.

261:41-b Registration, Equipment, and Inspection of Vehicles; EXEMPTION for Compact Utility Tractors.

I. A compact utility tractor, as defined in RSA 259:13-a, if operated upon a way shall be registered as provided in RSA 261:141, I(d).

II. Any compact utility tractor, as defined in RSA 259:13-a, shall be exempt from any inspection requirements.

III. A compact utility tractor as defined in RSA 259:13-a may only be operated within one mile of the registrant's address and may be utilized by the registrant only for noncommercial agricultural maintenance purposes.

IV. When operated on a way for purposes other than crossing the way for trail access, any compact utility tractor, as defined in RSA 259:13-a, shall be equipped with at least one red reflex reflector and a slow moving vehicle emblem on the rear of the vehicle and may be equipped additionally with an amber flashing or rotating light. When operating at any time during the period from ½ hour after sunset to ½ hour before sunrise, any compact utility tractor, as defined in RSA 259:13-a, shall be equipped with one or more headlights and one or more rear taillights, each in working order.

Reciprocity for Nonresidents

261:42 Permits Required.

No vehicle owned by a nonresident and used for commercial or business purposes shall be registered under the provisions of this chapter until the owner thereof has obtained a permit from the department and has paid the required fee, provided, however, that no permit shall be required for the registration of construction equipment as defined in RSA 259:42, or vehicles which because of their design, size, or weight are prohibited by law from ordinary or regular use upon the highways of the state, and provided further that no permit shall be required of a resident of a state, district, or country which grants to a resident of this state reciprocal privileges as determined by the director, whose determination shall be final.

261:43 Reciprocal Fines and Penalties.

When any other state by its laws imposes any taxes, fines, penalties, licenses, fees, deposits or other obligations or prohibitions, additional to any New Hampshire imposes, upon any vehicles registered in New Hampshire or upon the owners or drivers of such vehicles traveling on the ways of that other state, similar taxes, fines, penalties, licenses, fees, deposits or other obligations or prohibitions shall be imposed on similar classes of vehicles registered in that state and traveling upon the ways of New Hampshire, so long as the laws in the other state remain in force. The director, with the approval of the commissioner, shall determine the method of reciprocity and may adopt pursuant to RSA 260:5 such rules as are necessary to carry out the purposes of this section and his determination shall be final.

261:44 Operation Without Registration; Reciprocity.

A vehicle, other than an OHRV or snowmobile, owned by a nonresident and duly registered for the current year in the state, district or country of which the owner is a resident may be driven upon the ways of this state without registration under this chapter to the extent, as to period of driving and otherwise, that the state, district or country of registration grants similar privileges for the operation of such vehicles owned by residents of this state and registered under its laws. The director for the purposes of this section shall determine the nature and extent of the privileges for the driving of vehicles granted by other states, districts or countries to residents of this state and his determination shall be final.

261:45 Obligation to Register Vehicle.

I. Notwithstanding the provisions of RSA 261:44, when a nonresident has established a bona fide residency in this state, said resident shall have a maximum of 60 days from the date of his or her residency in which to register his or her vehicle or vehicles in New Hampshire.

II. When a nonresident business entity has established a place of business in this state and principally garages or regularly keeps overnight in this state a vehicle or vehicles owned by or leased to the business entity for conducting intrastate commerce in New Hampshire, the business entity shall be considered domiciled in New Hampshire and shall have a maximum of 60 days from the date of establishing such domicile in which to register the vehicle or vehicles with division or with an apportioned registration through the international registration plan. The director may adopt rules pursuant to RSA 541-A relative to procedures for such registration.

261:45-a Members of Armed Services; Government Employees Deployed Abroad; Registration; Residency.

I. Any resident of this state who is on active duty to the armed forces of the United States, or who is employed by the State Department or other agency of the United States government shall not be considered as having lost residence when the sole reason for the persons absence is compliance with military or naval orders or federal agency orders that require deployment outside of the United States.

II. For the purposes of this chapter, the spouse or domestic partner of any resident of this state on active duty in the armed forces of the United States or the spouse or domestic partner of any employee of the State Department or other agency of the United States government, accompanying their spouse or domestic partner on an assignment abroad, may elect to register as a New Hampshire resident if the spouse or domestic partner has previously established residency in New Hampshire.

261:46 Nonresident Registration.

Notwithstanding RSA 261:45, a nonresident who garages a vehicle exclusively in this state may register such vehicle in this state as a nonresident. No exemption from the payment of a permit fee shall be granted by reason of nonresidence except by the director, who shall in all cases require proof satisfactory to him or her of residence elsewhere, and of the liability of a nonresident owner, otherwise entitled to such exemption, to pay a property tax on the vehicle for the current year in the state of his or her residence.

261:46-a Registration of Foreign Nationals.

The director may design and issue a temporary vehicle registration which shall expire no later than 6 months from the date of issue, for the purpose of registering a vehicle belonging to a foreign national who enters this state and intends to utilize this state as his residence on a temporary basis. The director shall in all cases require proof satisfactory to him of residence in a foreign country, legal entry into this country, and ownership of the vehicle, and shall collect the same fee as a resident would pay for a full 12 month registration, plus a sum equal to the municipal permit fee, for the use of the state.

261:47 Neutral Zone Privilege.

A nonresident owner of a vehicle, of which the gross weight of load and vehicle does not exceed the limit imposed by the laws of this state, who has complied with the laws of his state relating to registration and licensing, and who has a bona fide actual residence in a state granting like

privileges to residents of this state, which residence is located within 15 miles by highway of the border line of this state, may drive such vehicle upon any ways of this state distant not more than 15 miles from the border line of his state if application for the registration thereof is made in accordance with the provisions of RSA 261:52 and the proper fee is paid and the vehicle is registered by the department.

General Registration

261:52 Application for Registration.

Application for the registration of vehicles may be made by the owner thereof by mail or otherwise to the department, upon blanks prepared by the director. In addition to such other particulars as the director may require, the application shall contain the applicant's birth date, unless the vehicle is registered in the name of a person other than a natural person, in which case the date assigned by the director shall be used as the date of birth. All applications shall contain the words: This application is signed and any additional information is offered under penalty of unsworn falsification pursuant to RSA 641:3. The proper fee shall be deposited before the application is granted.

261:52-a Notice That Interest and Dividends Tax May Be Due.

Blanks prepared by the director for application for an original driver's license under RSA 263:5 shall be accompanied by a notification to the applicant that as a New Hampshire resident he may be liable for tax payments under RSA 77, the interest and dividends tax. The notice shall be prepared by the commissioner of revenue administration.

261:52-b Re-Registration by Residents Temporarily Traveling out of State.

Residents who are without a permanent street address at the time of re-registration because they are traveling outside of the state in recreational vehicles for a period of up to 2 years may renew a vehicle registration by completing a written attestation of residency and providing a letter from an adult property-owning resident of the municipality who agrees to act as the person's mailing address for purposes of contact by the department. Residency for the purposes of this section shall be defined as intention to return to the municipality after a period of time not to exceed 2 years.

261:52-c Registration or Re-Registration by Residents Without a Permanent Street Address.

I. A resident who is homeless without a permanent street address at the time of registration or re-registration may register a vehicle by certifying to the department in writing that he or she is currently resident in the town or city and by providing a letter signed by an authorized representative of a social service organization or agency qualified under section 501(c)(3) of the Internal Revenue Code stating that the person is authorized to use the mailing address of the organization or agency for purposes of contact by the department.

II. A certification of current residency and a current letter authorizing the use of the mailing address of a qualified social service agency or organization shall be submitted to the department in connection with every registration made under this section. The director shall provide the form on which the certification is made.

1. Residency for the purposes of this section shall be defined as the expressed intention to continue to reside in the municipality.

261:52-d Indication of Contact Address.

A re-registration application completed under RSA 261:52-b or RSA 261:52-c shall contain an indication that the address provided is not the physical residence of the registrant but a mailing address for purposes of contact.

261:53 Application of Minors.

I. The application of any person under the age of 18 years to register a vehicle shall be signed by the father, mother or guardian, or in the event there is no parent or guardian, then by another responsible adult. This paragraph shall not apply to a person under the age of 18 years who is emancipated by marriage or who has presented proof of insurance coverage at the time of application.

II. Any person who has signed the application of a minor for registration may thereafter file a written request that the registration be cancelled and the department shall cancel the registration.

III. Upon receipt of satisfactory evidence of the death of the person who signed the application of a minor for registration, the division may suspend such registration and, upon suspension, shall not issue a new registration until such time as a new application, duly signed and verified, is made as required by this section.

261:54 Age Limit for Registrants.

Notwithstanding any other provision of law, no certificate of registration shall be issued to any natural person under 16 years of age.

261:55 Change of Address or Name.

I. Whenever any person after making application for or obtaining the registration of a vehicle shall move from the address named in the application or shown on a registration certificate or certificate of title, such person shall within 10 days thereafter notify the division in writing of his old and new address.

II. Whenever the name of any person who has made application for or obtained the registration of a vehicle is thereafter changed by marriage or otherwise, such person shall within 10 days notify the division of such former and new name.

261:56 Temporary Permit and Plates Pending Registration.

I. In compliance with the rules of the department, a dealer may issue temporary plates furnished by the department for use of any vehicle, including mopeds, sold by it. Any such vehicle may be driven displaying temporary plates until the customary registration certificate and plates have been received by the owner but, except as provided in paragraph II, the vehicle shall not be driven under temporary plates for a period in excess of 20 days from the date of issuance by the dealer.

II. If the owner has a disability and requires additional time to equip the vehicle to accommodate his or her disability, the owner shall submit a request on a form provided by the department setting forth the type of modification that is being made to the vehicle, the business or other person making the modification, and the estimated completion time for the modification, and the director shall issue a new set of temporary plates reflecting a reasonable extension of the expiration date to enable the modifications to be completed.

261:56-a Vehicle Sold to a Massachusetts Resident.

A retail vehicle dealer selling a vehicle to a resident of Massachusetts shall complete a form designed by the director that provides notification of the sale to the department. The retail vehicle dealer shall provide a copy to the customer, retain a copy, and return the original to the director.

261:57 Twenty-Day Registration.

I. Any resident of this state who intends to purchase a vehicle in another state or from another person or who is unable to register a vehicle because of limited hours of operation of the town clerk in the town where the person resides may apply to the division or its substation or authorized agent nearest his or her residence for a registration to drive said vehicle on the ways of the state in an unregistered condition. Said resident shall appear in person at the division or substation to obtain such registration and shall sign under penalty of perjury a statement that the vehicle meets all New Hampshire inspection requirements, and in the case of a person seeking an extension of his or her registration, that he or she was unable to register the vehicle because of the limited hours of the town clerk, before said registration may be issued. Said registration shall be valid for 20 days from the time it is issued. Application blanks and permits in the form prescribed by the director shall be designed, printed, and supplied to the substations by the division. The fee for the issuance of a registration shall be \$10. It shall be unlawful for any person to drive a vehicle on the ways of the state under a registration issued pursuant to this section unless said person has in his or her possession a valid bill of sale for the vehicle he or she is driving, or in the case of a person whose registration is extended, a copy of the form indicating he or she was unable to register because of the limited hours of the town clerk. No person shall make application for a 20-day registration on the same vehicle more than once within a 12-month period. Only 3 20-day registrations shall be issued on the same vehicle within a 12-month period.

II. Notwithstanding the provisions of RSA 261:22, a 20-day registration may be issued to a resident to transport a repaired vehicle to an authorized salvage inspection location.

*******261:57-a Temporary Registrations and Number Plates. (Amended effective 7/1/2018)**

I. The director may issue a registration certificate and number plates to a new resident who is required to obtain a certificate of title in accordance with RSA 261 upon payment of the appropriate registration and title fees as provided by RSA261:141 and RSA 261:20 when the vehicle has been previously registered in a foreign state and the title is held by a foreign state lienholder. The registration certificate and number plates shall be valid until such time as they are due for renewal. The registration may be renewed when the requirements of RSA 261 relative to certificate of title have been met by the new resident.

II. The director may issue a temporary registration certificate and temporary number plates to any applicant for a permanent registration and permanent number plates upon payment of the appropriate registration fee as provided by RSA261:141, when a computer system failure, inability to obtain permanent number plates or other emergency would prevent the issuance and recording of permanent registrations and permanent number plates. The temporary registrations and temporary number plates shall be valid for 30 days; provided, however, that the director may extend this period until such time as he is able to issue and record permanent registrations and permanent number plates to replace them.

III. Any registration fee paid shall be transferable credit on a replacement vehicle in accordance with RSA261:66.

IV. The director shall adopt rules pursuant to RSA 260:5 to administer this section.

261:57-b In-Transit Registration.

The owner of any vehicle intended to be driven upon the ways of this state only for the purpose of transporting the vehicle to another jurisdiction where it is to be registered may apply to the division for issuance of an in-transit registration for such vehicle. Application shall be made on a form furnished by the division for such purposes and shall contain such information as the director may require. If satisfied that the vehicle is to be driven as provided in this section, the division, upon payment of a fee of \$10, shall assign to such vehicle a distinctive number and deliver to the applicant an in-transit registration valid for a period of 20 days from the date of issuance, in such form as the director shall prescribe. The registration shall specify the terms and conditions under which the vehicle may be driven upon the ways of this state, and no such vehicle shall be operated in violation of such terms and conditions.

261:58 Registration Record and Certificate.

I. The department shall record, by photographic, electronic or other suitable means, the vehicle described in the application, giving to said vehicle a distinguishing number or other mark to be known as the registration number for said vehicle, and shall thereupon issue to the applicant a certificate of registration. The certificate shall be in such form and contain such information as the director shall determine.

II. [Repealed.]

III. (a) The department shall update its database regularly to include information regarding an individual who is:

- (1) Currently on parole.
- (2) Currently on probation.
- (3) The subject of a restraining order.

(b) The administrative office of the courts shall, via computer interface, regularly update the database at the department of safety to include information regarding an individual who is released on bail.

(c) The department of safety and the administrative office of the courts shall make available the information required in subparagraphs (a) and (b) as soon as it becomes technologically feasible to do so.

261:59 Possession of Certificate Required.

Every person driving a motor vehicle shall have the certificate of registration for said vehicle upon his person or in the vehicle in some easily accessible place and shall display the same on demand of and manually surrender the same into the hands of the demanding officer for the inspection thereof; provided, that the certificates of registration of dealers need not be so carried. No person charged with a violation of this section shall be convicted if, within a period of 48 hours, he produces in the office of the arresting officer evidence that he held a valid registration which was in effect at the time of his arrest.

261:59-a Proof of Valid Registration.

No person shall be arrested for a violation of RSA 261:40, nor shall any persons vehicle be towed on account of being unregistered, solely because a computer check indicates that the registration has expired, if the driver presents to the officer a facially legitimate, current registration certificate and the number plates have current, serially numbered decals attached, the

serial numbers of which match the numbers on the registration certificate. This section shall not apply in any case where the certificate or decals appear to be counterfeit or altered or the computer check indicates that the plates have been suspended or revoked.

261:60 Copies of Listings; Prima Facie Evidence.

I. The department may prepare and furnish, without charge, copies or listings of certificates of registration and copies of other documents relating thereto, including compilations thereof, to law enforcement officers, and may sell such compilations to others at such reasonable price as the commissioner may from time to time establish.

II. In the prosecution of any offense under this title, or of any motor vehicle offense established by local ordinance, such a listing, made from the electronic records of the department, or a similar listing from a similar agency of another state, shall constitute prima facie evidence that a vehicle described in such listing, or bearing a number plate described in such listing, was registered to the person named in such listing on the date such listing was made.

261:61 Improper Use of Evidence of Registration or Title.

I. No person shall lend to another any certificate of title, registration certificate, number plate, temporary permit or other permit issued to him if the person desiring to borrow the same would not be entitled to the use thereof, nor shall any person knowingly permit the use of any of the same by one not entitled thereto, nor shall any person display upon a vehicle any registration certificate, number plate, or permit assigned by the director or authority of any other jurisdiction not issued to such vehicle or otherwise lawfully used under this chapter, or knowingly obscure or permit to be obscured the figures or letters on any number plate attached to any motor vehicle.

II. The fine for a violation of this section shall be \$150.

261:62 Expiration of Registration.

I. The registration of every vehicle registered in the name of a corporation, partnership or other legal entity other than a private individual or private individuals, shall expire at midnight on the last day of the month as designated by the director as the renewal month for said registration, provided that:

(a) If an original registration is issued in one of the next 4 months preceding and including the month in which the registrant's birth is observed, the registration shall expire at midnight on the last day of the month in which the second anniversary of the registrant's birth following the date of issue is observed.

(b) If the owner was born on February 29, in any year in which there is no February 29, the registrant's birth date shall be deemed to be February 28.

(c) If the vehicle is owned by more than one person, the expiration date shall be determined by the birth date of the first person listed on the registration and title application, if applicable.

(d) If the vehicle is owned by a trust, the expiration date shall be determined by the birth date of the first person listed on the registration and title application, if applicable, or the expiration date which would apply to the trust under the provisions of this section, at the option of the registrant.

II. The registration of every other vehicle shall expire at midnight on the last day of the month in which the first anniversary of the registrant's birth following the date of issue is observed, provided that:

(a) If an original registration is issued in one of the next 4 months preceding and including the month in which the registrant's birth is observed, the registration shall expire at midnight on

the last day of the month in which the second anniversary of the registrant's birth following the date of issue is observed.

(b) If the owner was born on February 29, in any year in which there is no February 29, the registrant's birth date shall be deemed to be February 28.

(c) If the vehicle is owned by more than one natural person, the expiration date shall be determined by the birth date of the first natural person listed on the registration and title application, if applicable.

(d) If the month of expiration will be one of the next 4 months, a registration may be issued which will commence upon the expiration of the current registration and expire at midnight on the last day of the month in which the second anniversary of the registrant's birth following the date of issue is observed.

III. Notwithstanding any other provisions of law to the contrary, the director is authorized to designate the expiration month for the registration of any vehicles registered under the provisions of the international registration plan, should New Hampshire become a member of the IRP.

261:63 Emergency Extension of Registration.

When an emergency is declared to exist by the governor, the director may extend said expiration date to cover the period of the emergency.

261:64 Construction Equipment and Implements of Husbandry.

I. A resident owner of construction equipment, or a nonresident owner of such equipment who has a bona fide actual residence in a state granting like privileges to residents of this state shall not be required to register such equipment in this state if used at worksites and trailered from location to location or to cross highways to access contiguous property. To register construction equipment, as defined under RSA 259:42, the fee shall be \$25 except for the following rubber-tired equipment; excavators, front end loaders, backhoes, graders, or construction equipment towed on a permanent trailer, such as a generator, which shall be assessed based on weight utilizing the following scale: for equipment that weighs up to 7,500 lbs., the fee shall be \$25; for equipment from 7,501 lbs. to 15,000 lbs., the fee shall be \$50; for equipment from 15,001 lbs. to 50,000 lbs., the fee shall be \$100; for equipment from 50,001 lbs. to 80,000 lbs., the fee shall be \$200; and for all equipment over 80,000 lbs., the fee shall be \$300.

II. Owners of implements of husbandry shall not be required to register such implements in this state.

III. Implements of husbandry shall not be operated on toll roads or on the interstate and defense highway system. When implements of husbandry not meeting the definition of a tractor in RSA 259:108 are moved over any other way, the power unit shall display in a conspicuous location identifying decal or plate issued by the division. The identifying decal or plate issued by the division is not a registration and shall not require the municipal permit for registration described in RSA 261:148. The fee for each identifying decal or plate shall be \$15 for an implement weighing no more than 15,000 pounds and \$25 for an implement weighing 15,001 pounds or more. The identifying decal or plate shall not require annual renewal but shall expire upon a change of ownership of the implement. The director may adopt rules pursuant to RSA 541-A specifying the location for display of the identifying decal or plate, specifying such limitations as the director deems necessary for the safety of other highway users by restricting speeds of operation and operation after daylight hours, and specifying safety, conspicuity, and lighting equipment requirements.

261:65 Diplomats and Officials.

The department may issue certificates of registration for vehicles and licenses to drive the same to the President of the United States and members of his executive staff, and to any ambassador or member of the foreign diplomatic corps, or to the Maine-New Hampshire Interstate Bridge Authority, without payment of the fees therefor.

261:66 Transfer of Ownership.

I. Upon the transfer of ownership of any vehicle, its registration shall expire. The person in whose name such vehicle is registered shall retain the expired certificate of registration in order to obtain transfer credit, if applicable. The decease of the owner shall not terminate such registration unless there is an actual transfer of ownership.

II. A person who so transfers or loses a registered vehicle, upon filing a new application, may have registered in his name a like vehicle for the remainder of the registration period. If the registration fee of said vehicle is the same or less than that of the one first registered by him, he shall pay no additional fee, but if the fee is greater, he shall pay the difference.

III. If the owner of any vehicle desires to transfer a vehicle registration from one vehicle to another without transferring the ownership of the original vehicle, this may be accomplished by filing a new application with the department stating that the transfer does not involve a change of ownership of the original vehicle; provided, however, if the registration fee is the same or less than that of the first vehicle registered by him, he shall pay no additional fee, but if the fee is greater he shall pay the difference, and further provided, that once the original registration has been transferred to another vehicle, it shall not be again transferred back to the original vehicle. The original vehicle shall require a new registration.

IV. Any person who owns a vehicle shall be entitled to transfer the vehicle registration on that vehicle to a leased vehicle and any person who leases a vehicle shall be entitled to transfer the vehicle registration on that vehicle to an owned or leased vehicle and shall be given the same credit for this transfer as for any transfer of ownership provided under paragraphs I-III of this section. The registration shall be processed to expire according to the formula set forth in RSA 261:62. If the transfer extends the expiration of the existing registration, pro-rated fees shall be charged for the additional months in the new registration period. If the transfer shortens the registration period from the existing registration period, no refund shall be issued. Any person who obtains a vehicle transfer pursuant to this paragraph shall be subject to the vehicle transfer fee.

261:67 New Certificate.

The department, at its discretion, may assign to the vehicle of any person who surrenders his registration certificate, as herein provided, and who desires to register a like vehicle, the registration number in the surrendered certificate, or the number given in the statement as herein provided for in the case of loss.

261:68 Members of Armed Forces; Refunds.

I. Any person who is ordered into or enlists in the military or naval service of the United States in connection with the strengthening of the national defense in any war emergency may make application to the department stating the fact of such service and requesting suspension of registration of any vehicle owned by him during such service. Upon receipt of such application, the department is hereby authorized to suspend registration of such vehicle for such time and to reimburse said person for a portion of the registration fees paid by him for the current year on a

pro rata basis according to the number of months said vehicle is unused. Any refunds made under the provisions hereof shall be a charge upon the funds of the division. Upon the termination of such service, upon application, the department shall re-register said vehicle for the then current year upon payment of a like pro rata fee.

II. The foregoing provision shall apply to those members of the armed forces inducted or called on active duty during a period of armed hostilities as declared by the Congress and President of the United States.

261:71 Payment of Resident Tax Required.

No person shall obtain a permit to register a vehicle, a registration for a vehicle, or a license to drive a vehicle, without first showing or causing to be shown to the issuing person a tax collector's receipt for the payment of any resident taxes for which he is liable for the preceding or current year or without first executing an affidavit under the penalties of perjury, that he has paid all resident taxes for the preceding or current year for which he is liable or been lawfully relieved from such payment by reason of exemption or abatement; provided, however, that a permit or registration or license, as the case may be, may be issued if the selectmen or assessors shall certify that in their opinion the applicant should be granted such permit, registration or license even though such taxes have not been paid.

261:71-a Payment of Federal Heavy Truck Use Tax Required.

The commissioner is authorized to adopt rules under RSA 541-A, requiring proof of filing or proof of payment of the federal heavy truck use tax before issuing a permit to register a commercial vehicle as federal law or rules may require as a condition to the receipt of any federal funds.

261:72 Affidavit Required.

No official or other person shall issue a permit to register a vehicle, or registration for a vehicle, or a license to drive a vehicle, without first requiring the applicant or his agent to show a tax collector's receipt for the payment of any resident taxes for which the applicant is liable for the preceding or current year unless said official or person has in his possession records indicating such taxes have been paid, or without first requiring the applicant to make an affidavit under the penalties of perjury that all resident taxes for which he is liable for the preceding or current year have been paid.

261:73 Penalty for False Statements.

Whoever makes a false statement relative to the payment of a resident tax as herein provided shall be guilty of a violation and his registration may be suspended for a period not exceeding 3 months. Whoever willfully makes any other false statement for the purpose of procuring a registration or permit shall be guilty of a violation. All fines collected for violation of the provisions relating to false statements concerning the payment of resident taxes shall be for the use of the towns in which the arrests are made.

261:74 Registration of Vehicles Without Safety Glass Prohibited.

The director shall approve and maintain a list of the approved types of glass, conforming to recognized specifications, tests, and requirements for safety glass, as defined herein, and the department shall not register any vehicle subject to the provisions of RSA 266:58, unless it be equipped with such glass.

Registration by Municipal Agents

261:74-a Agents Appointed.

With the approval of the governing body of a city or town and subject to the direction and approval of the commissioner, the director may appoint municipal officials as agents to issue, renew or transfer motor vehicle registrations. The director shall determine the optimum number of registration agents that the division can reasonably accommodate. The appointment of any municipal official as a registration agent for the purposes of this subdivision shall continue while the agent holds his office or employment with the municipality, except as provided in RSA 261:74-b and 261:74-f.

261:74-b Qualifications and Training of Agents.

No municipal official shall be appointed as an agent unless he and his staff meet the qualifications and successfully complete the training program established under RSA 261:74-g. No agent shall continue to be authorized to perform the duties required under this subdivision unless he and his staff continue to meet the qualification and training requirements.

261:74-c Duties of Agents.

Each registration agent and his staff shall perform all of the duties necessary to issue, renew or transfer motor vehicle registrations, unless the director determines otherwise.

261:74-d Additional Fees Charged by Agents.

Each registration agent may charge an applicant not more than \$3, \$.50 of which is to recover local production and administrative costs, that shall be in addition to the fees otherwise required to issue, renew, or transfer a motor vehicle registration. The remaining \$2.50 of this fee shall be retained either by the municipality if the registration agent receiving the fee is on salary to the municipality, or by the agent if the agent is not on salary to the municipality but is paid on a fee basis.

261:74-e Examination of Records.

Any registration agent appointed pursuant to this subdivision shall be deemed to have given his consent for authorized agents of the department and any auditor employed by the legislative budget assistant to examine, during usual business hours, the records required to be preserved under this chapter; provided that no registration agent shall be subjected to unnecessary examinations or investigations.

261:74-f Revocation of Agency Status.

I. If the governing body of a city or town requests that the appointment of the municipal official as registration agent be revoked, it shall notify the director, who shall revoke the municipal official's appointment as a registration agent.

II. If the director determines that a registration agent has not continued to fulfill the requirements of RSA 261:74-b or has violated any of the rules adopted pursuant to RSA 261:74-g, he shall commence the procedure established in paragraph III.

III. Any registration agent whose appointment is sought to be revoked shall be afforded the opportunity of a hearing before the director or his designee prior to such revocation. Following the hearing, the director may revoke the appointment as a registration agent upon satisfactory

evidence that the rules adopted pursuant to RSA 261:74-g have been violated and that the revocation is in the best interest of the state.

IV. Upon the revocation of such agency, the person shall surrender to the department or its authorized agent all materials issued by the state under the provisions of this subdivision and all records pertaining to all matters authorized by this subdivision.

V. Whenever an authorized auditor of the department, with the approval of the commissioner, determines that the public interest requires immediate action, the director may issue a temporary order suspending the authority of a registration agent to issue, renew or transfer registrations, pending a hearing.

261:74-g Rulemaking.

The director shall adopt rules pursuant to RSA 541-A relative to:

I. Minimum standards for the qualification of registration agents and their staff;

II. Training requirements and programs for registration agents and their staffs;

III. The collection, deposit and remittance of state funds pursuant to this subdivision;

IV. The completion of required reports and records and their submission to the department;

V. Minimum standards of accuracy, legibility and timeliness of submission for documents and reports;

VI. The bonding of registration agents and their staffs to indemnify the state in case of loss;

VII. The efficient and economical administration of this subdivision.

Registration by Dealer Agents

261:74-h Appointment of Dealer Agents.

Notwithstanding the provisions of RSA 261:148, subject to the direction and approval of the commissioner, the director may appoint retail vehicle dealers meeting the requirements of RSA 261:103-a as agents to process electronically through EVR integrators motor vehicle registrations, permits for registration, or registration transfers and title applications in conjunction with the sale of a new or used vehicle by said dealer. The director shall consult with the New Hampshire City and Town Clerks' Association and the New Hampshire Automobile Dealers Association prior to approving the appointment of any dealer agent. Any permits issued by a dealer agent shall indicate that it was processed by a dealer agent. No dealer shall be permitted to act as a dealer agent unless the department of safety has implemented an agreement with an EVR integrator.

261:74-i Duration of Appointment.

The director shall appoint those dealers that meet the reasonable security requirements and other requirements as set forth in this chapter and in rule. The appointment of any dealer for the purposes of this subdivision shall continue only as long as the ownership of the dealer remains the same, except as provided in RSA 261:74-j and RSA 261:74-q. IN case of a transfer of ownership, the new owner may apply to become a dealer agent.

261:74-j Qualifications and Training of Dealer Agents.

No dealer shall be appointed as an agent unless the dealer principal or its staff meet the qualifications and successfully complete the training programs established under RSA 261:74-r.

No dealer agent may perform the duties required under this subdivision unless the dealer principal or its staff continues to meet the reasonable qualification and training requirements.

261:74-k Duties of Dealer Agents.

Each dealer agent or its staff shall perform all the duties necessary to register motor vehicles, issue a permit for registration, transfer motor vehicle registrations, and process title applications unless the director determines otherwise. Dealers shall be responsible to the division, or towns and cities where applicable, for any inventory of title applications, registration forms, and any other materials issued to them and for all moneys collected. The dealer agent through the EVR integrator shall electronically transmit to the appropriate town or city a copy of the newly issued registration permit and a signed affidavit of residency, and, where applicable, a copy of the registration transferred and a copy of either the resident tax affidavit or the tax receipt as set forth in 261:74-n, III. Dealer agents shall be in compliance with the Red Flags Rule, 16 C.F.R part 681, and the Safeguards Rule, 16 C.F.R. part 314, as promulgated by the Federal Trade Commission.

261:74-l Security and Record-Keeping Requirements.

Before receiving title applications, registration forms, and any materials related to electronic vehicle registration, dealer agents shall adopt and implement security and record-keeping requirements satisfactory to the director.

261:74-m Examination of Dealer Agent Records.

Any dealer appointed as an agent pursuant to this subdivision shall be deemed to have given its consent for authorized agents of the department and any auditor employed or commissioned by the state of New Hampshire or the municipality to examine, during usual business hours and with reasonable notice, the records required to be preserved under this chapter; provided no such agent shall be subjected to unnecessary or unreasonable examinations or investigations.

261:74-n Collection of Fees.

I. Dealer agents shall collect the fees required to process motor vehicle registrations, permits for registration, transfers of registrations, and title applications as set forth in this chapter.

II. When a dealer agent processes motor vehicle registrations, permits for registration, transfers of registration, and title applications the applicable town or city or clerk shall receive the following fees through the dealer agent and the EVR integrator: the registration permit fee under RSA 261:153, I, the town clerk fee under RSA 261:152, the town clerk and dealer title application fees under RSA 261:4, IV, the municipal agent fee under RSA 261:74-d, and, when applicable, the waste reclamation fee under RSA 261:153, V, the municipal transportation improvement fee under RSA 261:153, VI, the collection of permit fees in unorganized places under RSA 261:160, and the public parking facilities fee under RSA 261:154. The town or city may use the fees received under this paragraph to offset the expenses of examination and auditing of the EVR program, if required. Towns, cities, and the state shall inform the EVR integrator annually as to the details of the fees listed in this paragraph and provide timely notice to the EVR integrator of any changes to fees.

III. When a registration permit applicant resides in a town that assesses, levies, or collects a resident tax pursuant to RSA 72:1, the applicant shall comply with the provisions of RSA 261:71 either by showing or causing to be shown to the dealer agent a tax receipt or by executing the

affidavit permitted under RSA 261:71 at the time of sale. If a resident tax town electronically shares resident tax data with the EVR integrator, neither the affidavit nor tax receipt is needed if such data reveals the resident tax has been paid. An applicant shall not be permitted to register a vehicle if such data reveals that the applicant is delinquent in paying the resident tax.

IV. If the applicant resides in a town or city which has adopted the provisions of RSA 231:130-a and the town or city has provided notification of unpaid fines to the electronic vehicle registration integrator pursuant to 231:130-a, III, a dealer agent shall not issue a registration permit to the applicant unless the town or city clerk's records reveal no outstanding parking violations in this state.

V. No dealer agent shall assume or absorb any fee listed in paragraph II owed by a customer or advertise or assert that the dealer will assume or absorb such fee. Any violation of this paragraph shall subject the dealer agent to a fine of \$100 per violation.

261:74-o Optional Electronic Vehicle Registration Charge.

Each dealer agent may collect a charge from the consumer to transmit electronically the registration and title data and the fees collected required to register a motor vehicle, issue a permit for registration, transfer a motor vehicle registration, or title a motor vehicle. This optional charge is in addition to other dealership fees or charges and the fees otherwise required to register a motor vehicle, issue a permit for registration, transfer a motor vehicle registration, or title a motor vehicle. The charge shall be separately stated and identified as "optional EVR charge" on the purchase agreement between the customer and the dealer agent and shall be disclosed on a separate document signed by the customer. If a customer declines to pay the optional electronic vehicle registration charge, the dealer agent is not required to register the vehicle, issue a permit for registration, title the vehicle, or collect the required fees.

261:74-p Proof of Residency.

A dealer agent shall not process any vehicle registration, permit for registration, or transfer of motor vehicle registration of a natural person unless the applicant has provided to the dealer agent a current New Hampshire drivers license or New Hampshire nondrivers picture identification card with an address matching the application to be transmitted and the natural person has signed an affidavit of residency which specifies the town or city in which he or she currently resides. Dealer agents shall not process registrations for homeless residents without a permanent address eligible to register under RSA 261:52-c. A dealer agent may register the vehicles of a corporation or other legal entity with a place of business in this state if the applicant is a registered business in New Hampshire and is in good standing and an authorized representative of the corporation or entity has signed an affidavit specifying the New Hampshire town or city in which the corporation or entity resides, is headquartered, or operates.

261:74-q Revocation or Suspension of Agency Status.

I. The director may revoke or suspend a dealers agent status for any violation of law or rule governing electronic vehicle registration, any violation of the dealer agents security and record-keeping plan, revocation or suspension of the dealer license, or any other action that in the directors opinion adversely affects the registration system. If the director determines that a dealer agent has not continued to fulfill the requirements of this subdivision or has violated any of the rules adopted pursuant to this subdivision, the director shall commence a process to suspend or

revoke the agent status of the dealer. The director shall take into account concerns of towns, cities, and the EVR advisory group established under RSA 261:74-s, IV about dealer agents.

II. Any dealer agent whose appointment is sought to be suspended or revoked shall be afforded the opportunity for a hearing before the bureau of hearings prior to such suspension or revocation. Following the hearing, the director may suspend or revoke the appointment as dealer agent upon satisfactory evidence of malfeasance, misfeasance, theft, financial instability, or violation of the rules adopted under this subdivision and that the revocation or suspension is in the best interest of the state.

III. Upon the revocation of such agent status, the dealer agent shall surrender to the department or its authorized agent all materials issued by the state under the provision of this subdivision and all records pertaining to all matters authorized by this subdivision.

IV. Whenever an authorized auditor of the state of New Hampshire or the department determines that the public interest requires immediate action, the director may issue a temporary order suspending the authority of a dealer agent to register or transfer registrations, pending a hearing.

261:74-r Rulemaking.

The director, with input from the EVR advisory group established under RSA 261:74-s, IV, shall adopt rules pursuant to RSA 541-A relative to:

I. Minimum standards for the qualification of dealer agents and their staffs.

II. Minimum security standards for the dealer agent, staff, and dealer agent facility.

III. Training requirements and programs for dealer agents and their staffs.

IV. The collection, remittance, and auditing of state and local funds pursuant to this subdivision.

V. The completion of required reports and records and their submission to the department and towns or cities.

VI. Minimum standards of accuracy, legibility, and timeliness of submission for documents and reports.

VII. The indemnification and reimbursement of the state or town or city in case of loss.

VIII. The efficient and economical administration of this subdivision.

IX. Revocation and suspension of dealer agent status.

X. The ability to enter into agreements with dealer-agents and EVR integrators.

XI. The creation of an error resolution process to resolve registration errors resulting from the EVR program.

261:74-s Agreements with Electronic Vehicle Registration Integrators.

I. Upon approval of the attorney general and governor and council, the department may enter into an agreement with an electronic vehicle registration integrator to provide, at no cost to the state, any necessary hardware, software, or network connections between dealer agents, the department, and towns for the electronic transmittal and receipt of registration and title data and money. The electronic vehicle registration integrator shall be authorized in the agreement to collect and transfer funds electronically from the dealers to the department, towns, cities, or town clerks, where appropriate. RSA 261:141-b and RSA 80:52-c shall not apply to electronic transfers to or from an electronic vehicle registration integrator or a dealer agent. Electronic vehicle registration integrators shall transmit funds within one business day of the completion of the registration to the appropriate entity if the entity accepts electronic transfers of funds and within 20 days to any other entity. The transmittal of funds by an EVR integrator to a town or

city or the state pursuant to this section shall not be considered a delegation of a town's, city's, or state's deposit function as set forth in RSA 41:29.

II. An agreement under this section shall provide for minimum standards established by the department and the department of information technology for transfers of data and funds, financial solvency of the electronic vehicle registration integrator, training of dealer-agents, and town clerks, if necessary, by the electronic vehicle registration integrator, implementation of an electronic vehicle registration integrator "help line" to assist dealer agents, automatic and accurate calculation of all fees required by this chapter, electronic transmittal of applicable documents to the towns, cities, and state, bonding to indemnify the state, municipalities, and dealer agents in the event of loss, security, and privacy of motor vehicle records, access by state-appointed auditors to the records and reports of the electronic vehicle registration integrator, minimum standards for the accuracy and timeliness of submission of data and funds, reporting to the state, towns, or cities, transmittal of fees required to register a motor vehicle, issue a permit for registration, transfer a motor vehicle registration, or title a vehicle provided said fees are transmitted to the appropriate entity in the manner set forth in this chapter, conditions for cancellation of the agreement, and the other requirements related to the efficient and economical administration of this subdivision. The reporting to the towns, cities, and state shall provide notice of registrations processed, allow proper and accurate collection and remittance of town or city moneys, allow integration of data and moneys into software used by towns and cities to transmit registration data to the state, allow towns and cities to clearly identify the particular fees collected and remitted, and provide vehicle specific data including the maker's list price, and vehicle make and model. The department shall solicit input from affected municipalities before entering into an agreement under this section.

III. To ensure the EVR integrator and dealer agents are accurately calculating the applicable fees and properly transmitting the fees and data, and that towns and cities may integrate the data and fees into the software used by towns and cities to transmit registration data to the state, the EVR program shall be implemented as follows:

(a) The first year of the EVR program shall involve a limited number of dealers and towns and cities as determined by the director and a single EVR integrator to ensure that the EVR program is successfully implemented. The director shall select which towns, cities, and dealers shall participate during the first year from a list of desiring volunteers submitted to the director by the senate president and the speaker of the house of representatives within 60 days of the effective date of this section. The director shall select the participants after obtaining the input of the New Hampshire City and Town Clerks' Association and the New Hampshire Automobile Dealers Association. The director shall ensure that a combination of large and small municipalities and large and small dealers are included in the initial group.

(b) After the EVR program has operated for 270 days, the director shall seek formal input from the EVR advisory group established in paragraph IV and towns, cities, and dealer agents involved in the program as to whether or not the EVR integrator and dealer agents are properly calculating and assessing applicable fees, properly transmitting the fees and data, and properly integrating data and moneys into the software used by towns and cities to transmit registration data to the state.

(c) After no more than 365 days of operation, the director, with consultation from the EVR advisory group established in paragraph IV, shall determine if the EVR program has achieved material compliance with the requirements set forth in RSA 261:74-h through RSA 261:74-s.

(d) The director, upon determining under subparagraph (c) that the EVR program has either achieved material compliance or has not achieved material compliance, shall report the basis for the determination to the president of the senate, the speaker of the house of representatives, and the senate and house standing committees with jurisdiction over commerce, and shall include any recommendations for statutory changes that may be necessary, in his or her opinion, to facilitate material compliance.

(e) If the director determines that there is a failure of the EVR program to materially comply with the requirements, he or she may, upon consultation with the EVR advisory group established in paragraph IV, authorize an additional 180 days of operation of the program to allow the achievement of material compliance with the requirements. No later than the one hundred eightieth day of the extension, the director shall, with consultation with the EVR advisory group, determine if material compliance with the requirements has been achieved. If material compliance has not been achieved by the end of the extension, the program shall end.

(f) Upon achievement of material compliance with the requirements of the EVR program, the director, upon consultation with the EVR advisory group established in paragraph IV, shall develop a plan to bring all remaining towns and cities who are municipal agents under RSA 261:74-a into the EVR program and allow additional dealer agents to apply for inclusion in the program. Any municipality that is not a municipal agent shall not be required to participate in the EVR program.

(g) One year after the incorporation of the remaining municipal agents into the EVR program, the department may enter into agreements with additional EVR integrators.

(h) After the incorporation of all municipal agents into the EVR program, the director shall evaluate on a periodic basis, no less than annually, whether the EVR integrators and dealer agents are properly calculating and assessing applicable fees, properly transmitting the fees and data, and properly integrating data and moneys into the software used by towns and cities to transmit registration data to the state.

IV. The director shall form an EVR advisory group consisting of representatives from the department of information technology, the division of motor vehicles, the department of safety, the New Hampshire City and Town Clerks' Association, the New Hampshire Government Finance Officers Association, organizations representing the interests of town managers and administrators, the New Hampshire Municipal Association, the New Hampshire Local Government Information Network, the New Hampshire Automobile Dealers Association, the EVR integrators, and other persons the director deems necessary. The primary purpose of the EVR advisory group is to ensure that the EVR program meets the requirements in rules and law. The EVR advisory group shall meet at least quarterly.

V. The director shall periodically evaluate whether the EVR program affects registration-related assistance provided to towns and cities by the department.

VI. The EVR integrator shall be responsible for all reasonable costs, as determined by the commissioner in consultation with the EVR integrator, of the state and towns for:

(a) The development, implementation, and integration of, and ongoing maintenance required to effectively operate, the EVR program; and

(b) Software modifications necessary to integrate EVR program moneys and data into software used by towns to transmit registration data to the state.

Number Plates

261:75 Number Plates.

I. The department shall design and issue to every person whose vehicle is registered a number plate or plates for a fee of \$4.00 per plate. Such plate or plates shall be furnished by the department yearly or at whatever interval of years the department shall determine. In all cases such plate or plates shall bear on the face thereof a permanent or changeable designation of their effective period.

II. Every vehicle driven in or on any way in this state, if required to be registered hereunder, shall have displayed conspicuously thereon a number plate or plates to be furnished by the department, together with any current validation sticker issued by the department and which has a changeable designation of their effective period. The director may make special rules relative to the number of plates, the location of said plate or plates on the vehicle, and the material and design thereof, provided, however, that number plates for passenger vehicles shall have the state motto Live Free or Die written thereon. The plate shall be kept clean.

261:75-a Number Plate Checks by Law Enforcement.

A duly sworn state, county, or local law enforcement officer in the performance of his or her duties may obtain, through electronic query from the department of safety, the registration information on a particular number plate and plate type or number plate validation decal for any official purpose, whether the inquiry relates to a particular offense or is for general crime detection and prevention purposes, provided a record is kept regarding such inquiry. The information so obtained shall only be used for valid law enforcement purposes and shall not be disclosed to any unauthorized person for any purpose. The commissioner of safety may further limit the release of such information at his or her discretion.

261:75-b Use of Automated Number Plate Scanning Devices Regulated. To be repealed effective 1/1/2027)

The use of automated number plate scanning devices, also known as automated license plate readers (LPRAs) is restricted to local, county, and state law enforcement officers who shall only use the devices subject to the following conditions and limitations:

I. An LPR shall be installed for the sole purpose of recording and checking license plates and shall not be capable of photographing or recording or producing images of the occupants of a motor vehicle.

II. Authority to obtain and issue LPR devices and to administer a documented training process for acquiring proficiency in their operation and compliance with federal and state regulations and other appropriate legal mandates shall be vested in the head of the state police or the chief of police, director, county sheriff, or other head of a law enforcement agency or his or her designee. Only devices authorized by the head of the law enforcement agency shall be approved for its use by its officers and the devices shall be maintained in accordance with the manufacturer's recommendations. Such policy or policies shall conform to the requirements of this chapter.

III. Prior to using an LPR, the law enforcement agency intending to use the device shall register it with the department of safety on forms approved by the commissioner for that purpose. The head of the law enforcement agency shall certify that the device meets all of the requirements of this section and that the agency has a policy or policies in effect governing its use and a documented training process for the officers that will use it.

IV. The law enforcement agency shall ensure that data entered into the LPR through a hard link or wireless upload on a daily basis for the purpose of making deletions and additions to keep current the lists against which the device is scanning. Officers shall make manual changes to the list during their shifts when they become aware that new bulletins are issued or bulletins are

canceled. Partial plate numbers or characters reported as a result of serious crimes may be entered into the LPR in an attempt to identify suspected vehicles used in connection with the crime.

V. LPR operation and access to LPR collected data shall be for official law enforcement purposes only. LPR devices shall only be used to scan, detect, and identify license plate numbers for the purpose of identifying:

- (a) Stolen vehicles.
- (b) Vehicles associated with wanted, missing, or endangered persons.
- (c) Vehicles registered to a person against whom there is an outstanding warrant.
- (d) Vehicles registered to persons whose drivers' licenses, driving privileges, or vehicle registrations are under suspension or revocation.
- (e) Vehicles registered to persons suspected of criminal or terrorist acts, transportation of stolen items or contraband, or motor vehicle violations.
- (f) Vehicles in violation of commercial trucking requirements.
- (g) Vehicles involved in case-specific criminal investigative surveillance.
- (h) Vehicles involved in homicides, shootings, and other major crimes or incidents.
- (i) Vehicles in the vicinity of a recent crime that may be connected to the crimes.

VI. Prior to stopping a vehicle based on an LPR alarm, the officer shall attempt to visually verify that the number plate on the list matches the digital image displayed on the LPR. If it matches the alarm it shall be accepted and the officer shall initiate a query of the National Crime Information Center (NCIC) database.

VIII. Records of number plates read by each LPR shall not be recorded or transmitted anywhere and shall be purged from the system within 3 minutes of their capture in such a manner that they are destroyed and are not recoverable, unless an alarm resulted in an arrest, a citation, or protective custody, or identified a vehicle that was the subject of a missing person or wanted broadcast, in which case the data on the particular number plate may be retained until final court disposition of the case. Captured license plate data obtained for the purposes described in paragraph V shall not be used or shared for any other purposes.

IX. Access to LPR records shall only be allowed on a case-by-case basis, for legitimate law enforcement investigative, prosecution, or audit verification purposes of an audit trail and maintained by the law enforcement agency in the same manner as criminal history logs.

X. To ensure compliance with the provisions of this section or to investigate complaints of misuse of LPR devices, the attorney general or a designee of the department of justice including county attorneys and law enforcement officers acting at the request of the attorney general may examine and audit any LPR device, a server used to store LPR data, and records pertaining to the use of LPR devices maintained by any state, county, or local law enforcement agency and the department of justice may seek an injunction banning the use of LPR devices by an agency found to have used an LPR device or devices in repeated violation of this section and requiring the confiscation of LPR devices if the attorney general deems it necessary to prevent ongoing violations or deter future violations of this subdivision.

XI. A law enforcement agency using an LPR device shall report to the commissioner annually, beginning one year from the date equipment is deployed, the following information compiled for the previous year:

- (a) The number of devices in use.
- (b) The number of matches made by the LPR devices.

- (c) The number of matches that identified vehicles and individuals sought by law enforcement and that resulted in stops of vehicles or individuals.
- (d) The number of matches that resulted in searches of vehicles and individuals, releases, arrests, or other outcomes.
- (e) Other information requested by the commissioner.

261:75-c Special Registration Plate Symbol.

The director is hereby authorized to assign registration numbers that include a special registration plate symbol for the purpose of benefitting the state park system. The special registration plate symbol shall serve as a character in the registration number. A special registration plate symbol may be used on any type of number plate issued by the division for private passenger vehicles, recreational vehicles, and motorcycles. The design and size of an appropriate symbol shall be determined by the commissioner in consultation with the commissioner of resources and economic development. The department shall determine the means of identifying the special resignation plate symbol in the computerized records of the department. A special registration plate symbol shall be available to any applicant upon payment of a special registration plate symbol fee of \$85, which shall be in addition to any other registration and number plate fees. An applicant may include the symbol on any vanity number plate upon payment of the special registration plate symbol fee and the vanity plate service fee in RSA 261:189. Vanity plate service fees shall be distributed as provided in RSA 261:189 and RSA 263:52. The fees described in this section shall apply to original registrations and annual registration renewals. The department shall retain from the special registration plate symbol fees an amount as is necessary to recover any additional production and administrative costs associated with use of the symbol. The remaining funds shall be paid to the state treasurer and deposited in the state park fund established in RSA 216-A:3-I to fund maintenance and use of the park system and promotion of the special registration number program. All other registration fees, permit fees, number plate fees, and special number plate fees shall be distributed as required by law. The cost of replacement number plates shall be identical to the cost of initial number plates and the revenue from replacement number plates shall be distributed in the same manner as revenue derived from initial number plates.

261:76 Number of Plates.

Any provision of the motor vehicle laws relative to furnishing sets of number plates for various types of vehicles shall be construed as authorizing the director to determine the number of plates to be furnished for any one vehicle in accordance with his determination as made under the authority of RSA 261:75.

261:77 Use of Plates.

Except as provided for nonresidents, no number plates other than those procured from the department or authorized by the director shall be displayed on any vehicle so operated. No expired number plates shall be displayed. This prohibition on the display of expired number plates shall not supersede the provisions of RSA 261:89-a, nor shall it apply in those cases in which expired number plates are displayed in conjunction with current and authorized plates issued by the director which contain the designation antique. During the month of expiration, the owner of a duly registered vehicle which has been properly registered for the succeeding year may display the number plates for that year in place of those of the current year. The provisions

of this section shall also apply to a vehicle which has been exchanged for a vehicle properly registered.

261:80 Number Plates for Mopeds.

The department shall furnish for the fee set forth in RSA 261:75, I, to each person whose moped is registered a number plate of a suitable design which design shall be different from the design of motorcycle number plates.

261:81 Motorized Locomotives.

The department is hereby authorized to issue registration number plates to the New Hampshire State Voitures of La Societe des 40 Hommes et 8 Chevaux for use on their motorized locomotives. For each set of plates so issued the department shall charge a fee of \$5.

261:81-a Registration of Other Motorized Devices.

If other than a motorcycle, motor-driven cycle, or moped, any person seeking to register a motorized 2- or 3-wheeled vehicle or device shall provide proof of manufacture to meet United States Department of Transportation motor vehicle safety standards to the satisfaction of the director.

*******261:82 Agricultural Plates. (IV amended effective 7/1/2018)**

I. A truck, truck-tractor or tractor shall qualify for agricultural registration rates and number plates and shall be driven with such registration only within a 20 mile radius from the main entrance to the farm upon which said vehicle is driven, and may be used for the following purposes:

(a) Transportation of agricultural products for delivery to storage or to market or to carriers for transportation to market.

(b) Non-commercial hauling of firewood harvested on the farm.

(c) Hauling animals, hay, fertilizer, feed, livestock, poultry, agricultural supplies, farm workers or other supplies or farm products in connection with the registrant's farming operation.

(d) Hauling household rubbish or garbage from the farm to a disposal site.

(e) Hauling or towing implements of husbandry.

II. Notwithstanding the limitations set forth in paragraph I, a vehicle registered under this section may be used to transport animals and agricultural products to agricultural fairs and exhibits for exhibition purposes only.

III. A vehicle registered under this section shall not be used for the purpose of transporting goods for sale or hire, including the common or contract carriage of freight or merchandise, or for commuting to and from a place of employment, or for leisure activities.

IV. This section shall be construed as authorizing the holder of agricultural plates, or a driver authorized by the holder, to operate the vehicle while it is empty so long as it is being used generally to accomplish the purposes allowed in this section, and to transport within such vehicle incidental personal property such as food, tools, and clothing. The holder or authorized driver may operate the vehicle for purposes that are incidental to the purposes in paragraph I, including, but not limited to, stops at a school or place of business during travel authorized by paragraph I.

V. To be eligible for the issuance of an agricultural vehicle registration for agricultural and farming purposes, the applicant shall sign the following form which the treasurer of a city or such other official as the city government may designate or the town clerk shall provide. This

form shall be provided to the applicant upon request without further evidence from the applicant that the plate shall be used for purposes of this section.

I, the undersigned, fully understand the limitations concerning the use of trucks, tractor-trucks, tractors, or cargo vans registered under RSA 261:82, and hereby certify that my vehicle will be used only for agricultural and farming purposes and uses incidental thereto, within a 20 mile radius of the main entrance of the farm upon which the vehicle is to be driven.

Signed: _____

Date: _____

Copies to:
Town or City Clerk
Applicant

(b) To be eligible for the issuance of an agricultural vehicle registration in support of commercial fishing operations, the applicant shall sign the following form which the treasurer of a city or such other official as the city government may designate or the town clerk shall provide. This form shall be provided to the applicant upon request without further evidence from the applicant that the plate shall be used for purposes of this section.

I, the undersigned, fully understand the limitations concerning the use of trucks, tractor-trucks, tractors, or cargo vans registered under RSA 261:82, and hereby certify that my vehicle will be used only in support of commercial fishing operations, within a 10 mile radius of the main entrance to the docking area of the commercial fishing boats it is supporting.

Signed: _____

Date: _____

Copies to:
Town or City Clerk
Applicant

VI. A truck, truck-tractor, tractor, or cargo van shall qualify for agricultural registration rates and number plates and shall be driven with such registration if:

- (a) It is used exclusively in support of commercial fishing operations; and
- (b) It is driven within a 10 mile radius from the main entrance to the docking area of the commercial fishing boats it is supporting; and
- (c) It is used only for the transportation of commercial fishing products for delivery to storage or to market or to carriers for transportation to market or in support of maintenance or operations of the fishing boat and transportation of the crew.

261:83 Farm Tractor Plates.

I. A tractor shall qualify for farm tractor registration rates and shall be driven with such registration only when the tractor is used exclusively for agricultural purposes or to draw another vehicle in such a way that part of the load is carried on such towing vehicle.

II. Notwithstanding any provision of law to the contrary, a farm tractor that is fitted with attachments such as cultivators, loaders, or other equipment, specific to the activities of the farm, or a specialized vehicle such as a backhoe, bulldozer, excavator, grader, or loader, shall qualify for farm tractor registration rates and number plates, provided that it is being used exclusively for agriculture and farming purposes, and not being used for hire.

III. For a person using a specialized vehicle under paragraph II to be eligible for the issuance of a farm tractor plate, the applicant shall sign the following form which the treasurer of a city or other such official as the city government may designate or the town clerk shall provide. This

form shall be provided to the applicant upon request without further evidence from the applicant that the plate shall be used for purposes of this section.

I, the undersigned, fully understand the limitations concerning the use of specialized vehicles such as backhoes, bulldozers, excavators, graders, or loaders registered under RSA 261:83, and hereby certify that my vehicle will be used only for agricultural and farming purposes and uses incidental thereto.

Signed: _____

Date: _____

Copies to:
Town or City Clerk
Applicant

*******261:84 Farm Plates. (Amended II effective 7/1/2018)**

I. A truck, tractor-truck, or semi-trailer shall qualify for farm registration rates and number plates and shall be driven with such registration only if such vehicle is used solely for the transportation of agricultural products produced on and meant to be used in connection with the operation of a farm or farms owned, operated, or occupied by the registrant. Additionally, any vehicle which qualifies for farm plates may transport or tow an implement of husbandry. A vehicle which qualifies for farm registration and number plates shall not be used for the transportation of wood and lumber for sale other than from such farms on which the production of wood and lumber is incidental to other farm operations, nor shall such trucks be used for the retail delivery of milk.

II. This section shall be construed as authorizing the holder of farm plates or a driver authorized by the holder to operate the vehicle while it is empty so long as it is being used generally to accomplish the purposes allowed in this section, and to transport within such vehicle incidental personal property such as food, tools, and clothing.

III. To be eligible for the issuance of a farm vehicle registration, the applicant shall sign the following form which the treasurer of a city or such other official as the city government may designate or the town clerk shall provide. This form shall be provided to the applicant upon request without further evidence from the applicant that the plate shall be used for purposes of this section.

261:85 Ski Area Plates.

A motor vehicle shall qualify for ski area vehicle registration rates and number plates and shall be driven with such registration only if such motor vehicle is used exclusively for ski area purposes and is driven within a 3 mile radius of the main entrance of the ski area. The ski area vehicle shall be prohibited from hauling any material within the 3 mile radius area outside of the ski area property, except for such material that may be used for ballast on said vehicle.

*******261:86 Special Number Plates for Certain Veterans. (Amended effective**

I. The department shall furnish one set of special number plates, designed by the director with the approval of the commissioner, for one motor vehicle owned by a veteran, who may be listed as the first or second owner on the certificate of title or certificate of registration, who:

(a) Because of being an amputee, or paraplegic, has received said motor vehicle from the United States government or whose vehicle is to replace one so received, or who is evaluated by the United States Department of Veterans Affairs to be permanently and totally disabled from

such service-connected disability. The special number plates shall incorporate the international accessibility symbol.

(b) Has been determined by the veterans administration to be suffering from total blindness as a result of a service-connected disability.

(c) Is a former prisoner of war and was captured and incarcerated while serving in a qualifying war or armed conflict as defined in RSA 72:28, V or while serving in military operations in Iraq or Afghanistan, and who was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances. The plates shall be transferable upon death to the surviving spouse of the prisoner of war. The surviving spouse shall be entitled to the plate as long as he or she lives, unless he or she remarries. For purposes of this subparagraph, prisoner of war shall include a person who was captured and incarcerated while serving in military operations in Iraq or Afghanistan whether or not he or she was formerly designated as a prisoner of war by the United States Department of Defense.

(d) Was awarded the Purple Heart medal in a qualifying war or armed conflict as defined in RSA 72:28, V, and who was honorably discharged or is still on active duty, provided that such person has furnished the director with satisfactory proof of these circumstances. A veteran furnished a Purple Heart plate while on active duty shall furnish proof of honorable discharge to the director prior to the first renewal of registration following discharge. The surviving spouse shall be entitled to the plate as long as he or she lives, unless he or she remarries.

(e) Survived Pearl Harbor and was honorably discharged, provided that such person has furnished the director with satisfactory proof of these circumstances. The plates shall be issued upon payment of the regular registration and number plate fees. The plates shall be transferable upon death to the surviving spouse of the Pearl Harbor survivor. The surviving spouse shall be entitled to the plate as long as he or she lives, unless he or she remarries.

II. Plates furnished pursuant to subparagraphs I(a)-I(e) shall be issued without charge. Notwithstanding RSA 265:73 or any other law, any person who is issued a plate pursuant to subparagraphs I(c)-I(e) shall not be entitled to free parking privileges provided for disabled veterans. A person who qualifies for special plates pursuant to subparagraph I(a), I(c), I(d), or I(e) may be issued an additional special plate for a motorcycle.

261:87-b Special Number Plates for Veterans.

I. The director is hereby authorized to issue special number plates to be used on motor vehicles owned by veterans of the United States armed services, in lieu of other number plates. The design of these special plates shall be determined by the commissioner, and shall be distinct from the design or designs of those plates issued under RSA 261:86. Such plates shall be issued only to veterans as defined in RSA 21:50, I(a) upon application, proof of veteran status in a form authorized by RSA 21:50, I(b), and payment of the regular motor vehicle registration fee and the \$4 per plate fees under RSA 261:75. The director shall also issue such plates to any person providing proof of honorable discharge from the armed services of any nation allied with the United States during World War II and proof of such person's service during World War II. Renewals of such special number plates shall be charged the fee assessed for standard motor vehicles as prescribed under RSA 261:141. The plates furnished pursuant to this section are non-transferable and shall expire upon the death of the veteran, except that the surviving spouse may use the plates for one year after the death of the veteran and shall be eligible to replace the plates during that year at no charge under RSA 261:75.

II. For purposes of this section, a motor vehicle is owned by a veteran if the veteran is the motor vehicles owner under RSA 259:72, I, or if the legal ownership of the motor vehicle is held by a

trust established by the veteran and the veteran has use of the motor vehicle or the motor vehicle is used for the transportation of the veteran. The director shall establish the documentation required for a motor vehicle held in trust to be eligible for plates under this section. The director shall not issue more than one set of plates under this section to any trust. A trustee of the trust or the administrator of the estate may be fined up to \$500 for failing to return within 60 days of the death of the veteran any plates issued under this section for a motor vehicle held in trust.

*******261:87-c Gold Star Number Plates. (Amended effective 7/29/2018)**

I. The department shall furnish one set of special number plates, designed by the director with the approval of the commissioner, for one motor vehicle owned by a mother or stepmother of a person killed while on duty in the United States armed forces. These gold star number plates shall be issued upon payment of the regular registration fees. There shall be no number plate fees for gold star number plates.

II. For purposes of this section, a motor vehicle is owned by a mother or stepmother of a person killed while on duty in the United States armed forces if the mother or stepmother of a person killed while on duty in the United States armed forces is the motor vehicles owner under RSA 259:72, I, or if the legal ownership of the motor vehicle is held by a trust established by the mother or stepmother of a person killed while on duty in the United States armed forces and the mother or stepmother of a person killed while on duty in the United States armed forces has use of the motor vehicle or the motor vehicle is used for the transportation of the mother of a person killed while on duty in the United States armed forces. The director shall establish the documentation required for a motor vehicle held in trust to be eligible for plates under this section. The director shall not issue more than one set of plates under this section to any trust. A trustee of the trust or the administrator of the estate may be fined up to \$500 for failing to return within 60 days of the death of the mother or stepmother of a person killed while on duty in the United States armed forces any plates issued under this section for a motor vehicle held in trust.

III. A stepmother of a person killed while on duty in the United States armed forces shall only be eligible for gold star number plates if her marriage license is dated prior to the member's fifteenth birthday and the stepmother provides a copy of the marriage license to the director. The stepmother shall also be required to provide a DD Form 1300 to the director. A stepmother shall not receive plates under this section if another stepmother of the person killed while on duty holds gold star number plates furnished under this section.

261:88 Walking Disability Plates and Placards.

I. In this section:

(a) Removable windshield placard means a two-sided, hanger style placard which includes on each side the international symbol of access, which is at least 3 inches in height, centered on the placard, and which is white on a blue shield, has an identification number, a date of expiration, and a seal or other identification of the department of safety.

(b) Temporary removable windshield placard means a two-sided, hanger style placard which includes on each side the international symbol of access, which is at least 3 inches in height, centered on the placard, and which is white on a red shield, has an identification number, a date of expiration, and the seal or other identification of the department of safety.

(c) Walking disability means a disability which limits or impairs a persons ability to walk, as determined by a licensed physician, podiatrist, or advanced registered nurse practitioner, to such an extent that such person:

(1) [Repealed.]

(2) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or

(3) Is restricted by lung disease to such an extent that the persons forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than 1 liter, or the arterial oxygen tension is less than 60 mm/hg on room air at rest; or

(4) Uses portable oxygen; or

(5) Has a cardiac condition to the extent that the persons functional limitations are classified in severity as class 3 or class 4 according to standards set by the American Heart Association; or

(6) Is severely limited in the ability to walk due to an arthritic, neurological, orthopedic, or other medically debilitating condition.

II. The director shall design and issue, with the approval of the commissioner, special number plates which shall incorporate the international accessibility symbol. The director shall make such plates available as an optional number plate to be used on a motor vehicle:

(a) Owned by a person with a walking disability.

(b) Owned by an organization in this state and primarily used to transport persons with walking disabilities.

(c) Owned by a relative of a person with a walking disability when such person is a resident of this state, member of the relatives household, and dependent on the owner of the motor vehicle as the persons primary means of transportation.

II-a. A person with a walking disability may receive separate special number plates for each motorcycle owned by the person.

III. An applicant for such special plates shall furnish the director with satisfactory proof, as the director may require, that the applicant meets the requirements of paragraph II. Such proof must be submitted every 5 years except in the case of a veteran who has been evaluated by the United States Department of Veterans Affairs to be permanently and totally disabled from service-connected disability. Such proof shall only have to be made upon initial application. Satisfactory proof of a walking disability, at a minimum, shall consist of the certification of a licensed physician, podiatrist, or advanced registered nurse practitioner that the applicant has a walking disability, as defined in paragraph I. Upon request and for the fee set forth in RSA 261:75, I, the director shall exchange special plates for regular plates currently issued to an applicant who qualifies for special plates.

IV. The director shall design and issue, with approval of the commissioner, vanity number plates to be used on motor vehicles owned by persons qualified to receive special number plates under paragraph II. The vanity number plate shall be of such design and shall bear such letters or letters and numbers as the director shall prescribe, provided that the plates shall incorporate the international accessibility symbol and there shall be no duplication of identification. The vanity number plate shall be issued only upon application, approval, and upon payment of the special fee established in RSA 261:89. All special fees collected under this section shall be distributed as set forth in RSA 261:89.

V. Upon application, the department shall furnish a hanging windshield placard without charge to a person with a walking disability who satisfactorily furnishes proof of such disability to the director. Any nonprofit agency serving a person with a walking disability may apply to the department for a hanging windshield placard. An applicant for such placard shall furnish the director with satisfactory proof, as the director may require, that the applicant will use the placard solely for the transportation of a person with a walking disability. The quantity of

placards issued under this paragraph shall be at the discretion of the director. This placard shall meet the standards set forth in 23 C.F.R. part 1235, appendix A. The removable windshield placard shall be displayed in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, the placard shall be displayed on the dashboard. A request from any nonprofit agency for a placard shall be approved by the administrator of the nonprofit agency and any other application for such a placard shall be accompanied by the certification of a licensed physician, podiatrist, or advanced registered nurse practitioner that the applicant has a walking disability as defined in paragraph I. The placard shall expire 5 years from the date of issuance, and the expiration date shall be noted on the placard. The placard shall be renewed, upon application on forms provided by the director, if the director determines that the disability which necessitated the issuance of the placard continues. Upon request of the applicant, the director shall issue one additional placard to the applicant if the applicant does not have special license plates.

VI. Upon the application of a person with a temporary walking disability, the director shall issue a temporary removable windshield placard. The placard shall comply with the standards set forth in 23 C.F.R. part 1235, appendix B. The temporary removable windshield placard shall be displayed in such a manner that it may be viewed from the front and the rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, the placard shall be displayed on the dashboard. Upon request, the director shall issue one additional temporary removable windshield placard to applicants. Application for a temporary removable windshield placard shall be accompanied by the certification of a licensed physician, podiatrist, or advanced registered nurse practitioner that the applicant has a walking disability as defined in paragraph I. The certification shall also include the period of time that the physician, podiatrist, or advanced registered nurse practitioner determines the applicant will have the disability, which period of time shall not exceed 6 months. The expiration date of the temporary placard shall be noted on the placard.

VII. The issuance of special plates shall not preclude the issuance of a hanging placard.

VIII. Any person who finds or has reason to believe that such special plates or placards are being improperly used may report any such violation to the department. Any police officer of a city or town who finds that such special plate or placard is being improperly used shall report such violation to the department. The director may, at his or her discretion, revoke such special plate or placard for violation of any provision or law related to the use of special plates or placards.

IX. The state of New Hampshire shall recognize removable windshield placards, temporary removable windshield placards, and special license plates which have been issued by issuing authorities of other states and countries, for the purpose of identifying vehicles permitted to utilize parking spaces reserved for persons with walking disabilities.

X. Special license plates, removable windshield placards, or temporary removable windshield placards displaying the international symbol of access shall be the only recognized means of identifying vehicles permitted to utilize parking spaces reserved for persons with walking disabilities.

XI. The commissioner shall appoint an advisory committee to review complaints regarding such special plates or placards, to review applications for such plates or placards, to hear appeals of

denials of such plates or placards, and to otherwise advise the commissioner on matters related to the administration of this section.

261:89 Vanity Number Plates.

The director is hereby authorized to design and to issue, under such rules as the director deems appropriate, vanity number plates to be used on motor vehicles in lieu of other number plates. Such number plates shall be of such design and shall bear such letters or letters and numbers as the director shall prescribe, but there shall be no duplication of identification. Such number plates or a changeable designation of the effective period thereof, as the director shall determine, shall be issued only upon application therefor and upon payment of a special vanity plate service fee of \$40, said special fee to be in addition to the regular motor vehicle registration fee and any other number plate manufacturing fee otherwise required by law for the particular vehicle. Plates shall be renewed on an annual basis for \$40 per set. All special fees collected under this section shall be paid to the state treasurer and distributed as provided by RSA263:52.

261:89-a Antique Motor Vehicle, Motorcycle, or Trailer Plates.

I. The director may permit the owner of an antique motor vehicle or motorcycle, as defined in RSA 259:4, or trailer, as defined in paragraph II of this section, to use a registration plate which was issued in the same year that the antique motor vehicle, motorcycle, or trailer was manufactured, provided the motor vehicle, motorcycle, or trailer is registered as an antique motor vehicle, motorcycle, or trailer under this chapter, and the number of the antique plate is recorded with the director. Registration plates issued in the same year that the antique motor vehicle was manufactured may be affixed to both the front and rear of the antique motor vehicle, to either the front or rear of the antique motorcycle, and to the rear of the antique trailer for any such vehicle with a year of manufacture of 1975 or earlier if the registration plate matching the registration certificate is carried with the antique motor vehicle, so long as the number on the antique plate is not in use on another motor vehicle, motorcycle, or trailer. Any antique motor vehicle, motorcycle, or trailer bearing a registration plate with the year of manufacture shall also carry, within it, a valid antique motor vehicle, motorcycle, or trailer registration certificate and a permit issued under this section.

II. For the purposes of this section, trailer means any vehicle without motive power, designed for carrying passengers or **PROPERTY** wholly on its own structure and for being drawn by a self-propelled vehicle.

261:89-b Number Plates for Vehicles Registered as Street Rods.

I. The director is hereby authorized to design and to issue under such rules, as he shall deem appropriate, distinctive number plates to be used on motor vehicles registered as street rods. Such plates shall be in lieu of other number plates and shall be issued only upon receipt of a duly executed certificate verifying that the subject vehicle is in fact a street rod as defined in RSA259:106-a. The director is hereby authorized to issue a street rod vanity plate as provided by RSA 261:89.

II. A special fee in the amount of \$25 shall be paid for the certificate of verification. This special fee shall be in addition to the regular motor vehicle registration fee as prescribed by law for the particular vehicle being registered, and any number plate manufacturing fee or fees otherwise required by law for the particular vehicle. All special fees collected shall be paid to the state treasurer and credited to the highway fund. A vehicle which is registered as a street rod, regardless of the year of manufacture of said vehicle, shall be assessed an annual municipal

permit fee in the amount of \$50, which fee shall not be prorated regardless of the number of months in actual road use. This fee shall be in lieu of any other municipal permit fee. For purposes of this section and that of vehicle registration, the year of manufacture of a street rod is deemed to be the year of manufacture of the body. In the event the body is a replica as defined by RSA 259:106-a, then the year of manufacture is deemed to be the model year of the body so replicated.

III. The certificate of verification required by this section shall be documented by an instrument designed and issued by the director. Any authorized highway enforcement officer or any individual who is authorized by the director to perform motor vehicle inspections provided by RSA 266:1, V is hereby authorized to perform the verification and certification required by this section. A certificate of verification issued under this section shall be transferable in the event the vehicle described by such certificate is sold or the ownership is otherwise transferred or conveyed.

IV. Pursuant to RSA 261:75, a vehicle duly registered as a street rod shall be issued one number plate of the design as set forth in this section. Such plate shall be attached in a conspicuous place on the rear of the vehicle.

261:89-c Vehicle Identification Number for Street Rods.

The vehicle identification number or VIN for a street rod shall be the number stamped on the frame of the vehicle, or if no such number, as established pursuant to RSA261:22, I.

261:89-d Identifying Decals for Vehicles Registered as Custom Vehicles.

The director is hereby authorized to design and to issue, under such rules as the director deems appropriate, distinctive identifying decals to be placed on the windshield of a custom vehicle at the time of registration designating the vehicle as a custom vehicle. Such decal shall be issued only upon receipt of a duly executed certificate in a format designated by the director indicating the year and make of the body that the custom vehicle resembles or was based upon and verifying that the vehicle is garaged and maintained in the state, that the vehicle is in fact a custom vehicle as defined in RSA 259:17-a, and that the vehicle is not intended for daily commuting use. A special fee in the amount of \$15 shall be paid for the identifying decal. This special fee shall be in addition to the regular motor vehicle registration fee and shall be paid to the state treasurer and credited to the highway fund. Any state trooper or any individual who is hereby authorized to perform the verification required by this section. A certificate of verification and decal issued under this section shall be transferable in the event the vehicle described by such certificate is sold or the ownership is otherwise transferred or conveyed. A vehicle displaying a custom vehicle identifying decal shall not be required to display a number plate on the front of the vehicle.

261:90 Official Cover Plates.

Upon payment of a fee, the director may issue and shall designate official cover plates with the reproduction of the state seal thereon to be affixed to a vehicle of United States senators from this state, representatives to congress from this state, the governor, members of the governors council, the president of the senate, members of the senate, the speaker of the house of representatives, members of the house of representatives, the attorney general, the secretary of state, the state treasurer, the President of the United States and members of his or her executive staff, any ambassador or member of the foreign diplomatic corps, and members of the Maine-New Hampshire Interstate Bridge Authority. The fee for official cover plates shall be \$1 in

addition to any other number plate manufacturing fee otherwise required. The official cover plates, exclusive of the seal, shall be white with green lettering, which shall alternate with red lettering every other biennium. Official cover plates shall have the title of the person requesting the plates, except for members of the governors council whose plates shall have their council district numbers embossed on them, and members of the general court, whose plates shall have their house seat numbers or their senate district numbers embossed on them unless the president of the senate, for members of the senate, or the speaker of the house of representatives, for members of the house of representatives, shall designate a title for their plates. The president of the senate, or a designee, and the speaker of the house of representatives, or a designee, shall provide the director with input as needed on the cover plate design for members of the general court. The director shall not issue more than 2 sets of official cover plates to any person. Official cover plates may be attached only to vehicles registered in the name of the person issued the plates or the name of the spouse of a member of the general court, or any vehicle being operated by a member of the general court. Nothing herein shall be construed as affecting the issuance of regular motor vehicle plates and the payment of the registration fee therefor. Official cover plates shall be manufactured at the state prison and the prison shall provide the plates to the department at the prisons cost.

261:90-a Official Cover Plate Advisory Committee.

I. An official cover plate advisory committee is hereby established. The official cover plate advisory committee shall be composed of the following:

- (a) The speaker of the house of representatives, or designee.
- (b) The president of the senate, or designee.
- (c) One councilor, appointed by majority vote of the governors council.

II. The committee shall choose a member to serve as chairman.

III. The committee shall recommend to the director by December 1 of every odd-numbered year any changes to the design of official cover plates issued pursuant to RSA 261:90.

IV. The members shall serve without compensation.

261:91 Special Number Plates.

Upon payment of the motor vehicle registration fee, if any, the director shall issue and shall designate a special plate, to be affixed to the vehicle of the county sheriffs, deputy sheriffs, members of the national guard, active duty members of the armed forces, justices of the supreme and superior courts, and vehicles of state police and motor vehicle divisions and municipal police departments. The special plates shall have the state motto, Live Free or Die, written on them and shall be issued with no number plate fee being charged to the state other than for those plates furnished to the state police and motor vehicle divisions. Special number plates issued to members of the national guard, active duty members of the armed forces, and justices of the supreme and superior courts may be attached only to vehicles registered in the name of the person issued the plates. Special plates for active duty members of the armed forces shall be distinct from special number plates for veterans.

*******261:91-a Commemorative License Plates. (Amended effective 7/29/2018)**

The director is authorized to adopt rules pursuant to RSA 541-A for the design, sale, and distribution by towns and cities celebrating the centennial, bicentennial, tricentennial, sesquicentennial or sestercentennial of the founding of the town or city or similar special occasion in the history of the town or city, and the display of said plates in place of the front

license plate on vehicles for a period not to exceed one year, during which the celebration is taking place.

261:92 Publicly Owned Vehicles; Nonprofit Corporations.

The director shall have the authority to prescribe special rules relative to registration of vehicles owned and driven by the government of the United States, the state, or by any county, city, town, regional planning commission, school district, volunteer fire department, eligible nonprofit corporation operating transportation under contract with the department of transportation for the public or for elderly or disabled persons, or public or private educational institution used for the purpose of student driver training, and may issue permanent number plates for such vehicles. Said vehicles displaying said number plates shall be deemed to be properly registered under the provisions of this title and may be driven upon the ways of the state without further registration or subsequent number plates.

261:93 Civil Air Patrol Vehicles.

For the purposes of RSA261:92, motor vehicles owned by or issued to, and driven by, the New Hampshire Civil Air Patrol, shall be deemed as owned and driven by the government of the United States.

261:94 Expiration of Official Cover Plates and Special Number Plates.

Notwithstanding any other provisions of law any official cover plates and special number plates which are issued to elected or appointed officials who have a term of office shall expire at the expiration of their terms of office or upon their retirement, resignation, disqualification, expulsion, or death, whichever comes first.

261:95 Refund for Unused Vehicle Plates.

The owner or the surviving spouse of the owner who returns number plates with an affidavit that they have never been used and if the director is satisfied that the number plates have never been used, shall be refunded the registration fee paid, provided such plates are returned within 90 days of the date on which the plates were purchased.

261:96 Lost or Mutilated Plates.

If any number plate supplied by the department is lost or mutilated, or if the registration number thereon becomes illegible, the owner or person in control of the vehicle for which said plate was furnished shall apply in writing to the department for a new plate and deposit with his application the proper fee; and thereupon the department shall issue to such applicant a permit allowing him to place a temporary plate bearing his registration number upon said vehicle until a plate of the regular design is made and delivered to him.

261:97 Rulemaking Authority on Dealer Number Plates.

The director shall have the authority to adopt rules pursuant to RSA 260:5 relative to the issuance and use of dealer number plates by motor vehicle dealers, motorcycle dealers, OHRV dealers, snowmobile dealers, utility dealers, boat dealers, transporters, repairers and wholesalers consistent with the provisions of this chapter relative to such dealer number plates.

Conservation Number Plates and Conservation Number Plate Trust Fund

261:97-a Conservation Number Plates.

I. The director is hereby authorized to issue special conservation number plates, in lieu of other number plates. The design of these special plates shall be determined as provided in RSA 261:97-d. The plates shall retain the live free or die logo. Such plates shall be issued only upon application and upon payment of a \$30 fee that shall be in addition to the regular motor vehicle registration fee and any other number plate fees otherwise required.

II. The commissioner is also authorized to issue vanity conservation number plates. The fee for any such vanity conservation number plate shall be the fee as provided in RSA 261:97-a, in addition to the fees for vanity plates which are otherwise established by law. The vanity plate portion of the fee shall be distributed as provided in RSA 261:89 and RSA263:52.

1. Plates shall be renewed on an annual basis for \$30 per set. Of this sum, the department shall retain an amount as is necessary to recover production and administrative costs as approved by the fiscal committee of the general court. The remaining funds shall be paid to the state treasurer and distributed as provided in RSA261:97-b. The cost of replacement number plates shall be identical to the cost of initial number plates and the revenue from replacement number plates shall be distributed in the same manner as revenue derived from initial number plates.

261:97-b Conservation Number Plate Trust Fund.

I. There is hereby established a conservation number plate fund under the administration of the commissioner of safety. The fund shall be used for the promotion, protection, and investment in the state's natural, cultural, and historic resources. The fund shall be nonlapsing. The commissioner of safety shall distribute the funds annually on August 1, except as provided in paragraph I-a, as follows: \$5,000 of every \$100,000 received, up to a total of \$50,000, shall be distributed to the department of transportation for the expanded wild flower establishment program for use in planting lilacs and native wild flowers; \$1 for every new, renewal, and transfer of registration, up to a total of \$50,000, shall be placed in a nonlapsing account for use by the department of resources and economic development to promote the conservation number plate program; the remainder shall be distributed equally among the department of cultural resources, the department of fish and game, the department of resources and economic development, the state conservation committee, and the New Hampshire land and community heritage investment authority.

I-a. The commissioner of safety shall distribute the share of funds due the New Hampshire land and community heritage investment authority, pursuant to RSA 261:97-b,I, on the first day of each month. The total amount shall not exceed \$200,000 per fiscal year.

II. Each department and commission receiving funding from the conservation number plate fund shall establish a line item in their budget. Moneys received from the conservation number plate fund shall be in addition to any other sums appropriated and shall not replace base funding received by any of these departments or commissions through the budget process.

261:97-c Use of Funds.

The moneys in the fund shall be distributed as provided in RSA 261:97-b. The proceeds shall be used as follows:

I. The funds transferred to the department of cultural resources shall be used to promote the use and conservation of cultural resources in New Hampshire and to preserve the cultural heritage that belongs to all New Hampshire citizens by providing for:

I. (a) The preservation of significant publicly-owned historic properties. Such properties shall be at least 50 years old and listed or eligible for listing in the National Register of Historic Places.

(b) The conservation and preservation of significant publicly-owned works of art, artifacts, and documents that contribute to New Hampshire's cultural heritage. This shall include but not be limited to:

(1) Commemorative and historic sculptures and murals.

(2) Archeological or historic artifacts.

(3) Original or one-of-a-kind documents.

(c) The purchase by the state of historic properties or works of art, artifacts, and documents that contribute to New Hampshire's cultural heritage.

II. The funds transferred to the fish and game department shall be used to support the New Hampshire nongame species management act established in RSA 212-B, and for the conservation of other wildlife determined by the executive director to be in need of restoration or protection. This may include:

II. (a) Management measures, including applied field research, necessary to maintain and promote self-sustaining wildlife populations, species and habitat protection, and acquisition and management.

(b) Provide information to resource professionals, landowners, and school children to enhance awareness and promote protection of New Hampshire's wildlife.

III. The funds transferred to the state conservation committee, established in RSA 432:10, through the department of agriculture, markets, and food, shall be used to establish 2 grant programs to ensure that communities and statewide not-for-profit organizations have the opportunity to compete for funds provided by this act. The grant programs shall be established as follows:

(a) For county cooperative extension natural resource programs and county conservation districts, as established in RSA 432:12, which may apply to the state conservation committee for grants to assist them in planning and carrying out resource conservation projects.

(b) For municipal conservation agencies, schools, scout groups and other nonprofit entities which may apply to the state conservation committee for grants to assist them in planning and carrying out resource conservation projects.

IV. The funds transferred to the department of resources and economic development shall be used:

IV. (a) To support the New Hampshire natural heritage bureau established in RSA 217-A, within the division of forests and lands. Funds may be used for:

(1) Management measures, including applied field research, necessary to maintain and promote native plant species, natural plant communities, and species and habitat protection and management.

(2) Providing information to resource professionals, landowners, and school children to enhance awareness and promote protection of New Hampshire's native plant species and natural plant communities.

(b) Within the division of parks and recreation for the restoration of historic sites and buildings on New Hampshire state parks land.

- (c) To promote the conservation number plate program.
- V. The funds transferred to the New Hampshire land and community heritage investment authority shall be used for the administration of the New Hampshire land and community heritage investment program.
- VI. The funds transferred to the department of transportation shall be used for the expanded wildflower establishment program to be used in maintenance districts.
- VII. Any funds transferred from the conservation number plate fund which remain unexpended at the end of the fiscal year shall be non-lapsing.

261:97-d New Hampshire Conservation Number Plate Advisory Committee; Duties; Meetings.

I. A New Hampshire conservation number plate advisory committee is hereby established. The conservation number plate advisory committee shall be composed of the following:

- (a) The commissioner of cultural resources, or designee.
- (b) The executive director of fish and game, or designee.
- (c) The chairperson of the state conservation committee or designee.
- (d) The commissioner of resources and economic development, or designee.
- (e) The commissioner of safety, or designee.
- (f) Three house members appointed by the speaker of the house.
- (g) Three senators appointed by the president of the senate.

II. The first appointed house member shall act as chairperson of the committee.

III. The committee shall:

(a) Jointly determine the plate design with final approval by the commissioner of safety. The commissioner of safety shall establish a numbering system and method of distribution.

(b) Register the design with the secretary of state. The commissioner of safety, with the approval of the governor and council, shall have the authority to enter into contractual arrangements for the commercial use of the conservation plate design. Any royalties derived from such contracts shall be deposited into the conservation trust fund created under RSA 261:97-b.

(c) Monitor the implementation of the program through an annual evaluation of projects accomplished during the preceding year and an assessment, prior to implementation, of projects proposed for the coming year to ensure that they are in accordance with legislative intent.

(d) Oversee the appropriate signage of funded projects. Agencies receiving funds under this section shall mount signs at funded project sites indicating that the project was funded by the New Hampshire conservation number plate program. The sign requirement may be waived in the case of environmentally sensitive projects where signage could be detrimental to the success of the project.

IV. The committee shall meet at least annually, but more often if necessary. The members shall serve without compensation, except that legislative members of the committee shall receive mileage at the legislative rate. The committee chairperson shall appoint a secretary from within the committee to keep a detailed record of all proceedings.

V. Any vacant position shall be filled by the appropriate authority.

VI. All proceeds from the sale of products using the conservation number plate design by an agency authorized to receive proceeds from the trust fund created under RSA261:97-c may be retained by such agency.

VII. It shall be the duty of legislative members of the committee to initiate appropriate legislation to ensure that the purposes and goals of the conservation number plate program are being achieved.

261:97-e Plate Use.

Plates may be used on passenger motor vehicles and recreation vehicles.

261:97-f Report.

I. The members representing the department of transportation, the department of cultural resources, the department of fish and game, the state conservation committee, the department of resources and economic development, and the department of safety shall each submit a report to the New Hampshire conservation number plate advisory committee chairperson no later than October 1 of each year. The committee chairperson shall compile the 6 reports as a unified report and submit the unified report to the governor, senate president, and the speaker of the house no later than December 31 of each year.

II. The unified report shall contain the following:

(a) A report from the department of safety indicating:

(1) The total number of conservation number plates sold during the preceding year, including the number of initial plates and the number of renewals.

(2) The gross revenue derived from the sale of conservation number plates.

(3) The amount retained by the department of safety to cover administrative costs of the program.

(4) The amount paid to the state treasurer for deposit into the New Hampshire conservation number plate fund during the preceding fiscal year.

(b) A report from each of the 5 agencies receiving proceeds under RSA 261:97-c, indicating:

(1) The amount of proceeds received under RSA 261:97-c.

(2) Total funds expended.

(3) Accomplishments achieved pursuant to RSA 261:97-c during the preceding fiscal year.

(4) An outline of the projects and programs to be conducted in the ensuing fiscal year with proceeds from the fund.

Registration Fees

261:141 Fees to be Collected.

The department shall collect fees for registrations as follows:

I. Flat fees:

(a) For each trailer or semi-trailer upon which is permanently mounted a power substation or transformer and associated equipment used for standby or emergency purposes in public service \$5.

(b) For motorized locomotives of the American Legion \$5.

(c) For each dealer's, motorcycle dealer's, moped dealer's, or utility dealer's temporary plate \$1 each.

(d) For each compact utility tractor \$10.

II. All unused temporary plates issued pursuant to paragraph I, which are returned by a bona fide dealer to the division shall be refundable at the rate of \$1 each; except that temporary plates purchased at the rate of \$.50 each shall be refundable at the rate of \$.50 each.

III. Prorated fees:

- (a) For agricultural vehicles \$3.60.
- (b) For each agricultural tractor \$1.80.
- (c) For air compressors \$6.
- (d) For cement mixers \$6.
- (e) For saw rigs or log splitters \$6.

(If the equipment cited in RSA 261:141, III(c)(e), is towed exclusively within the limits of a single city or town, the state registration fee shall not be collected.)

- (f) For antique motorcycles \$2.40.
- (g)(1.) For all motor vehicles other than those in RSA 261:141, I:
 - 0-3000 lbs. \$31.20 (\$2.60 per month)
 - 3001-5000 lbs. \$43.20 (\$3.60 per month)
 - 5001-8000 lbs. \$55.20 (\$4.60 per month)
 - 8001-73,280 lbs. \$.96 per hundred lbs. gross weight

(2.) Any surcharge under subparagraph (1) shall be prorated accordingly in the case of registrations issued for more or less than a 12-month period.

(h) Truck-tractors to be used in conjunction with a semi-trailer, gross weight shall include the weight of such tractors, the weight of the heaviest semi-trailer to be used therewith, and the weight of the maximum load to be carried thereby: up to 73,280 pounds \$.96 per 100 pounds gross weight, over 73,280 pounds - \$1.44 shall be charged for each 100 pounds gross weight or portion thereof in excess of 73,280 pounds.

(i) Each additional semi-trailer used in conjunction with such truck-tractor \$24.00.

(j) For semi-trailers or automobile utility trailers (the weight of the trailer shall include the maximum load to be carried thereby):

- 0-1000 lbs. \$3.00
- 1001-1500 lbs. \$6.00
- 1501-3000 lbs. \$12.00
- 3001-5000 lbs. \$24.00
- 5001-8000 lbs. \$36.00
- 8001-up \$.60 per hundred lbs. gross weight.

(k) For each semi-trailer not registered in connection with a truck-tractor, the gross weight shall include the weight of such trailer and the weight of the maximum load to be carried thereby. The registration fee shall be \$.60 per hundred lbs. gross weight and such trailer shall not be registered for less than 10,000 lbs.

(l) For equipment mounted on trucks of which the equipment is an integral part of the unit and the truck is not capable of carrying freight or merchandise, the registration fee shall be 1/3 of the regular fee charged as determined by the corresponding weight chart specified in subparagraph (i).

(m) For each farm truck or combination of motor type tractor and semi-trailer used only for transportation of agricultural products produced on and meant to be used in connection with the operation of a farm or farms owned, operated, or occupied by the registrant, for the first 16,000 pounds \$24, for any additional weight above 16,000 pounds \$.74 per hundred weight.

(n) For each additional or extra semi-trailer used in connection with a motor type tractor registered for farm purposes \$24. (In the event that a farm truck registered under the \$24 fee as provided in this subparagraph and thereafter registered for general use during the same registration year, such fee shall be applied toward the fee for such general registration.)

(o) For each motorcycle \$15.

(p) For each moped \$3.

(q) For each motor vehicle used exclusively as a school bus or owned by a religious organization or a non-profit organization used exclusively as a bus for the transportation of its members in connection with functions of the organization for which no fee is charged \$24. (These provisions shall not apply to municipally owned vehicles nor to vehicles of public utilities or common carriers.)

(r) For antique motor vehicles other than antique motorcycles \$6.

(s) For each road oiler or bituminous distributor \$72.

(t) For plates issued to motor vehicle repairer \$24 for the first set of plates, \$9 for each additional set of plates.

(u) (1) For each vehicle, owned by or under control of a manufacturer, wholesaler, or dealer \$200 for the first plate.

(2) For every additional plate \$12.

(v) For motor vehicles owned by or under control of automotive recycling dealer licensee \$30 up to first 7,000 lbs., over 7,000 lbs. \$.74 per 100 lbs. gross weight.

(w) (1) For motorcycles owned or under the control of a manufacturer or dealer in motorcycles \$12 for the first plate.

(2) For every additional plate \$3.

(x) (1) For mopeds owned or under the control of a manufacturer or dealer in mopeds \$12 for the first plate.

(2) For every additional plate \$3.

(y) For each transporter \$36. Additional sets of number plates at \$18 per set.

(z) For each utility dealer registration \$36. Additional number plates at \$9 per plate.

(aa) For ski area vehicles \$6.

(bb) For construction equipment as defined by RSA 259:42 the exclusive fee charged by the state shall be \$25.

(cc) For each vanity number plate set \$40.

IV. If the month in which the anniversary of the owner's birth occurs will be one of the next 4 months, the fee shall be increased by 1/12 for each whole month or part thereof remaining until the end of the month in which such anniversary will occur.

V. In all other cases, the fee shall be determined by multiplying 1/12 of the registration fee times the total number of whole months and any part of a month remaining until the end of the month in which the anniversary of the owner's birth occurs, or the last day of the month as designated by the director as the month for termination of the registration period.

VI. If a vehicle has been previously registered with the division, pursuant to RSA 261:141, III and RSA 261:153, said vehicle registration shall not be renewed for less than a 12 month fee, provided that the renewal registration is effected within 12 months of the expiration of the registrant's last valid registration. If a vehicle has been previously registered, and the owner of said vehicle fails to renew the vehicle registration in the month said renewal was legally required to be made when said renewal is obtained within 12 months of the last valid registration, the 12 months renewal fees charged hereunder shall be computed at the applicable mill rate which

applied in the month when the vehicle should have been legally registered. If the registration is renewed beyond the 12 months immediately succeeding the last valid registration, the 12 months fee charged shall be computed at the mill rate applicable on the date when any successive registration period would have begun, and the minimum fee in such cases shall be for 12 months, except in those cases where the registrant can demonstrate to the satisfaction of the director that the vehicle has not been operated since the expiration of the last valid registration, in which case the registrant may register at the applicable mill rate on the date of registration.

VII. Fees charged for the purpose stated:

- (a) For neutral zone registration pursuant to RSA 261:47 \$2.
- (b) For the transfer of the registration of any motor vehicle, trailer, semi-trailer or tractor for that of another motor vehicle, trailer, semi-trailer or tractor previously registered pursuant to this chapter \$10.
- (c) For official cover plates \$1.
- (d) For vanity plate service fee \$40.
- (e) For the replacement of each number plate which has been lost, mutilated, or made illegible \$4.
- (f) For the replacement of lost or illegible validation sticker \$1.

VIII. No fee shall be charged for registering a vehicle owned by any person who:

- (a) Because of being an amputee, or paraplegic, has received said motor vehicle from the United States government or whose vehicle is to replace one so received, or who is evaluated by the United States Department of Veterans Affairs to be permanently and totally disabled from such service connected disability.
- (b) Has been determined by the Department of Veterans Affairs to be suffering from total blindness as a result of a service connected disability.
- (c) Is a former prisoner of war and was captured and incarcerated while serving in a qualifying war or armed conflict as defined in RSA 72:28, V, and who was honorably discharged.

IX. For every certified copy of and duplicate of a certificate of registration \$15.

X. Whenever a registration has been suspended, a fee of \$25 shall be paid for the restoration of such registration. Such fee shall be in addition to the fee required under RSA 263:42, V. This \$25 shall be placed in the highway fund. All moneys remaining in the supplementary motor vehicle fund shall lapse to the highway fund on July 1, 1991.

261:141-b Processing Fee to be Collected.

The department shall collect an additional \$5 fee for each registration processed by electronic means.

261:142 Weight in Computation of Fees.

In the computation of fees, gross weight shall be the actual weight of said vehicle in pounds plus the manufacturer's rated load capacity in the case of freight or merchandise vehicles, and, in the case of passenger vehicles, shall be the actual weight of said vehicle plus the sum of the adult seating capacity multiplied by 150 pounds. The next larger 100 pounds shall be used in computing fees.

261:143 Classification Determined by Director.

The director shall have authority in disputed cases to determine the classification in which any vehicle belongs and the amount of the fee which shall be paid therefor.

261:144 Fees for Carrying Added Load.

Any person desiring to carry a greater load than that given under the manufacturer's rating shall so declare at the time of registration, and in such case the department shall base the fees upon the weight given by the owner.

261:145 Exemption for Publicly Owned Vehicles.

Vehicles owned or operated by the state, or by any county, city, town, or school district, or by any volunteer fire department, or by any public or private educational institution used for the purpose of student driver training, shall be exempt from registration fees but shall be registered as any other vehicles are.

261:146 Exemption for Emergency Vehicles.

Vehicles owned and driven by non-profit organizations and used exclusively without charge for emergency purposes shall be exempt from registration fees but shall be registered as any other vehicles are.

261:147 Manufacturing Fee, Number Plates.

For each number plate issued, the department shall charge, in addition to any other fee required herein, a manufacturing fee of \$4.00 per plate to be collected and disposed of as provided in RSA 228:25.

Municipal Permits for Registration

261:148 Permit Required.

No vehicle, except an OHRV, snowmobile or moped, owned or controlled by a resident of this state shall be registered under the provisions of this chapter until the owner or person controlling the same has obtained a permit for registration from the city or town wherein he resides. This section shall not apply to vehicles which constitute stock in trade of a manufacturer or of a bona fide dealer. The town or city clerk shall issue such permits to vehicles exempted from registration fees under RSA 261:92 at no charge. If the town or city has adopted the provisions of RSA 231:130-a, no such permit shall be issued unless the town or city clerk's records reveal no outstanding parking violations in this state. No such permit shall be issued unless the owner or person controlling the vehicle presents to the town or city clerk:

I. A certificate of title if required by the provisions of this chapter, or application for such certificate of title; or

II. In the case of a vehicle exempted from the title requirements of this chapter:

(a) A bill of sale from such previous owner; or

(b) If the previous owner was a dealer in vehicles, a temporary registration certificate or an application for a certificate of title.

III. The bill of sale required by the provisions of paragraph II shall contain the following information:

(a) The date of the sale;

(b) A description of the vehicle including:

- (1) Make;
 - (2) Model;
 - (3) Vehicle identification number;
 - (4) Model year;
 - (5) Year of manufacture;
 - (6) Type of body; and
 - (7) Number of cylinders.
- (c) Name and address of purchaser; and
- (d) Signature and address of seller.

IV. In the case of any vehicle, a certificate of registration to the same owner for a current or previous registration period. The clerk may waive the requirement for a physical copy of the certificate of registration if the clerk has access to the electronic system of record and can verify the information for the current or previous registration period.

261:150 Transfer Credits.

I. Upon transfer of ownership of a vehicle the permit shall expire; provided, however, that any owner who has paid a permit fee for registration of a vehicle the ownership of which is transferred or of one which is subsequently totally lost by fire, theft, or accident, during the same registration period, shall be entitled, upon the payment of \$5, to credit to the amount of any such permit fee toward other permit fees which may be required of him in the same registration period. The difference, if any, between the credit and the amount due on the newly registered vehicle shall be prorated for the remainder of the registration period.

II. If the ownership of a vehicle is not transferred, but the owner wishes to register another vehicle under the original vehicle registration during the same registration period, he shall be entitled, upon the payment of \$5, to credit the amount of any such permit fee toward other permit fees which may be required of him in the same registration period. The difference, if any, between the credit and the amount due on the newly registered vehicle shall be prorated for the remainder of the registration period.

III. Any person who owns a vehicle and transfers the registration on that vehicle to a leased vehicle, and any person who leases a vehicle and transfers the registration on that vehicle to an owned or leased vehicle shall be entitled to a credit for the permit fee in the same manner and subject to the same fee as provided in this section. The registration shall be processed to expire according to the formula set forth in RSA 261:62. If the transfer extends the expiration of the existing registration, pro-rated fees shall be charged for the additional months in the new registration period. If the transfer shortens the registration period from the existing registration period no refund shall be issued.

261:151 Refunds.

No portion of any permit fee once paid shall be repaid to any person, provided that in a case where the department acting under the authority of law shall have refused upon original application for the registration period to register the vehicle to which the permit relates, the town clerk, upon application therefor, shall refund the said permit fee. The exception provided in this section shall not apply to a permit fee made up in whole or in part of transfer credits.

261:152 Preparation of Documents.

Permits shall be in the form prescribed by the director and shall be issued with such duplicates as he shall determine. The town clerk shall prepare forms for permits and applications for

registration of vehicles as required by RSA 261:52. Said forms shall be prepared by typewriter or printer. Distribution of such documents shall be made as determined by the director. For preparation of the forms hereunder the town clerk shall receive a fee of \$2 for each application. The fee shall be paid by the applicant for registration and shall be in addition to any other fees required hereunder. The term town clerk as used in this section shall include the person in a city who has been designated by the city government to issue such documents.

261:153 Fees for Registration Permits.

I. The treasurer of each city, or such other person as the city government may designate, and the town clerk of each town shall collect fees for such permits as follows: on each vehicle offered for registration a sum equal to 18 mills on each dollar of the maker's list price for a current model year vehicle, 15 mills on each dollar of the maker's list price for the first preceding model year vehicle, 12 mills on each dollar of the maker's list price for the second preceding model year vehicle, 9 mills on each dollar of the maker's list price for the third preceding model year vehicle, 6 mills on each dollar of the maker's list price for the fourth preceding model year vehicle, and 3 mills on each dollar of the maker's list price for the fifth preceding model year vehicle and any model year prior thereto. In no event, however, shall the fee be less than \$5. Registration permit fees for construction equipment, as defined in RSA 259:42, shall be governed by RSA 261:64. The director shall make the final determination of any vehicle model year in any case in which a dispute arises. The fee collected hereunder for a vehicle used only in the manner and for the purposes specified in RSA 261:82 and for an agricultural/industrial utility vehicle, as defined in RSA 259:2-a, shall be \$5; and provided further, that the fee collected hereunder for a farm tractor shall be \$5. In cases of doubt, the director may investigate for the purpose of determining eligibility for limited purpose registrations.

II. In all cases the manufacturer's list price shall be rounded off to the nearest \$100 and the actual permit fee shall be rounded off to the nearest dollar.

III. If the permit is issued for a vehicle specified in RSA 261:141, III in a month other than the month in which the anniversary of the owner's birth occurs, the amount of the permit fee shall be changed as follows:

(a) If the month in which the anniversary of the owner's birth occurs will be one of the next 4 months, the permit fee shall be increased by 1/12 for each whole month or part thereof remaining until the end of the month in which such anniversary will occur and the owner shall not be required to obtain a permit for the next registration period.

(b) In all other cases for vehicles specified in RSA 261:141, III the permit fee shall be determined by multiplying 1/12 of the permit fee for the vehicle times the total number of whole months and any part of a month remaining until the end of the month in which the anniversary of the owner's birth occurs, and the owner shall be required to obtain a permit for the next registration period.

IV. Each designated city official as the city government may designate and the town clerk of each town shall use the straight line method in computing fees stipulated in paragraph I for any registration. The straight line method means that no registrant shall pay less or more than 12 months at each stipulated mill rate, whether such 12 months extend over one or more registration periods. The mill rate to be charged on a vehicle originally offered for registration by a registrant shall be based on the year of manufacture of the said vehicle and shall continue for the next 12 months, including the month of registration. For each successive 12 months registration of the same vehicle thereafter, whether or not such 12 months registration extends beyond one or more registration periods, the fees to be charged shall be computed successively at the next lower mill

rate; provided, that the minimum rate to be charged for any registration shall always be 3 mills on each dollar of the maker's list price of a vehicle.

V. Beginning July 1, 1989, in addition to each registration fee collected under paragraph I, there may be collected an additional fee for the purposes of a town reclamation trust fund as established in RSA 149-M:18. Of this amount, \$.50 shall be retained by the city official designated by the city government or by the town clerk for administrative costs and the remaining amount shall be deposited into the reclamation trust fund established by the town for the purpose of paying collection and disposal fees for the town's motor vehicle waste. For the purposes of this paragraph, motor vehicle waste means motor vehicle waste as defined in RSA 149-M:18. A town which collects such additional fees shall not charge a disposal fee for motor vehicle waste at the town's solid waste disposal facility. If a town finds the additional fee is not sufficient to cover fees for collection and disposal of town motor vehicle waste, it shall notify the office of energy and planning. The office shall study the fee in accordance with RSA 4-C:1 and make recommendations, if necessary, for increases in the fee. The additional fee schedule shall be graduated by class of vehicle as follows:

(a) The fee for heavy vehicles, including mobile homes and house trailers, heavy trucks and truck-tractors whose gross weight exceeds 18,000 pounds, and buses shall be \$5.

(b) Unless otherwise provided, the fee for automobiles, light vehicles including trucks, and commercial motorized vehicles including tractor trailers, shall be \$3.00.

(c) Unless otherwise provided, the fee for special use vehicles including all-terrain vehicles, agricultural and farm vehicles, and historic vehicles and for 2-wheeled vehicles including mopeds, motorcycles, and non-motorized car and boat trailers, shall be \$2.

VI. (a) Beginning on July 1, 1997, in addition to the motor vehicle registration fees collected under paragraphs I and V, the legislative body of a municipality may vote to collect an additional fee for the purpose of supporting a municipal and transportation improvement fund, which shall be a capital reserve fund established for this purpose and governed by the provisions of RSA 34 and RSA 35 for cities and towns, respectively. Of the amount collected, up to 10 percent, but not more than \$0.50 of each fee paid, may be retained by the local official designated by the municipal government or by the town or city clerk for administrative costs. The remaining amount shall be deposited into the municipal transportation improvement fund established to allow a community to fund, wholly or in part, improvements in the local or regional transportation system including roads, bridges, bicycle and pedestrian facilities, parking and intermodal facilities, electric vehicle charging stations, and public transportation. The funds may be used for engineering, right-of-way acquisition, and construction costs of transportation facilities including electric vehicle charging stations, and for operating and capital costs of public transportation only. The funds may be used as matching funds for state or federal funds allocated for local or regional transportation improvements. Such funds shall be appropriated by the legislative body of the municipality for the purposes provided in this paragraph only and shall not be used to offset any other non-transportation appropriations made by the municipality.

(b) The maximum fee charged under this paragraph shall be \$5. The municipality shall establish the required fee, up to the maximum amount allowable, based on anticipated funding needs for transportation improvements. The additional fee shall be collected from all vehicles, both passenger and commercial, with the exception of all terrain vehicles as defined in RSA 215-A:1, I-b and antique motor vehicles or motorcycles, as defined in RSA 259:4.

(c) Any town or city may adopt the provisions of subparagraphs (a) and (b) for an optional additional motor vehicle registration fee to fund municipal transportation improvements in the following manner:

(1) In a town, the question shall be placed on the warrant of a special or annual town meeting under the procedures set out in RSA 39:3, and shall be voted on by ballot. In a city, the legislative body may consider and act upon the question in accordance with their normal procedures for passage of resolutions, ordinances, and other legislation. The legislative body of a city may vote to place the question on the official ballot for any regular municipal election, or in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(2) The selectmen or city council shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(3) A town or city may choose to restrict the use of the municipal transportation improvement fund to one or more of the transportation system modes provided for in paragraph VI(a). Any such restriction shall be so stated in the wording of the question.

(d) If a majority of those voting on the question vote Yes, the additional motor vehicle registration fee shall apply within the town or city on the date set by the selectmen or the city council.

(e) (1) A town or city may consider rescinding its action in the manner described in subparagraph (c). The wording of the question shall be the same as that was adopted by the town or city, except the word adopt shall be changed to rescind.

(2) If a majority of those voting on the question vote Yes, following the action taken to rescind, the additional motor vehicle registration fee shall not apply within the town or city.

261:154 Additional Fees for Registration Permits.

The governing bodies of towns and cities of a population greater than 50,000 as determined by the last federal census may, subject to the provisions of RSA 261:155, direct the city treasurer or the town clerk to collect in addition to the fees imposed in RSA 261:153, fees for such permits as follows: a sum not to exceed 5 mills on each dollar of the maker's list price for a current model year vehicle, a sum not to exceed 4 mills on each dollar of the maker's list price for the first preceding model year vehicle, a sum not to exceed 3 mills on each dollar of the maker's list price for the second preceding model year vehicle, a sum not to exceed 2 mills on each dollar of the maker's list price for the third preceding model year vehicle, and a sum not to exceed one mill on each dollar of the maker's list price for the fourth preceding model year vehicle and any model year prior thereto. In no event, however, shall the fee be less than one dollar. The director shall make the final determination of any vehicle model year in any case in which a dispute arises. All fees collected under this section shall be used for the construction, operation and maintenance of public parking facilities as provided in RSA 231:114-129.

261:155 Optional Referendum, Two-Thirds Vote of Governing Body, on Permit Fees.

I. Optional Referendum If the governing body of a town or city wishes to place the question of whether or not to collect the fees imposed by RSA261:154 on a referendum to be voted upon at any regular municipal election or at a special election called for the purpose, they may do so. Should a referendum be held, the following question shall be submitted: Shall the governing body of this municipality be instructed to adopt provisions calling for additional vehicle permit

fees to be used for the construction of public parking facilities? The governing body shall be bound by the outcome of the referendum.

II. Two-Thirds Vote of Governing Body If the governing body of a town or city decides not to hold the referendum pursuant to paragraph I, a 2/3 vote of the entire membership of the governing body shall be necessary in order to collect the fees imposed by RSA 261:154.

261:156 Collection of Insufficient Fund Checks.

The director, upon receipt of a complaint from the city official whom the city government may designate, or the town clerk of a town that a person has paid a permit fee with a bad check as defined in RSA 638:4, may suspend the registration privilege of such person until the city official or town clerk has been reimbursed the full amount of such check and any protest fees. The suspension of a registration privilege under the provisions of this section shall not limit criminal prosecution under RSA 638:4.

261:157 Exemption of Amputee and Other Disabled Veterans.

No fee shall be charged for a permit to register a motor vehicle owned by a veteran of any war or armed conflict, as defined in RSA 72:28, V, who because of being an amputee or paraplegic or having suffered loss or use of a limb from a service-connected cause, as certified by the United States Department of Veterans Affairs, has received said vehicle from the United States government or cash settlement in lieu thereof; or because of a disability incurred in, or aggravated by such service, and upon satisfactory proof that the veteran is evaluated by the United States Department of Veterans Affairs to be totally and permanently disabled from such service-connected disability.

261:157-a Exemption for Prisoners of Wars.

The legislative body of a city or town may adopt an ordinance waiving the fee to be charged for a permit to register one motor vehicle owned by any person who was captured and incarcerated for 30 days or more while serving in a qualifying war or armed conflict as defined in RSA 72:28, V, and who was honorably discharged, provided the person has provided the city or town clerk with satisfactory proof of these circumstances.

261:158 Exemption for Publicly Owned and Emergency Vehicles.

No fee shall be charged for a permit to register any of the following:

- I.** Any motor vehicle owned by a nonprofit organization and used exclusively without charge for emergency purposes.
- II.** Any motor vehicle owned or driven by the state or by any county, city, town or school district.
- III.** Any motor vehicle owned or driven by any volunteer fire department.
- IV.** Any motor vehicle owned or driven by any public or private educational institution which is used for the purpose of student driver training.

261:159 Exemption for Blind Veterans.

No fee shall be charged for a permit to register a vehicle owned by a veteran who has been determined by the Department of Veterans Affairs to be suffering from total blindness as a result of a service-connected disability.

261:160 Collection of Permit Fees in Unorganized Places.

County treasurers shall receive permit fees and issue permits under this chapter to persons residing in unorganized places in any county. Such fees shall be for the use of the county in which such place is situate, except that the county treasurer shall be entitled to receive therefrom \$.25 for each permit issued.

261:161 Expiration of Permits.

All permits for registration of vehicles provided for in this chapter shall expire at the same time as is specified for the expiration of the registration of the vehicle for which the permit was issued.

261:162 Taxation of Motor Vehicles Prohibited.

Motor vehicles owned or controlled by residents of this state shall not be taxed.

261:163 Nonresident Commercial Permit Fees.

The amount of the fee for the permit for registration required by RSA 261:42 shall be the amount of the registration fee for such vehicle.

261:164 Disposition of Nonresident Commercial Permit Fees.

All fees received by the department under the provisions of this subdivision shall be credited to the department of transportation for the maintenance of ways.

261:165 Accounting for Receipts of Permit Fees.

Each designated city official and town clerk shall keep an account of the money received by him or her for vehicle permit fees collected. The clerk or official shall remit all fees collected to the town or city treasurer, or to the treasurers designee as provided by RSA 41:29, VI, at least on a weekly basis, or daily whenever permit fee receipts total \$1,500 or more. Such permit fees shall be used for the general purposes of the city or town. Failure of the city official or town clerk to remit permit fees on a timely basis as required by this section shall be cause for the immediate removal from office under RSA 41:40 of the city official or under RSA 41:16-c of the town clerk. Town clerks shall be paid on orders drawn on the town treasurer by the selectmen at the rate of \$.50 for each permit issued.

Registration Penalties and Offenses

261:176 Misuse or Failure to Display Plates.

I. Any person who knowingly attaches or permits to be attached to a vehicle a number plate assigned by the department, or authority of any other jurisdiction, to another vehicle or who knowingly obscures or permits to be obscured the figures or letters on any number plate attached to any vehicle or who knowingly and deliberately fails to display on a vehicle the number plates and the registration number duly issued therefor shall be guilty of a violation.

II. The fine for a violation of this section shall be \$150.

261:176-a Counterfeiting or Duplication of Number Plates.

No person shall photograph, photostat, counterfeit, duplicate, or in any manner reproduce or display any number plate or a facsimile of any number plate in such a manner that it could be

mistaken for an official number plate issued by the department, or possess any such photograph, photostat, duplicate, reproduction, or facsimile unless specifically authorized by the director.

261:177 Penalties; Dealers, Utility Dealers, Auto Recycling Dealers, Transporters, and Repairers.

I. Upon any evidence of misuse of registration or any violation of the provisions of this chapter or any rules authorized by law the director may:

(a) After a hearing and upon a finding that a dealer, utility dealer, automotive recycling dealer, transporter, or repairer has violated any provision of this chapter or rules adopted pursuant to this chapter, suspend or revoke the dealers, utility dealers, automotive recycling dealers, transporters, or repairers registration, license, or privileges for an appropriate period of time considering the severity of the offense, the number of offenses committed, and whether the dealer, utility dealer, automotive recycling dealer, transporter, or repairer committed prior offenses. If the license is revoked and the dealer determines after a hearing that an owner, partner, or officer of the dealer, utility dealer, automotive recycling dealer, transporter, or repairer laws or rules, the director may prohibit an owner, partner, or officer from opening any other type of dealership for a period of time not to exceed 5 years; or

(b) Impose an administrative fine upon any dealer, utility dealer, automotive recycling dealer, transporter, or repairer. The maximum amounts of the fines which may be assessed shall be as follows:

- (1) For the first violation, \$250.
- (2) For the second violation, \$500.
- (3) For the third violation, \$750.
- (4) For the fourth violation, \$1,000.
- (5) For 5 or more violations, \$2,000.

(c) No fine, or suspension or revocation of a dealer's, utility dealer's, automotive recycling dealer's, transporter's, or repairer's registration, license, or privileges shall take effect unless approved by the commissioner. The commissioner shall have the authority to modify the amount of the fine assessed or the suspension or revocation of registration, license, or privileges imposed.

II. Whenever a dealer, utility dealer, automotive recycling dealer, transporter, or repairer has a license or plates or license and plates revoked or suspended for a period of greater than 15 days, a fee of \$50 shall be paid for the restoration of such license or plates or license and plates.

III. Upon a finding by the director that any dealer, utility dealer, automotive recycling dealer, transporter, or repairer is in violation of an order of the commissioner issued pursuant to this section, the director may impose an administrative fine of up to \$1,000 for each day that the dealer, utility dealer, automotive recycling dealer, transporter, or repairer is in violation of the order.

IV. Any dealer, utility dealer, automotive recycling dealer, transporter, or repairer who violates any of the provisions of this chapter or fails to comply with any order of the director pursuant to this chapter shall be guilty of a violation.

V. Any dealer, utility dealer, automotive recycling dealer, transporter, or repairer who knowingly makes a false or misleading statement in any application or form required by the director pursuant to this chapter, with the purpose of obtaining any registration, license, or privilege, shall be guilty of a misdemeanor.

VI. Any person who violates RSA 261:103-b shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

261:178 Suspension of Registration of Vehicle.

The director, upon evidence satisfactory to him that the owner of a vehicle is permitting or has permitted the same to be driven in violation of any of the provisions of this title, or has made any false statement in the application for registration, may suspend the registration of such vehicle until he is satisfied that the offense will not be repeated or the owner has been acquitted, and any person who shall drive or permit to be driven a vehicle owned or controlled by him upon any way after his registration has been suspended or revoked shall be guilty of a misdemeanor.

261:179 Suspension or Denial of Registration for Abandoning Vehicle.

The director may suspend any registrations issued to a person who has been convicted of violating RSA262:40-c or who has been found by the director to have abandoned a vehicle without paying for the costs of removing, storing, and destroying the vehicle. The director may refuse to register any vehicle to a person who has been convicted of violating RSA 262:40-c or who has been found by the director to have abandoned a vehicle without paying for the costs of removing, storing, and destroying the vehicle.

261:180 Mandatory Suspension or Revocation of Registration.

I. No person shall register any type of motor vehicle in this state while his license is under revocation or suspension for any of the reasons listed in paragraph III of this section. Any person who registers a vehicle while his license is under suspension or revocation for any reason under paragraph III shall be guilty of a violation, and shall have his registration revoked.

II. A person whose license is under suspension or revocation for any of the reasons listed in paragraph III of this section who registers a vehicle shall not be entitled to a refund of either the municipal permit fee or the registration fee.

III. The commissioner, when suspending a drivers license or privilege to drive because the driver is an habitual offender or has been convicted of negligent homicide involving the use of a motor vehicle, manslaughter involving the use of a motor vehicle, a subsequent offense of driving or attempting to drive under the influence of intoxicating liquor or any controlled drug under RSA 265-A:2, I, or aggravated driving while intoxicated or attempted aggravated driving while intoxicated under RSA 265-A:3, shall also revoke the registration of any vehicle registered to the individual whose license is being revoked or suspended, for the period of revocation or suspension of the license or privilege to drive.

IV. The commissioner shall establish, pursuant to RSA 541-A, a system for providing a hardship registration for an additional fee of \$10 on a vehicle registered to a person whose license is under suspension or revocation and whose registration has also been suspended or revoked pursuant to this section.

263:42 Fees Collected from Drivers.

II. For every certified copy of a registration, license, or driving record, \$15, except that the commissioner shall waive the fee for local, state, and federal law enforcement and criminal justice agencies requesting such information for investigative purposes and may, for good cause, waive the fee in cases involving other governmental agencies or the public defender if the commissioner determines that such a waiver is in the public interest.

CHAPTER 266

EQUIPMENT OF VEHICLES

Inspections

Section 266:1

266:1 Inspection Authorized. –

I. The director may require the inspection of any vehicle, except an OHRV, snowmobile, moped, or any other vehicle exempted under this chapter, to determine whether it is fit to be driven. Such inspection shall be made at such times and in such manner as the director may specify, subject to the requirements set forth in this section.

II. Any vehicle registered under this title, except an OHRV, snowmobile, moped, or other exempt vehicle, shall be inspected once a year, during the month in which the birth date of the owner is observed, if the owner is a natural person. An inspection sticker shall be valid for the same duration as the vehicle's registration, which shall not exceed 16 months. If the month in which the anniversary of the owner's birth occurs will be one of the next 4 months, an inspection sticker may be issued, with an expiration date of the birth month in the following year, of the first person named on the title application. Nothing in this paragraph shall require any person who has registered and had inspected a vehicle with temporary plates to have the vehicle reinspected upon receipt of permanent motor vehicle plates. An inspection sticker shall not expire when a vehicle is transferred to a licensed dealer.

II-a. Notwithstanding RSA 266:1, II, if the month in which the anniversary of the owner's birth occurs will be one of the next 4 months, and the vehicle owner provides written verification of absence from New Hampshire during the entire anniversary month, an inspection sticker may be issued, with an expiration date of the birth month in the following year, of the first person named on the title application.

III. If the owner of the vehicle is a company or corporation or other than a natural person, the annual inspection shall be made during the month designated by the director as the registration month for such legal entity. Vehicles registered as antique motor vehicles and antique motorcycles and which are 40 years old and over shall be inspected biennially. Antique motor vehicles shall be inspected in the month of April. Without regard to the owner's birth date or registration month, motorcycles and recreational vehicles shall be inspected annually by July 1.

IV. Notwithstanding paragraphs II and III, newly registered vehicles, other than vehicles transferred to a licensed dealer, OHRVs, snowmobiles, and mopeds, and vehicles, other than vehicles transferred to a licensed dealer, OHRVs, snowmobiles, and mopeds, the ownership of which has been transferred, shall be inspected not later than 10 days after the registration or transfer of ownership of said vehicle. However, if a new vehicle is purchased at retail from a licensed dealer, as defined in RSA 259:18, the vehicle shall be inspected not later than 30 days after the date of transfer. A used vehicle for which a dealer has issued a 20-day plate pursuant to RSA 261:109 shall be inspected by the dealer or an authorized inspection station on behalf of the dealer at the time of the attachment of the plate. All other expired motor vehicle inspections shall be subject to the 10-day grace period in RSA 266:5.

V. The director may authorize properly qualified persons to make inspections without expense to the state at stations designated by him, and may at any time revoke such authorization or

designation; provided, however, that inspections conducted at such stations at the request and under the direction of a police officer or a highway enforcement officer shall be paid for as follows:

(a) In the event violations of this section are uncovered, by the owner of the vehicle.

(b) In the event no such violations are uncovered, by the agency represented by the police officer or highway enforcement officer.

The annual fee to be paid by the inspection station upon authorization to make inspections shall be \$25 and shall not be refundable.

V-a. An inspection station may, upon request, be designated a ""motorcycle only" inspection station. A ""motorcycle only" inspection station may inspect only motorcycles and shall not be required to conduct OBD II emission testing under RSA 266:59-b or to purchase or lease any equipment relating to the OBD II emission testing program.

VI. Each inspection station shall conspicuously post on its premises a notice, in a form and size approved by the director, indicating that the station is an authorized inspection station.

VII. Each inspection station shall conspicuously post on the outside of the building a sign showing the inspection fee charged and the additional fee charged for OBD II testing under RSA 266:59-b. No inspection station shall include of the cost of OBD II testing or reporting in the inspection fee charged for a vehicle not subject to the OBD II requirements under RSA 266:59-b.

VII-a. (a) The director is authorized to require inspection stations to submit inspection data to the department electronically, provided that if electronic submission is required the following inspection stations shall be allowed to submit inspection data electronically or on a designated schedule and form prescribed by the department:

(1) Inspection stations that are authorized to inspect only motorcycles.

(2) [Repealed.]

(3) Fleet motor vehicle inspection stations for non-OBD II vehicles.

[Paragraph VII-a(a)(4) effective until July 1, 2009; see also paragraph VII-a(a)(4) set out below.]

(4) Municipal and county government inspection stations.

[Paragraph VII-a(a)(4) effective July 1, 2009; see also paragraph VII-a(a)(4) set out above.]

(4) Municipal and county government inspection stations for non-OBD II vehicles.

(b) The department shall not require an inspection station to transfer inspection information electronically for any vehicle of model year 1995 or older.

VIII. A new vehicle which has been delivered in this state with a certificate of origin in the form prescribed by the director is exempt from the inspection requirements contained in this section until it is sold at retail. Upon retail sale of such a vehicle, the owner shall be required to have the vehicle inspected pursuant to paragraph IV and as provided in this section and the rules adopted under this chapter.

IX. Notwithstanding any other provisions of this section to the contrary, all trucks exceeding 18,000 pounds gross vehicle weight and all school buses exceeding 10,000 pounds gross vehicle weight, including buses owned or used by a religious organization or a nonprofit organization used exclusively as buses for the transportation of its members in connection with functions of the organization, shall be inspected semi-annually. The month for the first inspection shall be the month in which the birth date of the owner is observed, if the owner is a natural person; if the

owner is other than a natural person, the first inspection shall be conducted during the month designated by the director as the registration month for such legal entity. In either case, the second inspection shall be 6 months later.

X. The director may authorize properly qualified persons to inspect any motor vehicle, except an OHRV, snowmobile, moped, or any other vehicle exempted under this chapter, which has been involved in a fatal accident or an accident involving serious bodily injury as defined in RSA 625:11, VI, to determine whether the vehicle was in compliance with state inspection requirements.

XI. (a) The department may impose an administrative fine upon any inspection station for any violation of an inspection law or rule adopted under the provisions of this chapter. The authority to impose such a fine shall be in addition to any other remedy or penalty that may be imposed, but in no event shall the department impose both a fine and a suspension of inspection privileges in the same proceeding. The maximum amounts of the fines which may be assessed shall be as follows:

- (1) For the first violation, \$250.
- (2) For the second violation, \$500.
- (3) For the third violation, \$750.
- (4) For the fourth violation, \$1,000.
- (5) For 5 or more violations, \$2,000.

(b) No fine shall take effect unless approved by the commissioner. The commissioner shall have the authority to modify the amount of the fine assessed.

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF SAFETY
ADMINISTRATIVE RULES**

Saf-C 211.02 Municipalities.

- (a) When any check in payment of a permit fee is returned to a municipality as uncollectible because of insufficient funds, the procedure set forth in this section shall be followed.
- (b) A written complaint shall be executed against the registrant by the designated municipal official. The complaint shall be filed on form DSMV 164.
- (c) The designated municipal official shall include the following on or with form DSMV 164:
 - (1) The registrant's name and address;
 - (2) The registration number, if available;
 - (3) A copy of each of the municipal permit(s) issued;
 - (4) The insufficient fund check which was tendered in payment therefore;
 - (5) The date of the transaction;
 - (6) A statement that there are insufficient funds for a check drawn to pay for the municipal permit;
 - (7) A statement that a certified letter, return receipt requested, was mailed to the respondent more than 10 days prior to the date of the complaint; and
 - (8) That the registrant has failed to make payment as of the date of the complaint.
- (d) The written complaint shall be filed with the financial responsibility administrator and sent to:
 - Division of Motor Vehicles
 - Financial Responsibility
 - 23 Hazen Drive
 - Concord, New Hampshire, 03305
- (e) The financial responsibility administrator shall generate a suspension notice to take effect in 10 days from the date of the notice, which shall indicate that:
 - (1) A hearing may be requested in writing and if such request is made it shall preclude suspension from taking effect; and
 - (2) If a hearing is requested, the registrant shall have the burden of proving, by a preponderance of the evidence that he has made restitution of the full amount of the returned check and has paid any protest fees assessed by the municipality to which the returned check was issued.
- (f) At the conclusion of a hearing, a hearings examiner shall continue suspension of the registration certificate and number plates of the registrant in any case in which it is found that the person had not made full restitution of the returned check, or paid any protest fees assessed by the municipality to which the returned check was issued.
- (g) Any suspension issued under this section shall remain in effect until the financial responsibility administrator receives written evidence which conclusively establishes that
 - (1) Restitution of the full amount of the returned check has been made to the municipality;
 - (2) Payment of any protest fees has been made to the municipality; and
 - (3) There are no other suspensions and or revocations in effect and further provided no additional penalties are applicable pursuant to RSA 263:12, RSA 263:64-a or RSA 265:4.

CHAPTER Saf-C 500 VEHICLE REGISTRATION RULES

PART Saf-C 501 PURPOSE

Saf-C 501.01 Purpose. The purpose of these rules is to set forth the administrative requirements for all classes of vehicle registrations, except dealers as provided in Saf-C 2000.

PART Saf-C 502 DEFINITIONS

Saf-C 502.01 "Applicant" means a person intending to fulfill statutory and administrative requirements for issuance of a motor vehicle or boat registration.

Saf-C 502.02 "Commissioner" means "commissioner" as defined in RSA 259:13.

Saf-C 502.03 "Department" means "department" as defined in RSA 259:19.

Saf-C 502.04 "Director" means "director" as defined in RSA 259:20.

Saf-C 502.05 "Division" means "division" as defined in RSA 259:22.

Saf-C 502.06 "Initial plate" or "vanity plate" means a requested registration plate composed entirely of letters or a combination of letters, numbers and symbols, for an additional fee, the proceeds of which are deposited in accordance with RSA 263:52.

Saf-C 502.07 "Municipal agent" means any city or town clerk, tax collector or other municipal official designated by the municipality to issue motor vehicle registration permits.

Saf-C 502.08 "Original registration" means the first registration obtained by a particular person for a particular vehicle.

Saf-C 502.09 "Registrant" means the person designated on a New Hampshire registration application or certificate.

Saf-C 502.10 "Registration period" means that portion of time from the date of the transaction to the expiration date of the registration permit.

Saf-C 502.11 "Renewal registration" means registration of the same vehicle by the same person within 12 months subsequent to a valid registration.

Saf-C 502.12 "Substation" means a satellite facility operated by the division for the purpose of processing motor vehicle and boat registrations.

PART Saf-C 503 GENERAL ADMINISTRATION

Saf-C 503.01 Forms.

(a) Whenever a person is required to complete a form, the following shall apply:

- (1) Forms shall be filled out completely;
- (2) Forms shall be completed in a legible manner; and
- (3) Forms shall be completed in non-fading, non-erasable graphic, except that vehicle registrations and municipal permits shall be typewritten with black ribbon or printed by computer.

Saf-C 503.02 Incomplete Form.

(a) All forms shall be reviewed by the division in accordance with RSA 541-A:29.

(b) The submitting party shall be notified of any apparent errors or omissions and allowed to resubmit the form to the division.

Saf-C 503.03 Failure to Comply with Statute or Rule.

(a) In the event an applicant fails to comply with an applicable statute or rule, the application shall not be processed.

(b) The applicant shall be notified of the reason(s) for the rejection.

Saf-C 503.04 Fees, Form of Payment. Whenever an applicant makes payment to the division for satisfaction of a fee, the following shall apply:

(a) Payment shall be made in the form of cash, check, money order or accepted credit cards.

(b) Checks and money orders shall be made payable to the "State of New Hampshire - M.V.". Alternative terms, including but not limited to "State of New Hampshire - Safety," "New Hampshire Department of Safety," "Treasurer - State of New Hampshire," or "Director of Motor Vehicles" shall not

be cause for refusal, provided it does not lend itself to endorsement by any party other than the State of New Hampshire.

(c) Unless otherwise provided in these rules, any fee prescribed by statute or rule shall be submitted at the same time as the application.

Saf-C 503.05 Checks.

(a) Post-dated checks shall not be accepted.

(b) Checks shall be for the exact amount due to the division.

(c) No two-party check shall be accepted except as provided in (d) below.

(d) A two-party check shall be accepted if:

(1) The State of New Hampshire is one of the parties;

(2) The applicant is the other party; and

(3) The check is for the exact amount due to the division.

(e) No check shall be accepted which is dated more than 90 days prior to receipt. In such an event the application shall be rejected and the applicant shall be notified.

Saf-C 503.06 Legal Address. Whenever a registrant is required to furnish his/her address by statute or rule, the address shall reflect a street, road, avenue, or like designation. A post office or rural route box number, without more, shall not be adequate.

Saf-C 503.07 Non-Resident Registration - Address. A non-resident registration shall reflect the legal address within the State of New Hampshire where the vehicle is garaged in accordance with RSA 261:46, and may also include an out of state residence or business mailing address.

Saf-C 503.08 Resident Registration - Address.

(a) A resident registration shall reflect the registrant's legal address within the State of New Hampshire.

(b) In the event the director finds that a non-resident has been issued a New Hampshire registration and plates, he/she shall revoke the registration and plates after notice and opportunity for a hearing.

(c) In the case of resident students, service persons or other residents who are temporarily living out of state, the registration shall reflect the out of state address where the vehicle is temporarily garaged.

Saf-C 503.09 Refund for Unused Materials.

(a) A registrant who returns to the division of motor vehicles, 23 Hazen Drive, Concord, N.H., unused registration plates, decals or both and corresponding certificate of registration during 90 days subsequent to issuance, shall be refunded the registration fees collected for the registration.

(b) Physical evidence that the plates, decals or both have been attached to a vehicle shall disqualify a registrant from receiving a refund.

Saf-C 503.10 Specific Registration Number.

(a) In the event an applicant desires to obtain a particular registration number, he/she shall apply in person or by mail, to:

The Office of the Commissioner
James H. Hayes Building
33 Hazen Drive
Concord, N.H. 03305.

(b) Registration numbers shall be the property of the state and shall be assigned by the department in accordance with these rules.

(c) Notwithstanding (b) above, the same registration number may be retained in the event of a transfer of vehicle ownership to a surviving spouse, except for the following classification of plates:

(1) Purple heart plates;

(2) Temporary plates;

(3) Veteran's plates, to include disabled veteran's plates;

(4) Walking disability plates, unless the surviving spouse is disabled; and

(5) Gold star plates.

PART Saf-C 504 MOTOR VEHICLE, TRAILER, SEMI-TRAILER REGISTRATION

Saf-C 504.01 Application for Municipal Permit.

(a) In addition to providing the information required by RSA 261:148, a person shall apply for a municipal permit with the town clerk and pay the appropriate fee pursuant to RSA 261:141.

(b) A registration shall not be issued except when the town clerk is satisfied that the applicant has qualified for it and has issued the designated municipal permit.

Saf-C 504.02 Distribution of Permit.

(a) The town clerk shall retain the copy of the permit designated "town clerk's copy".

(b) The applicant shall retain the remaining copies of the permit, which shall constitute the application for registration.

Saf-C 504.03 Application, Where Submitted. Except as provided hereafter, an application for a motor vehicle, trailer, or semi-trailer registration shall be submitted, in person to a substation or, in person or by mail, to:

The Division of Motor Vehicles
23 Hazen Drive
Concord, N.H. 03305.

Saf-C 504.04 Antique Registration. An application for an antique registration shall be submitted, in person or by mail, to:

The Division of Motor Vehicles
23 Hazen Drive
Concord, N.H. 03305.

Saf-C 504.05 Local, County, State Registration.

(a) An application for registration made by a unit of local, county or state government or by a school district, volunteer fire department, the civil air patrol, or a public or private educational institution for the purpose of student driver training shall be submitted, in person or by mail, to:

The Division of Motor Vehicles
23 Hazen Drive
Concord, N.H. 03305.

(b) An application for a permanent unlisted registration made by a law enforcement agency shall be submitted to the office of the commissioner at the address set forth in (a) above.

(c) The department shall refuse to issue a permanent unlisted registration unless satisfied that:

- (1) The vehicle to be registered is owned by a local, county, state or federal agency; and
- (2) The permanent unlisted registration is required for law enforcement purposes.

Saf-C 504.06 Disabled Veteran's Registration.

(a) An application for a disabled veteran's registration pursuant to RSA 261:86, I (a) and (b) shall be submitted, in person or by mail, to:

The Division of Motor Vehicles
23 Hazen Drive
Concord, N.H. 03305.

(b) The application shall contain an official certification from the United States government veteran's administration attesting that the applicant meets the criteria as totally or permanently disabled as a result of a war or peace time injury, unless the registration is for a motor vehicle received from the United States government, as a result of a disability.

Saf-C 504.07 Veteran's Registration.

(a) An application for a veteran's registration pursuant to RSA 261:87-b shall be submitted, in person to a substation or, in person or by mail, to:

The Division of Motor Vehicles
23 Hazen Drive
Concord, N.H. 03305.

(b) The application shall include documentation showing proof of honorable discharge from any branch of the armed services, which shall be approved by the director.

(c) For the purpose of (b) above, proof of honorable discharge shall include the words “honorable” or “honorably” discharged, separated or released from any branch of the armed services on the submitted documentation.

(d) Acceptable documentation containing the information set forth in (c) above shall include the following:

- (1) Form DD214 from any branch of the armed services;
- (2) Form DD 217 from any branch of the armed services;
- (3) Form WDAGO 53-55 from the United States Army;
- (4) Form WDAGO 53-98 from the United States Army;
- (5) Form NAVPERS-553 from the United States Naval Service;
- (6) Form NAVPERS-660 from the United States Naval Service;
- (7) Form NAVMC 70-PD from the United States Marine Corps;
- (8) Form NAVMC 78-PD from the United States Marine Corps;
- (9) Form NAVCG-2510 from the United States Coast Guard;
- (10) Form GSA 6954 from the National Archives;
- (11) Form NA 13038 from the National Archives;
- (12) Form NA 13041 from the National Archives; or
- (13) Verification of Service letter from the United States Department of Veteran’s Affairs.

(e) In the event that a document showing proof of honorable discharge is not listed in (d)(1) through (13) above, the state veteran’s council shall determine the authenticity of the document as proof of honorable discharge.

Saf-C 504.08 Hearse Registration. An application for a hearse registration shall be submitted, in person or by mail, to:

The Division of Motor Vehicles
23 Hazen Drive
Concord, N.H. 03305.

Saf-C 504.09 Construction Equipment Registration. An application for a construction equipment registration shall be submitted, in person to a substation or, in person or by mail, to:

The Division of Motor Vehicles
23 Hazen Drive
Concord, N.H. 03305.

Saf-C 504.10 Walking Disability Registration.

(a) An application for an original or recertification of a walking disability registration or permanent placard pursuant to RSA 261:88 shall be submitted, in person or by mail, to:

The Division of Motor Vehicles
23 Hazen Drive
Concord, N.H. 03305.

(b) Substations shall process:

- (1) Renewal applications for walking disability plates; and
- (2) Temporary placard applications.

Saf-C 504.11 Issuance of Registration Materials.

(a) Upon receipt of an application for registration, the department shall issue a registration plate and a certificate of registration.

(b) The registration plate shall conform with the requirements of Saf-C 515.

(c) The certificate of registration shall reflect the information on the application for registration.

(d) In order to constitute a valid certificate of registration, the certificate of registration shall be signed by the registrant.

Saf-C 504.12 Trailer Vehicle Identification Number.

(a) An application for a state issued vehicle identification number for all trailers 3,000 pounds or less shall be submitted, in person to a substation or authorized municipal agent or, in person or by mail, to:

The Division of Motor Vehicles
23 Hazen Drive
Concord, N.H. 03305.

(b) A vehicle identification number for all trailers that are 3,000 pounds or less shall be issued only after the vehicle identification number plate on the trailer has been examined by a law enforcement officer, a licensed motor vehicle dealer or an authorized inspection station. For trailers greater than 3,000 pounds, a NH issued vehicle identification number (VIN) shall be required.

(c) Upon being issued a trailer vehicle identification number, a person shall display the sticker in a permanent and prominent place on the trailer. At no time shall a person remove or deface the sticker or any other identifying number.

Saf-C 504.13 Single Axle Tow Dolly.

(a) Registration of single axle tow dollies shall not be required in this state.

(b) For the purposes of this section, "single axle tow dolly" means a vehicle designed and used exclusively to transport another motor vehicle and upon which the front or rear wheels of the towed motor vehicle are mounted, while the other wheels of the towed motor vehicle remain in contact with the ground.

PART Saf-C 505 MOTOR CARRIER REGISTRATION

Saf-C 505.01 Application Form, Where Available. The department shall furnish application forms for motor carrier registration at the division of motor vehicles, 23 Hazen Drive, Concord, N.H. 03305.

Saf-C 505.02 Application, Data Required.

(a) Each applicant for a motor carrier registration shall furnish the following on the prescribed form:

- (1) Name, mailing address and legal address;
- (2) Carrier unit number;
- (3) The vehicle's year, make, model, gross weight and vehicle identification number;
- (4) Motor vehicle registration number; and
- (5) Signature of the applicant.

(b) The application form shall be submitted, in person or by mail, to:

The Division of Motor Vehicles
23 Hazen Drive
Concord N.H. 03305.

Saf-C 505.03 Issuance of Motor Carrier Registration Materials. Upon receipt of the materials set forth above, the department shall issue a motor carrier registration certificate and a motor carrier registration plate.

Saf-C 505.04 Motor Carrier Registration Certificate. The motor carrier registration certificate shall contain the information set forth in Saf-C 505.02.

Saf-C 505.05 Motor Carrier Registration Plate. The motor carrier registration plate shall conform with the requirements of Saf-C 515.

PART Saf-C 506 MOPED REGISTRATION

Saf-C 506.01 Application Form, Where Available.

(a) The department shall furnish application forms for moped registration at the following locations:

- (1) The division of motor vehicles, 23 Hazen Drive, Concord, N.H. 03305; and
- (2) Any substation.

Saf-C 506.02 Application, Data Required.

- (a) Each applicant for a moped registration shall furnish the following on the prescribed form:
- (1) Name, mailing address and legal address;
 - (2) The vehicle's year, make, model, color and vehicle identification number; and
 - (3) Signature of the applicant.

(b) The application form shall be submitted to one of the locations set forth in Saf-C 506.01.

Saf-C 506.03 Issuance of Moped Registration Materials. Upon receipt of the materials set forth above and the statutory fee, the department shall issue a moped registration certificate, a moped registration plate and a validation decal.

Saf-C 506.04 Moped Registration Certificate. The moped registration certificate shall contain the information set forth in Saf-C 506.02.

Saf-C 506.05 Moped Registration Plate. The moped registration plate shall conform with the requirements of Saf-C 515.

PART Saf-C 507 BOAT REGISTRATION

Saf-C 507.01 Boat Registration. Each applicant for a boat registration shall comply with the requirements of Saf-C 2300, Vessel Registration.

PART Saf-C 508 ONE-THIRD RATE VEHICLES

Saf-C 508.01 One-Third Rate Vehicle. For the purposes of this part, a vehicle shall qualify for one-third rate if it serves no other purpose than to transport a permanently mounted piece of equipment, which is an integral part of the unit.

Saf-C 508.02 One-Third Rate Vehicle Types.

- (a) The following shall be considered one-third rate vehicles:
- (1) Wreckers with a permanently mounted boom;
 - (2) Cranes;
 - (3) Well drillers;
 - (4) Aerial ladder trucks;
 - (5) Aerial bucket trucks;
 - (6) Post-hole diggers; and
 - (7) Concrete pumps.

Saf-C 508.03 One-Third Rate Vehicle Registration.

(a) Each applicant for a one-third rate registration shall verbally request the registration, at the time he/she applies for a municipal permit or upon renewal of his/her registration.

(b) If the applicant's vehicle is one of those described in Saf-C 508.02, the department shall register the vehicle for one-third rate.

(c) If the applicant's vehicle is not one of those described in Saf-C 508.02, the department shall register the vehicle with full fees and the provisions of Saf-C 508.04 and Saf-C 508.05 shall apply.

Saf-C 508.04 Other One-Third Rate Vehicles.

(a) Each applicant requesting a one-third rate registration for a vehicle not described in Saf-C 508.02 shall furnish the following to the department:

- (1) Manufacturer's specifications for the vehicle;
- (2) Written description of uses of the vehicle; and
- (3) Time and location that the vehicle may be inspected by the department.

Saf-C 508.05 Processing Other One-Third-Rate Vehicles.

(a) Upon receipt of the information set forth in Saf-C 508.04, the department shall have the vehicle inspected.

(b) It shall be the applicant's duty to make the vehicle available for the inspection.

(c) If the department determines that the vehicle qualifies for one-third rate, a refund shall be forwarded to the applicant and the vehicle shall be added to those described in Saf-C 508.02.

(d) If the department determines that the vehicle does not qualify for one-third rate, the applicant shall be notified.

PART Saf-C 509 INITIAL OR VANITY REGISTRATION

Saf-C 509.01 Application, Data Required.

- (a) Each applicant for an initial or vanity registration shall submit the following to the department:
- (1) A completed "Application for Vanity Plates" form RDMV 120 (rev. 07/18) containing the requested combination of characters for the initial or vanity registration plate;
 - (2) A completed application for registration, or current valid registration; and
 - (3) The plate manufacturing fee required by RSA 261:75, and also the prorated by month portion of the special vanity plate service fee required by RSA 261:89 for the remainder of registration period.

Saf-C 509.02 Application, Where Submitted. The application form shall be submitted in person to any DMV location or to the municipality in which the applicant resides, or by mail to:

NH Dept. of Safety
DMV – Registration Bureau
23 Hazen Drive
Concord NH 03305

Saf-C 509.03 Temporary Plate Pending Approval. Upon application, the applicant shall be issued a temporary initial or vanity plate. The temporary initial or vanity plate shall be valid until permanent initial or vanity registration plates are issued.

Saf-C 509.04 Application Rejection.

(a) An application for an initial or vanity registration plate shall be evaluated by the department and rejected if the requested combination of characters does not conform with the requirements of Saf-C 514.61(c) or if it is currently in use.

(b) Upon rejection, the department shall:

- (1) Refund or credit the collected special vanity plate service fee to the applicant;
- (2) Notify the applicant of the reason(s) for the rejection; and
- (3) Issue a registration plate according to the class of vehicle and type of plate requested.

(c) A person whose initial or vanity registration plate has been rejected may submit a written request to the director setting forth a detailed explanation as to the reasons why such an initial or vanity registration plate should be issued. The director's decision shall be final.

Saf-C 509.05 Application Approval.

(a) An application for an initial or vanity registration plate shall be approved if the requested combination of characters conforms with the requirements of Saf-C 514.61(c) and it is not currently in use.

(b) Upon approval, the department shall have permanent initial or vanity registration plates manufactured and forward them to the registrant.

PART Saf-C 510 FORCED REGISTRATION

Saf-C 510.01 Registration Required In a Trust.

(a) If a vehicle is titled only in a trust name or is registered in a trust name:

- (1) The trustee may elect to be the first person named on the registration for the purposes of using his/her date of birth to determine the expiration date of the registration;
- (2) Election pursuant to (a)(1) above shall not create an ownership interest in the vehicle by the trustee; and

(3) Election pursuant to (a)(1) above shall not require a new title.

PART Saf-C 511 REGISTRATION - ADDITIONAL REQUIREMENTS/CLASSIFICATION

Saf-C 511.01 Pro-rating Registration Fee.

(a) Except as provided hereafter, the month in which an application for registration is processed by the department shall serve as the starting month for pro-rating registration fees.

(b) If an applicant is issued a 5 month municipal permit and applies for registration within the first 7 days of the next month, the month in which the municipal permit is issued shall serve as the starting month for pro-rating registration fees.

Saf-C 511.02 Title Vehicle Registration.

(a) Each applicant for an original registration of a vehicle which requires a certificate of title shall furnish the following, at the time of registration:

(1) A New Hampshire application for title; and

(2) One of the following:

a. A properly assigned certificate of title;

b. A certificate of origin; or

c. A bill of sale and the previous certificate of registration for the vehicle.

Saf-C 511.03 Temporary Registration.

(a) New residents who are required to register a vehicle pursuant to RSA 261:45 shall be issued a 60 day registration not more than 20 days prior to expiration of their out of state registration.

(b) For the purposes of this section, a registration expires in addition to its normal expiration date, at the time when another jurisdiction deems the registration expired or null and void.

Saf-C 511.04 Temporary Registration Plate.

(a) In the event a registration plate number is assigned by the department for which a metal plate is not available, a temporary registration paper plate shall be issued.

(b) The metal registration plate shall be manufactured and forwarded to the registrant, when completed.

(c) Upon receipt, the registrant shall destroy the temporary registration paper plate and attach the metal registration plate.

Saf-C 511.05 Weight of Vehicle Dispute.

(a) For the purposes of this section, "certification of weight" means a written statement signed by the manufacturer of the vehicle or an authorized inspection station, or, a photograph of the gross vehicle weight and vehicle identification number of the vehicle, which states the weight of the vehicle.

(b) In the event an applicant challenges the weight assigned to a vehicle by the department or a town clerk, the following shall apply:

(1) The application for registration of passenger vehicles shall be processed utilizing the weight set forth in the Red Book or the National Automobile Dealer's Association Guide (see Appendix II), plus 150 lbs. per passenger for the manufacturer's rated passenger capacity of the vehicle. Any over-charge shall be refunded upon presentation of a certification of weight;
or

(2) In the case of non-passenger vehicles designed to carry freight or merchandise, the registration shall be processed utilizing the weight set forth in the Red Book or the National Automobile Dealer's Association Guide (see Appendix II), plus the manufacturer's rated carrying capacity of the vehicle.

(c) The applicant shall withdraw the application until a certification of weight can be furnished to the director.

(d) If the model year can be distinguished from the year of manufacture by the vehicle identification number or other means, the Red Book or the National Automobile Dealer's Association Guide (see Appendix II) weight figure for that particular model year plus either 150 lbs. per passenger capacity or the manufacturer's rated carrying capacity of the vehicle shall be accepted.

Saf-C 511.06 In-Transit Registration.

(a) A vehicle purchased from a licensed New Hampshire dealer shall not be required to have an in-transit registration. Dealers shall issue temporary dealer registrations to those out of state residents whose state recognizes such registrations.

(b) The department shall furnish application forms for in-transit registration at the division of motor vehicles, 23 Hazen Drive, Concord, N.H. 03305 or at any substation.

(c) Each applicant for an in-transit registration shall furnish the following on the prescribed form:

- (1) Name, legal address and date of birth;
- (2) Proof of identity, including:
 - a. Passport;
 - b. Picture identification;
 - c. Photographic license;
 - d. Social security number; or
 - e. Birth certificate;
- (3) Driver license number and state of origin;
- (4) Name and address of person selling the vehicle;
- (5) Date of purchase;
- (6) Proof of ownership;
- (7) The state in which the vehicle shall be registered;
- (8) A statement that the vehicle meets all New Hampshire inspection requirement and is in safe operating condition;
- (9) Whether the vehicle was purchased in New Hampshire;
- (10) Description of the vehicle, including:
 - a. Make, model and color;
 - b. Vehicle identification number; and
 - c. Year of manufacture;
- (11) A statement that all the information on the form is true; and
- (12) Signature of the applicant.

(d) Upon receipt of the materials set forth above and the statutory fee, the department shall issue an in-transit plate and registration certificate.

(e) The in-transit plate and registration certificate shall be valid for 20 days from the date of issuance and only for the purpose of transporting the vehicle to its intended destination.

(f) A vehicle shall not have more than one in-transit registration issued by this state.

(g) Pursuant to (c)(9) above, if a vehicle was not purchased in New Hampshire, an in-transit plate and registration certificate shall not be issued.

Saf-C 511.07 Change of Address.

(a) Within 10 days of changing residence and/or mailing address, a registrant shall furnish the following on form DSMV-30:

- (1) Name;
- (2) Date of birth;
- (3) Old address;
- (4) New address; and
- (5) Signature of the registrant.

Saf-C 511.08 Change of Name.

(a) Whenever a registrant, other than a corporation, alters his/her name, the registrant shall furnish the following on form DSMV-30:

- (1) Date of birth;
- (2) Former name;
- (3) New name; and
- (4) Signature of the registrant.

- (b) As evidence of a new name, a registrant shall:
- (1) Present a copy of one of the following:
 - a. Name change petition from the court of Probate;
 - b. Marriage certificate;
 - c. Divorce decree;
 - d. Passport;
 - e. Adoption decree; or
 - f. Court decree.

Saf-C 511.09 Corporations.

(a) Whenever a corporation, partnership, or other legal entity changes its name, it shall be presumed that the change constitutes a transfer of ownership, unless satisfactory proof to the contrary is furnished, such as a stockholder's vote to change the name.

(b) The registration of every vehicle registered in the name of a corporation, partnership or other legal entity shall expire by the first letter or number of the company name as set forth in Table 5.11.1 below:

Table 5.11.1 Expiration Date of Registration

<u>First Letter or Number of Name</u>	<u>Expiration Month</u>
A - B; 1	January
C; 2	February
D - E; 3	March
F - G; 4	April
H - I; 5	May
J - K - L; 6	June
M; 7	July
N; 8	August
O - P - Q; 9	September
R - S; 0	October
T - U	November
V - W - X - Y - Z	December

Saf-C 511.10 Truck-tractor with Semi-trailer.

(a) In order for a truck-tractor to be registered in connection with a semi-trailer, the registrant's name and the expiration date for the truck-tractor registration and the semi-trailer registration shall be the same.

(b) If a semi-trailer is registered subsequent to registration of the truck-tractor, the applicant shall furnish the department with the original or a clear copy of the truck-tractor registration certificate.

Saf-C 511.11 Registration Listing Access.

(a) For the purposes of this section, "registration listing" means the name, address and date of birth of the registrant, and if requested, the New Hampshire registration plate number and a description of the vehicle.

(b) All requests for registration listings shall be processed in accordance with the requirements of RSA 260:14 and Saf-C 5600.

(c) Registration listings that conform with the requirements of (b) above, shall be furnished for a fee of \$5 per listing pursuant to RSA 261:60, I.

(d) No registration listing shall be furnished in the case of permanent unlisted plates issued to a law enforcement agency.

Saf-C 511.12 Limited Number of Registrations. No more than 10 registrations shall be processed for any one applicant on any given occasion, unless there is reasonable time to do so. If there is not

reasonable time, the applicant shall leave the registrations and will be notified by the division when the registrations are completed.

Saf-C 511.13 Suspension of Registration. Pursuant to RSA 261:178, the director shall, after notice and opportunity for a hearing in accordance with Saf-C 203, suspend a person's registration for driving or permitting the driving of his/her vehicle in violation of any provision of title XXI of the revised statutes annotated, if the violation indicates activity contrary to public safety.

Saf-C 511.14 Late Renewal - Proof of Non-Operation.

(a) Determination by a municipal agent that an applicant for late renewal has not operated his/her motor vehicle since expiration of the registration shall constitute satisfactory proof of non-operation within the meaning of RSA 261:141, VI. In such an event, the municipal agent shall compute fees by pro-rating from the month of application. If the municipal agent is not satisfied that the applicant has not operated his/her vehicle since expiration of the registration and the applicant so desires, an appeal may be taken to the director. In such a case, no municipal permit shall be issued.

(b) A person, after making a request of the director, shall be deemed to have not operated his/her motor vehicle since expiration of the registration if he/she can show, by a preponderance of the evidence, that:

- (1) His/her privilege to operate the motor vehicle in question has been under suspension or revocation for the majority of the time since expiration of the registration, and he/she has not been arrested for a conviction of a driving offense alleged to have occurred during that period of time;
- (2) The registrant or primary operator of the vehicle in question has been seriously ill for the majority of the time since expiration of the registration;
- (3) The registrant or primary operator of the vehicle in question has been absent from the state without the vehicle for the majority of the time since expiration of the registration; or
- (4) Any other convincing proof of non-operation.

(c) If the director finds that the applicant has not operated the vehicle in question since expiration of the registration, a letter stating such shall be given to the applicant. The applicant shall present this letter to the appropriate municipal agent who, upon receipt, shall compute fees by pro-rating from the month of application.

Saf-C 511.15 Registration Refund for Members of Armed Forces.

(a) Pursuant to RSA 261:68, any person who is ordered into or enlists in the military or naval services during a war emergency may request an abeyance of his/her registration(s) during such service.

(b) An application may be made in writing and submitted, in person or by mail, to:

The Division of Motor Vehicles
23 Hazen Drive
Concord, N.H. 03305.

(c) Each applicant shall submit the following:

- (1) The name, legal address and date of birth of the member of the armed services;
- (2) A copy of military orders; and
- (3) A copy of the registration of the vehicle(s) which are to be held in abeyance.

(d) Upon receipt of the information set forth in (c) above, the department shall grant a pro rata refund, based upon the number of months the vehicle is unused.

PART Saf-C 512 RENEWAL REGISTRATION

Saf-C 512.01 Motor Vehicle, Trailer, and Semi-Trailer Renewal.

(a) A renewal application shall be submitted, in person to a substation or authorized municipal agent or, in person or by mail, to:

The Division of Motor Vehicles
23 Hazen Drive
Concord, N.H. 03305.

(b) Notwithstanding (a) above, a semi-trailer renewal application shall be submitted, in person to a substation or, in person or by mail, to:

The Division of Motor Vehicles
23 Hazen Drive
Concord, N.H. 03305.

(c) Each renewal application requiring issuance of a registration plate shall be submitted in the same manner as an original registration.

(d) A renewal application made by a unit of state, county or local government or by a school district, volunteer fire department, the civil air patrol, or a public or private educational institution used for the purpose of student driver training shall be submitted, in person to a substation or, in person or by mail, to:

The Division of Motor Vehicles
23 Hazen Drive
Concord, N.H. 03305.

(e) Upon receipt of an application for a renewal registration, the department shall issue a certificate of registration, a decal and if requested, a new registration plate. Unless otherwise required by statute or rule, a decal which conforms with the requirements of Saf-C 515 shall be issued for renewal registrations subsequent to issuance of a registration plate. The certificate of renewal registration shall contain the information provided on the application.

(f) The town clerk shall retain one copy of the municipal permit for a renewal registration. The applicant shall retain the remaining copies of the permit, which shall constitute the application for a renewal registration.

Saf-C 512.02 Motor Carrier Renewal. The provisions of Saf-C 505 shall apply to renewal of a motor carrier registration.

Saf-C 512.03 Moped Renewal. The provisions of Saf-C 506 shall apply to renewal of a moped registration.

Saf-C 512.04 Time for Registration Renewal. Except as provided hereafter, no registrant for a motor vehicle, trailer, semi-trailer or other staggered registration shall be provided with a renewal application form prior to his/her month of birth or month of designation

Saf-C 512.05 Absent Registrant. A registrant shall be issued a renewal registration prior to his/her month of renewal in accordance with the requirements of RSA 261:62, II(d).

Saf-C 512.06 Fleet Registrant. A registrant shall be provided with renewal registration applications prior to his/her month of renewal if the registrant will be renewing 100 or more registrations, and the registrant requests early registration, in writing or in person, from the department at least 60 days prior to his/her month of renewal.

Saf-C 512.07 Local, County, State Registration. A registration for a motor vehicle, trailer or semi-trailer owned and operated by a unit of local, state, or county government or by a school district, volunteer fire department, the civil air patrol, or a public or private educational institution used for the purpose of student driver training shall expire on March 31st and shall be valid for a period not to exceed 5 years.

Saf-C 512.08 Weight Increase.

(a) A registrant who has been referred to the department by a law enforcement officer as a result of violating RSA 266:26, and who applies for a registration with increased weight shall, upon payment of the statutory fee, be issued a corrected certificate of registration. The registration fee for the increased weight shall be computed retroactively to the first month of the registrant's current registration. The registrant shall be responsible for not carrying on the vehicle an amount in excess of the manufacturer's rated carrying capacity of the vehicle. A request for increased weight registration shall be submitted, in person to a substation or authorized municipal agent or, in person or by mail, to:

The Division of Motor Vehicles
23 Hazen Drive
Concord, N.H. 03305.

(b) If an applicant is able to prove to the commissioner that the vehicle has been structurally altered to carry a heavier gross weight than at the time of current registration, the weight increase shall be computed retroactively to the date of alteration of the vehicle.

(c) A registrant who applies for registration at an increased weight, other than (a) above, shall, upon payment of the statutory fee, be issued a corrected certificate of registration. The registration fee for the increased weight shall be computed as of the date of application for increased weight. A request for increased weight registration shall be submitted, along with the vehicle's previous valid certificate of registration, in person to a substation or, in person or by mail, to:

The Division of Motor Vehicles
23 Hazen Drive
Concord, N.H. 03305.

(d) If a vehicle, after being weighed by any law enforcement officer, is found to be carrying a gross weight in excess by more than 20% of the total weight under which it was registered, the finding shall be considered prima facie evidence that the registrant of the vehicle did not pay the proper fee and register the vehicle for the proper amount of weight.

(e) If any person fails to increase the registered weight of his/her vehicle as provided by this section, and pay the required fee, the registration and plates of the vehicle shall be suspended by the commissioner, after notice and opportunity for a hearing in accordance with Saf-C 204.19.

(f) The registrant shall ensure that a vehicle is not registered at a weight in excess of the weight allowed under RSA 266:18, or a greater weight if special modifications have been made and the increase has been approved by the commissioner. No refund of any excess fee shall be approved under circumstances in which a vehicle was registered at a greater weight unless the registrant provides proof that the vehicle was registered due to an error on the part of the department or a clerk, and that the vehicle has not been operated at a weight in excess of the weight allowed by law.

PART Saf-C 513 WEIGHING OF VEHICLES

Saf-C 513.01 Suspension of Operator's License or Privilege.

(a) A person's license or privilege to operate shall be suspended after notice and opportunity for a hearing, in accordance with Saf-C 204.19, if upon the request of a law enforcement officer, any person shall:

- (1) Fail or refuse to stop and submit to a weighing of the motor vehicle by means of either portable or stationary scales; or
- (2) Fail or refuse to drive the vehicle to public scales for the purpose of weighing, or fail or refuse to drive the vehicle onto any scales.

Saf-C 513.02 Suspension of Vehicle Registration and Plates. Any person who violates the provisions of Saf-C 513.01 and is the owner of the vehicle, or the refusal or failure to submit to weighing occurs at the direction of the owner of the vehicle, the registration and plates of the vehicle shall be suspended after notice and opportunity for a hearing, in accordance with Saf-C 204.19.

PART Saf-C 514 VEHICLE PLATES

Saf-C 514.01 Issue. For the purposes of this part, the word “issue” shall not include the issuance of replacement plates.

Saf-C 514.02 Classification. For the purposes of this part, the word “classification” means all types of plates issued by the department.

Saf-C 514.03 All Plates.

(a) All registration plates, regardless of classification, shall have the words "New Hampshire" on the plate.

(b) All registration plates for passenger vehicles shall have the words "live free or die" on the lower border, in accordance with RSA 261:75, II.

Saf-C 514.04 Agriculture Plate.

(a) Agriculture plates shall be issued to vehicles registered pursuant to RSA 261:82.

(b) Agriculture plates shall have 3 to 6 characters, 2 of which shall be the letters "AG", and the remainder of which shall be numerals from one to 9999.

Saf-C 514.05 Ambulance Plate.

(a) Ambulance plates shall be issued to vehicles validly licensed in accordance with RSA 153-A:10, II.

(b) Ambulance plates shall have 6 characters, the first 3 of which shall be the letters "AMB", and the last 3 of which shall be numerals.

Saf-C 514.06 Antique Plate.

(a) Antique plates shall be issued, upon request, to vehicles registered pursuant to RSA 261:89-a.

(b) Antique plates shall:

(1) Have the word "ANTIQUE" on the upper border;

(2) Have a replica of the old man of the mountain followed by one to 4 numerals; and

(3) If a vanity plate:

a. Have a replica of the old man of the mountain followed by one to 4 characters that conform with the requirements of Saf-C 514.61(c); or

b. Consist of 5 to 6 characters, without the replica of the old man of the mountain.

Saf-C 514.07 Antique Motorcycle Plate.

(a) Antique motorcycle plates shall be issued, upon request, to motorcycles registered pursuant to RSA 261:89-a.

(b) Antique motorcycle plates shall:

(1) Have the word “MOTORCYCLE” on the lower border; and

(2) Have 3 to 5 characters, 2 of which shall be the letters "AM", and the remainder of which shall be numerals.

Saf-C 514.08 Antique Trailer Plate.

(a) Antique trailer plates shall be issued, upon request, to vehicles registered pursuant to RSA 261:89-a, II, provided that the trailer is over 25 years old as specified in (b) below.

(b) An applicant for antique trailer plates shall provide proof of trailer age by presenting:

(1) A title which reflects more than a 25 year old date of manufacture;

(2) A registration which reflects more than a 25 year old date of manufacture; or

(3) A statement, signed under penalty of unsworn falsification pursuant to RSA 641:3, from the current owner containing the facts which demonstrate that the trailer is more than 25 years old.

(c) Antique trailer plates shall:

(1) Have the words “ANTIQUE TRAILER” on the right vertical border; and

(2) Have 3 to 5 characters, 2 of which shall be the letters “AT”, and the remainder of which shall be numerals.

Saf-C 514.09 Apportioned Plates.

- (a) Apportioned plates shall be issued to vehicles registered pursuant to RSA 260:75.
- (b) Apportioned plates shall:
 - (1) Have the word "APPORTIONED" on the upper border; and
 - (2) Have 3 to 6 characters, one of which shall be the letter "A", one of which shall be a letter, and the remainder of which shall be numerals.

Saf-C 514.10 Attorney General Plate.

- (a) Attorney general plates shall be issued to vehicles of the New Hampshire attorney general and his/her deputy pursuant to RSA 261:90.
- (b) In addition to the requirements set forth in RSA 261:90, attorney general plates shall:
 - (1) Have the words "ATTORNEY GENERAL"; and
 - (2) Have the years of term on the lower border.
- (c) Attorney general plates may have the numerals one or 2.

Saf-C 514.11 U.S. Attorney Plate.

- (a) U.S. attorney plates shall be issued, upon request, to a vehicle owned and operated by the United States attorney for the state of New Hampshire.
- (b) U.S. attorney plates shall:
 - (1) Have the words "U.S. ATTORNEY"; and
 - (2) Have the years of term.

Saf-C 514.12 Automotive Recycling Dealer Plate.

- (a) Automotive recycling dealer plates shall be issued to vehicles registered pursuant to RSA 261:123.
- (b) Automotive recycling dealer plates shall have 6 characters, the first of which shall be the letter "J", the last of which shall be a letter, and the remainder of which shall be numerals.
- (c) The letter "J" shall designate the automotive recycling dealer plate, the numerals shall designate the register number of the particular automotive recycling dealer, and the final letter shall designate the particular plate in that dealer's series.

Saf-C 514.13 Commercial Plate.

- (a) Commercial plates shall be issued to commercial motor vehicles, as defined in RSA 259:12-e.
- (b) Commercial plates shall:
 - (1) Have 3 to 6 characters, one of which shall be the letter "A", one of which shall be a letter, and the remainder of which shall be numerals;
 - (2) If a numerical commercial plate:
 - a. Have the letters "COMM" on the left vertical border; and
 - b. Have a numeral from one to 999; or
 - (3) If a vanity plate, have characters that conform with the requirements of Saf-C 514.61(c).

Saf-C 514.14 Special Commercial Plate.

- (a) Special commercial plates shall be issued to one-third rate vehicles, as described in Saf-C 508.02, when the vehicle would otherwise have to register as an apportioned vehicle to travel interstate.
- (b) Special commercial plates shall:
 - (1) Have the words "SPEC COMM" on the left vertical border; and
 - (2) Have a numeral from one to 9999.

Saf-C 514.15 Construction Equipment Plate.

- (a) Construction equipment plates shall be issued to construction equipment, as defined in RSA 259:42.
- (b) Construction equipment plates shall:
 - (1) Have the letters "CE" on the left vertical border;
 - (2) Have 5 numerals; and
 - (3) Have the words "CONSTRUCT EQUIP" on the right vertical border.

Saf-C 514.16 Disabled Veteran Plate.

- (a) Disabled veteran plates shall be issued to a vehicle registered pursuant to RSA 261:86.
- (b) Disabled veteran plates shall:
 - (1) Have the words "DISABLED VETERAN" on the upper border;
 - (2) Have one to 4 alpha numerical characters; and
 - (3) Have the statutorily-required universal symbol of accessibility.

Saf-C 514.17 Farm Plate.

- (a) Farm plates shall be issued to vehicles registered pursuant to RSA 261:84.
- (b) Farm plates shall have 3 to 6 characters, the last 2 of which shall be the letters "FA", and the remainder of which shall be numerals.

Saf-C 514.18 Farm Tractor Plate.

- (a) Farm tractor plates shall be issued to vehicles registered pursuant to RSA 261:83. (b) Farm tractor plates shall have the letters "TA" on the left vertical border, followed by one to 5 numerals.

Saf-C 514.19 Gold Star Plate. Gold star plates shall be issued to a vehicle owned or held in trust by a mother of a person killed while on duty in the United States armed forces, pursuant to RSA 261:87-c.

Saf-C 514.20 Governor Plate.

- (a) Governor plates shall be issued to vehicles operated by the governor of New Hampshire, pursuant to RSA 261:90.
- (b) In addition to the requirements set forth in RSA 261:90, governor plates shall:
 - (1) Have the word "GOVERNOR";
 - (2) Have the years of term on the lower border; and
 - (3) Have the state seal.

Saf-C 514.21 Executive Council Plate.

- (a) Executive council plates shall be issued to vehicles of the New Hampshire executive council, pursuant to RSA 261:90.
- (b) In addition to the requirements set forth in RSA 261:90, executive council plates shall:
 - (1) Have the words "EXECUTIVE COUNCIL";
 - (2) Have a numeral from one to 5;
 - (3) Have the state seal; and
 - (4) Have the years of term on the lower border.

Saf-C 514.22 Hearse Plate.

- (a) Hearse plates shall be issued to vehicles designed and employed as hearses, and owned and operated by a person licensed and registered pursuant to RSA 325:20.
- (b) Hearse plates shall have 3 to 5 characters, the first and last of which shall be plus signs, and the remainder of which shall be numerals from one to 999.

Saf-C 514.23 House of Representatives Plate.

- (a) House of representatives plates shall be issued to members of the New Hampshire house of representatives, pursuant to RSA 261:90.
- (b) In addition to the requirements set forth in RSA 261:90, house of representatives plates shall:
 - (1) Have the words "N.H. HOUSE" on the upper border;
 - (2) Have the years of term on the lower border;
 - (3) Have numerals designating the registrant's house seat; and
 - (4) Have the state seal.

(c) At the request of the speaker of the house, the director shall issue special number plates with title designations.

Saf-C 514.24 Moped Plate.

- (a) Moped plates shall be issued to vehicles described in RSA 259:57.
- (b) Moped plates shall:
 - (1) Have the letters "NH" and the word "MOPED"; and

(2) Have one to 5 alpha numerical characters.

Saf-C 514.25 Motor Carrier Plate.

(a) Motor carrier plates shall be issued to vehicles registered pursuant to RSA 375-A:17 and RSA 376:24.

(b) Motor carrier plates shall:

(1) Have the letters "NH" and the word "CARRIER"; and

(2) Have one to 4 numerals.

Saf-C 514.26 Motorcycle Plate.

(a) Motorcycle plates shall be issued to vehicles described in RSA 259:63.

(b) Motorcycle plates shall have the letters "NH" and the word "MOTORCYCLE".

(c) Motorcycle plates shall:

(1) Have one to 5 alpha numerical characters; and(2) If a vanity plate, have one to 5 characters that conform with the requirements of Saf-C 514.61(c).

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Saf-C 514.27 Motorcycle or Moped Dealer Plate.

(a) Motorcycle or moped dealer plates shall be issued to vehicles registered pursuant to RSA 261:113.

(b) Motorcycle or moped dealer plates shall:

(1) Have the letters "NH" and the word "MOTORCYCLE"; and

(2) Have 5 characters, the first of which shall be the letter "M", the last of which shall be a letter, and the remainder of which shall be numerals.

(c) The letter "M" shall designate the motorcycle or moped dealer plate, the numerals shall designate the register number of the particular motorcycle or moped dealer, and the final letter shall designate the particular plate in that dealer's series.

Saf-C 514.28 Municipal Police Department Plate. Municipal police department plates shall be issued to vehicles owned by a municipal police department and operated by municipal police officers pursuant to RSA 261:91.

Saf-C 514.29 National Guard Plate.

(a) National guard plates shall be issued to vehicles owned by a member, active or retired, of the New Hampshire national guard pursuant to RSA 261:91.

(b) National guard plates shall:

(1) Have the words "NATIONAL GUARD" on the left vertical border;

(2) Have the distinctive "MINUTE MAN" symbol; and

(3) Have one to 4 numerals

Saf-C 514.30 New and Used Motor Vehicle Dealer.

(a) Motor vehicle dealer plates shall be issued to vehicles registered pursuant to RSA 261:104.

(b) Motor vehicle dealer plates shall:

(1) Have the letters "DLR" on the left vertical border; and

(2) Have 2 to 6 characters, one or 2 of which shall be letters, and the remainder of which shall be numerals.

(c) The numerals shall designate the register number of the particular dealer and the letter(s) shall designate the particular plate in that dealer's series.

Saf-C 514.31 Passenger Plate.

(a) Passenger plates shall be issued to vehicles registered pursuant to RSA 261:52, which weigh 26,000 pounds or less gross vehicle weight, unless otherwise specified in these rules.

(b) Passenger plates shall:

(1) Have one to 7 numerical or alpha numerical characters, none of which shall be preceded solely by zeros; and

(2) If a vanity plate, have one to 7 characters that conform with the requirements of Saf-C 514.61(c).

(c) The use of passenger plates on pickup trucks shall not classify the vehicle as a passenger type vehicle for the purpose of width restrictions set forth in RSA 266:12.

Saf-C 514.32 Permanent Local Plate.

(a) Permanent local plates shall be issued to vehicles of local or county government, a school district, volunteer fire department, the civil air patrol, or a public or private educational institution used for the purpose of student driver training pursuant to RSA 261:92.

(b) Permanent local plates shall have 6 characters, the first of which shall be the letter "G", and the remainder of which shall be numerals.

Saf-C 514.33 Permanent Motorcycle Plate.

(a) Permanent motorcycle plates shall be issued to motorcycles of local, county or state government, a school district, volunteer fire department, the civil air patrol, or a public or private educational institution used for the purpose of student driver training pursuant to RSA 261:92.

(b) Permanent motorcycle plates shall have 3 to 5 characters, the first 2 of which shall be the letters "MC", and the remainder of which shall be numerals.

Saf-C 514.34 Permanent National Guard Plate.

(a) Permanent national guard plates shall be issued to vehicles owned and operated by the New Hampshire national guard.

(b) Permanent national guard plates shall:

(1) Have the words "OFFICIAL" on the left vertical border; and

(2) Have 3 to 6 characters, the first 2 of which shall be the letters "NG", and the remainder of which shall be numerals.

Saf-C 514.35 Permanent Unlisted Plate. Permanent unlisted plates shall be issued to vehicles owned by entities described in RSA 261:92 upon request and in accordance with the requirements set forth in Saf-C 504.05(c). Permanent unlisted plates shall also be issued to law enforcement agents of the federal government or other states.

Saf-C 514.36 Postmaster Plate.

(a) Postmaster plates shall be issued, upon request, to one vehicle of a current postmaster.

(b) Postmaster plates shall be vanity plates which have the 5 numerals of the postmaster's zip code.

(c) Postmaster plates shall be surrendered to the department at the normal expiration date of the vehicle registration immediately following the termination of postmaster status.

(d) If a city has multiple zip codes, the postmaster shall be authorized to assign the remaining zip codes to postal carriers. A postal carrier shall surrender the plates to the department at the normal expiration date of the vehicle registration immediately following his/her termination as a postal carrier.

(e) In the event a current postmaster does not wish to obtain a postmaster plate, he/she may request the department to issue a postmaster plate to a previous postmaster or to a postal carrier. The postmaster plates shall expire and be surrendered to the department immediately following the termination of the current postmaster's status.

Saf-C 514.37 Former Prisoner of War Plate.

(a) Former prisoner of war plates shall be issued to a vehicle owned by a former prisoner of war pursuant to RSA 261:86, I(c).

(b) Former prisoner of war plates shall:

(1) Have the letters "POW" on the left vertical border;

(2) Have 3 horizontal barbed-wire symbols; and

(3) Have 3 numerals.

Saf-C 514.38 Purple Heart Plate.

(a) Purple heart plates shall be issued to a vehicle owned by a person who was awarded the Purple Heart medal pursuant to RSA 261:86, I(d).

(b) Purple heart plates shall:

(1) Have the purple heart medal with the words "PURPLE HEART" on the left vertical border; and

(2) Have one to 4 alpha numerical characters.

Saf-C 514.39 Purple Heart Motorcycle Plate.

(a) Purple heart motorcycle plates shall be issued to a motorcycle owned by a person who was awarded the Purple Heart medal pursuant to RSA 261:86, I(d).

(b) Purple heart motorcycle plates shall:

(1) Have the purple heart medal with the words "PURPLE HEART" on the left vertical border; and

(2) Have one to 3 alpha numerical characters.

Saf-C 514.40 Repair Plate.

(a) Repair plates shall be issued to vehicles registered pursuant to RSA 261:136.

(b) Repair plates shall have 6 characters, the first of which shall be the letter "R", the last of which shall be a letter, and the remainder of which shall be numerals.

(c) The letter "R" shall designate the repair plate, the numerals shall designate the register number of the particular repairer, and the final letter shall designate the particular plate in that repairer's series.

Saf-C 514.41 Repair Plate - Supplemental.

(a) A supplemental repair plate shall be issued to repairers as described in Saf-C 2005.02 and Saf-C 2005.03.

(b) Supplemental repair plates shall have 6 characters, the first 2 of which shall be the letters "RS", and the remainder of which shall be numerals.

(c) The letters "RS" shall designate the supplemental repair plate and the numerals shall designate the register number of the particular repairer.

Saf-C 514.42 School Bus Plate.

(a) School bus plates shall be issued to vehicles described in RSA 261:141, III(q).

(b) School bus plates shall have 6 characters, 2 of which shall be the letters "SB", and the remainder of which shall be numerals.

Saf-C 514.43 Senate Plate.

(a) Senate plates shall be issued to members of the New Hampshire senate pursuant to RSA 261:90.

(b) In addition to the requirements set forth in RSA 261:90, senate plates shall:

(1) Have the word "SENATE";

(2) Have the years of term;

(3) Have a numeral from one to 24 corresponding to the number of the senatorial district; and

(4) Have the state seal.

(c) At the request of the senate president, the director shall issue special number plates with title designations.

Saf-C 514.44 Sheriff Plate.

(a) Sheriff plates shall be issued, upon request, to vehicles owned by a sheriff's department and operated by county or deputy sheriffs pursuant to RSA 261:91.

(b) Sheriff plates shall:

(1) Have the word "SHERIFF";

(2) Have one or 2 numerals; and

(3) Have the name of the county.

Saf-C 514.45 Sheriff Motorcycle Plate.

(a) Sheriff motorcycle plates shall be issued, upon request, to motorcycles owned by a sheriff's department and operated by county or deputy sheriffs pursuant to RSA 261:91.

(b) Sheriff motorcycle plates shall:

(1) Have the word "SHERIFF" on the upper border;

- (2) Have the words "NH MC" on the lower border; and
- (3) Have one to 3 numerals.

Saf-C 514.46 State Government Plate.

- (a) State government plates shall be issued to state-owned vehicles pursuant to RSA 261:92.
- (b) State government plates shall:
 - (1) Have the word "OFFICIAL" on the left vertical border; and
 - (2) Have one to 3 letters and one to 4 numerals.

Saf-C 514.47 State Police Plate.

- (a) State police plates shall be issued to vehicles of the New Hampshire state police pursuant to RSA 261:91.
- (b) State police plates shall:
 - (1) Have the words "DEPT. OF SAFETY" on the lower border;
 - (2) Have the words "STATE POLICE"; and
 - (3) Have one to 3 numerals.

Saf-C 514.48 State Police Motorcycle Plate.

- (a) State police motorcycle plates shall be issued to motorcycles of the New Hampshire state police pursuant to RSA 261:91.
- (b) State police motorcycle plates shall:
 - (1) Have the words "STATE POLICE" and "MOTORCYCLE"; and
 - (2) Have a numeral from one to 999.

Saf-C 514.49 Secretary of State Plate.

- (a) Secretary of state plates shall be issued to vehicles of the secretary of state pursuant to RSA 261:90.
- (b) In addition to the requirements set forth in RSA 261:90, secretary of state plates shall:
 - (1) Have the words "SECRETARY OF STATE";
 - (2) Have the years of term; and
 - (3) Have the state seal.

Saf-C 514.50 State Treasurer Plate.

- (a) State treasurer plates shall be issued to vehicles of the state treasurer pursuant to RSA 261:90.
- (b) In addition to the requirements set forth in RSA 261:90, state treasurer plates shall:
 - (1) Have the words "STATE TREASURER";
 - (2) Have the years of term; and
 - (3) Have the state seal.

Saf-C 514.51 Street Rod Plate.

- (a) Street rod plates shall be issued to vehicles described in RSA 259:106-a.
- (b) Street rod plates shall:
 - (1) Have the words "STREET ROD"; and
 - (2) Have a numeral from one to 999.

Saf-C 514.52 Superior Court Plate.

- (a) Superior court plates shall, upon request to the commissioner's office, be issued to one vehicle owned by each active member of the New Hampshire superior court pursuant to RSA 261:91.
- (b) Superior court plates shall:
 - (1) Have one or 2 numerals;
 - (2) Have the words "SUPERIOR COURT" on the left vertical border; and
 - (3) Be distributed in ascending order pursuant to the appointment date of each justice.

Saf-C 514.53 Supreme Court Plate.

- (a) Supreme court plates shall, upon request to the commissioner's office, be issued to one vehicle owned by each active member of the New Hampshire supreme court pursuant to RSA 261:91.
- (b) Supreme court plates shall:
 - (1) Have the words "SUPREME COURT" on the left vertical border;
 - (2) Have one numeral; and

- (3) Be distributed in ascending order pursuant to the appointment date of each justice on the supreme court bench, except that the chief justice shall always be issued the lowest number.

Saf-C 514.54 Temporary Plate.

- (a) Twenty day temporary plates shall be issued to vehicles registered pursuant to RSA 261:57.
- (b) Temporary plates shall:
 - (1) Have the letters "NH" and "TEMP";
 - (2) Have 6 numerals; and
 - (3) Reflect the date of expiration.

Saf-C 514.55 Temporary Sixty Day Plates.

- (a) Sixty day temporary plates shall be issued to vehicles registered pursuant to RSA 261:57-a.
- (b) Sixty day temporary plates shall:
 - (1) Have the words "60 DAY TEMPORARY";
 - (2) Have 6 numerals; and
 - (3) Reflect the date of expiration.

Saf-C 514.56 Trailer Plate.

- (a) Trailer plates shall be issued to vehicles described in RSA 259:113.
- (b) Trailer plates shall:
 - (1) Have 6 alpha numerical characters, one of which shall be the letter "T"; and
 - (2) If a vanity plate, have the word "TRAILER" on the left vertical border, followed by 6 characters that conform with the requirements of Saf-C 514.61(c).

Saf-C 514.57 Transporter Plate.

- (a) Transporter plates shall be issued to vehicles registered pursuant to RSA 261:115.
- (b) Transporter plates shall have 6 characters, the first of which shall be the letter "T", the last of which shall be a letter, and the remainder of which shall be numerals.
- (c) The letter "T" shall designate the transporter plate, the numerals shall designate the register number of the particular transporter, and the final letter shall designate the particular plate in that transporter's series.

Saf-C 514.58 United States Congressman Plate.

- (a) United States congressman plates shall be issued to vehicles of members of the United States House of Representatives pursuant to RSA 261:90.
- (b) In addition to the requirements set forth in RSA 261:90, United States congressman plates shall:
 - (1) Have the words "U.S. CONGRESS";
 - (2) Have the state seal;
 - (3) Have the numeral one or 2; and
 - (4) Have the years of term on the lower border.

Saf-C 514.59 United States Senator Plate.

- (a) United States senator plates shall be issued to vehicles of members of the United States Senate pursuant to RSA 261:90.
- (b) In addition to the requirements set forth in RSA 261:90, United States senator plates shall:
 - (1) Have the words "U.S. SENATE";
 - (2) Have the state seal;
 - (3) Have the numeral one or 2; and
 - (4) Have the years of term on the lower border.

Saf-C 514.60 Utility Dealer Plate.

- (a) Utility dealer plates shall be issued to vehicles registered pursuant to RSA 261:121.
- (b) Utility dealer plates shall have 6 characters, the first of which shall be the letter "U", the last of which shall be a letter, and the remainder of which shall be numerals.
- (c) The letter "U" shall designate the utility dealer plate, the numerals shall designate the register number of the particular utility dealer, and the final letter shall designate the particular plate in that utility dealer's series.

Saf-C 514.61 Initial or Vanity Registration Plate.

(a) Pursuant to RSA 261:89, an initial or vanity registration plate shall be issued in lieu of the classifications listed in (b) below, provided that the applicant has complied with the requirements of Saf-C 509 and paragraph (c) below.

(b) Initial or vanity plates shall be available for the following classifications, pursuant to (a) above:

- (1) Passenger plates;
- (2) Commercial plates;
- (3) Antique plates;
- (4) Motorcycle plates;
- (5) Veteran's plates, to include disabled veteran's plates;
- (6) Trailer plates;
- (7) Street rod plates;
- (8) Walking disability plates, including motorcycle plates;
- (9) Purple heart plates, including motorcycle plates;
- (10) Apportioned plates;
- (11) National Guard plates;
- (12) Active duty military plates;
- (13) Conservation plates;
- (14) State park plates; and
- (15) Conservation park plates.

(c) An initial or vanity registration plate shall not:

- (1) Include a zero;
- (2) Imply an affiliation with a government entity that is not true;
- (3) Refer to or be associated with any of the following subjects, in any language, whether read forward, backward, by mirror image or by phonetic spelling:
 - a. Intimate body parts or genitals;
 - b. Sexual or excretory acts or functions;
 - c. Words or terms of profanity or obscenity;
 - d. Violence;
 - e. Illegal activities;
 - f. Drugs, drug culture or illegal intoxicants;
 - g. Gangs; or
 - h. Racial, ethnic, religious, gender or sexual orientation hatred or bigotry;
- (4) Have more than 7 characters;
- (5) Have more than 2 ampersands, plus signs, or minus signs, and which shall not be consecutive, such as &&;
- (6) Have any characters other than ampersands, numerals, plus signs, minus signs, or letters;
- (7) Have only numerals or only numerals and ampersands, plus signs, or minus signs; and
- (8) Have characters or combinations of characters which may cause difficulty of distinction or identification.

(d) The director or designee shall recall any initial or vanity registration plate that has been issued which does not conform with the requirements of (c) above, regardless of when the plate was originally issued, as follows:

- (1) The director shall notify in writing any person whose initial or vanity registration plate is being recalled. The notification shall identify the non-conformity of the plate and explain the procedure for obtaining another plate;
- (2) Any person whose initial or vanity registration plate has been recalled shall elect to receive either a refund or a credit of the special vanity plate service fee for the prorated remaining registration period; and

(3) Upon the surrender of an initial or vanity registration plate that has been recalled, or 30 days after notification as noted in (d)(1) above, the temporary vanity plate shall be invalidated, and the applicant shall receive a number plate of the same classification type for the remaining registration period at no additional cost.

(e) A person whose initial or vanity registration plate has been recalled may submit a written request to the director setting forth a detailed explanation as to the reasons why such an initial or vanity registration plate should be issued. The director's decision shall be final.

Saf-C 514.62 Veteran Plate.

(a) Veteran plates shall be issued to a motor vehicle registered pursuant to RSA 261:87-b.

(b) Veteran plates shall:

- (1) Have the word "VETERAN" on the upper border;
- (2) Have the letter "V", followed by one to 5 alpha numerical characters; and
- (3) If a vanity plate, have one to 6 characters that conform with the requirements of Saf-C 514.61(c).

Saf-C 514.63 Veteran Motorcycle Plate.

(a) Veteran motorcycle plates shall be issued to a motorcycle registered pursuant to RSA 261:87-b.

(b) Veteran motorcycle plates shall:

- (1) Have the word "VETERAN" on the upper border;
- (2) Have the letter "V", followed by one to 4 alpha numerical characters; and
- (3) If a vanity plate, have one to 4 characters that conform with the requirements of Saf-C 514.61(c).

Saf-C 514.64 Walking Disability Plate.

(a) Walking disability plates shall be issued to vehicles or motorcycles owned by an applicant with a walking disability pursuant to RSA 261:88.

(b) Walking disability plates for vehicles shall:

- (1) Have the statutorily-required universal symbol of accessibility; and
- (2) Have one to 4 alpha numerical characters.

(c) Walking disability plates for motorcycles shall:

- (1) Have the statutorily-required universal symbol of accessibility;
- (2) Have one to 3 alpha numerical characters; and
- (3) Have the word "MOTORCYCLE" on the lower border.

Saf-C 514.65 Wholesale Plate.

(a) Wholesale plates shall be issued to vehicles registered pursuant to RSA 261:140-a.

(b) Wholesale plates shall have 6 characters, the first 2 of which shall be the letters "WO" and the remainder of which shall be numerals.

(c) The letters "WO" shall designate the wholesale plate and the numerals shall designate the register number of the particular wholesale dealer.

Saf-C 514.66 Conservation Number Plates. A special conservation plate or special vanity conservation plate shall be issued to vehicles, in lieu of other plate types, pursuant to RSA 261:97-a.

Saf 514.67 Special Registration Plate Symbol. Pursuant to RSA 261:75-c, a special registration plate symbol shall be issued, upon request, to private passenger vehicles, recreational vehicles and motorcycles for the purpose of benefitting the state park system. The special registration plate symbol shall serve as a character in the registration number and issued in accordance with the requirements of RSA 261:75-c.

PART Saf-C 515 REGISTRATION PLATES

Saf-C 515.01 Color of Plates.

(a) Registration plates shall have color combinations as follows:

- (1) Temporary 20 day plate issued by the department - brown on white;

- (2) Temporary 60 day plate issued by the department – purple on white; and
- (3) Supplemental repair plate issued by the department – orange on white.

Saf-C 515.02 Number of Plates.

- (a) The department shall issue 2 registration plates except for the following:
 - (1) Trailer plates;
 - (2) Dealer plates, all classes;
 - (3) Motorcycle plates;
 - (4) Moped plates;
 - (5) Motor carrier plates;
 - (6) Temporary plates;
 - (7) Tractor plates;
 - (8) Street rod plates; and
 - (9) Construction equipment plates.

Saf-C 515.03 Location of Plates.

- (a) All registration plates shall be securely affixed to the vehicle and shall be mounted so that the characters appear right-side up.
- (b) If 2 registration plates are issued, one each shall be placed on the front and rear of the vehicle in the spaces provided by the manufacturer.
- (c) Notwithstanding (b) above, if the vehicle does not have a manufacturer's space provided or if the vehicle has a snowplow mounted which would obscure the manufacturer's mounting bracket, the following shall apply:
 - (1) The registration plates shall be affixed in a clearly visible location which permits easy identification; and
 - (2) The rear plate shall be affixed so that it is illuminated by the white license plate light whenever the headlamps or parking lights are illuminated.
- (d) If one registration plate is issued, it shall be affixed on the rear of the vehicle in the space provided by the manufacturer, unless the vehicle does not have a manufacturer's space provided, in which case it shall be affixed pursuant to (c)(2) above.

Saf-C 515.04 Display of Original Plate on Antique Motor Vehicles, Motorcycles and Trailers.

- (a) An applicant for an antique motor vehicle, motorcycle, or trailer plate may request a permit, pursuant to RSA 261:89-a, to display a registration plate which was issued in the same year that the antique motor vehicle, motorcycle, or trailer was manufactured.
- (b) Each applicant shall submit the following:
 - (1) A current antique motor vehicle, motorcycle, or trailer registration; and
 - (2) The number of the antique plate to be displayed on the antique motor vehicle, motorcycle, or trailer.
- (c) Upon receipt of the information set forth in (b) above, the director shall issue a permit pursuant to RSA 261:89-a.
- (d) The registration plate issued in the same year of manufacture of the antique motor vehicle, motorcycle or trailer shall be displayed in accordance with RSA 261:89-a.

Saf-C 515.05 Location of Decals.

- (a) Validation decals issued to a motor vehicle, semi-trailer, or trailer renewal registration shall be affixed to the registration plate. The decals shall reflect the month and year of expiration of the registration.
- (b) Validation decals issued to a motorcycle shall be affixed to the registration plate.

Saf-C 515.06 Obstruction of Registration Plate. No person shall operate a vehicle in this state with a registration plate that is obstructed from view in any fashion.

Saf-C 515.07 Time for Display. The owner of a properly registered vehicle for the succeeding year may display the registration plates or decals for that year in place of those plates or decals of the

current year. In such an event the registrant shall carry both the current and succeeding certificates of registration in the vehicle.

Saf-C 515.08 Exchanging Registration Plate.

(a) No registration plate, once issued, shall be exchanged from one person to another, from one vehicle to another, or for a different registration plate except as required by statute or these rules.

(b) Upon expiration of the registration, the registration plate assigned to such registration shall not be issued to a person other than the prior registrant for a period of at least 30 days subsequent to the last day of the expiration month.

(c) Upon transfer of ownership in a vehicle, the transferor-registrant shall, upon request, be:

(1) Issued the same registration plate for a subsequently registered vehicle if the registrant is the first named person designated on the New Hampshire registration certificate bearing the registration plate being transferred;

(2) Allowed to transfer a registration plate to the transferee if the transfer meets the provisions of (f) below; or

(3) Allowed to transfer a registration plate to the transferee, if the transferee submits:

a. A written statement from the transferor-registrant releasing the registration plate and waiving all rights to transfer credits; and

b. The transferor's registration certificate.

(d) In the case of (b) above, the transferor shall waive all rights to transfer credits which may accrue as provided in RSA 261:150.

(e) Pursuant to RSA 261:66, the spouse of the registrant may request for a period of at least 30 days subsequent to the last day of the expiration month, for the issuance of the same registration number and plate to any vehicle owned by the spouse, provided the registration number and plate is appropriate to the particular class of vehicle.

(f) In the case of a transfer of a lease registration, a person may receive transfer credits as provided in RSA 261:66, IV and RSA 261:150, III, provided one of the following applies:

(1) The person listed as the primary owner on the new registration is the same as one of the lessees on the prior lease agreement;

(2) The person listed as the lessee on the new registration is the primary owner on the prior registration; or

(3) The person listed as the lessee on both registrations is the same.

Saf-C 515.09 Recall of Registration Number. Notwithstanding any rule to the contrary, the department shall recall any registration plate or series of plates, in cases of, but not limited to, defect, mistake or duplication. In such cases, a replacement plate or plates and corrected certificate of registration shall be immediately issued.

PART Saf-C 516 REPLACEMENT REGISTRATION PLATE

Saf-C 516.01 Application, Data Required.

(a) A registrant applying for a replacement registration plate shall furnish the following on the prescribed form:

(1) Name and address;

(2) Certification that the plate issued has been lost, stolen, damaged or destroyed;

(3) Whether the loss has been reported to a local police department and the name of such department;

(4) The registration plate number and type; and

(5) Signature of the registrant.

(b) The application form shall be submitted, in person to a substation or authorized municipal agent or, in person or by mail, to:

The Division of Motor Vehicles
23 Hazen Drive

(a) Upon receipt of an application for a replacement plate for a vehicle to which one plate was originally issued, the department shall issue a registration plate with a different number, if the registration plate was reported to a law enforcement agency as stolen. The number of the stolen registration plate shall not be reissued until the registrant's time for registration renewal.

(b) Upon receipt of an application for one replacement plate for a vehicle to which 2 plates were originally issued, the department shall issue 2 registration plates with a different number, if the registration plate was reported to a law enforcement agency as stolen. The number of the stolen registration plate shall not be reissued until the registrant's time for registration renewal.

(c) Upon receipt of an application for 2 replacement plates for a vehicle to which 2 plates were originally issued, the department shall issue 2 registration plates with a different number, if the registration plates were reported to a law enforcement agency as stolen. The number of the stolen registration plates shall not be reissued until the registrant's time for registration.

Saf-C 516.03 Issuance of Lost Replacement Plate.

(a) Upon receipt of an application for a replacement plate for a vehicle to which one plate was originally issued, the department shall immediately have a matching replacement plate manufactured and forwarded to the registrant, unless the registrant requests a registration plate with a different number.

(b) Upon receipt of an application for one replacement plate for a vehicle to which 2 plates were originally issued, the department shall immediately have a matching replacement plate manufactured and forwarded to the registrant, unless the registrant requests 2 registration plates with a different number.

(c) Upon receipt of an application for 2 replacement plates for a vehicle to which 2 plates were originally issued, the department shall immediately have a matching set of replacement plates manufactured and forwarded to the registrant, unless the registrant requests 2 registration plates with a different number.

(d) When a registrant requests one or 2 replacement plates with the same number, because he/she believes the plate(s) are lost, the registrant shall release the department from any and all liability in the event any action is taken which indicates that the plate(s) for which the replacements are issued are stolen.

Saf-C 516.04 Defective Decal, Registration Plate. In the event a registrant receives a defective decal or registration plate, the registrant shall return the defective decal or registration plate to the department. The registrant shall be issued a substitute decal or registration plate without charge.

PART Saf-C 517 OPERATION OF UNINSPECTED MOTOR VEHICLE

Saf-C 517.01 Permit, Where Submitted. Permit forms to operate an uninspected motor vehicle shall be submitted, in person to a substation or authorized municipal agent or, in person or by mail, to:

The Division of Motor Vehicles
23 Hazen Drive
Concord, N.H. 03305.

Saf-C 517.02 Permit, Data Required.

(a) An applicant for a permit to operate an uninspected motor vehicle shall furnish the following to the department:

- (1) Name and address;
- (2) Full description of the vehicle; and
- (3) Certification that the vehicle is safe for highway use.

Saf-C 517.03 Cause for Issuance of Permit.

- (a) A permit to operate an uninspected motor vehicle shall be issued to:
- (1) A registrant who will be out-of-state during the entire month of inspection; or
 - (2) A registrant whose vehicle is uninspected and whose month of inspection has passed.
- (b) The permit shall only authorize operation of an uninspected vehicle, provided the vehicle is properly registered, during the time interval stated, not to exceed 30 days.

(c) No person shall be issued a permit more than once in a single registration period.

Saf-C 517.04 48-Hour Permit. Notwithstanding any other rule to the contrary, upon receipt of the information set forth in Saf-C 517.02, a permit to operate an uninspected motor vehicle shall be issued to a person for a period not to exceed 48 hours, for the sole purpose of taking the vehicle to an authorized inspection station, provided the vehicle is properly registered. No person shall be issued a permit pursuant to this section more than once in a single registration period.

PART Saf-C 518 TWENTY DAY PERMITS

Saf-C 518.01 Application for a Twenty Day Permit.

(a) The department shall furnish application forms for 20 day permits at the division of motor vehicles, 23 Hazen Drive, Concord, N.H. 03305 and at any substation.

(b) The application for a 20 day permit shall include the following:

- (1) Name, address, date of birth and driver license number;
- (2) Proof of identity, as described in Saf-C 518.03;
- (3) Description of the vehicle, including:
 - a. Make, model, color;
 - b. Vehicle identification number; and
 - c. Year of manufacture;
- (4) Name and legal address of person selling the vehicle;
- (5) Proof of ownership;
- (6) Certification by the applicant that he/she is a resident of New Hampshire, and that he/she has not previously applied for or been issued a 20 day permit for the vehicle;
- (7) A statement that the vehicle meets all New Hampshire inspection requirements and is in safe operating condition;
- (8) A statement that all the information on the application is true; and
- (9) Signature of the owner.

(c) An application for a 20 day permit shall be submitted to one of the locations described in (a) above.

Saf-C 518.02 Proof of Residency. Upon submitting the application as set forth above, the owner shall furnish proof of New Hampshire residency to the department. The proof shall include a New Hampshire driver license and, if applicable, a current New Hampshire registration.

Saf-C 518.03 Proof of Identity.

(a) Upon submitting the application as set forth above, the owner shall furnish positive proof of identification to the department.

(b) Proof shall include one or more of the following:

- (1) A color photo driver license;
- (2) A non-driver identification card;
- (3) A passport;
- (4) Military discharge papers;
- (5) A birth certificate;
- (6) A military identification card;
- (7) A government issued identification; or
- (8) An employee photo identification card.

Saf-C 518.04 Vehicle Purchased from New Hampshire Dealer. No 20 day permit shall be issued to a vehicle purchased or intended to be purchased from a New Hampshire dealer.

Saf-C 518.05 Issuance of Permit. Upon receipt of the materials set forth above and the statutory fee, the department shall issue a 20 day permit and temporary registration plate. The permit shall reflect the information set forth in Saf-C 518.01.

PART Saf-C 519 REGISTRATION BY MUNICIPAL AGENTS

Saf-C 519.01 Eligibility. In order to be eligible for appointment as a municipal registration agent, an applicant shall be a town or city clerk, or other municipal official designated by the municipality to issue motor vehicle registration permits.

Saf-C 519.02 Application.

(a) Each applicant for appointment as a municipal agent pursuant to RSA 261:74-a, shall furnish the following to the department:

- (1) Name, address and official title;
- (2) A request that the applicant be appointed a municipal agent;
- (3) A list of all employees whom the applicant wishes to register vehicles, as authorized by the director;
- (4) Certification by the applicant that he/she:
 - a. Has read PART Saf-C 519;
 - b. Is familiar with the requirements set forth therein;
 - c. Will comply with all of the requirements if he/she is appointed a municipal agent;
 - d. Will ensure that all employees engaged in registering vehicles under his/her direction comply with the requirements; and
 - e. Understands that he/she will be held responsible for the performance of the employees; and
- (5) Signature of the applicant.

(b) Each application shall be accompanied by a letter from the governing body of the city or town in which the applicant is employed. The letter shall approve the appointment of the applicant as a municipal agent.

Saf-C 519.03 Interview.

(a) Upon submission of an application that might indicate a lack in qualification or fitness for appointment as a municipal agent, the director or his/her designee shall require an applicant to appear for a personal interview.

(b) The director or his/her designee shall inform the applicant in writing of the interview. The written notice shall include the date, time and location of the interview.

(c) In the event an applicant refuses or neglects to appear for a scheduled interview, the director shall deny his/her application.

Saf-C 519.04 Appointment.

(a) The director shall review each application submitted pursuant to Saf-C 519.02 and the results of any interview conducted pursuant to Saf-C 519.03. Following the review, the director shall determine whether to appoint an applicant as a municipal agent.

(b) No appointment shall be effective without the approval of the commissioner.

(c) No appointment shall be effective, regardless of any effective date noted in any certificate of appointment, until the appointee:

- (1) Signs the contract required by Saf-C 519.05;
- (2) Completes the training requirements set forth in Saf-C 519.06; and
- (3) Files the bond required by Saf-C 519.08.

(d) Each appointment shall be conditioned upon the appointee's adherence to all aspects of the contract required by Saf-C 519.05, as well as all the requirements set forth in these rules pertaining to the duties and responsibilities of a municipal agent. Any appointment shall be revoked pursuant to RSA 261:74-f, II, for failure to adhere to the contract or failure to comply with all applicable requirements.

(e) All appointments shall expire in accordance with RSA 261:74-a, unless revoked pursuant to RSA 261:74-b or 74-f, or these rules.

Saf-C 519.05 Contract.

(a) Any person appointed as a municipal agent pursuant to Saf-C 519.04 shall sign a contract which shall set forth the terms and conditions of his/her agency.

(b) The contract shall also be signed by the director or his/her designee.

(c) The contract shall not be construed as a waiver of any requirement or right imposed upon, or accorded to any municipal agent, or the division pursuant to RSA 261:74-a-74-g or these rules.

Saf-C 519.06 Training.

(a) Upon appointment, each municipal agent shall complete an initial training program, which shall be conducted at the division of motor vehicles, 23 Hazen Drive, Concord, New Hampshire, or such other location as the director shall determine. Each municipal agent shall also be required to complete refresher courses as necessary, which shall be conducted at the same location or such other location as the director shall determine.

(b) Each employee of a municipal agent who will be responsible for registering vehicles shall complete the initial training program set forth in this section before engaging in the registration of any vehicle.

(c) All training required by this section shall be conducted at the municipal agent's expense.

(d) Upon successful completion of the initial training program, the municipal agent shall be issued a certificate of appointment.

(e) Upon successful completion of the initial training program, each employee of the municipal agent shall be issued a certificate indicating successful completion.

Saf-C 519.07 Re-Training.

(a) In the event a municipal agent or employee is deficient in any area necessary to the completion of the registration process assigned to him/her, the director shall require the municipal agent or employee to undergo re-training.

(b) Depending upon the areas of deficiency, re-training shall consist of one or more of the following:

- (1) Repeat the training program set forth in Saf-C 519.06;
- (2) Repeat any portion of the training program; or
- (3) Undergo further training, the substance of which shall be determined by the director.

Saf-C 519.08 Bond.

(a) Before any appointment shall become effective, each municipal agent shall file a bond with the director as set forth in this section.

(b) The bond shall be issued by a surety company authorized to engage in business in the state of New Hampshire.

(c) The municipal agent shall be the principal obligor and the state of New Hampshire shall be the obligee on the bond.

(d) The bond shall be conditioned upon the municipal agent's prompt payment of all registration fees owed to the division by virtue of their collection by the municipal agent or employee, or by virtue of the municipal agent's or employee's issuance of any vehicle registration.

(e) Each municipal agent and its staff shall each be bonded to indemnify the state in case of loss, as set forth in RSA 261:74-g, VI.

(f) The amount of the bond(s) shall be:

- (1) Municipal agent - \$10,000;
- (2) Deputy municipal agent - \$10,000; and
- (3) Each staff member - \$5,000.

(g) Each bond filed shall be kept in full force and effect by the municipal agent and its staff.

(h) The director shall suspend the appointment of any municipal agent, after notice and a hearing, resulting in the determination that:

- (1) The bond filed by the municipal agent has been cancelled or allowed to lapse; or
- (2) The bond filed by the municipal agent no longer protects the interest of the state of New Hampshire.

(i) Revocation or suspension pursuant to (h) above shall be conducted in accordance with the requirements of RSA 261:74-f, III.

(j) In the event a bond is amended or renewed, the municipal agent shall forward a copy of the cover page of the bond to the department, setting forth any changes.

Saf-C 519.09 Validation Stamps.

- (a) Each municipal agent shall be issued validation stamps.
- (b) No stamps shall be issued until the municipal agent has submitted a \$25 deposit for each stamp.
- (c) All stamps shall be returned to the director upon revocation, suspension or expiration of a municipal agent's appointment, or upon his/her resignation.
- (d) Upon return of each stamp issued, the director shall, if the stamp is in good working order, return the deposit to the municipal agent.

Saf-C 519.10 Procedural Manual.

- (a) Upon issuance of his/her certificate of appointment, each municipal agent shall be issued a procedural manual.
- (b) Each municipal agent and employee(s) shall adhere to all the procedures set forth in the manual. Municipal agents shall keep the manual updated in accordance with all supplements and amendments issued by the department, and shall surrender the manual upon revocation, suspension, expiration, or resignation of the appointment.
- (c) Each municipal agent shall apprise him or herself, and all employees authorized to register vehicles, of all material contained in the procedural manual, including all supplements or amendments.

Saf-C 519.11 Administration.

- (a) In performing duties involving the registration of vehicles, each municipal agent and employee(s) shall comply with the requirements set forth in this section.
- (b) Each municipal agent shall provide registration services to all New Hampshire residents regardless of the city or town in which they reside.
- (c) The permit fees required by RSA 261:153 shall first be paid to the city or town in which the registrant resides.
- (d) No municipal agent shall accept permit fees from a person who does not reside in the municipal agent's city or town.
- (e) A municipal agent may refuse to accept a check from any person when the municipal agent doubts the authenticity of the check or believes there is a likelihood that the account has been closed or contains insufficient funds.
- (f) Each municipal agent shall only use official stamps, inks and forms approved by the director.
- (g) No municipal agent shall use a stamp issued to another municipal agent location.
- (h) All errors in the registration process shall be corrected through the use of preprinted forms issued by the department and shall be completed in the municipal agent automation process (MAAP) system.
- (i) Each municipal agent shall provide his/her own postage, stationery and envelopes.
- (j) Each municipal agent shall remind each person to whom a registration is issued to have his/her vehicle inspected within the appropriate time.
- (k) Each municipal agent shall maintain a working inventory of decals. No excess inventory shall be maintained by a municipal agent.
- (l) For the purposes of (k) above, "excess inventory" means more than is necessary to meet the average registration volume plus 5 percent.
- (m) Inventory size shall be determined by the director.
- (n) Each municipal agent shall give 10 working days notice of the need to order inventory.
- (o) Each municipal agent shall ensure that all forms are accurate, complete and contain the appropriate signatures.

Saf-C 519.12 Office Hours.

- (a) For the purposes of this section, "regular office hours" means consistently scheduled periods of time during which the public may register vehicles at the municipal agent's office.
- (b) Each municipal agent shall maintain regular office hours.

(c) Upon issuance of the certificate of appointment, each municipal agent shall file a statement setting forth his/her regular office hours. The municipal agent shall promptly inform the department in writing of any changes in the regular office hours.

Saf-C 519.13 Equipment.

(a) Each municipal agent's office shall at all times contain the equipment enumerated in this section. The equipment shall be supplied by the municipal agent, and shall be maintained in working condition.

(b) Each municipal agent shall have the following equipment:

- (1) Typewriter or computer with printer;
- (2) Adding machine with tape; and
- (3) Locking file cabinet or other secure container.

Saf-C 519.14 Public Notice.

(a) For the purposes of this section, "posted in a prominent location" means that a sign is posted at or near the place in which the municipal agent transacts registration business with the public, in such a manner that the sign is clearly visible and likely to be noticed by the public.

(b) Each municipal agent shall display a sign in accordance with the requirements of (c) below. The sign shall be posted in a prominent location in the municipal agent's office and shall at all times remain free of all obstructions which would obscure it, or any part of it from public view.

(c) The sign shall be of such form and size as is necessary to inform the public of the fee assessed by the municipal agent pursuant to RSA 261:74-d.

Saf-C 519.15 Receipt of Inventory.

(a) Upon receipt of any inventory from the department, each municipal agent shall complete a report which shall verify receipt.

(b) The report shall be filed with the department on a verification report, furnished by the department.

(c) The report in (b) above shall include the following:

- (1) The date the inventory was received;
- (2) The municipal agent's signature certifying receipt; and
- (3) The identification of any missing or damaged inventory.

Saf-C 519.16 Documents.

(a) Each municipal agent shall forward the following to the department on a daily basis:

- (1) The DMV copy of each registration certificate processed by the municipal agent; and
- (2) A written summary which shall include:
 - a. The total amount of fees being forwarded;
 - b. The total number of registrations processed to obtain the fees; and
 - c. The municipal agent's signature, certifying the accuracy of the information contained in the summary.

(b) In addition to the documents required in (a) above, each municipal agent shall forward all fees owed to the department in accordance with the requirements set forth in Saf-C 519.21(b).

(c) Each municipal agent shall, on a daily basis, print and save the end of day report.

Saf-C 519.17 Personnel.

(a) Each municipal agent shall notify the department in writing of all employees who will be engaged in the process of registering vehicles. The department shall also be notified in writing of the termination, resignation, or retirement of the municipal agent or any employee.

(b) The notification required by this section shall initially be given with the application required by Saf-C 519.02.

(c) Each municipal agent shall notify the department of all changes affecting any personnel notification previously filed.

(d) In the event a new city or town clerk is elected who has not yet been appointed as a municipal agent, other employees who are certified to register vehicles in that city or town shall be allowed to

continue uninterrupted as a municipal agent, until the new city or town clerk is appointed as a municipal agent.

Saf-C 519.18 Record Keeping.

(a) Each municipal agent shall keep a record of all registration certificates issued by him/her or any employee, including:

- (1) The date of registration;
- (2) The last name of the registrant;
- (3) The registration number; and
- (4) The inventory issued.

(b) Each record shall be kept so as to compile all information necessary to complete the summaries required by Saf-C 519.16(a)(2).

(c) No municipal agent or employee(s) shall refuse or fail to provide the director, any auditor, or other person authorized by the director, with any records relating to the registration of any vehicles. The director or his/her designee may take the records in hand for inspection, or in order to photocopy.

(d) Any inspection conducted in accordance with this section shall be in compliance with RSA 261:74-e.

Saf-C 519.19 Security. Whenever a municipal agent's office is closed or unattended, all decals, stamps, and other registration materials shall be placed in a locking file cabinet or other secure container.

Saf-C 519.20 Issuance of Inventory. Registration inventory shall be issued by a municipal agent in the numerical sequence in which they are received from the department. In all cases, the lowest-numbered inventory in the municipal agent's possession shall be issued before any inventory with a higher number is issued.

Saf-C 519.21 Remittance.

(a) All registration fees received by a municipal agent, except those received in payment of the additional fee authorized by RSA 261:74-d, shall be remitted to the department as set forth in this section.

(b) All fees collected by a municipal agent shall be deposited in a state bank account established locally by the division in the name of the state of New Hampshire. The establishment of the account shall require governor and council approval.

(c) When fees are paid by the customer to the municipal agent by check, the checks shall be:

- (1) Endorsed by the municipal agent for deposit only, using a stamp provided by the department; and
- (2) Deposited in the state account.

(d) When fees are paid by the customer to the municipal agent in cash, the cash shall be deposited in the state account.

(e) Each remittance by the municipal agent to the department shall include copies of registrations and other required documentation along with a copy of the bank deposit slip and bank receipt covering the remittance in question.

(f) Each remittance shall also be accompanied by an official credit or debit memorandum.

(g) All fees collected by a municipal agent shall be deposited in the state account on a daily basis unless the municipal agent demonstrates to the director in writing that a daily deposit constitutes a hardship.

(h) The director shall approve an alternate deposit schedule in accordance with (g) above but at no time will approval be given for a deposit schedule which covers more than a 3-day work period.

(i) Each municipal agent shall not hold for deposit an amount in excess of the bond required in Saf-C 519.08.

(j) Each municipal agent shall be responsible for depositing into the state account an amount equal to all registration fees processed by the municipal agent that day.

Saf-C 519.22 Overpayment by Municipal Agent.

(a) In the event a municipal agent forwards more money than is owed to the department in any remittance, the department shall issue a credit memo to the municipal agent.

(b) No credit memo shall be issued until the overage is verified by the department.

(c) A credit memo shall be used by a municipal agent to reduce the amount of a future remittance to the department. The remittance shall be reduced by the amount set forth in the credit memo.

(d) A credit memo shall be used by a municipal agent within 30 days of receipt and shall be submitted with the remittance to which it is applied.

(e) No credit memo shall be transferable.

Saf-C 519.23 Underpayment by Municipal Agent. In the event a municipal agent forwards less money than is owed to the department in any remittance, the department shall bill the municipal agent in the amount of the underpayment. The bill shall be paid by the municipal agent within 30 days of receipt.

Saf-C 519.24 Overpayment by Registrant. In the event a municipal agent collects more money than is owed to the department from any registrant, the department shall refund the amount directly to the registrant. At no time shall a municipal agent refund any state money directly to the registrant.

Saf-C 519.25 Underpayment by Registrant.

(a) In the event a municipal agent collects less money than is owed to the department from any registrant, the department shall bill the registrant directly for the amount of the underpayment.

(b) In the event a municipal agent is repeatedly delinquent or careless about collecting proper fees, the director shall revoke, after notice and opportunity for a hearing, the appointment of the municipal agent as provided in RSA 261:74-f.

(c) For the purposes of (b) above, the decision to revoke an appointment shall be based upon the evidence presented at a hearing, which shall include:

- (1) Records of fee collection;
- (2) Records of notification to the municipal agent of delinquency or improper fees; and
- (3) Any other relevant evidence.

Saf-C 519.26 Suspensions - Insufficient Funds - Municipal Permit.

(a) A complaint against a registrant for a check drawn against insufficient funds shall be in writing.

(b) The complaint shall state:

- (1) The date of the transaction;
- (2) That there are insufficient funds for a check drawn to pay for a municipal permit;
- (3) That a registered letter, return receipt requested, was mailed to the registrant more than 10 days prior to the date of the complaint;
- (4) That the registrant has failed to make payment as of the date of the complaint;
- (5) The registrant's name, address, and registration number, if available; and
- (6) Copies of the municipal permit issued and the insufficient check offered.

(c) After notice and opportunity for a hearing in accordance with Saf-C 203 and Saf-C 211.02, the director shall, if the allegations are substantiated or if the registrant fails to appear without cause, as specified in Saf-C 203.22, suspend the registrant's registration. The suspension shall remain in effect until written evidence is received demonstrating reimbursement of the full amount due and any protest fees imposed.

Saf-C 519.27 Return of Inventory.

(a) By January 15 of each year, all decals in the possession of a municipal agent for the prior calendar year shall be returned to the department. The decals shall be reconciled with the department records documenting the issuance of the decals to the municipal agent. Other inventory shall be returned on request of the director or his/her designee.

(b) Each municipal agent shall be financially responsible for all decals and plates which cannot be accounted for through the reconciliation process set forth in this section at the rate of \$32 per set.

Saf-C 519.28 Limitation of Duties.

(a) For the purposes of this section, "renewal" means that the vehicle to be registered was previously registered in New Hampshire and the new registration will be issued to the same owner as in the previous registration.

(b) Municipal agents who are on-line with the department shall be allowed to process a renewal, transfer or new registration of any vehicle up to 26,000 pounds gross weight.

(c) A municipal agent shall be authorized to renew a late registration no more than 30 days late, for a passenger plate with numerals 1,2,3, 4 or a low commercial (1-999) plate.

PART Saf-C 520 TAXATION OF HEAVY TRUCKS

Saf-C 520.01 Proof of Payment of Heavy Truck Use Tax. Whenever an application is received for a permit to register a motor vehicle with a taxable gross weight of 55,000 pounds or greater, the registrant shall submit proof of payment or proof of suspension of the federal heavy truck use tax to the commissioner.

Saf-C 520.02 Payment Period.

(a) Proof of payment or proof of suspension of the heavy truck use tax shall relate to the paid or suspended tax for the taxable period which includes the date of registration.

(b) The taxable period shall be July 1 through June 30.

(c) When the commissioner receives an application for a registration during the months of July, August, or September, proof of payment for the immediate preceding taxable period may be used to verify payment of the heavy truck use tax imposed.

Saf-C 520.03 Forms Required.

(a) Proof of payment shall consist of a receipted Schedule 1, from Form 2290, that is returned by the Internal Revenue Service to a taxpayer filing a return of the heavy truck use tax, or a photocopy of the receipted Schedule 1. The vehicle identification number of the vehicle(s) to be registered shall appear on the receipted Schedule 1, or an attached page, in order for the Schedule 1 to constitute valid proof of payment.

(b) A receipted Schedule 1 which does not include the vehicle identification number of the vehicle(s) to be registered shall be considered valid proof of payment if:

(1) The number of vehicles for which the tax has not been suspended exceeds 21, or the number of vehicles for which the tax has been suspended exceeds 9; and

(2) The name of the taxpayer appearing on such Schedule 1 is one of the names in which such vehicles are sought to be registered.

Saf-C 520.04 Acceptable Substitute.

(a) The department shall accept as proof of payment of the heavy truck use tax a photocopy of the Form 2290, with the receipted Schedule 1 attached, and with documentation of payment of the tax due, such as a photocopy of both sides of a canceled check.

(b) Substitute proof of payment may be used when, for example, the receipted Schedule 1 has not yet been received by a taxpayer who has filed a Form 2290.

Saf-C 520.05 Exemptions.

(a) A heavy truck use tax shall not be imposed on the following vehicles:

(1) Motor vehicles reasonably expected to be used for 5,000 or fewer miles on public highways during the taxable period; and

(2) Agricultural vehicles reasonably expected to be used for 7,500 or fewer miles on public highways during the taxable period.

(b) The department shall issue a registration permit without proof of payment of the heavy truck use tax if the registrant presents a bill of sale, or other document indicating that the vehicle was purchased by the person no more than 60 days prior to the date on which the application for the registration permit is received and the registrant has complied with all other applicable statutes and rules.

(c) Proof of payment of the heavy truck use tax shall not be required for a vehicle being operated under any special temporary permit, which, for example, allows a vehicle to operate at more than the maximum statutory weight limit, allows a vehicle to operate while registered in another state, or allows a vehicle to operate at more than the vehicle's registered weight.

(d) Proof of payment of the heavy truck use tax shall not be required as a prerequisite to renewal of a vehicle registration if the renewal date falls within the same taxable period, July 1-June 30, as the date of the original registration.

PART Saf-C 521 WALKING DISABILITY PLATES AND PLACARDS

Saf-C 521.01 Advisory Committee.

(a) Pursuant to RSA 261:88, XI, the commissioner shall appoint a medical advisory committee consisting of 5 members.

(b) The committee shall advise the commissioner as specified in RSA 261:88, XI.

(c) Members of the committee shall review applications and make a recommendation to the commissioner whether the applicant meets the requirements of RSA 259:124 and 261:88, I(c).

(d) Members of the committee shall review complaints regarding a walking disability plate or placard and make a recommendation to the commissioner whether to revoke the plate or placard as set forth in Saf-C 521.08.

Saf-C 521.02 Certification by a Physician, Podiatrist or Advanced Practice Registered Nurse.

(a) A licensed physician, podiatrist or advanced practice registered nurse shall provide the following information regarding an application for a walking disability plate or placard:

(1) The medical condition, as specified in RSA 259:124 and 261:88, that limits or impairs the applicant's ability to walk;

(2) How the medical condition limits or impairs the applicant's ability to walk; and

(3) Whether the medical condition that limits or impairs the applicant's ability to walk is likely to improve.

(b) For the purposes of RSA 261:88, I(c) and this section, "other medically debilitating conditions" means a diagnosed medical condition, as determined by a licensed physician, podiatrist or advanced practice registered nurse, that limits or impairs a person's ability to walk in such a manner that the applicant's health would be adversely affected without a walking disability plate or placard.

(c) The licensed physician, podiatrist or advanced practice registered nurse shall sign and date the form under penalty of unsworn falsification. A stamped signature from a licensed physician, podiatrist or advanced practice registered nurse shall not be accepted.

(d) A certification by a licensed physician, podiatrist or advanced practice registered nurse shall be reviewed by the medical advisory committee, upon request by the director. After review, the committee shall make a recommendation to the director whether a walking disability plate or placard should be issued.

Saf-C 521.03 Application for Walking Disability Plates or Placards by an Individual.

(a) Pursuant to RSA 261:88, an applicant for a walking disability plate or placard shall complete the prescribed form.

(b) An applicant for a walking disability plate or placard shall furnish the following on the prescribed form:

(1) Name, address and date of birth;

(2) Whether the request is for walking disability plates, walking disability vanity plates or a placard; and

(3) Certification by a licensed physician, podiatrist or advanced practice registered nurse, pursuant to the requirements set forth in Saf-C 521.02.

(c) Each applicant shall sign and date the form under penalty of unsworn falsification.

(d) If the applicant is requesting a walking disability plate, he/she shall submit a photocopy of his/her current certificate of registration along with the prescribed form.

Saf-C 521.04 Application for Walking Disability Plates by a Relative Residing with an Individual with a Walking Disability.

(a) A relative who resides with a person with a walking disability shall furnish the following on the prescribed form:

- (1) Name, date of birth and relation to person with the walking disability;
- (2) Name, address and date of birth of person with the walking disability;
- (3) Whether the request is for walking disability plates or walking disability vanity plates; and
- (4) Certification by a licensed physician, podiatrist or advanced practice registered nurse pursuant to the requirements set forth in Saf-C 521.02.

(b) Each applicant shall sign and date the form under penalty of unsworn falsification.

Saf-C 521.05 Application for Walking Disability Plates or Placards by an Organization.

(a) For the purposes of this section, "organization" means any corporation or entity that provides transportation services to individuals who have a walking disability as defined in RSA 261:88, I(c).

(b) The administrator of the organization shall furnish the following on form RDMV 130:

- (1) Business name and business address;
- (2) Name and address of administrator who is completing the prescribed form on behalf of the organization;
- (3) Whether the request is for walking disability plates, walking disability vanity plates or placards and the number of each requested, not to exceed the number set forth in Saf-C 521.06;
- (4) Certification that the primary purpose of the organization is to provide care, treatment, rehabilitation, or transportation to individuals who have a walking disability;
- (5) Certification that the vehicle(s) is used primarily to transport individuals who have a walking disability; and
- (6) Year, make, model, registration number and VIN of the vehicle(s) on which the plate(s) or placard(s) will be used.

(c) Each administrator shall sign and date the form under penalty of unsworn falsification.

Saf-C 521.06 Issuance of Walking Disability Plates or Placards.

(a) If an applicant meets the requirements of Saf-C 521.02 through 521.05, the director shall issue:

- (1) No more than one set of walking disability plates or walking disability vanity plates to an individual applicant;
- (2) In addition to (a)(1) above, no more than one placard to an individual applicant, if requested;
- (3) Two placards or temporary placards to an individual applicant, if no walking disability plates are requested;
- (4) No more than one set of walking disability plates or walking disability vanity plates to a relative of an individual with a walking disability;
- (5) One set of walking disability plates or a placard for each vehicle which the applicant uses solely for the transportation of individuals with a walking disability, not to exceed a total of 10 plates or placards, or any combination thereof; and
- (6) One set of walking disability plates or walking disability vanity plates for each motorcycle owned by an individual with a walking disability.

(b) All requests for walking disability vanity plates shall be processed in accordance with the requirements of Saf-C 509.

(c) Prior to issuance of a walking disability plate, the applicant shall pay the following:

- (1) The fee for walking disability plates set forth in RSA 261:88, III; or
- (2) The fee for vanity walking disability plates set forth in RSA 261:88, IV.

(d) Pursuant to RSA 261:88, V, there shall be no fee for a placard.

(e) Upon issuance of a walking disability plate or placard, a person with a walking disability shall have his/her driver license or non-driver identification card endorsed with the international symbol of accessibility.

(f) In the event a person with a walking disability does not have a non-driver identification card, the department shall issue a non-driver identification card endorsed with the international symbol of accessibility to the person without charge.

Saf-C 521.07 Renewal of Walking Disability Plates and Placards.

(a) Walking disability plates shall be renewed in accordance with the requirements of Saf-C 512.

(b) Each person who has a walking disability plate or walking disability vanity plate shall submit a form RDMV 130 to the department during the month of his/her registration renewal every 5 years.

(c) Walking disability placards shall be valid for 5 years from the person's date of birth, or, if an organization, during the organization's month of renewal set forth in Saf-C 511.09.

(d) Each person who has a permanent walking disability placard shall submit form RDMV 130 to the department during the month of the person's date of birth every 5 years.

Saf-C 521.08 Revocation of Walking Disability Plates or Placards.

(a) For the purposes of this section, "improper use" or "misuse" of walking disability plates or placards means any use which is not specifically authorized by RSA 261:88, 265:74, 266:61 or 266:61-a.

(b) Any person, including a law enforcement officer, may submit a complaint, in writing, regarding the improper use of walking disability plates or placards to the director of motor vehicles, division of motor vehicles, 23 Hazen Drive, Concord, NH 03305.

(c) The complaint shall include the date, time, location and circumstances of the alleged improper use of the walking disability plate or placard.

(d) If, after review and investigation of the complaint by the division and the advisory committee, it is determined that there has been misuse of the walking disability plate or placard, the director shall provide the registrant or holder of the placard an opportunity for a hearing.

(e) Pursuant to RSA 261:88, VIII, if the director determines that there has been misuse of the walking disability plate or placard after a hearing, the plate or placard shall be revoked.

CHAPTER 466 Dogs and Cats

Licensing of Dogs

466:1 Procuring License; Tag.

Every owner or keeper of a dog 4 months old or over shall annually, cause it to be registered, numbered, described, and licensed for one year in the office of the clerk of the city or town in which the dog is kept, and shall cause it to wear around its neck a collar to which shall be attached a metal tag with the following information thereon: the name of the city or town, year of issue of license and its registered number. The tag and license shall be furnished by the clerk at the expense of the city or town. Regardless of when the license is obtained, the license shall be effective from May 1 of each year to April 30 of the subsequent year.

466:1-a Vaccination Required.

I. Before a license is issued under the provisions of this subdivision, the owner or keeper of a dog shall furnish to the clerk verification from a licensed veterinarian that the dog has been vaccinated against rabies in accordance with the provisions of RSA 436. Persons applying for a group license under RSA 466:6 shall also furnish to the clerk verification from a licensed veterinarian that the dogs have been vaccinated against rabies in accordance with RSA 436.

II. Notwithstanding paragraph I, if a valid rabies certificate is on file with the clerk in accordance with RSA 436:102, the owner shall not be required to produce such verification at time of licensure.

466:1-b Rabies Certificate.

Upon receipt of a copy of a rabies certificate from a veterinarian pursuant to RSA 436:102, the clerk of the town or city shall send written notice to the owner or keeper of any unlicensed dog relative to the licensing requirements provided for in RSA 466:1. If the owner or keeper of the unlicensed dog fails to license the dog in a timely manner, the town or city clerk shall notify the local law enforcement officer of a violation of RSA 466:1.

466:1-c Authorization to Issue Licenses; Local Law Enforcement Officers.

The town or city clerk may authorize a local law enforcement officer to issue licenses and collect license fees pursuant to RSA 466:4. For the purposes of this section, a local law enforcement officer means the local police department of the city or town, the dog officer in a city or town, or a humane society which performs animal control functions as may be designated by the local governing body. The town or city clerk shall determine the criteria for the receipt of funds and recordkeeping.

466:1-d Lists of Licensed Dog Owners.

I. Except as provided in paragraphs II and III and RSA 466:11 and RSA 466:14, no dog registration records, information, or lists shall be sold, rented, transferred, or otherwise made available in whole or in part, in any form or format, directly or indirectly, to another person.

II. Dog registration records, information, or lists may be made available pursuant to a court order or in response to a request from the state, a political subdivision of the state, the federal government, or a law enforcement agency solely for use in official business. The request shall be on a case-by-case basis. Any information, record, or list received pursuant to this paragraph shall

not be further transferred or otherwise made available to any other person or listed entity not authorized under this paragraph, except as provided in RSA 466:13.

III. Without otherwise compromising the confidentiality of the files, nothing in this section shall prohibit a body or agency from releasing information relative to health or safety from investigative files on a limited basis to persons whose health or safety may be affected, or to a person or agency attempting to provide for the welfare of an animal.

466:2 Part of Year.

An owner of a dog may at any time have it licensed until the ensuing May 1; and a person becoming the owner or keeper of a dog not duly licensed after May 1 shall cause it to be registered, numbered, described and licensed as provided in RSA 466:1.

466:3 Transfer.

A license duly recorded shall be valid in any part of the state, and may be transferred with the dog licensed. The clerk of the town or city may charge \$1.50 to cover the cost of the tag for the new license.

466:4 Fees.

I. (a) The fee for every license for a year or portion of a year shall be:

(1) \$4.50 for dogs at least 4 months old but less than 7 months old which are not spayed or neutered and \$4.50 for a neutered male or spayed female dog 7 months old or older; provided, however, that the owner or keeper of such spayed female dog or neutered male dog shall comply with the provisions of RSA 466:1-a to the satisfaction of the clerk of the town or city in which such dog is owned or kept; or

(2) \$7 for any unneutered male or unspayed female dog 7 months old or older.

(b) In addition to the sum required in subparagraphs I(a)(1) and (2), each year the owner of each dog shall pay the clerk of the city or town where the dog is registered a companion animal population control fee of \$2.

(c) The clerk shall remit all companion animal population control fees collected to the state treasurer along with the fees sent in accordance with RSA 466:9, provided that such companion animal population control fees shall be deposited into the companion animal neutering fund, established in RSA 437-A:4-a.

II. Notwithstanding paragraph I, the fee for every license for a year or a portion of a year shall be \$2 for a dog of either sex if the owner is 65 years of age or older. Such owner shall not be required to pay the companion animal population control fee, under RSA 466:4, I(b), for licensing of one dog; provided, however, that, if such owner wishes to license more than one dog, the fee for any additional license shall be as provided in paragraph I.

III. Fees for dogs licensed in a commercial kennel shall be based on the numbers of dogs licensed, as in RSA 466:6 for group licenses. For purposes of this paragraph, commercial kennel means the establishment or domicile of any person who sells dogs at wholesale or retail; and, if retail, who sells or transfers 10 or more litters per year, or sells or transfers 50 or more puppies per year; or who derives 40 percent or more of gross annual income from the sale or transfer of dogs. The owner or keeper of any dog licensed under this paragraph shall not be assessed a companion animal population control fee.

466:5 Disposal of Fees.

All moneys arising from the licensing of dogs and cats, if the municipality licenses cats, remaining in the treasury of any town or city at the end of the town or city fiscal year, which is not due to holders of orders given for loss of or damages to domestic animals by dogs, or which has not been paid to the department of agriculture, markets, and food under RSA 466:9 or the state treasurer under RSA 466:4, I(c) shall be for the use of the town or city.

466:6 Group Licenses.

I. The owner or keeper of 5 or more dogs shall annually by April 30 pay the required fee and obtain a license authorizing the owner or keeper to keep the dogs upon the premises described in the license, or off the premises while under such owner's or keeper's control. Such owner or keeper shall not be required to obtain a commercial kennel license under RSA 466:4, III unless such person has a commercial kennel as defined under RSA 466:4, III.

II. No town clerk shall refuse to issue a group license to an owner or keeper who has complied with the requirements of this subdivision.

III. The fee shall be \$20 for the group license, \$2 of which shall be remitted to the town clerk for deposit into the companion animal neutering fund, established in RSA 437-A:4-a, as the companion animal population control fee, and \$18 shall be retained by the town or municipality.

IV. No fee shall be required for dogs which are under the age of 3 months.

V. Upon request, an owner or keeper shall receive numbered license tags for each dog included under the owner's or keeper's group license.

466:6-a Breeder's Health Certificate.

I. No dog shall be sold in the state or out of the state by a breeder without first being inoculated against infectious canine diseases using a vaccine approved by the state veterinarian and unless accompanied by an official health certificate issued by a licensed veterinarian within 14 days. Said certificate shall be in triplicate, one copy of which shall be sent to the state veterinarian, one copy of which shall be kept by the breeder of said dog for a period of at least 3 years and one copy of which shall be given to the purchaser.

II. For purposes of this section, an official health certificate means a certificate signed by a licensed veterinarian on a form approved by the state veterinarian, containing the name and address of the breeder, the age, sex, breed and description of the dog, a list of all types of vaccines or medication administered to said dog, and the certification of the veterinarian that the dog is free from visual evidence of communicable diseases such as kennel cough (infectious tracheo bronchitis), canine distemper, and external and internal parasites (including coccidiosis).

III. No breeder shall deliver or cause to be delivered any dog less than 8 weeks of age.

IV. All incorporated or chartered humane societies with operating shelters in the state of New Hampshire are exempt from the requirements of this section relative to selling or transferring dogs except that dogs which have been imported into the state for transfer with or without a fee shall be accompanied by an official health certificate.

V. In this section, breeder means any person who breeds dogs for sale, gift or transfer in any manner.

V-a. The commissioner of the department of agriculture, markets, and food or designee is hereby authorized on the commissioner's own initiative or pursuant to complaints of other persons to investigate any complaints made pursuant to this section and to enforce the penalties of RSA 466:6-a, VI. The commissioner shall adopt rules under RSA 541-A relative to the procedures for such investigations.

VI. (a) Any person who violates this subdivision shall be guilty of a misdemeanor.

(b) In addition, any person or owner who violates any of the provisions of this subdivision or rule adopted under it may be subject to an administrative fine levied by the commissioner not to exceed \$1,000 for each violation.

466:7 Additional Charge Where Payment of License Fee Is Delayed.

In addition to the license fees provided in RSA 466:4, there shall be a charge of \$1 for each month or any part thereof that the fees remain unpaid if said fees are not paid before June 1 in any year.

466:8 Exemption From.

I. No fee shall be required for the registration and licensing of a dog which has served with the forces of the United States and has received an honorable discharge therefrom.

II. No fee shall be required for the registration and licensing of a service animal dog as defined in RSA 167-D:1, IV. When registering and applying for a license for a dog that is a service animal, the owner or trainer shall present an identification card issued by a recognized dog training agency. If a dog has been trained by its owner and does not have an identification card issued by a recognized dog training agency or school, in order to register and license a dog that is a service animal, the dog shall meet the minimum training standards for public access as set by the International Association of Assistance Dog Partners as determined by a service animal trainer, as defined in RSA 167-D:1, V, and the owner shall present a letter from a health care professional stating that the individual requires the use of a service animal to perform tasks directly related to his or her disability.

III. The owner of a dog that is a service animal may elect for the registration and licensing of such dog to be permanent and not subject to annual renewal so long as such dog has met the requirements of this section.

IV. For the purpose of this section, the town clerk of each town or municipality shall determine the process by which permanently registered dogs that are service animals will be tracked for town purposes and ensure that town service animal owners are not required to participate, in any way, with an annual renewal of such dog's registration or licensing. In cases of change of town of residency, the service animal owner shall re-register the dog at no cost. If the owner has elected to obtain a tag through the governor's commission on disability as set forth in paragraph V, the owner shall let the governor's commission on disability know of any change in town of residency.

V. Certificates and tags stamped "G C D—Permanent Registration" with a registration number shall be issued by the governor's commission on disability to those who wish to affix such a tag on their service animal's collar after registering the dog under paragraph II. Tags and certificates may be obtained directly from the governor's commission on disability which will verify with the town clerk that such dog has met the requirements under paragraph II and is duly registered and licensed by the town of residency. Tags issued by the governor's commission on disability shall not be used to verify the legitimacy or authenticity of a service animal for any purpose.

VI. Upon the death or retirement of a service animal, the owner or person in possession of the service animal tag shall immediately return the tag to the governor's commission on disability.

VII. The tag identifying a service animal shall be used only by an eligible service animal, as defined in RSA 167-D:1, IV.

VIII. The owners and trainers of dogs that are service animals shall comply with all state and local ordinances regarding rabies certification under RSA 436:102 and RSA 466:1-a.

466:9 Payment of Fees.

I. Clerks of the towns and cities shall issue dog licenses, receive the money for the licenses, and pay the same into the treasuries of their respective towns and cities on or before June 1 each year, retaining to their own use \$1 for each license and submitting \$.50 for each license to the department of agriculture, markets, and food for the purpose specified in paragraph II. The clerks shall return to their respective town or city treasurer a sworn statement of the amount of moneys thus received and paid over by them.

II. The \$.50 received by the department of agriculture, markets, and food for each license issued pursuant to paragraph I shall be credited to a special nonlapsing fund to be used exclusively for the operation of the veterinary diagnostic laboratory established under RSA 436:92, and are hereby continually appropriated for such purpose to be expended under the supervision of the commissioner of agriculture, markets, and food.

466:11 Records.

I. Clerks of towns and cities shall keep a record of all licenses issued by them, with the names of the keepers or owners of dogs licensed, and the names, registered numbers and descriptions of all such dogs. Clerks of towns and cities shall furnish yearly to the local governing body a list of those owners who have failed to renew their license for use in preparing the warrant of unlicensed dogs.

II. With the owners consent, a veterinarian may report the euthanizing or death during treatment of a licensed dog to the town or city clerk in order to have the record reflect that the dog was euthanized or died. A veterinarian providing such a report may also provide the town or city clerk with the mailing and street addresses of the owner of the dog. Written reports, if any, shall be destroyed after receipt by the town or city clerk, and any resulting record reflecting the dogs death shall not specify the manner or cause of death.

466:12 Account.

Each city and town treasurer shall keep an accurate and separate account of all moneys received and expended by such treasurer under the provisions of this chapter relating to dogs and cats.

466:13 Forfeiture.

Whoever is the owner or keeper of a dog and who fails to license or renew the dog license pursuant to RSA 466:1 shall forfeit \$25 to the town or city clerk of the municipality in which the dog is kept. If the forfeiture is not made to the town or city clerk within 15 calendar days of the notice of forfeiture, the case may be disposed of in a district court as a violation with a fine not to exceed \$50, notwithstanding the provisions of RSA 651:2, IV. A forfeiture shall not relieve the owner or keeper of the requirement of proper licensing of the dog as required by RSA 466:1. This section shall also apply to cats, if the municipality licenses cats. Any forfeitures collected under this section may be retained by the city or town for the administration and enforcement of this chapter.

Licensing of Cats

466:13-a Licensing of Cats.

The governing body of a municipality may vote to license cats in a similar manner as it licenses dogs. If a municipality elects to license cats, the same penalties shall apply for unlicensed cats as for unlicensed dogs, and the provisions of RSA 466:6-a and 466:8 of the preceding subdivision shall not apply to cats. If a municipality elects to license cats, it shall also develop a procedure similar to the procedure in RSA 466:4, III and 466:6 for group licensure. If a municipality elects to license cats, it shall require cats to have a form of identification, including, but not limited to a tattoo, collar, surgically implanted microchip or ear tag, or any other form approved by the commissioner of agriculture, markets, and food. The commissioner of agriculture, markets, and food shall adopt rules, under RSA 541-A, relative to the forms of identification.

Unlicensed Dogs

466:14 Warrants; Proceedings.

The town or city clerk shall annually, between June 1 and June 20, present to the local governing body a list of those owners of dogs that have failed to license or not renewed their dog licenses pursuant to RSA 466:1. The local governing body shall, within 20 days from June 20, issue a warrant to a local official authorized to issue a civil forfeiture for each unlicensed dog. The warrant may also authorize a local law enforcement officer to seize any unlicensed dog. The civil forfeiture may be sent by certified mail, or delivered in hand, or left at the abode of the dog owner. The cost of service shall not exceed \$7 and may be recovered by the city or town in addition to the amount of the civil forfeiture. If the unlicensed dog is seized, it shall be held in a town or city holding facility for a period of 7 days, after which time full title to the dog shall pass to the facility, unless the owner of the dog has, before the expiration of the period, caused the dog to be licensed. The owner shall pay the facility a necessary and reasonable sum per day, as agreed upon by the governing body of the town or city and the facility, for each day the dog has been kept and maintained by the facility, plus any necessary veterinary fees incurred by the facility for the benefit of the dog. Before a local law enforcement officer seizes any unlicensed dog, a written warning shall be given to the dog owner.

466:15 Fees.

Such officers, other than those employed under regular pay, shall receive such compensation for services performed under RSA 466:14 as may be determined by the mayor of the city or the selectmen of the town in which such dogs are seized and held.

466:16 Returns.

Each local law enforcement officer to whom the warrant named in RSA 466:14 is issued shall return the warrant, on or before August 31, to the local governing body issuing it and, shall state in the return the number of owners who received and paid the civil forfeiture, the number of dogs in the city or town which have been seized and held under the provisions of RSA 466:14, and the number of owners who have received summons to a district or municipal court for failure to pay the civil forfeiture pursuant to RSA 466:13 or to license the dog pursuant to RSA 466:1.

466:18-a Title to Unlicensed Dogs in Humane Societies.

Whenever an incorporated society for the prevention of cruelty to animals shall keep and maintain for 7 consecutive days an unlicensed dog whose owner is unknown, full title to the unlicensed dog shall pass to the society at the end of the 7-day period, unless the owner of the dog shall, before the expiration of the period, cause the dog to be licensed and shall pay the society a necessary and reasonable fee per day for each day the dog has been kept and maintained by the society, plus any necessary veterinary fees incurred by the society for the benefit of the dog.

Remedies and Penalties for Injuries Done by Dogs

466:19 Liability of Owner or Keeper.

Any person to whom or to whose property, including sheep, lambs, fowl, or other domestic creatures, damage may be occasioned by a dog not owned or kept by such person shall be entitled to recover damages from the person who owns, keeps, or possesses the dog, unless the damage was occasioned to a person who was engaged in the commission of a trespass or other tort. A parent or guardian shall be liable under this section if the owner or keeper of the dog is a minor.

466:21 Liability of Towns or Cities. (repealed effective 8/7/2011)

466:22 Procedure to Enforce. (repealed effective 8/7/2011)

466:23 Suit. (repealed effective 8/7/2011)

466:24 Costs. (repealed effective 8/7/2011)

466:25 Orders, How Payable. (repealed effective 8/7/2011)

466:26 Recovery Over. (repealed effective 8/7/2011)

466:27 Remedies. (repealed effective 8/7/2011)

466:28 Killing Dogs Legalized.

Any person may kill a dog that suddenly assaults the person while such person is peaceably walking or riding without the enclosure of its owner or keeper; and any person may kill a dog that is found out of the enclosure or immediate care of its owner or keeper worrying, wounding, or killing sheep, lambs, fowl, or other domestic animals.

Muzzling and Restraining Dogs

466:29 Order; Rabies Epidemic.

I. In the case of a rabies epidemic, the mayor and aldermen of a city or the selectmen of a town may order that all dogs within the limits of the city or town shall be muzzled or restrained from running at large during the time prescribed by such order. After passing the order, the governing body of such city or town shall post a certified copy of the order in 2 or more public

places in the city or town, or, if a daily newspaper is published in the city or town, publish a copy at least once in the newspaper.

II. The mayor or aldermen or selectmen may issue their warrant to one or more of the police officers of such city or town who shall, after 24 hours from the publication of the notice required under paragraph I, impound all dogs found running at large contrary to such order. The dog owner shall be notified, if the owner's identity is known. Any dog impounded in accordance with this section who has been conclusively found to be rabid shall be destroyed in the most humane manner possible. After 7 consecutive days of impoundment, title of a dog shall pass to the facility holding the dog, unless the owner has claimed such dog. The owner of the dog shall be responsible for all costs associated with the impoundment of the dog under this section.

466:30 Special Notice.

The mayor and aldermen or selectmen may cause special service of any order issued under RSA 466:29 to be made upon any person, requiring that a dog owned or kept by the person shall be muzzled or restrained from running at large, by causing a certified copy of the order to be delivered to such person. If the person refuses or neglects to comply within 12 hours, the person shall be fined not more than \$25.

466:30-a Dog Control Law.

I. Notwithstanding any other provisions of this chapter, it shall be unlawful for any dog to run at large, except when accompanied by the owner or custodian, and when used for hunting, for guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4), for supervised competition and exhibition, or for training for such. For the purpose of this section, accompanied means that the owner or custodian must be able to see or hear, or both, or have reasonable knowledge of where the dog is hunting, where training is being conducted, where trials are being held, or where the dog is guarding, working, or herding livestock. Nothing herein provided shall mean that the dog must be within sight at all times.

II. In this section, at large means off the premises of the owner or keeper and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog, unless accompanied by the owner or custodian.

III. Any authorized person may seize, impound or restrain any dog in violation of this section and deliver said dog to a person or shelter authorized to board dogs. Such dogs shall be handled as strays or abandoned dogs pursuant to applicable laws.

IV. In addition to impounding a dog found at large or in violation of this section, any local law enforcement officer may issue, in the name of the owner or keeper of such dog, a notice of violation for a nuisance dog pursuant to RSA 466:31, II(a).

V. The provisions of this section shall not be effective in any city or town unless adopted by a city or town pursuant to RSA 466:30-b.

466:30-b Referendum.

I. (a) Any city or town desiring to adopt the provisions of RSA 466:30-a may do so by approving as described in paragraph II or III the following question: Shall we adopt the provisions of RSA 466:30-a which make it unlawful for any dog to run at large, except when accompanied by the owner or custodian, and when used for hunting, herding, supervised competition and exhibition or training for such?

(b) The ballot containing the question shall include 2 squares next to the question allowing the voter to vote Yes or No. If no cross is made in either of the squares, the ballot shall not be counted on the question.

(c) If a majority of those voting on the question vote Yes, RSA 466:30-a shall apply within the city or town.

II. (a) In a town, the question shall be included in the annual meeting warrant upon a vote of the selectmen or upon application of voters according to the provisions of RSA 39:3 for annual meetings.

(b) The selectmen shall hold a public hearing on the question at least 15 days but not more than 30 days before the annual meeting. Notice of the hearing shall be posted in 2 public places in the town and published in a newspaper of general circulation in the town at least 7 days in advance.

(c) Voting shall be by official ballot if that system has been adopted by the town. In other towns, voting shall be by a special ballot prepared by the clerk.

III. In a city, the question shall be placed on the official ballot for any regular municipal election upon a vote of the city council or upon submission to the city council of a petition signed by 5 percent of the registered voters.

IV. Any town or city which has adopted RSA 466:30-a may rescind its adoption by majority vote of those voting on the question submitted to the voters in the same manner as provided for adoption under paragraph II or III. The question on rescission shall read: Shall we rescind our adoption of RSA 466:30-a concerning dog control so that it will no longer be unlawful for a dog to run at large in this town (or city)?

V. A town or city which either does not adopt, or rescinds its adoption of, RSA 466:30-a, may adopt other ordinances pertaining to dogs running at large under RSA 31:39 or RSA 47:17, XI.

466:31 Dogs a Menace, a Nuisance or Vicious.

I. [Repealed.]

II. Under this section, a dog is considered to be a nuisance, a menace, or vicious to persons or to property under any or all but not limited to the following conditions:

(a) If a dog is at large, which means it is off the premises of the owner or keeper and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog, unless accompanied by the owner or custodian. This subparagraph shall not include a dog which is being used for hunting, supervised competition, exhibition, or training for such activities if accompanied by the owner or custodian, or a dog which is guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4), meaning that the owner or custodian must be able to see or hear the dog, or have reasonable knowledge of where the dog is hunting or herding, or where training is being conducted or where trials are being held, provided that such dog does not have to be within sight at all time;

(b) If it barks for sustained periods of more than hour, or during the night hours so as to disturb the peace and quiet of a neighborhood or area, not including a dog which is guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4);

(c) If it digs, scratches, or excretes, or causes waste or garbage to be scattered on property other than its owners;

(d) If any female dog in season (heat) is permitted to run at large or be off the premises of the owner or keeper during this period except when being exercised on a leash by a responsible adult. At all other times such dog shall be confined within a building or enclosure in such manner

that she will not come in contact (except for intentional breeding purposes) with a male dog. A female dog in heat shall not be used for hunting;

(e) If it growls, snaps at, runs after, or chases any person or persons not on the premises of the owner or keeper;

(f) If it runs after, or chases bicycles, motor vehicles, motorcycles, or other vehicles being driven, pulled or pushed on the streets, highways, or public ways;

(g) If, whether alone or in a pack with other dogs, it bites, attacks, or preys on game animals, domestic animals, fowl or human beings.

II-a. If the skin of a person has been punctured by a dog and the incident was reported, including the identity of the dog and its owner, to the animal officer, if any, or to the town clerk, such officer or clerk shall, within 24 hours, notify the injured person, or, in the case of a minor, the minor's parent or guardian, whether, according to town records, the dog has been appropriately immunized against rabies.

III. (a) Any person who fails, by appropriate action including but not limited to restraining an animal from running at large, or otherwise effectively abating a nuisance found such under the provisions of this section, or who fails to comply with any other provisions of this section after being so ordered, shall have the person's dog taken into custody by the police of the city, constable of the town, or other person authorized by the town and such disposition made of the dog as the court may order.

(b) Notwithstanding RSA 466:31-a, if a law enforcement officer does not witness the nuisance behavior, the name of the complainant shall be released as public information before any fine under RSA 466:31-a shall be levied.

466:31-a Penalties.

I. Any person who violates any provision of RSA 466:31 shall be guilty of a violation; provided that if such person chooses to pay the civil forfeiture specified in paragraph II, the person shall be deemed to have waived the right to have the case heard in district or municipal court and shall not be prosecuted or found guilty of a violation of RSA 466:31. Any person who does not pay the civil forfeiture specified in paragraph II shall have the case disposed of in district or municipal court.

II. Any person who violates any of the provisions of RSA 466:31 shall be liable for a civil forfeiture, which shall be paid to the clerk of the town or city wherein such dog is owned or kept within 96 hours of the date and time notice is given by any law enforcement officer or other person authorized by the town to the owner or keeper of a dog in violation of RSA 466:31. If the forfeiture is paid, said payment shall be in full satisfaction of the assessed penalty. The forfeiture shall be in the amount as specified for the following violations:

(a) \$25 for the first nuisance offense under RSA 466:31, II(a), (b), (c) or (d); \$100 for the second or subsequent nuisance offense committed within 12 months of the first nuisance offense under RSA 466:31, II(a), (b), (c) or (d).

(b) \$50 for the first menace offense under RSA 466:31, II(e) or (f); \$200 for the second or subsequent menace offense committed within 12 months of the first menace offense under RSA 466:31, II(e) or (f).

(c) \$100 for the first vicious offense under RSA 466:31, II(g).

(d) \$400 for the second or subsequent vicious offense committed within 12 months of the first vicious offense under RSA 466:31, II(g).

III. Any person who pays a civil forfeiture specified in paragraph II 2 times in any 12-month period according to the records of the town or city clerk, may not pay a civil forfeiture for

subsequent violations of RSA 466:31 in that 12-month period, but shall have those cases disposed of in district or municipal court. In the case of a vicious dog, as described by RSA 466:31, II(g), where its behavior presents a threat to public safety, immediate district court or municipal court proceedings may be initiated in lieu of the civil forfeiture.

466:32 Officers' Fees.

Police officers or constables shall be compensated for service under RSA 466:31 as provided in RSA 466:15.

Damages to Game

466:33 Dogs at Large.

It shall be unlawful for the owner or custodian of any dog to permit such dog to run at large in territory inhabited by game birds or quadrupeds, or on lands where livestock is pastured, at any time of the year; provided that hares and rabbits may be hunted with dogs during the open season under the owners control and supervision. Any organized club may hold a club licensed or sanctioned field trial on game which is otherwise protected. Said club shall secure permission from the owner of the land on which said trial is to be held, and shall notify the executive director of the fish and game department at least 2 weeks in advance of the date and place of the trial. Whoever violates the provisions of this section shall be guilty of a violation. Dogs which are guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4), shall be exempt from this section.

466:34 Pursuing Game, etc.

Any owner of a dog to whom notice has been given that such dog, when at large, has been discovered pursuing or harassing moose, caribou, deer or sheep, or injuring any domestic creature, shall be guilty of a violation for each subsequent occasion on which said dog shall be so discovered.

466:35 Maiming Game.

If any dog, at any time, shall maim, injure or destroy any wild animal protected by law, the owner thereof shall be fined the same amount which the statutes impose upon persons for killing the same animal contrary to law.

466:36 Killing Dogs.

Any conservation officer, state police officer, dog constable, or any New Hampshire certified police officer may kill any dog found in the act of maiming or in close pursuit of deer, moose, caribou, sheep, cattle, swine, poultry, or any domestic animal. No civil action for recovery of damages shall lie against any conservation officer, state police officer, dog constable, or any New Hampshire certified police officer while acting under authority granted herein. The owner or owners of any dog or dogs caught in the act of maiming or in close pursuit of deer, moose, caribou, sheep, cattle, swine, poultry, or any domestic animal shall be guilty of a violation and notwithstanding the provisions of Title LXII may be fined up to \$500.

Penalties, etc.

466:37 Official Neglect.

Any city or town officer who refuses or willfully neglects to perform the duties imposed upon such officer by this chapter relating to dogs shall be guilty of a violation, the fine to be paid to the city or town.

466:38 How Recoverable.

All fines and penalties provided in this chapter relating to dogs may be recovered on complaint before a district court or municipal court in the town or county where the offense is committed.

466:39 City or Town Bylaws.

The local governing body may make such additional bylaws and regulations concerning the licensing and restraining of dogs as it deems reasonable, and may affix penalties not exceeding \$50 for a breach thereof. Such bylaws and regulations shall relate only to dogs owned or kept in such city or town, and the annual fee required for a license shall in no case be more than \$1 in addition to the sum hereby required.

Miscellaneous

466:40 Mutilation Prohibited.

Any person who shall crop or cut or cause to be cropped or cut off the whole or any part of the ear of a dog, unless such person is a veterinarian duly registered under the provisions of RSA 332-B and unless such operation is performed while the dog is under an anesthetic, shall be fined not more than \$250.

466:40-a Possession of Cropped Dog.

The possession of a dog with an ear cropped or cut off and with a resulting wound unhealed, confined upon the premises of or in charge or custody of any person, shall be prima facie evidence of a violation of the provisions of RSA 466:40 by the person in control of such premises or the person having charge or custody, unless such person shall have in the person's possession a certificate of cropping signed by a veterinarian duly registered under the provisions of RSA 332-B certifying that the veterinarian performed the operation in accordance with the provisions of RSA 466:40, giving the date of the operation, the name of the owner of the dog and a description of the dog.

466:42-a Stealing Dogs, etc.

Whoever wrongfully removes the collar from or steals a dog licensed and collared as aforesaid shall be guilty of a misdemeanor. Whoever distributes or exposes a poisonous substance with intent that the same shall be eaten by any dog shall be guilty of a misdemeanor and shall be liable to the dog's owner for its value.

466:42-b Civil Recovery.

Whoever wrongfully kills or maims, entices or carries away a licensed dog shall be liable to its owner for its value in a civil proceeding.

466:43 List of Owners.

The assessors shall annually make a list of all dogs owned or kept in their respective city or town on April 1, with the owners' or keepers' names, and return the same to the city or town clerk on or before May 1. An owner or keeper of a dog who refuses to answer or answers falsely to the assessors relative to the ownership thereof shall be fined not less than \$10 for the use of the town.

466:44 Restaurants and Food Stores.

I. Except as provided in paragraph II, no person shall bring any animal into any restaurant or any store that sells food; and no person shall allow any animal to enter in any store that sells food except for guide dogs leading blind persons, and the hearing ear dog and the service dog as provided in RSA 167-D. Whoever violates the provisions of this section shall be guilty of a violation.

II. A restaurant owner may allow his or her properly disciplined companion dog inside his or her place of business. Such dogs shall not be allowed in food preparation or production areas. A restaurant owner allowing his or her companion dog shall prominently display a sign at all public entrances advising patrons that his or her companion dog is allowed on the premises and that such dog shall be removed from any portion of the premises where members of the public are present in the event a patron with a service dog is present.

466:45 Responsibility of Cities and Towns.

Every city and town shall inform every restaurant and every store that sells food in such city or town of the provisions of RSA 466:44.

Guard Dogs in Commercial Establishments

466:46 Definitions.

In this subdivision:

I. Commercial establishment means any business operated by a person, firm, partnership, corporation or other legal entity which sells, rents, leases or otherwise transacts a retail or wholesale business with the general public.

II. Custodian of guard dog means any person, firm, partnership, or corporation which owns, leases or maintains a guard dog on the property of a commercial establishment to protect the establishment from unauthorized intrusion.

III. Guard dog means any breed of dog of either sex which is utilized to attack or repel unauthorized intruders whether on command or by instinct.

IV. Local law enforcement authority means the local police department of the city or town or the dog officer in a city or town, as may be designated by the city council or board of selectmen.

466:47 License.

A guard dog shall be licensed pursuant to RSA 466:4.

466:48 Registration.

In addition to the dog license required by RSA 466:4, no guard dog shall be used in any city or town without prior approval of the local law enforcement authority and appropriate registration with that authority.

466:49 Registration Fee.

The annual registration fee for a guard dog shall be \$10, paid to the local law enforcement authority for deposit in the general fund of the city or town. Each registration shall expire one year from the date of issue.

466:50 Registration Requirements.

Prior to approval of the registration of any guard dog, the custodian shall provide to the local law enforcement authority satisfactory proof of the following:

I. That the premises to be guarded by the guard dog has sufficient restraining devices, such as fences or walls, to prevent access by the public during the periods that the guard dog is used to protect the premises from unauthorized entry or the escape by the guard dog from the enclosed premises.

II. That the guard dog shall be treated and maintained in a humane manner whether or not the dog is on guard duty.

III. That the custodian has liability insurance for each dog of not less than \$100,000 to protect the general public, in the event the guard dog eludes confinement and attacks and injures a person on public or private property.

IV. That the guard dog has been properly licensed pursuant to RSA 466:4.

V. That the premises to be guarded by a guard dog shall be properly posted to warn the general public with sufficient number of signs as may be required by the local law enforcement authority.

466:51 Inspections.

The local law enforcement authority shall inspect the premises of each custodian of a registered guard dog during normal business hours. If conditions on said premises do not meet the requirements of RSA 466:50, the local law enforcement authority shall direct removal of the dog until the defect is corrected.

466:52 Hearing.

If the custodian of a registered guard dog has had the dog's registration voided pursuant to RSA 466:51, the custodian may request in writing a hearing before the city council or board of selectmen, as appropriate, and said hearing shall be conducted within 30 days of receipt of the request for the hearing. The decision of either the city council or board of selectmen shall be final; provided, however, the custodian may appeal to the appropriate superior court within 30 days for a trial de novo.

466:53 Notification to Local Agencies.

I. The local law enforcement authority shall notify the local fire department and other agencies which may need emergency access to the guarded premises, as may be appropriate, that a guard dog has been duly registered and is authorized to be in a specifically designated commercial establishment.

II. The custodian shall provide the local law enforcement authority with the name or names of persons to be contacted in the event of an emergency, who are able to control the guard dog and permit unimpeded access to the commercial establishment to handle the emergency as may be necessary.

466:54 Penalty.

Any person, firm, partnership or corporation who violates any provision of this subdivision shall be guilty of a violation for the first offense and guilty of a misdemeanor for subsequent offenses.

CHAPTER 457 Marriages

Relationship

457:1 Purpose and Intent.

The purpose of this chapter is to affirm the right of 2 individuals desiring to marry and who otherwise meet the eligibility requirements of this chapter to have their marriage solemnized in a religious or civil ceremony in accordance with the provisions of this chapter.

457:1-a Equal Access to Marriage.

Marriage is the legally recognized union of 2 people. Any person who otherwise meets the eligibility requirements of this chapter may marry any other eligible person regardless of gender. Each party to a marriage shall be designated “bride,” “groom,” or “spouse.”

457:2 Marriages Prohibited.

No person shall marry his or her father, mother, father's brother, father's sister, mother's brother, mother's sister, son, daughter, brother, sister, son's son, son's daughter, daughter's son, daughter's daughter, brother's son, brother's daughter, sister's son, sister's daughter, father's brother's son, father's brother's daughter, mother's brother's son, mother's brother's daughter, father's sister's son, father's sister's daughter, mother's sister's son, mother's sister's daughter. No person shall be allowed to be married to more than one person at any given time.

457:3 Recognition of Out-of-State Marriages.

Every marriage legally contracted outside the state of New Hampshire, which would not be prohibited under RSA 457:2 if contracted in New Hampshire, shall be recognized as valid in this state for all purposes if or once the contracting parties are or become permanent residents of this state subsequent to such marriage, and the issue of any such marriage shall be legitimate. Marriages legally contracted outside the state of New Hampshire which would be prohibited under RSA 457:2 if contracted in New Hampshire shall not be legally recognized in this state. Any marriage of New Hampshire residents recognized as valid in the state prior to the effective date of this section shall continue to be recognized as valid on or after the effective date of this section. Notwithstanding anything in this statute or the provisions of RSA 457:43 to the contrary, any marriage of a same-sex couple lawfully contracted outside New Hampshire shall be recognized in New Hampshire as of the date of its solemnization.

Age

******457:4 Marriageable. (repealed and reenacted effective 1/1/2019)**

No person below the age of 16 years shall be capable of contracting a valid marriage, and all marriages contracted by such persons shall be null and void.

457:5 Of Consent.

The age of consent shall be in the male and in the female, 18 years. Any marriage contracted by a person below the age of consent, except as hereinafter provided, may in the discretion of the superior court be annulled at the suit of the party who at the time of contracting such marriage was below the age of consent, or at the suit of his or her parent or guardian, unless such party after arriving at such age shall have confirmed the marriage.

457:5-a Petition for Annulment; Orders by Court.

In the event a petition for annulment is filed by the parent or guardian of a minor, as provided in RSA 457:5, the superior court is hereby authorized to make such orders as in the discretion of the court will protect the interest of the minor child, including but not limited to orders directing the minor child to return to its parents or guardian and such orders may be issued ex parte. The party against whom the orders are issued may file a written request with the clerk of the superior court and request a hearing thereon. Such a hearing shall be held no later than 5 days after the request is received by the clerk. The request shall be filed with the clerk of court for the county in which the petition of annulment is filed.

*******457:6 Petition by a Party Under Age. (Amended effective 1/1/2019)**

I. If the marriage of a person resident in this state, or the marriage of a person who is a nonresident in this state who applies for permission to marry a resident in this state, either person being below the age of consent and above the ages specified in RSA 457:4, is desired, the parties desiring to contract such marriage, with the parent or guardian having the custody of such party below such age, if there be such parent or guardian, may apply in writing to the judicial branch family division having jurisdiction in the location in which one of them resides, for permission to contract such marriage.

II. The petition shall indicate whether, to the knowledge of the petitioner, the department of health and human services, bureau of child protection services has contacted or been involved with the family of the person under the age of consent.

III. As part of the decision making process, the court may conduct an in camera interview of each person under the age of consent, without that person's parent or guardian or the other party to the marriage present.

IV. Permission to contract such marriage shall be granted only upon clear and convincing evidence that the marriage is in the best interest of the person or persons below the age of consent.

V. No permission shall be granted to persons below the age of consent if both parties are nonresidents.

*******457:7 Granting of Permission. (Amended effective 1/1/2019)**

I. Such justice or judge shall at once hear the parties, and, if satisfied that it has been shown by clear and convincing evidence that the marriage is in the best interest of the person or persons below the age of consent, shall grant permission therefor, which shall be filed with the court and shall be reported to the division of vital records. The division shall note the fact of the granting of such permission upon the certificate and upon all copies thereof which are by law required to be kept.

II. In no circumstance shall a justice or judge grant permission to marry under this section if sexual contact or sexual penetration between the parties would, but for the solemnization of the

proposed marriage, constitute sexual assault, felonious sexual assault, or aggravated felonious sexual assault under RSA 62-A

457:8 Prohibitions.

No town clerk shall issue any certificate for the marriage of any person below the age of consent, and no magistrate or minister of religion shall solemnize the marriage of any such person, if such clerk, magistrate or minister knows or has reasonable cause to believe that such person is below such age, unless permission for such marriage has been given under this subdivision. No magistrate or minister of religion shall solemnize any marriage by proxy.

457:9 Penalty.

Any person violating any of the provisions of RSA 457:8, or any person knowingly making any false statement as to the age of any person, with intent to induce any clerk to issue a certificate for the marriage of any person below the age of consent, or to induce any magistrate or minister of religion to solemnize the marriage of any such person, shall be guilty of a misdemeanor.

Documentation of Marriages

457:22 Completion of Marriage License Application.

All persons proposing to be joined in marriage within the state shall complete a marriage license application with all facts required by RSA 5-C:41 to be entered in any town clerk's office. The clerk shall record the application in a book to be kept for that purpose.

457:23 Requirements.

I. No marriage license shall be issued by any town or city clerk until the applicants have each provided for inspection the following documents:

- (a) Proof of age;
- (b) A certified copy of the final divorce decree, if either or both parties are divorced; and
- (c) A certified copy of the death record of spouse, if either or both parties are widowed.

II., III. [Repealed.]

457:24 Penalty.

Any person violating the provisions of RSA 457:23 shall forfeit \$60 for each such offense.

457:26 Marriage License.

The town clerk shall deliver to the parties a marriage license embodying the facts required in RSA 457:22, specifying the time when the application was entered, which license shall be delivered to the minister or magistrate who is to officiate, before the marriage is solemnized. The license shall be valid for not more than 90 days from the date of filing.

457:28 Procedure.

The procedure upon such application shall be as provided in RSA 457:7.

457:28-a Brochures Relative To Family Planning Services, Fetal Alcohol Syndrome, and Human Immunodeficiency Virus.

The town clerk shall make available to the public, in the office of the town clerk, a list of family planning agencies and services available in the state, the informational brochure relative to fetal

alcohol syndrome prepared pursuant to RSA 132:2, XI, and the informational brochure relative to human immunodeficiency virus prepared pursuant to RSA 141-F:3, XIII. The department of health and human services shall supply each town clerk with a sufficient quantity of the brochures initially, to be resupplied upon the request of the town clerk.

457:28-b Destruction of Records.

The clerk of the superior court and the register of probate may destroy petitions by parties under age under RSA 457:6 and related documents after 5 years from the time of filing.

457:29 Marriage License Fee.

The fee for the marriage license shall be \$45 to be paid by the parties entering into the marriage. The clerk shall forward \$38 from each fee to the department of health and human services for the purposes of RSA 173-B:15. The clerk shall retain the remaining \$7 as the fee for making the records of notice, issuing the certificate of marriage, and forwarding the \$38 portion of the marriage license fee.

Documentation of Marriages

457:31 Solemnization of Marriage

A marriage may be solemnized in the following manner:

- I. In a civil ceremony by a justice of the peace as commissioned by the state and by judges of the United States appointed pursuant to Article III of the United States Constitution; by bankruptcy judges appointed pursuant to Article I of the United States Constitution, or by United States magistrate judges appointed pursuant to federal law; or
- II. In a religious ceremony by any minister of the gospel in the state who has been ordained according to the usage of his or her denomination, resides in the state, and is in regular standing with the denomination; by any member of the clergy who is not ordained but is engaged in the service of the religious body to which he or she belongs, and who resides in the state, after being licensed therefor by the secretary of state; or within his or her parish, by any minister residing out of the state, but having a pastoral charge wholly or partly in this state.

457:31-a Secretary of State.

The secretary of state may issue a license to an unordained clergy who is a resident of this state and who is a member of and engaged in the service of a religious body which is chartered by the state if he or she presents a certification from that body that he or she is in its service. Said license shall authorize the clergy to solemnize marriage in this state. The fee for such license shall be \$5.

457:31-b Solemnization of Marriage; Applicability.

- I. Nothing contained in this chapter shall affect the right of Jewish Rabbis residing in this state, or of the people called Friends or Quakers to solemnize marriages in the way usually practiced among them, and all marriages so solemnized shall be valid. Jewish Rabbis residing out of the state may obtain a special license as provided by RSA 457:32.
- II. Nothing in this chapter shall be construed to prohibit a person authorized to solemnize a marriage in a religious ceremony from solemnizing a marriage in a civil ceremony.

457:32 Special Commission.

The secretary of state may issue a special license to an ordained or non-ordained minister residing out of the state, or to an individual residing out of state who is authorized or licensed by law to perform marriages in such individual's state of residence, authorizing him or her in a special case to marry a couple within the state. In the case of an individual residing out of state who is authorized or licensed by law to perform marriages in such individual's state of residence, the secretary of state may require the submission of a copy of a valid commission or other indicia of authority to marry in the individual's state of residence as proof of existence of that authority. The names and residences of the couple proposed to be married in such special case shall be stated in the license, and no power shall be conferred to marry any other parties than those named therein. The fee for such license shall be \$25. The secretary of state shall keep a permanent record of all such special licenses, which record shall contain the names and residences of the couple to be married and the name and residence of the minister to whom the license is issued.

457:32-a Judges of the United States.

The secretary of state may issue a special license to a judge of the United States residing in this state who is appointed pursuant to Article III of the United States Constitution, to a judge of the United States Bankruptcy Court residing in this state and appointed pursuant to Article I of the United States Constitution, or to a United States magistrate judge residing in this state and appointed pursuant to federal law, to marry a couple within the state. There shall be a fee of \$25 for each such license, and the secretary of state shall maintain a record of all such special licenses issued. A copy of the marriage license of the couple proposed to be married shall be filed with the secretary of state who shall maintain a permanent record of all such marriage licenses and the name and residence of the judge or magistrate performing the ceremony.

457:33 Fee for Solemnizing.

The persons joined in marriage by a minister or justice of the peace shall pay the minister or justice a minimum of \$5.

457:34 Penalty for Solemnization Without Valid Certificate.

If a minister or justice of the peace shall join any persons in marriage without having first received a certificate of the town clerk, or shall join any persons in marriage with a certificate which he knows to be invalid, he shall forfeit for each offense \$60.

457:35 Penalty for Solemnization by Unauthorized Person.

If a person not authorized by this chapter to solemnize marriages shall join any persons in marriage, with or without a certificate, he shall be guilty of a misdemeanor.

457:36 Effect of Informality.

No marriage solemnized before a person professing to be a justice of the peace or minister of the gospel shall be void, nor shall its validity be affected on account of want of jurisdiction or authority in such supposed justice or minister, or on account of any omission or informality in the certificate of intention of marriage, if the marriage is in other respects lawful and has been consummated with the belief on the part of either of the parties thereto that they were lawfully married.

457:37 Affirmation of Freedom of Religion in Marriage.

Members of the clergy as described in RSA 457:31 or other persons otherwise authorized under law to solemnize a marriage shall not be obligated or otherwise required by law to officiate at any particular civil marriage or religious rite of marriage in violation of their right to free exercise of religion protected by the First Amendment to the United States Constitution or by part I, article 5 of the New Hampshire constitution.

Proof of Marriage

457:38 Certified Copy of Record.

A copy of the record of a marriage, certified by a city or town clerk or by the registrar of vital records, shall be received in all courts and places as evidence of the fact of the marriage.

457:39 Cohabitation, etc.

Persons cohabiting and acknowledging each other as husband and wife, and generally reputed to be such, for the period of 3 years, and until the decease of one of them, shall thereafter be deemed to have been legally married.

457:40 In Civil Actions.

In all civil actions, except actions for criminal conversation, evidence of acknowledgment, cohabitation, and reputation is competent proof of marriage.

457:41 In Criminal Cases.

In actions for criminal conversation, and in indictments for adultery, bigamy, and the like, there must be proof of a marriage in fact.

Legitimation of Children

457:42 Marriage of Parents.

Where the parents of children born before marriage afterwards intermarry, and recognize such children as their own, such children shall be legitimate and shall inherit equally with their other children under the statute of distribution.

Uniform Marriage Recognition Law

457:43 Residents.

If any person residing and intending to continue to reside in this state is prohibited from contracting marriage under the laws of this state and goes into another jurisdiction and there contracts a marriage prohibited and declared void by the laws of this state, such marriage shall be null and void for all purposes in this state, with the same effect as though such prohibited marriage had been entered into in this state.

457:44 Nonresidents; Recognition of Same-Sex Marriage.

Any marriage of a same-sex couple contracted in this state on or after January 1, 2010 by a party residing or intending to reside in another jurisdiction is valid and legitimate as of the date of its solemnization.

CIVIL UNION RECOGNITION; OBTAINING LEGAL STATUS OF MARRIAGE

457:45 Civil Union Recognition.

A civil union legally contracted outside of New Hampshire, or any legal union other than a marriage that provides substantially the same rights, benefits and responsibilities as a marriage that is legally contracted outside New Hampshire, shall be recognized as a marriage in this state, and any person in such legal union contracted outside of New Hampshire may also marry the same party in New Hampshire without the dissolution of such legal union, provided that the relationship does not violate the prohibitions of this chapter.

457:46 Obtaining Legal Status of Marriage.

I. Notwithstanding the provisions of RSA 457-A, no new civil unions shall be established on or after January 10, 2010. Two consenting persons who are parties to a valid civil union entered into prior to January 1, 2010 pursuant to this chapter may apply and receive a marriage license and have such marriage solemnized pursuant to RSA 457, provided that the parties are otherwise eligible to marry under RSA 457 and the parties to the marriage are the same as the parties to the civil union. Such parties may also apply by January 1, 2011 to the clerk of the town or city in which their civil union is recorded to have their civil union legally designated and recorded as a marriage, without any additional requirements of payment of marriage licensing fees or solemnization contained in RSA 457, provided that such parties' civil union was not previously dissolved or annulled. Upon application, the parties shall be issued a marriage certificate, and such marriage certificate shall be recorded with the division of vital records administration. Any civil union shall be dissolved by operation of law by any marriage of the same parties to each other, as of the date of the marriage stated in the certificate.

II. Two persons who are parties to a civil union established pursuant to RSA 457-A that has not been dissolved or annulled by the parties or merged into a marriage in accordance with paragraph I by January 1, 2011 shall be deemed to be married under this chapter on January 1, 2011 and such civil union shall be merged into such marriage by operation of law on January 1, 2011.

CHAPTER 5-C

Vital Records Administration

5-C:1 Definitions.

I. Advanced registered nurse practitioner or ARNP means a registered nurse currently licensed by the New Hampshire board of nursing under RSA 326-B:18.

I-a. Ancestry means the nationality, lineage, or country in which the person or his or her ancestors were born before their arrival in what is now the United States, and includes American Indians and native Alaskans, and reflects what the person considers himself or herself to be and is not based on percentages of ancestry.

II. Attendant means a person who is present during the process of delivering a child.

III. Attending physician or ARNP means that physician or ARNP, if any, who treated the patient during his or her last sickness.

IV. Certifier means the person attesting to the facts of a vital record event.

V. Certifying physician or ARNP means the physician or ARNP who determines and indicates the cause of death.

VI. City or town of residence means:

(a) The geographic location where the registrant resides at the time a vital event occurred;
or

(b) The mothers usual place of residing, in the case of births and fetal deaths.

VII. Delayed certificate means a certificate completed after the statutory time period.

VIII. Department means the department of state.

IX. Director or registrar means the director of vital records administration, who shall also be known as the registrar of vital records.

X. Division means the division of vital records administration, department of state.

XI. Entombment means temporary disposition of a body.

XII. Fetal death means the expulsion or extraction of a product of human conception having completed at least 20 weeks gestation or weighing at least 350 grams and resulting in other than a live birth that is not a purposeful interruption of an intrauterine pregnancy.

XIII. Final disposition means the burial, interment, cremation, removal from the state of New Hampshire, or other authorized disposition of a dead body or fetus pursuant to RSA 290:11, II.

XIV. Foundling means a live born infant of unknown parentage.

XV. Immediate family means:

(a) Persons who are related either by blood or marriage and includes the following: mother; father; son; daughter; brother; sister; husband; wife; grandfather; grandmother; grandson; granddaughter; great-grandchildren; step-parents; step-children; aunts; uncles; nephews; nieces; and

(b) In the case of divorce, legal separation, and civil annulment records, the persons former or separated spouse from a legal separation or a marriage ending in divorce or civil annulment.

XVI. Institution means any establishment, either public or private, which provides inpatient medical or surgical care, diagnostic care or treatment, nursing or domiciliary care.

XVII. Legal representative means an attorney, physician, funeral director or other representative, who through written authorization from the registrant is acting on behalf of the registrant or his or her family.

XVIII. Legitimation means the legal process of establishing the paternity of a child born out of wedlock or whose paternity is being disputed pursuant to RSA 5-C:24 and RSA 460:29.

XIX. Live birth means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes, or shows any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

XX. Marriage certificate means the vital record document signed by a wedding officiant following the ceremony that is recorded and filed with the division.

XXI. Marriage intentions means an application made with the clerk of a town or city to obtain a marriage license.

XXII. Marriage license means the vital record document that is completed by the bride and groom and the clerk of the town or city showing that all legal requirements have been met and the couple is eligible to be married.

XXIII. Medical certification means the providing of the cause of death and other medically related facts or data as related to a death certificate.

XXIV. Midwife means a person who practices midwifery in the state of New Hampshire pursuant to RSA 326-D.

XXV. Natural father means the biological father of a child.

XXVI. Next of kin means next of kin as defined in RSA 290:16.

XXVII. Nurse midwife means a nurse licensed to practice in the state of New Hampshire and who is certified under the American College of Nurse-Midwives and registered with the New Hampshire Board of Nursing in accordance with RSA 326-B.

XXVIII. Officiant means a person with the legal authority to perform a marriage ceremony within the state of New Hampshire pursuant to RSA 457:31, RSA 457:31-a, RSA 457:32, and RSA 457:32-a.

XXIX. Original informant with regard to death records, means the individual who submitted the information to create the death registration.

XXX. Physician means a person licensed to practice medicine or osteopathy pursuant to RSA 329.

XXXI. Pronouncing physician means the physician who determines that the person is legally dead and who signs the death certificate certifying that the death has occurred at a specified time and date.

XXXII. Pronouncing registered nurse means the registered nurse attending at the last sickness who is authorized under the provisions of RSA 290:1-b to pronounce a person dead.

XXXIII. Safety paper means unique paper with anti-fraud features that is used by the division and clerks of towns and cities to issue certified copies of vital records.

XXXIV. State registrar means the director of the division who is the person appointed by the secretary of state pursuant to RSA 5-C:2 or the director of the divisions designated staff.

XXXV. 3-party affidavit of paternity means the voluntary acknowledgement of fatherhood by the natural father, the mother, and the mother's husband who is not the father, but was the mother's husband at the time of conception, during the pregnancy, or at the time of the child's birth.

XXXVI. Vital event means any of the following occurrences:

- (a) Birth.
- (b) Adoption.

- (c) Death.
- (d) Fetal death.
- (e) Marriage.
- (f) Divorce.
- (g) Legal separation.
- (h) Civil annulment.

XXXVII. Vital record means a certificate or report of a vital event.

XXXVIII. Vital statistics means the data derived from certificates and reports of vital events.

5-C:2 Division of Vital Records Administration Established.

I. There is established within the department of state a division of vital records administration under the supervision of a director of vital records administration. The secretary of state, with the approval of the governor and council, shall appoint the director of vital records administration, who shall be known as the state registrar and who shall be an unclassified employee. The director of vital records administration shall be academically and technically qualified to hold the position. The director shall be a citizen of this state. The term of office for the state registrar shall be 4 years. Any vacancy shall be filled for the remainder of the unexpired term.

II. The salary of the state registrar shall be as specified in RSA 94:1-a and shall be determined in accordance with the procedure in RSA 94:1-d and RSA 14:14-c.

5-C:3 Declaration of Policy, Purpose and Scope.

I. The New Hampshire constitution identifies the office of the secretary of state as the keeper of the records of the state.

II. The division shall:

(a) Provide access to vital records and vital records data while assuring the privacy of all New Hampshire citizens.

(b) Outline the confidentiality requirements for vital records.

(c) Set forth the procedures, conditions, and criteria for release of information regarding vital records data and statistics.

(d) Enforce the provisions of this chapter in regard to the collection, maintenance, and dissemination of vital records information.

(e) Provide guidance to data collectors pursuant to this chapter.

(f) Describe the informational requirements of the forms used by the division of vital records for the collection of vital records information.

(g) Establish, in conjunction with the department of health and human services, the procedures, conditions, and criteria for release of information regarding vital records data and statistics for health-related research pursuant to RSA 126:24-d.

5-C:4 Registrar of Vital Records; Privacy; Duties.

I. The state registrar, under the supervision of the secretary of state, shall have charge of the vital records of the state and shall enforce the provisions of law in relation to them. The state registrar shall be responsible for the day-to-day operations of the division and shall plan and provide operational resources, as available, to establish and support a statewide vital records registration, issuance, and dissemination program.

II. In collecting information, prime consideration shall be given to the protection of the privacy of the individuals about whom information is given. In accordance with the provisions of this chapter, the secretary of state shall ensure that, when information is collected, the minimum of data shall be collected to accomplish a specific purpose, that no information shall be available to unauthorized personnel, that only the minimum be made available to authorized personnel, and that no information that could possibly adversely affect an identified individual be made public. The department of health and human services shall have access to vital records information in accordance with the provisions of RSA 126:24-c. The New Hampshire retirement system shall have access to a limited data set of vital records information in accordance with the provisions of RSA 100-A:14, XVI.

III. The division is designated the vital statistics center for New Hampshire in accordance with section 306(e) of the Public Health Service Act, 42 U.S.C. section 242k(e). The division is authorized to collect, compile, coordinate, and disseminate all vital records information, while adhering to the privacy requirement of paragraph II. The division shall have the power to enter into contractual agreements to the end that costs related to the collection of information shall be defrayed for outside agencies to the extent that funds are available from any source for such purpose.

5-C:5 Statistical Forms.

I. Forms and data fields maintained electronically shall include all facts contained on the national standard certificate forms developed by the National Center for Health Statistics, United States Department of Health and Human Services. As revisions to the National Center for Health Statistics standard certificates are made, the secretary of state shall incorporate into forms and data fields new facts contained on the standard certificates.

II. In addition to the secretary of state, any interested state agency or individual may request that additional data fields be added to any of the vital records statistical forms. Such requests shall be granted upon meeting the following minimum requirements:

(a) Any individual and any state agency, with the exception of the department of health and human services, shall provide a description of need for the additional data fields.

(b) Any individual and any state agency, with the exception of the department of health and human services, shall provide a business plan describing how the additional data fields will be used.

(c) All individuals and all state agencies shall demonstrate that they have adequate resources to pay for software changes to the secretary of states automated data collection system including development, testing, training of users, maintenance, and replacement of statistical forms.

(d) All individuals and all state agencies shall provide assurances that any statistical form changes shall not adversely affect any of the data contracts that the secretary of state maintains.

III. The secretary of state shall not remove or add any data fields used for purposes of protecting the public health or to conduct health-related research without prior notice and agreement of the department of health and human services.

5-C:6 Seal of Registrar.

The registrar shall have an official seal which shall be like the seal of the state except that the device thereon shall be surrounded by the words New Hampshire Department of State, Registrar of Vital Records in the place of the words Seal of the State of New Hampshire, 1776.

5-C:7 Authenticated Copies.

Every certificate or other official paper executed by the registrar under seal, in pursuance of authority conferred by law, shall be received as evidence, and may be recorded in the proper recording offices in the same manner and with like effect as a legally acknowledged deed; and copies of papers and records in his or her office, so authenticated, shall be received as evidence with the same effect as the originals.

5-C:8 Preservation of Returns.

The registrar shall cause the returns made to him or her under this chapter and the returns of divorces made by the clerks of court to be arranged, alphabetical indexes of all the names contained in such returns to be made, and the whole to be bound in convenient volumes and preserved in his or her office. Records of births, marriages, deaths, and divorces shall be kept separately.

5-C:9 Disclosure of Information From Vital Records.

In order to protect the integrity of vital records, to ensure their proper use, and to ensure the efficient and proper administration of the system of vital statistics, the registrar or the custodian of permanent local records shall not permit inspection of, or disclose information contained in vital statistics records, or copy or issue a copy of all or part of any such record unless he or she is satisfied that the applicant has a direct and tangible interest in such record.

I. Upon written application by an adult adoptee, who was born in this state and who has had an original birth certificate removed from vital statistics records due to an adoption, the registrar shall issue to such applicant a non-certified copy of the unaltered, original certificate of birth of the adoptee, with procedures, filing fees and waiting periods identical to those imposed upon non-adopted citizens of the state.

I-a. The registrar shall prescribe and, upon request, shall make available to each birth parent named on the original birth certificate, a contact preference form on which the birth parent may state a preference regarding contact by an adoptee who is the birth child of the birth parent. Upon such a request, the registrar shall also provide the birth parent with an updated medical history form, which shall be completed and returned, together with the completed contact preference form, by the birth parent to the registrar.

I-b. The contact preference form shall provide the birth parent with the following options from which the birth parent shall select one:

(a) I would like to be contacted. I have completed a contact preference form and an updated medical history form and am filing them with the registrar as set forth in this form.

(b) I would prefer to be contacted only through an intermediary. I have completed a contact preference form and an updated medical history form and am filing them with the registrar as set forth in this form.

(c) I would prefer not to be contacted at this time. I have completed a contact preference form and an updated medical history form and am filing them with the registrar as set forth in this form.

I-c. When the registrar receives a complete contact preference form and a completed medical history form from a birth parent, the registrar shall match the contact preference form and the updated medical history form with the adoptees sealed birth certificate. The contact preference form and the updated medical history form shall then be attached to the adoptees sealed certificate.

I-d. Only a person authorized by the registrar to process an application made under paragraph I may process a contact preference form and an updated medical history form.

I-e. The applicant, a member of his or her immediate family, his or her guardian, or respective legal representatives shall be considered to have a direct and tangible interest for purposes of this section. Others may demonstrate a direct and tangible interest when information is needed for determination or protection of a personal or property right.

II. The term legal representative shall include an attorney, physician, funeral director, or other authorized agent acting in behalf of the applicant or his or her family.

III. Commercial firms or agencies requesting a listing of names and addresses shall not be considered to have a direct and tangible interest.

IV. Properly qualified members of the press, radio, television, and other news media shall be considered to have a direct and tangible interest in vital statistic records when the information requested by such media sources is of a public nature.

V. Disclosure of certain information and statistical data to federal, state, or local agencies and research for legitimate purposes other than requests for vital records information for the purposes of health-related research under RSA 126:24-c may be authorized by the registrar under RSA 5-C:102111.

VI. The department of health and human services shall have a direct and tangible interest in vital records information in accordance with the provisions of RSA 126:24-c.

VII. Disclosure of voluntary acknowledgments and adjudication of paternity by judicial or administrative processes shall be released for the purposes of the state case registry pursuant to RSA 161-B:7.

VIII. The New Hampshire retirement system shall have a direct and tangible interest in a limited data set of death, marriage and divorce information of members and beneficiaries for purposes of administering RSA 100-A, limited to name of registrant, date of birth, place of birth, social security number, date of vital event, place of vital event, marital status, and name of spouse. The secretary of state and the executive director of the New Hampshire retirement system shall enter into a memorandum of understanding for the purposes of delineating specific procedures for access to this limited data set.

5-C:10 Fees for Copies, Verifications and Amendments to Vital Records.

I. A town clerk or the registrar shall be paid in advance, by any person requesting any copy or verification as provided in RSA 5-C:9, the sum of \$15 for making a search, which sum shall include payment for the issuance of such copy or verification, and \$10 for each subsequent copy, provided that the fee to town clerks for examination of documents and issuance of a delayed birth certificate shall be \$25.

II. The town clerk shall forward \$8 of each search fee collected by the clerk under this section to the department of state for deposit in the vital records improvement fund established under RSA 5-C:15 and \$3 to the state treasurer for deposit in the general fund, and shall retain the remaining \$4 as the clerks fee for issuing such a copy. For subsequent copies issued at the same time, the town clerk shall forward \$5 of the fee collected for each subsequent copy under this section to the department for deposit in the vital records improvement fund established under RSA 5-C:15, and \$2 to the state treasurer for deposit in the general fund, and shall retain the remaining \$3 as the clerks fee for issuing such a copy. The town clerk shall retain the \$25 fee for a delayed birth certificate as the clerk's fee for examining documents and issuing the delayed birth certificate. Fees collected by the registrar shall be forwarded to the state treasurer for deposit into the vital records improvement fund established under RSA 5-C:15.

III. Any correction or amendment to a record of any birth, marriage, or death shall be made by the town clerk according to the procedures established in this chapter. The town clerk shall receive for amending or correcting any record the fee of \$10 to be paid by the person making application for such an amendment or correction. The town clerk shall retain the fee collected under this paragraph for making such correction or amendment. Such fee shall be waived if the error was made by the town clerk.

5-C:11 Decorative Heirloom Certificates.

I. The registrar shall, upon request and payment of the fee, supply to any applicant having a direct and tangible interest as provided in RSA 5-C:9 and RSA 5-C:102, a decorative heirloom certificate of any birth or marriage registered with him or her.

II. The decorative heirloom certificate shall be of a distinctive design and shall include the seal of the registrar and an original signature.

III. The fee for each decorative heirloom certificate shall be \$25. The registrar shall forward \$15 of each fee collected to the state treasurer for deposit into the vital records improvement fund established under RSA 5-C:15.

5-C:12 Furnishing to Governmental Agencies.

Certified copies, certificates of partial facts, verifications, or search of the records may be made for any federal, state, or local governmental agency by special arrangement without regard to the provisions of RSA 5-C:10.

5-C:13 Record as Evidence.

A certified copy issued by a town clerk of a record of a birth, marriage, or death, on file with the town clerk or division, shall be prima facie evidence of the fact, in any judicial proceeding.

5-C:14 Duties and Responsibilities; Penalties.

I. Any person having knowledge of and a direct and tangible interest in the facts shall furnish such information as he or she may possess regarding any birth, death, fetal death, marriage, or divorce upon demand of the registrar.

II. Any person shall be guilty of a class B felony if he or she:

(a) Willfully and knowingly makes any false statement in a certificate, record, or report required to be filed by statute or in an application for an amendment thereof or in an application for a certified copy of a vital record, or who willfully and knowingly supplies false information intending that such information be used in the preparation of any such report, record, or certificate, or amendment thereof; or

(b) Without lawful authority and with the intent to deceive, makes, counterfeits, alters, amends, or mutilates any certificate, record, or report required to be filed by statute or a certified copy of such certificate, record, or report; or

(c) Willfully and knowingly obtains, possesses, uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to another, for any purpose of deception, any certificate, record, report, or certified copy thereof so made, counterfeited, altered, amended, or mutilated; or

(d) With the intention to deceive willfully and knowingly obtains, possesses, uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to another any certificate of birth or certified copy of a certificate of birth knowing that such certificate or certified copy was issued

upon a certificate which is false in whole or in part or which relates to the birth of another person, whether living or deceased; or

(e) Willfully and knowingly furnishes or processes a certificate of birth or certified copy of a certificate of birth with the knowledge or intention that it be used for the purposes of deception by a person other than the person to whom the certificate of birth relates; or

(f) Without lawful authority possesses any certificate, record, or report, required by statute or a copy or certified copy of such certificate, record, or report knowing same to have been stolen or otherwise unlawfully obtained.

III. Except as otherwise provided, any person shall be guilty of a misdemeanor if he or she willfully and knowingly transports or accepts for transportation, interment or other disposition of a dead body without an accompanying permit when required pursuant to RSA 290.

IV. Except as otherwise provided, any person shall be guilty of a violation if he or she:

(a) Willfully and knowingly refuses to provide information required by this chapter; or

(b) Willfully and knowingly neglects to comply with or intentionally violates any of the provisions of this section or refuses to perform any of the duties imposed upon him or her by this section.

5-C:15 Vital Records Improvement Fund.

There is hereby established a special fund for the improvement and automation of vital records at the state and local levels. The sole purpose of the fund shall be to provide revenues for the improvement of the registration, certification, preservation, and management of the states vital records, and said money shall not be used for any other purpose. Moneys in the fund shall be allocated for software applications and development, preservation efforts, hardware, communications and technical support associated with these purposes. Said moneys shall not be used for rent or electricity expenses or for general clerical or administrative personnel of the division. The secretary of state shall allocate moneys in the fund with the assistance of the advisory committee established under RSA 5-C:16. The fund shall accrue interest and shall be nonlapsing and continually appropriated to the secretary of state.

5-C:16 Advisory Committee.

I. There is established an advisory committee to assist the secretary of state in administering the fund established under RSA 5-C:15. The advisory committee shall also determine the need for improvement and automation of the processing of vital records upon recommendations from representatives of the department, the New Hampshire City and Town Clerks Association, and the department of information technology. The members of the committee shall be appointed as follows:

(a) Two town clerks, appointed by the New Hampshire City and Town Clerks Association.

(b) Two city clerks, appointed by the New Hampshire City and Town Clerks Association.

(c) A funeral director, appointed by the New Hampshire Funeral Directors Association.

(d) A physician licensed under RSA 329 from the office of chief medical examiner, or designee.

(e) A public member, who shall have a direct interest in the registration of vital records, appointed by the department.

(f) The registrar of vital records, or designee.

(g) A health information specialist, appointed by the New Hampshire Hospital Association.

- (h) The chief information officer, department of information technology, or designee.
- (i) The state archivist, or designee.
- (j) The commissioner of health and human services, or designee.
- (k) A representative of a local city public health agency, appointed by the commissioner of health and human services.
- (l) One vital records information user, who shall have a direct interest in the use and dissemination of vital records information, appointed by the commissioner of health and human services.
- (m) The secretary of state, or designee.

II. The members of the committee shall choose a chairperson by majority vote. The chairperson shall serve for a term of one year, but may be confirmed by majority vote for as long as the chairperson remains a member. Members of the advisory committee shall serve 2-year terms and no member shall serve more than 2 consecutive terms. The city and town clerk members shall serve staggered terms and initially one town clerk and one city clerk shall serve for 2 years and one town clerk and one city clerk shall serve for 3 years.

5-C:17 Quarterly Reports.

The department shall file a financial report for the vital records improvement fund for the preceding quarter showing the summary of receipts and expenditures, according to the uniform classifications.

5-C:18 Annual Report.

The department shall prepare and file a report on the uses of the vital records improvement fund and shall submit the report to the vital records improvement advisory committee no later than December 31 of each year. The report shall contain the following:

- I.** The gross revenue received by the fund.
- II.** A summary of receipts and expenditures, according to uniform classifications.
- III.** Accomplishments achieved pursuant to RSA 5-C during the preceding fiscal year.
- IV.** An outline of the projects and programs to be conducted in the ensuing fiscal year with proceeds from the funds.
- V.** Any recommendations for additional legislation, and other relevant matters.

Birth Registration Forms and Procedures

5-C:19 Completion of Birth Worksheet for Hospital or Institutional Births.

I. A hospital, institution, birthing center, attendant, or parent shall file with the division a birth record for each live birth which occurs in the state of New Hampshire.

II. In the case of a hospital or institution live birth, a completed birth worksheet shall include the following, provided by personnel as indicated:

- (a) The hospital or institution birth registrar or designee shall provide:
 - (1) Information regarding the child, including name, date and time of birth, and sex.
 - (2) Information regarding the facility, including name, street address, city or town, and county.
 - (3) Information regarding the mother including:
 - (A) Current name and maiden name.
 - (B) Date of birth and birthplace.
 - (C) City or town, county, and state of residence.

(D) Residential address and complete mailing address if different from the residential address, or, if the same as the residential address, her zip code only.

(E) Social security number.

(F) Usual occupation and the business or industry in which employed.

(G) Race.

(H) Level of education.

(I) Whether she was married at the time of the birth of child, or conception of child, or any time between.

(4) Information regarding the father including:

(A) Name.

(B) Date of birth and birthplace.

(C) City or town, county, and state of residence.

(D) Residential address and complete mailing address if different from the residential address, or, if the same as the residential address, his zip code only.

(E) Social security number.

(F) Usual occupation and the business or industry in which employed.

(G) Race.

(H) Level of education.

(5) The method of payment for prenatal care and for delivery.

(6) Statistical information from the mother, medical reports, and her physician regarding the mother and child including:

(A) Number of live births, not including this child, now living and now dead.

(B) Date of the last live birth.

(C) Other terminations of pregnancy, any time after conception.

(D) Date of the last other termination of pregnancy.

(E) Date last normal menses began.

(F) Month that prenatal care began.

(G) Total number of prenatal visits.

(H) Birth weight of the child.

(I) Clinical estimation of gestation in weeks.

(J) Plurality of the child, including but not limited to single, twin, or triplet.

(K) Birth order of the child.

(L) The Apgar score, which is an evaluation of a newborn infants physical status, at one minute and at 5 minutes.

(7) If the mother is transferred to another facility before or after giving birth, transfer information for the mother and child including:

(A) Whether the mother was transferred prior to delivery or after delivery.

(B) Whether the infant was transferred after delivery.

(C) Whether the child was living or dead at the time of the report.

(8) Information regarding the medical aspects of the pregnancy including:

(A) Any medical risk factors for the pregnancy.

(B) Any other risk factors for the pregnancy.

(C) Any obstetric procedures performed during the course of the pregnancy.

(D) Any complications of labor and delivery.

(E) The method of delivery.

(F) Any abnormal conditions of the newborn.

(G) Any congenital anomalies of the child.

(9) Indication from one parent whether the division shall be authorized to provide the Social Security Administration with data from the birth record in order for the Social Security Administration to issue a social security number.

(10) Indication from one parent whether the division shall be authorized to release birth record information to the New Hampshire immunization registry.

(11) Signature of the individual who interviewed the parent or other informant certifying that the information has been recorded exactly as given by the parent or other informant or has been taken from medical records.

(b) A parent or other informant shall provide his or her signature certifying that the information supplied is a true and correct representation of the facts to the best of his or her knowledge; the date signed; and the informants relationship to the child.

III. A physician member of the institutions obstetrics team or service, the chief of obstetrics, the chief of the medical staff or the hospital administrator shall, within 72 hours of the birth, certify that the child was born alive at the place and time and the date stated by providing:

(a) His or her signature as certifier.

(b) The date signed.

(c) His or her name and title.

(d) The name and title of the attendant if other than the certifier.

(e) The attendants mailing address.

IV. The birth worksheet shall not be signed by a parent or informant until the child has been given a name or the mother is being discharged from the hospital, whichever is sooner.

V. When both a physician and a nurse midwife are present at a hospital birth, the physician shall sign the birth worksheet and be named as the certifier, and the name of the nurse midwife shall be entered as the attendant at birth.

VI. When a physician is not present and a nurse midwife is present at a hospital birth, the nurse midwife shall sign the birth worksheet and be named as the certifier.

VII. Any item of information not obtainable shall be indicated as: not known when the information is not known; not available when the information is known but not immediately available; or refused to provide when the parent or informant refuses to provide the information.

VIII. In the case of an unwed mother, unless an affidavit of paternity has been executed, the notation not stated shall be entered in the spaces provided for information concerning the father.

IX. When a child is born in a moving conveyance, the city or town of birth shall be that city or town where the child was first removed from said conveyance.

X. When a married mother refuses to give information concerning her husband as father of the child, the hospital shall enter not stated on the birth record for all information pertaining to the father of the child.

XI. For a birth which occurred in a hospital or institution, the hospital or institution birth registrar or designee shall initially record information for the birth record on the birth worksheet and permanently retain the birth worksheet in the mothers medical record files at the hospital.

5-C:20 Completion of the Birth Worksheet for Non-Hospital Births.

I. If a child is born in New Hampshire at home or some place other than a facility that regularly prepares birth records and is brought to a New Hampshire hospital or birthing center with the mother within 24 hours of birth, the hospital or birthing center shall complete the birth record in accordance with RSA 5-C:19 except that the place of birth shall be entered as the city or town of the actual birth; the physician who attends the mother in the hospital shall be entered

as the physician who attended the mother in the hospital or birthing center; and the certifying physician signature section shall be signed by the physician who attended the mother in the facility.

II. Birthing centers shall complete birth records for children born in their facilities in accordance with the reporting requirements for hospital and institution live births as provided in RSA 5-C:19.

III. In the case of a home birth, the record shall be completed as follows:

(a) If attended by a physician, midwife, or nurse midwife, then the physician, midwife or nurse midwife shall report the birth of the child to the division or to the registrar in the town where the birth occurred within one week of the birth. The physician, midwife or nurse midwife shall, within 2 weeks of the birth, complete the birth worksheet by completing the medical and statistical sections in accordance with RSA 5-C:19 by entering his or her name and title as the attendant; by signing the worksheet as the attendant; by providing his or her mailing address; and, by giving the signed worksheet to the parent to bring to the clerk of the town or city where the birth occurred. The clerk of the town or city shall report to the division by the next working day any home birth that takes place within his or her jurisdiction if such an occurrence is brought to his or her attention and, the division shall notify the appropriate clerk of the town or city of any home birth reported directly to the division.

(b) If a home birth is not attended by a physician or midwife, then the parent shall report the birth of the child to the division or to the registrar in the town where the birth occurred within one week of the birth. The clerk of the town or city shall report to the division by the next working day any home birth that takes place within his or her jurisdiction if such an occurrence is brought to his or her attention. The division shall notify the appropriate clerk of the town or city of any home birth reported directly to the division. Upon notice of a home birth, the clerk of the town or city shall prepare the birth worksheet completing as many items as possible, including the name and address of a birth attendant if a parent, friend, ambulance attendant, or other person attended the birth; sign the birth worksheet as certifier; and, if any of the original information on the worksheet was changed by a parent before presentation to the clerk of the town or city, the parent shall initial such changes and note the reason for the change in the margin of the birth worksheet. When a home birth occurs in the state of New Hampshire and the mother is taken with her child to a hospital outside the state, such a birth shall be registered by the division notifying the appropriate clerk of the town or city of any home birth reported directly to the division.

IV. If a birth occurs in an unincorporated town or a geographical area where there is no clerk of the town, the birth record shall be filed with the nearest clerk of a town or city or the state registrar. The actual place of birth shall be shown on the birth record along with a notation stating why the birth record was filed in a city or town other than that of the birth occurrence.

V. In the case where the mother has refused to provide the name of her husband, and at a later date she provides the name of her husband to the clerk of the town or city or the division, the mother shall also provide to the clerk of the town or city the documentation necessary to process a correction to the birth record pursuant to RSA 5-C:85. When reviewed pursuant to RSA 5-C:85, the clerk of the town or city shall add the name of the husband to the birth record.

VI. Whenever the marital status on the birth record is disputed by the mother, she shall provide to the division a medical opinion in writing concerning the estimated date of conception in relation to the date of the divorce and a certified copy of the divorce decree to establish the exact date of divorce. The state registrar shall review the information provided and make the

determination of marital status for the birth record. If the mother disputes the determination of the state registrar the mother may request an administrative hearing within 30 days of the registrars decision.

5-C:21 Distribution of the Birth Record.

I. The hospital or institution birth registrar shall forward a completed birth record to the division and clerk of the town or city no later than 6 days from the date of birth, and provide to the parents upon discharge from the hospital or institution an exact copy of the information that will appear on the official birth record of the newborn child. If the mother has signed release papers for adoption, the hospital or institution birth registrar shall make the notation Adoption Pending on the face of the parents notice, and forward the parent notice to the division instead of giving it to the mother.

II. Hospital and institution birth registrars shall not issue any document resembling a birth certificate or which appears to be an official birth record.

III. The clerk of the town or city where the birth occurred shall review the information on the parent notice presented by the parent, and, if the information is confirmed by the parent, the clerk shall issue a certified copy of the birth certificate to the parent after receipt of payment pursuant to RSA 5-C:10. If the parent states that the information is incorrect, the clerk shall follow the correction procedures in RSA 5-C:85. In the case of a home birth, the clerk shall forward a copy of the completed birth record with the birth worksheet to the division within 2 business days of its completion; mail the parent notice to the parent or personally present it to the parent; and exchange the parent notice for a certified copy after payment of the fee required by RSA 5-C:10.

IV. The division shall provide the following to the city or town of residence of the mother:

- (a) The childs name.
- (b) The childs date of birth.
- (c) The childs place of birth.
- (d) The fathers name.
- (e) The mothers name.
- (f) The state file number, which is a unique, sequential identifying number assigned by the division.

V. If corrections of misspellings or typographical errors are required, the clerk of the city or town where the birth occurred shall forward a notice of changes to the division and issue a certified copy of the birth record, as amended, to the parents.

5-C:22 Legitimation of Child Form.

I. Unless the legitimation is by court order, each parent shall complete a legitimation of child form with the following:

(a) Information regarding the child, mother, and natural father, including: the name of the child as originally recorded; date and place of birth; maiden name of the natural mother; mothers social security number; mothers city or town of residence; full name of the child, full name of the natural father; date of birth of the natural father; state or foreign country of birth of the natural father; natural fathers social security number; and current mailing address of the parents.

(b) The signature of the natural father and the mother.

(c) The city or town and county where the affidavit was signed.

(d) The signature of the notary public or justice of the peace with the expiration date of commission, the date signed, and sealed if applicable.

(e) Indication as to whether the certificate of marriage was presented to the clerk of the town or city.

(f) The date received by the clerk of the town or city.

(g) The date the new record was made.

(h) The signature and city or town of the clerk.

II. When the mother or natural father or both are under the age of 18, each signature shall be accompanied by the notarized signature of a parent or guardian unless the legitimation is by court order.

5-C:23 Birth Record Following Legitimation.

I. An application for filing an amended birth record in the case of a legitimation shall be made by a parent on a legitimation of child form pursuant to RSA 5-C:22 and submitted to the clerk of the city or town where the birth occurred.

II. Upon receipt of a legitimation of child form and a certified copy of the parents marriage record, or in accordance with procedures outlined in RSA 457:42 and RSA 460:29, the clerk of the city or town where the birth occurred shall prepare an amended birth record.

III. The following procedures shall be followed if a legitimation case is settled by the court pursuant to RSA 460:29:

(a) A certified copy of the court order shall be presented by the parents to the clerk of the city or town where the birth occurred.

(b) The legitimation form shall be prepared pursuant to RSA 5-C:22 and filed by the clerk of the city or town with a notation on the form indicating that the court order has been the basis of the action under RSA 460:29.

(c) The birth record shall then be processed as specified in RSA 5-C:87, and amended by adding information to the record concerning the father.

IV. The clerk of the city or town shall prepare the amended birth record in accordance with RSA 5-C:89, adding the information concerning the father.

V. The court order and the legitimation of child form shall be retained permanently by the clerk of the city or town on the form appropriate for the year of birth pursuant to RSA 5-C:86.

5-C:24 Affidavit of Paternity.

I. In the case of a child born in the state of New Hampshire whose paternity has not been established by means of an affidavit of paternity, the mother or the natural father may initiate a request for an acknowledgment of paternity.

II. The affidavit of paternity shall be completed and filed in accordance with RSA 5-C:25.

III. A hospital shall attempt to have the affidavit of paternity completed in the hospital, but if an affidavit is not completed before the birth record is sent to the division and the paternity is not yet established, then the phrase not stated shall be inserted for the fathers name.

IV. If the affidavit of paternity is not completed in the hospital, the mother and natural father shall contact the clerk of the town or city to execute the affidavit of paternity.

V. The natural fathers name, date of birth, and state of birth shall be added to the birth record by the clerk of the town or city upon the registrars receipt of a sworn, notarized affidavit of paternity.

VI. A copy of the completed affidavit of paternity shall be forwarded by the hospital to the department of health and human services, division of child support services and the original to the division.

VII. If the mother or natural father is not of legal age, then each signature on the affidavit of paternity form of a person under the age of 18 shall be accompanied by the signature of his or her parent or legal guardian.

VIII. When an affidavit of paternity is executed after the death of a child, a notation shall be made on the affidavit indicating that the child is deceased and that the changes authorized on the birth record are also applicable to the death record.

IX. When the married mother of a child born in a hospital indicates that her husband is not the natural father of the child but because of time constraints a 3-party affidavit of paternity cannot be executed before she leaves the hospital, the surname of the child shall be any name chosen by the mother and the hospital shall enter not stated on the birth record for all information pertaining to the father of the child. The mother, natural father, and husband shall subsequently sign a 3-party affidavit of paternity form, with each signature notarized, and submit it to the clerk of the city or town where the birth occurred. Upon receipt of the signed and notarized 3-party affidavit of paternity, the clerk shall create a new birth record for the child, reflecting the new name of the child as well as the natural fathers information. The natural father may sign the affidavit before the birth of the child has occurred, but the mothers signature shall not be affixed to the affidavit form until after the birth of the child.

X. When an unwed mother applies to the clerk of a town or city wishing to add the name of a father to her childs birth record the following shall apply: the affidavit of paternity shall be executed prior to the childs 18th birthday; the natural father to be named shall personally sign the affidavit; if signed separately, each signature shall be separately notarized; in those cases where the alleged natural father is deceased, the mother shall present her request in the form of petition to a court of competent jurisdiction; and, if the court approves the request, the resulting court order shall be processed by the clerk of the town or city in the same manner as a court determination of paternity and in accordance with RSA 5-C:26.

XI. Once the surname of the child has been established through an executed affidavit of paternity, any subsequent change shall be made upon receipt of a certified copy of a legal change of name issued by a court of competent jurisdiction.

5-C:25 Informational Requirements for an Affidavit of Paternity.

I. Parents shall include the following information when completing an affidavit of paternity:

(a) Information about the child including: the childs first, middle, and last names; the childs city or town and state of birth; the childs date of birth; the childs name as it appears on the birth record; the childs social security number, if known; whether the child is living; and, the childs date and place of death, if applicable.

(b) Information about, and signature of, the childs natural father, including: the natural fathers full name and date of birth; the natural fathers state of birth; the natural fathers social security number; the natural fathers address; and, the natural fathers signature and date signed, unless the natural father is a minor in which case his parent or guardians signature shall be obtained and the date signed.

(c) Information about, and signature of, the childs mother, including: the mothers maiden name; the mothers social security number; the mothers address; if the mother is a minor, her parent or guardians signature; and, the mothers signature and date signed, unless the mother is a minor, in which case her parent or guardians signature shall be obtained and the date signed.

(d) When the mothers husband agrees that he is not the childs natural father, the following information, and signature of, the mothers husband, including: the husbands name; the husbands social security number; the husbands address; and the husbands signature and date

signed, unless the husband is a minor in which case his parent or guardians signature shall be obtained and the date signed.

(e) The signatures of the childs natural father, mother, and, if he is not the childs father, her husband, shall be notarized and shall include the date signed and the date the notarys commission expires.

(f) Certification of hospital or birthing center, including the name and signature of the preparer and date signed, and the name and the address of the hospital or birthing facility.

II. In the case of a home birth, the midwife or attendant shall refer the mother to the clerk of the town or city to complete the affidavit of paternity.

5-C:26 Preparation of New Birth Record Following Paternity Determination.

I. Upon receipt of a certified copy of a court order regarding the paternity of a child born in New Hampshire, the clerk of the city or town where the birth occurred shall prepare a new birth record.

II. Acceptable documentation for preparing a new birth record shall include a certified court order that clearly states that the birth record shall be changed to reflect paternity or a photocopy of that court order and a letter from the division of child support services indicating that a paternity hearing has been initiated by that division.

III. The clerk of the town or city shall prepare the new birth record, retain its originally assigned file number, send the copy marked state to the division; and retain the copy marked clerk.

IV. Upon receipt of the completed affidavit of paternity by the clerk of the city or town, the information concerning the father shall be added to the birth record, or in the case of an affidavit of paternity submitted after the filing of the birth record, a new record shall be completed by the clerk of the town or city and forwarded to the division in accordance with this section and RSA 5-C:21.

V. The surname of the child shall be recorded as shown on the affidavit of paternity and in accordance with RSA 5-C:24. If the mother is unwed, the surname given to the child shall be any name chosen by the mother and father. If the mother is married and a 3-party affidavit of paternity is being utilized, the surname of the child shall be any name chosen by the mother.

5-C:27 Rescission of Paternity Form.

I. A parent or legal guardian who is a signatory to the affidavit of paternity shall provide information to complete a rescission of paternity form as follows:

(a) Information about the child, including the childs first, middle, and last names as they appear on the birth record, the childs date of birth, the city or town of birth, the childs social security number, if known, and the childs sex.

(b) Information about the childs father and mother, and the mothers husband if a 3-party affidavit of paternity was completed, including the fathers full name, the fathers date of birth, the fathers mailing address, the mothers full name, the mothers mailing address, whether a completed 3-party affidavit of paternity was submitted and, if a 3-party affidavit was filed, the husbands full name and mailing address.

(c) The rescinders signature and date.

II. The form shall be attested to by a notary public or justice of the peace. The city or town clerk shall sign and date the form.

5-C:28 Rescission of Paternity Procedures.

I. A parent or legal guardian may request to rescind an affidavit of paternity from the clerk of the city or town where the birth occurred within 60 days of the filing of an affidavit of paternity unless an administrative or judicial proceeding related to the child results in an earlier date.

II. Once the completed rescission of paternity form is filed, the clerk of the town or city shall remove the name of the father from the birth record and insert not stated in the space provided for the fathers name or, if the original birth record was filed prior to the completion of an affidavit of paternity, change the childs name on the birth record back to the name stated on the original record before the affidavit of paternity was filed.

III. After the 60-day rescission period has passed, any challenge to the affidavit shall be decided only by a court of competent jurisdiction.

IV. The fee for changing the birth record due to a rescission of paternity shall be in accordance with RSA 5-C:10.

V. The clerk of the city or town where the birth occurred shall distribute the rescission of paternity to the birth mother; the father named on the affidavit of paternity; the parent or legal guardian of minor signatory as stated on the affidavit of paternity; the division; the department of health and human services; the husband, if a 3-party affidavit of paternity was completed; and, the hospital that was the originator of the affidavit of paternity, if applicable.

5-C:29 Surrogate Mother.

When it is known that a child has been born to a surrogate mother and it is intended that the child be adopted after birth by the natural fathers wife, the preparation of the initial birth record shall be governed by the following:

I. If the surrogate mother is a married woman, a 3-party affidavit of paternity shall be prepared with the natural father shown as the childs father.

II. If the surrogate mother is not married, an affidavit of paternity shall be prepared with the natural father shown as the childs father; and only after an affidavit of paternity has been executed shall the name of the natural father appear on the birth record.

5-C:30 Birth Resulting from Artificial Insemination.

I. When it is known that the birth of a child is the result of artificial insemination of sperm from a person who is not the mothers husband, the male parentage shall be indicated on the birth record as follows:

(a) If the mother is married, the husbands name shall be listed as the father of the child.

(b) If the mother is unwed, an affidavit of paternity shall be executed when the donor of the sperm can be identified and is willing to be identified on the birth record or, otherwise, the phrase not stated shall be entered for the fathers name.

II. In the case where the birth of a child is the result of artificial insemination of a surrogate mother, the preparation of the birth record shall be governed by the procedures in RSA 5-C:29.

5-C:31 Notice of Adoption.

All information on an adoption shall be completed on a form prescribed by the division, in accordance with RSA 170-B:22. A parent or the court shall provide the following information in order to complete the form:

I. The child's information taken from a certified copy of the adoptee's original birth record, including the name of the child; the child's date and place of birth; the child's sex; the child's race; and the child's ancestry.

II. Facts about the child's birth, including:

(a) Whether there are siblings in substitute care, indicated as yes or no.

(b) Whether there are members of the sibling group adopted together, indicated as yes or no.

(c) Whether the child had a previous adoptive placement, indicated as yes or no.

(d) Whether the child is considered by the court to have special needs, such as a developmental or intellectual disability, learning disabilities, or a medical condition, indicated as yes or no.

(e) The date of adoptive placement.

(f) Sponsorship of adoption indicated as public, private or tribal, agency, independent person or other.

(g) Location of any sponsor of the adoption.

III. The natural father's information, including his full name if stated on the original birth record; his date of birth; his race and ancestry; his marital status; and whether his parental rights were terminated.

IV. The birth mother's information, including her full maiden name; her date of birth; her race and ancestry; her marital status at birth of child; and whether her parental rights were terminated.

V. Information from both adoptive parents, if a couple is adopting, or one parent in the case where one parent is adopting, including his or her full name; date and state of birth; race and ancestry; marital status; residence at the time of the child's birth; and any prior relationship with the child.

VI. The names as they shall appear on the new birth record, including the adoptive parents' names, and the adoptee's name.

VII. The current mailing address and signature of the adoptive parent or parents.

VIII. The probate court information, including the date of the adoption decree; the name, county and state of the court and the name of the judge or justice presiding; the volume, page, and record number of the probate court filing; the signature and seal of the court and date signed; and the name of the city or town of birth and the date the report was sent by the probate court to the clerk of the town or city of birth occurrence, the department of health and human services, and the division.

IX. The city or town clerk information, including the date received by the clerk of the town or city of birth occurrence; the date the new birth record was made; the signature of the clerk of the town or city; and the city or town of the clerk.

5-C:32 Adoption Recording Procedures.

I. Adoptions shall be recorded pursuant to this section and RSA 170-B:22.

II. In accordance with the reporting requirements cited in RSA 170-B:22, the register of the county probate court shall send a completed adoption form, as referenced in RSA 5-C:31, for each child adopted in the state of New Hampshire to the division within 7 days after the final decree is filed.

III. Upon receipt of a notice of adoption from the probate court, the clerk of the town or city of birth occurrence shall immediately process a new birth record and, within 2 weeks, forward a copy to the division.

IV. Upon receipt by the division of a notice of adoption in New Hampshire for a child born out-of-state the division shall send notice of the adoption to the vital records agency of the state of birth so that the birth record in that state can be amended and, if the adoption notice received by the division contains inaccurate or missing information, the state registrar shall return the notice to the court issuing the adoption decree via the applicable states vital records agency asking for necessary corrections.

V. Upon the receipt of a notice of an out-of-state adoption of a child born in the state of New Hampshire, the division shall send notice of the adoption to the clerk of the town or city of birth occurrence. When the clerk receives the above notice, he or she shall follow the procedure outlined in RSA 5-C:33 for amending the birth record. When out-of-state adoptions are being processed, if the information provided to the clerk of birth occurrence does not contain sufficient information needed to complete the amended birth record pursuant to RSA 5-C:33, the clerk shall request the information from the adoptive parents. If a response has not been received within 30 days from the date of the request, the amended record shall be prepared and not available shall be entered for information that has not been provided. When a clerk of a town or city receives an adoption notice from a New Hampshire court that contains inaccurate or missing information, the adoption notice shall be returned to the New Hampshire court with a letter asking the court to resolve the question involved.

VI. In the case of a private adoption, when requested by a court of competent jurisdiction, the division shall issue a copy of the original birth certificate.

5-C:33 Procedure for Amending the Birth Record Following Adoption.

I. When the clerk of the town or city of birth occurrence receives a notice of adoption, a new birth record shall be prepared as specified in RSA 5-C:31.

II. The new birth record shall be substituted immediately for the original birth record by the clerk of the town or city.

III. The original birth record and the notice of adoption shall not be subject to inspection except pursuant to RSA 5-C:9 or upon order of a court of competent jurisdiction pursuant to RSA 170-B:23.

IV. The actual place and date of birth shall be shown on the new birth record.

V. If no original birth record is on file for the adoptee the clerk of the town or city shall prepare a new birth record.

VI. If the date and place of birth have not been determined in the adoption proceedings, a delayed certificate of birth shall be filed with the state registrar as provided in RSA 5-C:38 through RSA 5-C:40 before a new certificate of birth is prepared and, if the required evidence cannot be obtained that would justify the creation of a delayed certificate of birth, the registrar shall authorize the preparation of a birth certificate for the adoptee using court records as the authority for approval.

VII. In the case of a single parent adoption, the information concerning the other parent shall be listed as not stated.

VIII. In the case of an adopting parent whose spouse is deceased, upon written request of the adopting parent, the clerk of the town or city shall include the information about the husband when his date of death is not more than 9 months prior to the adoptees birth and information on the wife shall be included when her date of death is after the adoptees date of birth.

IX. When a new birth record following an adoption is prepared by the clerk of the town or city of birth occurrence, no copy of the original birth certificate in the state of New Hampshire shall be disclosed except pursuant to RSA 5-C:9.

X. When the adoption concerns a child who had been born at home, the clerk of the town or city of birth occurrence shall minimize disclosure of information that would provide a possible connection with the natural mother by recording only the city or town of birth and not the street address on the new birth record; and, if the name of the natural mother is shown on the original birth record as the certifier, informant or attendant, replacing it with the adoptive mothers name on the new birth record.

XI. When it has been determined by the division that an adoption had previously been decreed by an authorized court, including out-of-state courts, but the amended birth record had not been prepared at the time of the adoption, then the clerk of the city or town of birth occurrence shall immediately prepare a new birth record and the division shall contact the court that authorized the adoption and ask that a certified copy of the adoption decree be prepared and transmitted to the city or town of birth with a copy sent to the division.

XII. Upon receipt of a report of decree of annulment of adoption, the clerk of the town or city of birth occurrence shall replace the amended birth record with the original. The previous amended birth record and evidence shall not be subject to inspection except upon order of a court of competent jurisdiction pursuant to RSA 170-B:23.

5-C:34 Application for Certificate of Foreign Birth.

I. The registrar shall establish a New Hampshire certificate of foreign birth for a person born in a foreign country and for whom a final decree of adoption has been issued by a court of competent jurisdiction in New Hampshire. This certificate of foreign birth shall be established and registered and a certified copy of such certificate issued when the registrar receives a request and a fee of \$25 from the adoptive parents or adopted person over 18 years of age for such a certificate and a report of the adoption as provided in RSA 170-B:22. Funds paid to the registrar shall be forwarded to the state treasurer for deposit into the vital records improvement fund established under RSA 5-C:15.

II. A completed application for certificate of foreign birth shall include:

- (a) The county of the probate court involved.
- (b) The name of the child prior to adoption.
- (c) The names of the adoptive parents.
- (d) The date the adoption was approved by the probate court.
- (e) The full name of the child after adoption.
- (f) The sex of the child.
- (g) The childs date of birth.
- (h) The city or town, the state or local equivalent and the country of the childs place of birth.
- (i) The childs alien registration card number.
- (j) Information from both adoptive parents, if a couple is adopting, or one parent in the case where one parent is adopting, including each parents full name, including the full maiden name of the adoptive mother, if applicable; each parents date and place of birth; each parents residence address; each parents signature or the signature of the childs legal guardian or legal representative if a minor; and the date signed.
- (k) The signature of a justice of the peace, or the signature and seal of a notary public.

III. The applicant shall attach the following documents to the completed application for a certificate of foreign birth:

- (a) A report of adoption as required by RSA 170-B:22.
- (b) A certified copy of the original adoption decree.

(c) The child's alien registration card.

(d) The documents used to establish the date and place of birth, such as an English translation of the original birth certificate, a copy of an adoption report from the adoption agency, or any report issued by the government of the country of birth describing facts known regarding the origin of the child.

(e) Cash or a check made payable to The State of New Hampshire, in the amount specified in paragraph I.

5-C:35 Certificate of Foreign Birth.

I. Upon receipt of a completed application for certificate of foreign birth, the division shall prepare a certificate of foreign birth for the foreign born child pursuant to RSA 5-C:34.

II. A certificate of foreign birth shall include:

(a) A unique file locating number assigned by the division.

(b) The full name of the child after adoption.

(c) The sex of the child.

(d) The date and place of the child's birth, actual or probable.

(e) The full name of the adoptive parent, including maiden name if appropriate, and his or her dates and places of birth.

(f) The residence address of the adoptive parent.

(g) The county of probate court.

(h) The date of the adoption decree.

(i) The signature of the state registrar and the date the record was filed.

III. When a New Hampshire certificate of foreign birth is prepared it shall be on file only at the division.

IV. The birth certificate established according to this section shall show the true or probable foreign country of birth, and shall state that the certificate is not evidence of United States citizenship for the child for whom it is issued or for the adoptive parents.

V. The registrar shall not establish a New Hampshire certificate of birth if the court decreeing the adoption, the adoptive parents, or the adopted person if 18 years of age or older requests that the certificate not be established.

VI. Any birth certificate established under this section shall not be deemed a record within the meaning of RSA 170-B:23, II.

5-C:36 Birth Record of a Foundling.

The department of health and human services shall record the following information for a foundling, which shall mean an infant of unknown parentage: the name given to the child, if available; the date and place of filing; the child's sex; the approximate birth date of the child; the signature and title of the custodian; the name and address of the person or institution with whom the child has been placed for care by the department of health and human services; other available data regarding the physical condition of the child, as determined by approximation, in accordance with RSA 5-C:19; the notation foundling; the city or town where the child was found, which shall be entered as the place of birth; and parentage data, which shall be shown as unknown.

5-C:37 Preparation of the Birth Record of a Foundling.

Whoever assumes the custody of a foundling shall report such within 6 days to the clerk of the custodian's city or town of residence. The clerk of the town or city shall assist in the completion

of the birth record of a foundling, pursuant to RSA 5-C:36, and file the completed birth record with the division.

5-C:38 Application for Delayed Certificate of Birth.

I. When a birth record of a living person in the state of New Hampshire has not been filed within 6 months of birth, or 12 months if the birth occurred in a hospital, the registrant, parent, or legal guardian shall register the birth record with the clerk of the town or city in which the birth occurred.

II. The clerk of the town or city shall mark the birth record prepared under paragraph I Delayed.

III. In the case of a live person allegedly born in the state of New Hampshire whose birth is not registered in a New Hampshire city or town, at the division, or in a bordering state, the registrant, or his or her parent or legal guardian, may apply for a delayed certificate of birth in writing or in person with the clerk of the city or town where his or her birth allegedly occurred by submitting: the completed form established by the division for that purpose; the documentary evidence required under this section; and the fee established by RSA 5-C:10.

IV. An application for a delayed certificate of birth shall contain the registrants full name at birth; the registrants date of birth; the registrants sex; the registrants place of birth; the registrants city or town and county of birth; the registrants fathers full name and state or country of birth; the registrants mothers full maiden name and state or country of birth; the signature and present address of applicant, if such person is 18 years of age or over, except that a married female applicant shall use her maiden name for signature; and the signature of a justice of the peace, or the signature and seal of a notary public, the date signed and the date his or her commission expires.

V. If the applicant is under 18 years of age, the application shall be signed and sworn to by one of the following acting on behalf of a living registrant and having personal knowledge of the facts of birth: either of the parents of the proposed registrant, cosigned by one of the grandparents if the parents are not of legal age; the legal guardian of the proposed registrant; or the legal representative having power of attorney over the proposed registrant.

VI. The applicant for delayed certificate of birth shall submit to the clerk of the town or city of birth occurrence the following documentary evidence to substantiate the name of the registrant and the date and place of birth entered on the application: at least 3 pieces of evidence as described in paragraph VIII, one of which shall be a record which was made before the first birthday of the registrant, or at least 4 pieces of evidence as described in paragraph VIII, all of which were made after the first birthday of the registrant.

VII. The facts of parentage of the registrant shall be supported by at least one of the documents in paragraph VIII other than an affidavit of personal knowledge.

VIII. Acceptable pieces of evidence to provide proof of the registrants place and date of birth shall include but not be limited to, in order of priority:

(a) A notarized statement from the medical information department in the hospital of birth or from the clinical records where the registrant received treatments.

(b) A notarized statement from the physician, midwife, mother or father of the registrant.

(c) A baptismal certificate of the registrant.

(d) Elementary school records from the school district or equivalent stating the date and place of birth of the registrant and the name of at least one parent.

(e) A census report from the United States Department of Commerce, Bureau of the Census.

(f) The marriage record of the registrant stating the date and place of birth.

(g) A notarized affidavit of personal knowledge from the applicant or others attesting to the facts of the registrants birth, limited to one per application.

(h) Birth records of siblings whose births surrounded that of the registrant.

(i) Insurance policies indicating the registrants birth.

(j) Family bible records.

IX. An affidavit of personal knowledge, as described in paragraph VIII, shall be prepared by any person who has signed the affidavit before a notary public or a justice of the peace; is at least 10 years older than the applicant; is at least 18 years old; has personal knowledge of the facts of birth; and states in the affidavit why he or she knows and remembers the date of birth and states his or her relationship to the proposed registrant.

X. If the city or town of alleged birth borders on a neighboring state, the applicant shall provide a no record statement from the neighboring state, acknowledging that the birth record in question is not on file with that state. It shall not be considered a piece of evidence or part of the minimum documentation required under this section.

5-C:39 Town and City Clerk Procedures for Delayed Certificate of Birth.

I. The clerk of the town or city shall type a list on the delayed certificate of birth describing each document submitted to support the facts shown on the application for a delayed certificate of birth. The description required shall include: the title or description of the document; the name of the affiant, if the document is an affidavit of personal knowledge; the name of the custodian of the record, if the document is an original or certified copy of a record of a signed statement from the custodian; the date of the original filing of the document being listed; and the date the copy of the document was issued. The description required shall also include information regarding the birth facts contained in the document, including: the registrants date of birth or age; the registrants birthplace; the full maiden name of the registrants mother; the full name of the registrants father; and information regarding the proposed registrant which is in addition to the minimum documentary evidence required by RSA 5-C:38.

II. The clerk of the town or city shall review an application for delayed certificate of birth in order to: verify that the application and documentary evidence is provided in accordance with paragraph I; verify that no prior birth record is on file in the local records for the person whose birth is to be recorded; verify that the documentary evidence submitted establishes the facts of birth and meets the requirements of RSA 5-C:38; and, prepare a list of the documentary evidence to accurately reflect the nature and content of the documents.

III. If the documentary evidence verifies the facts of birth, the clerk of the town or city shall approve the application, sign and date the application, and forward it, along with the documentary evidence, to the state registrar.

IV. If the clerk of the town or city is unable to approve an application due to its failure to comply with RSA 5-C:38, he or she shall return the application to the applicant for correction.

V. If the clerk of the town or city is unable to approve an application because a prior birth record is on file in the local records for the person whose birth is to be recorded, the clerk of the town or city shall notify the applicant in writing of the denial.

VI. The state registrar and clerks of towns and cities shall not issue a certified copy of a delayed certificate of birth in any short form or a wallet size version.

5-C:40 State Registrar Approval, Denial, or Dismissal of Delayed Certificate of Birth.

I. The state registrar shall review each application for a delayed certificate of birth received from a clerk of a town or city to determine that: the application meets the requirements of RSA 5-C:38; no prior birth record is on file at the division for the person whose birth is to be recorded; the evidence submitted establishes the facts of birth; and the list of the evidence appearing on the delayed certificate of birth accurately reflects the nature and content of the documents.

II. If the application complies with the requirements of paragraph I, the state registrar shall approve the application by signing and dating it; file the application at the division; and, return the documentary evidence to the applicant along with a certified copy of the delayed certificate of birth.

III. If the state registrar is unable to approve an application because the documentary evidence is insufficient, he or she shall notify the applicant and the clerk of the town or city of the denial within 10 days of receipt of the application and return the application to the clerk of the town or city.

IV. If the state registrar has denied the application, the clerk of the town or city shall contact the applicant to obtain the necessary evidence to meet the requirements. However, applications for delayed certificates that have not been completed within one year from the date of application shall be dismissed.

V. Upon dismissal or denial of an application, the state registrar shall advise the applicant in writing of the reasons for the action and the applicants right to a hearing. The state registrar shall return all documents submitted in support of such registration to the applicant and send a copy of this letter to the clerk of the town or city.

Marriage Registration Forms and Procedures

5-C:41 Marriage Registration Forms.

I. There shall be 2 forms for the completion of a marriage registration. The marriage application worksheet, which shall be the form that is used to record marriage intentions, shall be completed by the prospective bride and groom and the clerk of the town or city and shall contain the information needed to complete the marriage license. The marriage license, which shall be the form that is used to record that the marriage ceremony has taken place and to record who solemnized the marriage, shall be completed by the bride, groom, the officiant and the clerk of the town or city in accordance with this section and RSA 5-C:42. The marriage license shall be the official copy of the certificate of marriage when the marriage is registered with the division.

II. The marriage application worksheet shall be completed by the prospective bride and groom in the office of the clerk of the town or city. The information supplied by the groom shall include his full name; his usual residence by street and number, city, town or location, county and state; his birthplace; his date of birth; his social security number; his fathers full name; his fathers birthplace; his mothers maiden name; and his mothers birthplace. The information supplied by the bride shall include her full name and maiden surname, if different; her usual residence by street and number, city, town or location, county and state; her birthplace; her date of birth; her social security number; her fathers full name; her fathers birthplace; her mothers maiden name; and, her mothers birthplace.

II-a. (a) Upon entering into marriage, either party may retain his or her surname prior to the marriage or change his or her surnames to the surname of the other party or change the surname to a hyphenated combination of the full surnames of both parties. If a party requests a surname

change under this paragraph, that party may also change his or her middle name to his or her surname prior to the marriage. Each party shall indicate on the marriage application worksheet the party's name after marriage.

(b) Provided that the change is not made for a fraudulent criminal or wrongful purpose, the name of each party after marriage as indicated on the marriage application worksheet and marriage license shall become the sole legal name of each party after marriage. If a party indicates a name change other than as described in subparagraph (a), the party shall request approval of the court.

III. The clerk of the town or city shall complete the following statistical and legal information on the marriage application worksheet for both the bride and groom with information supplied by the bride and groom: the number which represents of the currently intended marriage; if previously married, whether a civil annulment occurred or the marriage ended by death or divorce; the date of civil annulment or that the last marriage ended; their race and ancestry; their level of education; any waivers presented by the groom or the bride, either for time or age pursuant to RSA 457:4 through RSA 457:9 or RSA 457:26 and RSA 457:27; whether proof of age of the bride and groom was demonstrated using identification with photograph; if applicable, the divorce decree; and, if applicable, the death record of the former spouse.

IV. The bride and groom shall record the following on the marriage application worksheet after the clerk of the town or city completes information on the application worksheet as described in paragraph III: the date and the city or town where the marriage is intended to take place, if known; the name and address of the officiant for the marriage ceremony, if known; the grooms mailing address and phone number; the brides mailing address and phone number; the grooms signature and date signed; the brides signature and date signed; and certification that the information provided is correct to the best of his or her knowledge and belief and that he or she is free to marry under the laws of New Hampshire.

V. Once all of the information on the marriage application worksheet has been obtained, the clerk of the town or city shall transfer the information as listed in paragraphs II and III from the marriage application worksheet to the marriage license as well as record the following information on the marriage license: the date that the marriage license is issued, the signature of the clerk, and the name of the city or town of issuance.

VI. Pursuant to RSA 457:26, the date that the marriage license is issued shall be not more than 90 days from the date that marriage intentions were filed.

VII. Upon request of the groom, the name of a legal guardian shall be substituted on the marriage license for a natural parents name, regardless of whether the groom who makes the request is of legal age at the time when intentions are being filed.

VIII. Upon request of the bride, the name of a legal guardian shall be substituted on the marriage license for a natural parents name, regardless of whether the bride who makes the request is of legal age at the time when intentions are being filed.

IX. The substitution of stepparents names shall not be permitted.

X. Persons entering dates on the marriage license shall use the full or abbreviated name of the month rather than numerals.

XI. When listing the birthplace on the marriage license, if the person is known to have been born in the United States, but the state is unknown then U.S. - Unknown shall be entered, and, if the person is known to have been born in a foreign country, but the country is unknown, Foreign Unknown shall be entered.

XII. If no information is available regarding place of birth, Unknown shall be entered.

XIII. The prospective bride and groom shall review the information on the marriage license for completeness and accuracy prior to signing the marriage license.

XIV. If a prospective bride or groom are not of legal age to marry, the co-signature of his or her parent shall be obtained, except when a court has issued a waiver authorizing the marriage in accordance with RSA 457:6.

XV. The officiant shall record the following on the marriage license after the marriage ceremony has taken place: certification that he or she is duly authorized to solemnize the marriage in accordance with RSA 457; the officiant's status, pursuant to RSA 457:31; the date of the marriage ceremony; the city, town or location and county where the couple were married; certification that the bride and groom were married by the officiant in conformance with RSA 457 and that the information noted is correct to the best of his or her knowledge; the signature of the officiant; the officiant's typed or printed name; the officiant's title and address; and an indication of whether the ceremony was religious or civil.

XVI. The date the marriage license is received by the clerk of the town or city from the officiant shall be recorded on the marriage certificate as the date the marriage registration is filed.

XVII. The marriage license shall include the signature of the clerk of the town or city and the name of the town or city.

5-C:42 Marriage License and Registration.

I. A marriage performed in the state of New Hampshire shall be registered when the marriage certificate is filed in accordance with this section and RSA 5-C:41, signed by the clerk of the town or city, and forwarded to the division.

II. An application for a marriage license may be made in any city or town in the state of New Hampshire and the marriage license shall be issued for a marriage ceremony to be performed in any city or town in the state of New Hampshire.

III. No marriage license or court-ordered waiver issued by any other state shall be acceptable for marriage in the state of New Hampshire.

IV. The prospective bride and groom shall appear in person to the clerk of the town or city to file the marriage intentions and to sign the application for the marriage license unless either party or both are members of the armed forces and unable to appear in person.

V. If either party or both is a member of the armed forces and is unable to appear in person, the following shall apply: the armed services legal representative shall prepare the marriage application worksheet; the completed application worksheet shall be signed by the service person; the armed services legal representative, company commander or other superior officer, shall sign a statement attesting that the information provided is correct; the service person, if unable to appear, shall submit a signed statement authorizing the non-service person to sign for both the bride and groom; the completed application, and signed release if applicable, shall then be forwarded to the clerk of the town or city who issued the application; when the application worksheet is received by the clerk of the town or city, it shall then be used as an acceptable substitute for the personal appearance of the service person; the license shall then be prepared pursuant to RSA 5-C:41 with the non-service applicant being permitted to sign the license for both the bride and groom; and the application worksheet received from the service person shall be retained permanently by the clerk of the town or city.

VI. One party may initiate the process of applying for a marriage license; however, the license shall not be issued until signatures have been obtained from both parties.

VII. An applicant for a marriage license shall provide positive identification consisting of a certified copy of a birth certificate or a drivers license or a passport or other license or identification that contains a photograph of the applicant and the applicants name and date of birth.

VIII. When both applicants for a marriage license are nonresidents of New Hampshire, both applicants shall be at least 18 years of age and, in accordance with RSA 457, there shall be no provision for an age waiver if both applicants and his or her parents are non-residents of New Hampshire.

IX. If either or both parties have been previously married, a certified copy of the final divorce decree or decrees, or a certified copy of the death record of each deceased spouse, shall be reviewed by the clerk of the town or city before the marriage license is issued. The clerk shall make notation upon the marriage license of such review.

X. If a civil annulment is declared as the means of dissolving a former marriage, the clerk of the town or city shall review a certified copy of the civil annulment decree before the marriage license is issued.

XI. A divorce decree in a foreign language shall not be acceptable for presentation as proof of final divorce, unless the divorce decree is translated into English and signed by the translator, with the signature certified by a justice of the peace or notary public. The cost of the translation, if any, shall be the responsibility of the applicant.

XII. If a divorce decree from a foreign country is not available, the applicant shall provide an affidavit stating that he or she was divorced and a statement from the embassy of the foreign country stating that the records are not available.

XIII. After the marriage application worksheet has been prepared and signed by the applicants, a license fee in accordance with RSA 457:29 shall be paid by the applicants to the clerk of the town or city. If the applicants do not use the marriage license for any reason, the fee shall not be refunded.

XIV. The date of the signing of the worksheet by either the bride or groom, or the earlier of 2 dates if applicable, shall be used by the clerk of the town or city to indicate when the intention of marriage was received and recorded and the date to be used to establish the beginning of the time period during which the license shall be valid. The marriage license shall be valid pursuant to RSA 457:26 for not more than 90 days from the date the marriage intentions were filed. When 90 days have elapsed from the date the marriage intentions were filed and a completed marriage certificate or a delayed certificate of marriage has not been processed, the clerk of the town or city shall make a notation on the marriage application worksheet stating the marriage presumably did not take place. In the case where the marriage certificate is received within 6 months of the end of the 90-day period, the clerk of the town or city shall remove the notation and issue the certificate. In the case where the marriage certificate is received more than 6 months after the end of the 90-day period, the clerk of the town or city shall follow the procedure for issuing a delayed certificate of marriage.

5-C:43 Distribution of the Marriage License.

After the clerk of a town or city has forwarded the completed marriage license to the division, the registrar shall give the original to the prospective bride and groom. A marriage license may be mailed to the bride or groom if mailed via certified mail with return receipt requested and the cost for the certified mail handling shall be paid by the applicants. The bride and groom shall provide the marriage license to the officiant prior to the marriage ceremony.

5-C:44 Offshore Marriages.

I. A marriage license for an offshore marriage ceremony shall be obtained from the clerk of any town or city and certified only if the marriage ceremony was performed on the ocean off the New Hampshire coast within 3 miles of the shoreline, in the air anywhere over the state of New Hampshire, or, aboard ship on a lake in the state of New Hampshire.

II. The marriage ceremony for an offshore marriage shall be performed by an officiant identified in RSA 457:31 and the city or town of departure shall be the city or town of occurrence of the marriage.

5-C:45 Marriage of Minors.

In accordance with RSA 457:4, a person may apply for a marriage license before reaching the age of consent, but the marriage license shall not be issued until both parties have reached the age of consent or age waivers have been obtained pursuant to RSA 457:6. All waivers due to age shall be obtained before the marriage and attached to the marriage application worksheet. If a waiver is not obtained, the clerk of the town or city or the division shall void the marriage certificate pursuant to RSA 457:4 and prepare and submit to the division the appropriate form to amend the vital record in accordance with RSA 5-C:85.

5-C:46 Marriage of Step-Children and Adopted Children.

I. The division shall issue a marriage certificate for step-siblings in a family if the natural parents of each child had no biological connection to each other closer than cousin.

II. The division shall issue a marriage certificate to an adopted brother and an adopted sister in the same family, unless they are also related biologically as specified in RSA 457:2.

5-C:47 Marriage of Prisoners.

If an inmate of a state prison or county jail receives permission from prison or jail officials to marry while still an inmate, the city or town in which the institution is located shall be considered as the residence of the inmate but the marriage license may be obtained from the clerk of any town or city in the state of New Hampshire.

5-C:48 Civil Annulments of Marriage.

A certified copy of the absolute or final court-ordered civil annulment decree shall be presented by the party to the clerk of the town or city who issues the marriage license. The clerk of the town or city shall make a notation on the marriage license indicating a civil annulment decree had been presented.

5-C:49 Officiant Responsibilities.

I. The person who performs a marriage shall certify the fact of marriage and within 6 days return the record by mail or in person to the clerk of the town or city of license issuance.

II. No person shall certify or sign the marriage certificate as the officiant at his or her own marriage ceremony.

III. An ordained deacon in the Roman Catholic Church shall be in the category of a minister of the gospel in the state who has been ordained according to the usage of his denomination, pursuant to RSA 457:31, and be empowered to sign the marriage certificate in the state of New Hampshire with the same authority as an ordained priest of the Roman Catholic faith.

IV. Any out-of-state minister who wishes to perform a marriage in the state of New Hampshire shall obtain a special license from the secretary of state as required by RSA 457:32.

V. In the event a special license is not obtained by an out-of-state officiant, the division shall notify the officiant by written letter to pursue a special license or be subject to prosecution in accordance with RSA 457:35. The division shall recognize the marriage certificate in such cases as valid under the provisions of RSA 457:36.

VI. In accordance with paragraph I, the officiant shall report the fact that a marriage has taken place, even if the bride and groom have a change of mind after the ceremony and ask the officiant not to report the marriage to the clerk of the town or city. The date of the marriage shall be the date that the ceremony took place.

VII. Failure of the officiant to report a marriage shall be a violation.

5-C:50 Remarriage Permitted.

The clerk of the town or city shall refer to the state registrar all requests for a marriage license made by parties who are currently married but the validity of the marriage is questioned by the court, law enforcement agencies or the state registrars outside of New Hampshire. If the validity of a marriage is questioned, the clerk of the town or city shall obtain from the licensees any documentation of their current marriage, including, but not limited to, a copy of a marriage license or the certified copy of a final divorce decree, and forward all the information to the division for a review by the state registrar. If a review of the documentation provides sufficient evidence that the marriage in question is subject to challenge, the state registrar shall notify in writing the married couple and the clerk of the town or city. The couple may petition the court for a review of the legal status of the marriage or the couple may initiate the application for a marriage license.

5-C:51 Certificate of Remarriage.

I. A marriage certificate shall not be issued to parties who are already lawfully married to each other except as provided in RSA 5-C:50. This shall also include issuing a marriage certificate for the renewal of marriage vows for religious or anniversary purposes.

II. In the case where the state registrar receives an affidavit challenging the legality of a marriage certificate, the state registrar shall send a certified letter to the married couple advising them that an allegation of violation of RSA 457 has been made that causes the legality of their marriage certificate to be subject to challenge and therefore might void the marriage certificate and advising them of the information necessary to respond to the alleged violation of RSA 457.

III. The state registrar shall send a copy of the certified letter described in paragraph II to the clerk of the town or city who issued the marriage license and to the officiant.

IV. The validity of a marriage certificate shall not be affected because of lack of legal authority or jurisdiction on the part of the officiant or as otherwise stated in RSA 457:36.

V. If the correction of an alleged violation requires another marriage ceremony to be conducted in conformance with New Hampshire statutes, it shall not be necessary for the clerk of the town or city to issue a new certificate.

VI. If another marriage ceremony is necessary in accordance with paragraph V, the date of marriage shall be noted on the marriage certificate as the date the original marriage ceremony took place or, if the alleged violation is due to lack of conformance to a statutory time limit, the date shall be the date of the second marriage ceremony.

VII. When a second marriage ceremony has taken place, the officiant shall notify the clerk of the town or city in writing.

VIII. Certified copies of the marriage certificate issued after the alleged violation of RSA 457 has been corrected shall not make reference in any way to the alleged violation.

IX. If the alleged violation is not corrected, all certified copies issued of such marriage record shall include a notation of the alleged violation.

X. If false information is provided pursuant to RSA 639:1 or RSA 5-C:14, the state registrar shall report such an offense to the county attorney where the event occurred.

XI. When a second marriage ceremony has taken place, the clerk of the town or city shall make an appropriate notation on the face of the local certificate as described in paragraphs VI and VIII.

XII. The appropriate form shall be sent in accordance with RSA 5-C:85 to the state registrar to update the vital record.

5-C:52 Delayed Certificate of Marriage.

I. The registration of a marriage after 6 months from the actual date of the marriage shall be accomplished using a regular certificate of marriage, completed in accordance with RSA 5-C:42.

II. Registration of marriage pursuant to paragraph I requires that an application for a delayed certificate of marriage be initiated by the bride, groom, or their legal representative with the clerk of the town or city where the marriage license was allegedly issued. To be acceptable for registration by the state registrar, the delayed certificate of marriage shall be supported by a copy of the marriage worksheet application, if available, obtained from the clerk of the town or city where the intentions were filed and at least 2 of the following:

(a) An affidavit from the officiant, if obtainable, stating that he or she had officiated at the wedding in question.

(b) A copy of the marriage certificate signed by the officiant and given to the married couple after the alleged ceremony.

(c) One or more copies of newspaper accounts of the wedding in question.

(d) A copy of a city or town report showing that the marriage in question was listed therein.

(e) A certified copy of a divorce decree dissolving the marriage in question.

(f) Pictures of the wedding ceremony accompanied by a notarized affidavit by, but not limited to, the best man, maid of honor, mother or father of the bride or groom, or bridesmaids, testifying to the persons shown in the pictures.

(g) Notarized affidavits from other members of the wedding party including participants and witnesses.

(h) A census bureau report on the applicants household demonstrating marital status.

III. When evidence as cited in paragraph II is presented to the clerk of the town or city, he or she shall initiate preparation of a new marriage certificate. The marriage certificate shall be a replica of the original when possible, showing all dates and related information, and signatures of the bride and groom shall be obtained by the clerk of the town or city on the new marriage record.

5-C:53 Delayed Certificate of Marriage Procedures.

I. When the steps described in RSA 5-C:52 have been completed, the clerk of the town or city shall prepare a delayed certificate of marriage as provided in this section.

II. If the actual date of marriage has been established but other entries for dates recorded on the marriage certificate are not obtainable, the missing dates shall be estimated from the marriage date by the clerk of the town or city. Those dates shall be noted on the certificate as approximate.

III. The clerk of the town or city shall send the completed form and all original supporting documentation to the division after his or her signature has been affixed. A copy of the

completed form shall be retained by the clerk of the town or city and a copy shall be sent to the bride and groom.

IV. Upon receipt of the completed form from the clerk of the town or city, the state registrar shall review the documentation for completeness and approve or not approve the delayed certificate as described in RSA 5-C:54.

V. The delayed certificate of marriage shall be filed by the clerk of the town or city by adding the words DELAYED IN FILING MARRIAGE on the face of the form.

VI. The entry for date received by clerk on the delayed marriage certificate shall show the date when the application for the delayed marriage certificate was approved by the state registrar.

VII. Certified copies of a delayed marriage certificate issued by the clerk of the town or city or the division shall be stamped or suitably noted to indicate DELAYED IN FILING.

5-C:54 Approval, Denial, or Dismissal by the State Registrar for a Delayed Certificate of Marriage.

I. The state registrar shall review each application certified by a clerk of a town or city to determine that the application meets the requirements of RSA 5-C:52 and the evidence submitted establishes the facts of the marriage.

II. If the application complies with the requirements of paragraph I, the state registrar shall approve the application by signing and dating it and shall file the application at the division. The registrar shall return the documentary evidence to the applicant along with a certified copy of the delayed certificate of marriage and send a copy of the documents and the delayed certificate of marriage to the clerk of the town or city.

III. When an applicant does not submit the minimum acceptable documentation required for a delayed registration, or when the state registrar has cause to question the validity or adequacy of the applicants sworn statement or the documentary evidence, the state registrar shall deny the application by not registering the delayed certificate. The registrar shall notify the applicant of the denial in writing and request the additional documentary evidence to prove the facts of marriage. The registrar shall advise the applicant of the reason for this action and of his or her right to appeal within 30 days to the secretary of state.

IV. If the state registrar is unable to approve an application because the documentary evidence does not comply paragraph I, the registrar shall notify the applicant and the clerk of the town or city of the denial within 10 days of receipt of the application and return the application to the clerk of the town or city.

V. If the state registrar has denied the application, a clerk of the town or city shall contact the applicant to obtain the necessary evidence to meet the requirements, except that the state registrar shall dismiss an application for a delayed certificate of marriage that has not been completed within one year from the date of application.

VI. The state registrar shall send a copy of the letter of dismissal or denial to the clerk of the town or city where the alleged marriage license was issued.

5-C:55 Investigation of Bigamous Marriage.

I. If an individual believes a bigamous marriage has taken place and such individual wishes to challenge the validity of the marriage certificate, the individual making the accusation shall provide to the clerk of the town or city a notarized statement of the alleged facts; a copy of the marriage certificate from the accused individuals previous marriage that was allegedly not

dissolved; and a notarized affidavit from the spouse in the previous marriage attesting that the marriage was not dissolved. The clerk of the town or city shall prepare the appropriate form and have the person making the accusation sign the form in accordance with RSA 5-C:85. The clerk of the town or city shall forward the notarized statement and all other related documents to the state registrar.

II. The state registrar shall send a letter via certified mail to the accused stating the alleged facts and requesting documentation to prove the marriage certificate in question is valid and dispute the claim of bigamy such as, but not limited to a certified copy of a final divorce or civil annulment of the previous marriage or a death certificate of the spouse from the previous marriage. If the division does not receive a response to the certified letter within 30 days of the signed receipt of the letter, the state registrar shall inform the person making the initial allegation of the lack of response and the need to refer the matter to a court of competent jurisdiction. Upon receipt of the evidence submitted by the accused, the state registrar shall determine whether the validity of the marriage certificate is in question. If the evidence submitted shows that the validity of the marriage certificate is not in question, then the state registrar shall send a certified letter to the accused with the results of the investigation and a copy of the letter to the person making the allegation and the clerk of the town or city. If the evidence submitted shows that the validity of the marriage certificate is in question, then the state registrar shall send a certified letter, indicating the results of the investigation and that the marriage certificate shall be voided, to the accused, the person making the allegation, and the clerk, and the county attorney. In the case where the accused disputes the determination of the state registrar, the accused may request, within 30 days, an administrative hearing. All material forwarded by the clerk of the town or city including the affidavit of the information and any pertinent documents shall be retained by the division.

5-C:56 Voiding a Marriage Certificate Due to Bigamy.

I. Pursuant to RSA 458:1, a marriage certificate shall be voided if an individual accused of bigamy fails to respond to a certified letter or a founded claim of bigamy has been referred to the county attorney by the state registrar as provided in RSA 5-C:55.

II. If the marriage certificate has already been filed with the division, the state registrar shall mark the record VOID on the face of the marriage certificate. If the charge of bigamy has been substantiated, the appropriate form as described in RSA 5-C:85 shall be returned by the state registrar to the clerk of the town or city. If a copy of the marriage certificate is also on file at the clerks office, the clerk shall make a notation to the face of the local record indicating the marriage certificate has been declared VOID by the state registrar and the date.

III. A copy of the document that voided the previous marriage certificate shall be presented to the clerk of the town or city in the event that either of the parties wishes to marry in the future and he or she completes a new marriage license in the state of New Hampshire. The new marriage license shall not make reference to the voided marriage certificate.

5-C:57 Application for and Preparation of a Certified Copy of a Marriage Certificate.

I. The following information shall be provided on an application for certified copy of marriage record, before a certified copy is issued:

- (a) The grooms full name and the brides full maiden name.
- (b) The date of marriage.
- (c) The place of marriage.

- (d) The purpose for which the certificate is requested.
 - (e) The applicants signature.
 - (f) The applicants relationship to the bride and groom.
 - (g) The applicants name, address, and telephone number.
- II.** The applicant shall demonstrate a direct and tangible interest in the record.

Divorce, Legal Separation, Civil Annulment Forms and Procedures

5-C:58 Divorce, Legal Separation, and Civil Annulment Forms.

I. The petitioner or his or her legal representative shall provide the following information, in writing, for both the husband and the wife in order to complete a petition of divorce, legal separation, or civil annulment:

- (a) Their full names and usual residences by city, town or location, county, and state.
- (b) Their birthplaces by state or foreign country.
- (c) Their dates of birth.
- (d) Whether the most recent marriage is the first, second, and so forth for each.
- (e) If previously married, the number of marriages ended by death or divorces, and prior civil annulments, if any.
- (f) Their social security numbers.
- (g) Their educational level specifying only the highest grade completed.

II. The petitioner, or his or her legal representative, shall provide the following information, in writing, about the marriage:

- (a) The place of the marriage in question by city or town, county, and state or foreign country.
- (b) The date of the marriage in question by month, day, and year.
- (c) The date the couple last resided in the same household.
- (d) The number of children ever born alive to or adopted by the couple.

III. The petitioner or his or her legal representative shall provide the following information, in writing, about the filing:

- (a) The number of children under 18 years of age in the household, as of the date couple last resided in same household.
- (b) The petitioner, identified as husband, wife, both, or other, including but not limited to legal guardian.
- (c) The name of the attorney for the petitioner, or the petitioners name if the petition is a pro se filing.
- (d) The legal representatives business address or pro se petitioners address by building number, street, city or town, state and zip code.
- (e) The date the report was completed by the legal representative or pro se petitioner.

IV. The petitioner, or his or her legal representative, shall provide the following information in writing, about the action in superior court:

- (a) The docket number.
- (b) The cause for filing, stating irreconcilable differences or specifying other cause.
- (c) The decree, entered as an uncontested hearing, a contested hearing, or a defaulted hearing.
- (d) The type of decree, specifying divorce, legal separation, or civil annulment.
- (e) The date the decree becomes final.

(f) The first and last name of the hearing official and an indication of whether the hearing official is a judge or master.

(g) The name to be used by the wife after divorce.

(h) Whether legal custody of the children was awarded jointly to the mother and father, to the mother, to the father, to other as specified, or not applicable.

(i) The number of children under 18 whose physical custody was awarded to the mother, to the father, split between the mother and the father, to other as specified, or not applicable.

(j) Whether the physical custody award was uncontested, contested, defaulted, or not applicable.

(k) The signature of the clerk of the superior court; the county of the courts location; and the date signed.

V. The division shall promulgate a divorce, legal separation, and civil annulment form to record the information specified in paragraphs IIV.

VI. The clerk of court shall forward the original certificates of divorce, legal separation, or civil annulment granted during the preceding calendar month to the division on or before the 12th day of each calendar month in accordance with RSA 458:15.

VII. Only an original form obtained from a court shall be accepted by the division.

VIII. In the event that a clerk of a town or city issuing a marriage certificate is presented with a court decree showing that a marriage performed in the state of New Hampshire has been annulled, a copy of the civil annulment attached to the form to amend a vital record shall be forwarded by the clerk to the division. The state registrar shall mark the state copy of the affected marriage certificate as VOID.

5-C:59 Divorce, Legal Separation, or Civil Annulment Registration Procedures.

I. Only one record of divorce, legal separation, or civil annulment shall be prepared by the clerk of the court and forwarded to the division for each marriage dissolved by the superior court.

II. Queries to the division concerning any entry on the report of divorce, legal separation, or civil annulment shall be forwarded by the division to the clerk of court or legal representative.

III. Upon receipt from the clerk of superior court of a decree of the resumption of marital relations in accordance with RSA 458:30, the division shall mark the report of divorce, legal separation, or civil annulment with notice of such resumption.

IV. In the case of a court-ordered civil annulment of marriage that occurred in the state of New Hampshire, the following procedures shall apply:

(a) Upon receipt of a report of civil annulment from the clerk of court, the word VOID shall be stamped across the face of the marriage certificate by the division to indicate that the marriage has been annulled.

(b) A notation shall be made by the state registrar on the face of the marriage certificate to show that a court-ordered civil annulment was the authority used to void the marriage record and to indicate the name of the authorizing court and the date of the authorization.

V. If a copy of the marriage certificate for which the marriage was annulled is also on file at the office of clerk of the town or city, the division shall send notice of such civil annulment to that clerk. Upon receipt of the notice, the clerk shall stamp, or print with a pen, the word VOID across the face of the marriage certificate; note that a court ordered civil annulment was the authority used to void the marriage record; and indicate the name of the authorizing court and the date of such authorization.

5-C:60 Application for and Preparation of a Certified Copy of a Divorce, Legal Separation, or Civil Annulment.

I. An applicant for a copy of a divorce, legal separation, or civil annulment certificate shall provide the following information, in writing, to the division:

- (a) The husbands first and last name.
- (b) The wifes first and maiden name.
- (c) The date of decree.
- (d) The place of decree by county.
- (e) The purpose for which the certificate is requested, in order to establish direct and tangible interest in the record.
- (f) The signature of the applicant.
- (g) The applicants relationship to the husband or wife.
- (h) The applicants name, address, and telephone number.

II. If the applicant is determined by the state registrar to have a direct and tangible interest in the record, a certified copy of a divorce, legal separation, or civil annulment record shall be issued by the division, for any year of occurrence.

5-C:61 Divorce, Legal Separation, or Civil Annulment Record Copies and Fees.

I. Written application for a copy of a divorce, legal separation, or civil annulment record, shall be made to the division or to the New Hampshire court granting such divorce, legal separation, or civil annulment.

II. The state registrar, upon receipt of a written application, shall issue a certified copy of a divorce, legal separation, or civil annulment record in his or her custody, or a part thereof to any applicant having a direct and tangible interest in the record.

III. Clerks of towns and cities shall not issue certified copies of divorce, legal separation, or civil annulment.

IV. Copies issued from records marked with a notice of resumptive marital relations shall be similarly marked and show the effective date.

V. If needed, an apostille record shall be prepared in the same manner as described in RSA 5-C:99, except that the procedures may be done by the clerk of the court.

VI. A search fee shall be charged for making a record search in accordance with RSA 5-C:10. The search fee shall be payable regardless of whether the record is found. The search fee shall include one certified copy of the record if a copy is desired. The search fee shall apply to certified copies issued by the division, which may differ from fees established by the superior court.

Death Registration Forms and Procedures

5-C:62 Death Registration Forms.

I. For every death that occurs in the state of New Hampshire, a death record shall be filed electronically by a funeral director, certifying physician or ARNP, next of kin, designated agent, or clerk of the town or city with the division within 36 hours of death and prior to final disposition or entombment.

II. The funeral director, next of kin, or designated agent pursuant to RSA 290:1 shall provide the following information for the death record:

- (a) The decedents full name, sex, date of death, and social security number.
- (b) The decedents age on his or her last birthday in years or, if under one year old, the persons age in months or days lived and, if under one day old, the number of hours or minutes lived. The date of the persons birth by month, day and year.
- (c) The persons place of birth, by city or town and state or foreign country.
- (d) Whether the decedent was ever in the United States Armed Forces, indicated as yes or no.
- (e) If the place of death is a hospital, the record shall indicate: whether the person was an in-patient or whether the person was an outpatient or emergency room patient, in which case the person shall have arrived alive at the hospitals emergency room and died while in the emergency room as an outpatient. The record shall also indicate whether the person was transported while alive to the hospital but determined by a physician or ARNP to be dead at the time the hospital received the body. The city or town where the hospital is located shall be shown as the city or town of death occurrence.
- (f) If the place of death is a facility other than a hospital, the record shall indicate: whether the facility is a nursing home, residential, or other facility, the exact location of the facility, and the name of the facility.
- (g) If the place of death is not a facility, the record shall indicate: the street name and number; the city, town, or location and the county.
- (h) In the case of deaths as described in RSA 611-B:11, when the deceased had died at the scene but was transported on the instructions of the medical examiner to another place for viewing and pronouncement of death, the city or town of death shall be shown as that place where the death actually occurred. If the place of death is unknown but the body is found in the state of New Hampshire, the city or town where the body is found shall be shown as the place of death. When death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in the state of New Hampshire, the death shall be registered in New Hampshire, and the city or town where the body is first removed shall be considered the place of death.
- (i) When a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in the state of New Hampshire, the death shall be registered in the state of New Hampshire, and the certificate shall show the actual place of death insofar as can be determined.
- (j) The decedents marital status.
- (k) The name of the decedents spouse and wifes maiden name, if applicable.
- (l) Vocational information, including the decedents usual occupation, which shall mean the kind of work done during most of the decedents working life. The type of business or industry, if applicable, such as manufacturing, wholesale or retail and the name of the employer.
- (m) Decedents residence, as identified by the informant, which shall be identified by state; county; city, town or other location; street number; and zip code.
- (n) The facility if the decedent has been living in a facility where an individual usually resides for a long period of time, such as a group home, a mental institution, a nursing home, a penitentiary, a hospital for the chronically ill, or another location otherwise identified by the informant.
- (o) The decedents ancestry and race, educational level, and the fathers full name and the mothers full maiden name.

(p) The informants full name and mailing address by street, city or town, state and zip code.

(q) How the body is to be disposed of, to be specified as: burial, cremation, temporary entombment, mausoleum, donation, or other.

(r) Information regarding the place of burial or place cremated, including the name of the cemetery or crematory, the location of cemetery or crematory by city or town and state and the date of disposition; the location of final burial; and information regarding the funeral director, next of kin or designated agent, and the individual issuing the burial permit.

III. The pronouncing physician or pronouncing registered nurse, pursuant to RSA 290:1 and RSA 290:1-b, shall register the following information:

(a) The name of the deceased person.

(b) The date and time of death. If the exact date of death is unknown, it shall be approximated by the person completing the medical certification and noted as approximated or estimated on the death record. If the exact time of death is unknown, it shall be approximated by the person who pronounces the body dead and noted as approximated or estimated on the death record. If it is not possible to make an estimation of the time of death, the time shall be indicated as unknown. Unknown a.m. or unknown p.m. shall not be an acceptable entry.

(c) The official capacity of the registered nurse or physician, which shall be: attending/associate physician or ARNP; non-attending physician or ARNP; pronouncing registered nurse; medical examiner/deputy medical examiner; temporary/assistant medical examiner; or assistant deputy medical examiner, non-physician.

(d) The date pronounced.

(e) Certification that the above information provided is true, which shall include but not be limited to the pronouncing persons signature; the name and title of the individual who pronounced death; the New Hampshire license number of the physician or ARNP, if applicable; whether the death was referred to the medical examiner; and the name and address of the physician or ARNP responsible for determining the cause of death. The individuals listed above shall provide or verify for the death record whether or not the death was referred to the medical examiner.

IV. The individuals listed in paragraph III, except the pronouncing registered nurse, shall provide the following information:

(a) The immediate cause of death and the interval between onset and death; other factors or conditions of which death was a consequence, when applicable, and the interval between onset and death; other significant conditions contributing to death but not related to the immediate cause of death.

(b) Whether or not an autopsy was performed and whether or not autopsy findings were available prior to the determination of the cause of death.

(c) The manner of death, indicated as natural, accidental, suicidal, homicidal, pending investigation, or undetermined.

(d) If the death involved an injury, the month, day, year, and time of injury shall be provided. If the exact date of injury is unknown, it shall be approximated by the person completing the medical certification, noted as approximated or estimated on the death record, and, if it is not possible for the physician or ARNP to make an estimation, the date of injury shall be indicated as unknown. If the exact time of injury is unknown, it shall be approximated by the person completing the medical certification and noted as approximated or estimated on the death record. If it is not possible for the physician or ARNP to make an estimation, the time shall be

indicated as unknown. Unknown a.m. or unknown p.m. shall not be an acceptable entry. The record shall also indicate whether the injury occurred while at work, a description of how the injury occurred, and the physical location or place of injury.

(e) The name, address, title, and license number of the certifier and the date certified.

V. The certifying physician or ARNP shall indicate whether he or she is or is not the same individual who pronounced the death. The certifying physician or ARNP shall indicate whether he or she is the medical examiner. He or she shall sign the form, attesting to the veracity of the information as follows:

(a) A certifying physician or ARNP shall attest to the veracity of the stated time, date, and place that the death occurred.

(b) A medical examiner shall attest to the veracity of the stated time, date, place, cause, and manner of the death.

VI. The attending or certifying physician or ARNP shall provide the following information for a supplemental death certificate: the deceased's name; the date of death; the time of death; the place of death; the name of the pronouncer; the New Hampshire license number of the pronouncer; the official capacity of the pronouncer; the date pronounced dead; the signature of the pronouncer; the date signed; whether this death was referred to the medical examiner; the cause of death; the performance of autopsy, indicated as yes or no; the availability of autopsy findings prior to determination of cause of death, indicated as yes or no; the manner of death; the time, date, and place of injury; whether or not the injury occurred at work; the description of how the injury occurred; the location specified as street and number or rural route number, city or town, and state; the name of the certifier; the signature and title of the certifier; the New Hampshire license number of the certifier; the date signed; and the name and address of the person who determined the cause of death.

VII. The original paper death certificate shall be the official certificate and shall be filed with the division within 10 days from the date of death.

5-C:63 Initiation of the Death Record.

I. When a death occurs in a hospital or health care facility and the death is not reported to the medical examiner pursuant to RSA 611-B:12, the person in charge of such facility, or his or her designated representative, shall provide the funeral director, next of kin, or designated agent with: a partially completed death record and the name and address the physician or ARNP who will be responsible for supplying the cause of death information before the body is removed.

II. The funeral director, next of kin, or designated agent shall, pursuant to RSA 290:12, leave with the hospital or health care facility, or with the person from whom the body is received, a receipt showing the name of the decedent, the name and license number of the funeral director, if applicable, the name and address of the person to whom the body is released, and the date and hour of removal from the facility.

III. No hospital or other health care facility shall give a partially completed death record which includes medical certification or which is awaiting medical certification to anyone other than a funeral director, next of kin, or designated agent.

IV. When a death occurs some place other than an institution, the funeral director, next of kin, or designated agent, who first assumes custody of the dead body, shall initiate the death record if the attending physician or ARNP has not done so.

V. The funeral director, next of kin, or designated agent shall obtain the information on the deceased for completion of the death record from the next of kin or the best qualified person or

source available and shall obtain the medical certification from the attending physician or ARNP or medical examiner if not already provided.

VI. If additional information becomes known regarding the death, an additional death record marked supplemental shall be sent to the division and shall include information listed in RSA 5-C:62, VI.

VII. Upon receipt and inspection of a paper death certificate the state registrar shall return an incomplete certificate to the appropriate persons for completion or verify that the certificate is complete by signing and dating the certificate.

VIII. The reverse side of the death certificate shall contain a notice to the physician or ARNP regarding the release of a body in accordance with RSA 290:2-a, the necessity of a pronouncement in accordance with RSA 290:1-b and indication of who can provide alternate signatures in the absence of the attending physician or ARNP, in accordance with RSA 290:1-b. The reverse side of the certificate shall also contain a reference to those categories of death that fall under the jurisdiction of the medical examiner as specified in RSA 611-B:11.

IX. If the date of death is unknown, it shall be determined by approximation.

X. When completing information regarding the decedents marital status and spouse, the funeral director shall only record the name of a surviving or deceased spouse of the decedent.

XI. In the case of an infant death when the child is less than one year of age and the mother is not married, the name of the father shall not be provided unless the fathers name appears on the birth record or an affidavit of paternity has been executed relating to both the birth and death certificate of the child. The name of the child on the death record shall be the same as the name of the child as shown on the childs birth record.

5-C:64 Medical Certification of the Death Record.

I. Medical certification shall consist of the pronouncement of death and the medical certification of the cause of death.

II. The medical certification on the death record shall be completed by the attending physician or ARNP or certifying physician or ARNP and made available to the funeral director, next of kin, or designated agent as soon as possible but no later than 36 hours after the time of death.

III. Medical certification of the death record shall be the direct responsibility of the attending physician or ARNP unless the death is referred to the medical examiner pursuant to RSA 611-B:12.

IV. For cases where a death is not within the jurisdiction of the medical examiner, the attending physicians or ARNPs responsibility to complete the death certificate shall be as follows:

(a) For deaths occurring in a hospital, the attending physician or ARNP shall be that physician or ARNP who had been responsible for the treatment of the patient while the deceased had been hospitalized.

(b) For deaths occurring in a nursing home or in a similar non-acute care hospital or institution, the attending physician or ARNP shall be the physician or ARNP who regularly attends to the medical needs of the nursing home residents or the residents personal physician or ARNP if the resident was under the care of such physician or ARNP.

(c) For deaths occurring at home, the attending physician or ARNP shall be the deceaseds own physician or ARNP.

V. In all instances, medical certification shall include the cause of death information and contain the pronouncement of death.

VI. In the absence of the deceaseds attending physician or ARNP, or with the attending physicians or ARNPs approval, the medical certification of a death due to natural causes shall be completed by one of the following individuals: the attending physicians or ARNPs associate physician or ARNP in medical practice, the chairperson of the applicable clinical department, the chief medical officer of the hospital, the physician or ARNP or designee who performed an autopsy upon the decedent, or the physician or ARNP on duty if the death occurred in the hospital emergency room. The person determining the cause of death shall attest to its accuracy. The person determining the cause of death shall have viewed the deceased within 24 hours after death.

VII. In the absence of the attending physician or ARNP, a physician or a registered nurse in accordance with RSA 290:1-b, shall pronounce that death has occurred without any reference to the cause of the death by indicating his or her official status as the pronouncing physician or as pronouncing registered nurse; attesting to the accuracy of the time, date, and place of death either by signature or by an electronic process as outlined in RSA 290:1; and providing the name and address of the physician or ARNP who will complete the medical certification.

VIII. When the death has not occurred in a hospital and circumstances require the death certificate to be certified by a medical examiner as provided by RSA 611-B the following procedure shall be followed:

(a) When the cause of death cannot be determined within 36 hours, the medical examiner shall indicate the word pending in the cause of death section.

(b) When the manner of death cannot be determined within 36 hours, the medical examiner shall be authorized to show pending investigation in the manner of death section of the medical certification.

(c) If the procedure in subparagraphs (a) or (b) is followed, then the medical examiner shall provide to the division updated information on the cause of death and manner of death, as applicable, within 90 days of the date of death, or as soon as practicable in cases of missing persons, accidental deaths, or homicides.

IX. In cases where an autopsy is to be performed, the cause of death shall not be deferred pending a full report of microscopic and toxicological studies. Supplemental death certificate information shall be submitted by the medical examiner to the division as additional information becomes available and when autopsy results or other investigation indicates a need to correct the original cause of death information.

X. Pursuant to RSA 290:1, the funeral director, next of kin, or designated agent shall ensure the medical certification has been completed prior to filing the death record with the state registrar.

XI. In cases where the result of an autopsy, police investigation, laboratory report, or a similar source is needed before a final determination of the cause of death can be made, the attending physician or ARNP or the medical examiner shall utilize the term pending for the applicable items on the death record. The physician or ARNP shall file a statement of findings with the division within 90 days of the date of death, or as soon as practicable. The findings shall be in writing and submitted to the division on a supplemental death certificate information form supplied by the division or on the physicians or ARNPs letterhead and include information necessary for the completion of a supplemental death certificate.

XII. The division shall follow up with the certifying physician or ARNP or the medical examiner on any death record where cause of death was shown as pending. The division shall attempt to obtain the missing information by initiating a written query to the certifying physician

or ARNP or the medical examiner 90 days from the date of death to determine current status of the investigation and shall initiate monthly contact thereafter until the final determination of death has been made.

XIII. When an autopsy finding differs from the original cause of death reported on the death record, the attending physician or ARNP who was responsible for the original death record shall send the division a supplemental death certificate information form to reflect the revised cause of death. The supplemental report shall be made part of the existing death record, and the division shall amend the death record with the cause of death as reported on the autopsy.

XIV. If there is any question on the part of the physician or ARNP as to whether he or she qualifies as the attending physician or ARNP under RSA 290:1, a determination shall be made by the medical examiner.

XV. If it is not possible to determine who is the attending physician or ARNP for purposes of preparing the death certificate, the matter shall be brought to the attention of the state registrar who shall make a request to the state medical examiner, or designee, to determine who the attending physician or ARNP is upon review of the facts submitted.

5-C:65 Presumptive Death.

When a death is presumed to have occurred within the state of New Hampshire but the body cannot be located, a death record shall be prepared by the state registrar upon receipt of a certified copy of an order of a court of competent jurisdiction, indicating the finding of facts. Such death record shall be noted presumptive, shall include the date of registration, and shall indicate the court and the date of decree.

5-C:66 Responsibility of Funeral Director, Next of Kin, or Designated Agent Relative to Completion and Filing of the Death Record.

I. When a funeral director, next of kin, or designated agent is requested to take custody of a body, he or she shall first ascertain whether a pronouncing physician, pronouncing registered nurse, ARNP, or a medical examiner has established the cause of death and released the body for final disposition.

II. If a physician or ARNP was present at or immediately after the death, the funeral director, next of kin, or designated agent shall obtain medical certification for the death record in accordance with RSA 5-C:64.

III. The personal history of the deceased and the facts of the death shall be obtained by the funeral director, next of kin, or designated agent from a member of the immediate family of the deceased, or another person possessing the necessary information; medical records from the hospital or institution; or the medical examiner having jurisdiction over the investigation or final determination of the cause of death.

IV. The funeral director, next of kin, or designated agent shall identify the deceased by more than one name, if it is known that the deceased used more than one name during his or her lifetime, by entering the name by which the deceased was most commonly known first on the death record and also indicating any additional name or names, other than maiden name, with the abbreviation A.K.A.

V. In the case where an additional name becomes known after a death record has been registered with the division, the added name with the notation A.K.A. shall be filed with the division on the appropriate form to amend a vital record.

VI. The funeral director, next of kin, or designated agent shall file all death record information, including the medical certification, within 36 hours of receiving the body and prior to final disposal of the body.

VII. The state registrar shall inform the state board of registration of funeral directors and embalmers in writing of any violation of RSA 290:11 or RSA 290:12.

5-C:67 Burial Permit.

I. A clerk of a town or city or a funeral director shall provide the following information for a burial permit:

- (a) The full name of the deceased.
- (b) The date of death.
- (c) The city or town, county, and state of death.
- (d) The sex, date of birth, and age of the deceased.
- (e) The method, date and place of initial and final disposition, such as, a cemetery or crematory.
- (f) The name of the funeral home.
- (g) The city or town of the funeral home.
- (h) The date that the burial permit is issued.
- (i) The lot number, section, and grave number.
- (j) If stored, the name of the storage vault; the date of storage; the location of the vault, by city or town and state; the signature of the cemetery sexton or person in charge of the storage vault or, if none, the funeral director; and, the date that the body or cremains are released from the storage vault.
- (k) The signature of the cemetery sexton or person in charge of the cemetery or crematory or, if none, the funeral director.
- (l) The signature of the city or town board of health official, the city or town local health officer, or the funeral director.

II. Upon receipt of the completed death record, the division shall issue a burial permit or emergency burial permit in accordance with RSA 290:3, RSA 290:3-a, RSA 290:3-b, RSA 5-C:68 and RSA 5-C:69.

5-C:68 Burial Permit Procedures.

When a body is to be stored, the burial permit shall be completed by the cemetery sexton where the body is entombed and sent to the clerk of the town or city where the storage vault is located. When the body is to be moved from entombment for final disposition, the funeral director, next of kin, or designated agent shall obtain the permit from the clerk of the town or city to use as the permit for final disposition. When the body is to be cremated, at least 48 hours shall elapse before cremation can take place in accordance with RSA 325-A and a separate cremation certificate shall be obtained from the medical examiner and submitted to the crematory with the burial permit pursuant to RSA 325-A. No separate permit shall be required when transporting a body by common carrier or remains to his or her final disposition.

5-C:69 Filing of the Burial Permit and the Emergency Burial Permit with the Cemetery or Crematory Authority and the Clerk of the Town or City.

The division shall issue emergency burial permits only when the death record is incomplete. The number of emergency burial permits shall be 2 per funeral home at one time, except that, if a New Hampshire funeral home has requested an emergency burial permit on behalf of an out-of-

state funeral home, the New Hampshire funeral home shall be allowed to have an additional burial permit. Burial permits and emergency burial permits shall be completed and signed by the cemetery sexton or person in charge of the cemetery, crematory, or other place of disposition of a body or, if none, by the funeral director, next of kin, or designated agent following such disposition. The permit shall be filed with the clerk of the town or city within 6 days after the burial pursuant to RSA 290:6. The cemetery sexton, crematory authority, funeral director, next of kin, or designated agent shall provide the information required for a burial permit or for a permit for disinterment. Burial permits and emergency burial permits shall be retained on file by the clerk of the town or city of the town or city of burial in accordance with the retention schedule established in this chapter.

5-C:70 Emergency Burial Permits; Extensions on Time Periods for Filing a Completed Death Record.

I. In those cases in which personal data concerning the deceased is not available or it is not possible to obtain the cause of death information within the 36 hours stipulated for obtaining the burial permit, the funeral director, next of kin, or designated agent shall request that an emergency burial permit be issued. The request shall be submitted to the division and accompanied by the incomplete death record. The request shall include, at a minimum, the following information:

- (a) The full name of the deceased.
- (b) The date and place of death.
- (c) The place the body will be stored, if applicable.
- (d) The method and place of final disposition.
- (e) An explanation of the emergency condition.
- (f) The name of the funeral director, next of kin, or designated agent.
- (g) The license number of the funeral director, if applicable.
- (h) The current date.

II. The funeral director, next of kin, or designated agent shall supply the missing data to the division within 6 calendar days of the date of death. If the funeral director, next of kin, or designated agent is unable to supply the missing information within 6 calendar days, he or she shall request a further extension. The request for a further extension shall be in writing and contain an explanation as to why a further extension is necessary. An additional 6 calendar day extension may be granted by the state registrar.

III. The use of the emergency process for obtaining a burial permit shall be restricted to New Hampshire licensed funeral directors, the next of kin, or the designated agent of the deceased. If a New Hampshire licensed funeral director is acting to assist an out-of-state funeral director in obtaining a burial permit that will involve removal of the body from the state of New Hampshire, the New Hampshire funeral director shall process a burial permit as outlined in RSA 5-C:67 through RSA 5-C:73.

5-C:71 Cremation.

I. When the body of a deceased person is to be disposed of by cremation, the crematory operator, the funeral director, next of kin, or designated agent in charge of the final disposition arrangements shall present a copy of the death certificate and the burial permit or emergency burial permit with the body to a medical examiner in order to obtain the medical examiners certificate.

II. A crematory authority shall not cremate the body until the cremation authority has received the medical examiners certificate for cremation and the burial permit or emergency burial permit.

III. After cremation, the crematory shall forward one copy of the medical examiners certificate for cremation, along with the burial permit or emergency burial permit, to the clerk of the city or town of cremation. The crematory shall also forward one copy of the medical examiners certificate to the office of the chief medical examiner, as required by RSA 325-A:18, II, and keep one copy on file.

5-C:72 Disinterment and Reinterment Forms.

I. A permit for disinterment, transit, and reinterment shall be obtained from the division prior to disinterment of a dead body, except as exempted by RSA 290:5. An application for disinterment and reinterment shall not be processed by the division unless it includes the following:

(a) The applicants relationship to the deceased.

(b) The name of the deceased.

(c) The date, place, and cause of death.

(d) The name and location of the cemetery where the body is presently buried.

(e) The name and location of the cemetery for reinterment.

(f) The name and address of the funeral director.

(g) The applicants signature and address.

(h) Identification of the applicant as either the next of kin or a person authorized by the next of kin to the deceased.

II. The application shall become the permit for disinterment and reinterment upon completion of the following:

(a) Submission of the application form to the state registrar by the funeral director.

(b) Signature of the state registrar.

(c) Countersignature of the application and entry of the date signed and the city, town or state of the signing official by the chairman or secretary by the local board of health where the body is presently buried, by the local health officer when there is no local board of health for that city or town, or by another local official in the event that the local health officer is a part time officer and cannot be reached.

5-C:73 Disinterment and Reinterment Procedures.

I. The division shall retain a copy of the disinterment and reinterment permit and return the original to the applicant.

II. When the body is reinterred, the disinterment and reinterment permit shall be signed by the cemetery sexton or person in charge of the cemetery, or by the funeral director where there is no cemetery sexton, and forwarded within 6 days to the clerk of the city or town in which the reinterment takes place.

III. The clerk of the city or town of reinterment shall retain the copy of the disinterment and reinterment permit.

IV. A dead body deposited in a receiving vault awaiting spring burial shall not be considered a disinterment when removed from the vault for final disposition.

5-C:74 Reporting Fetal Deaths.

I. A copy of the fetal death report prepared pursuant to RSA 290:1-a and RSA 5-C:75, shall be forwarded to the division by either the person in charge of the hospital or institution where the fetal death occurred, or the physician or ARNP in attendance at or after delivery when a fetal death occurs outside a hospital or institution.

II. In the case of an unwed mother, unless a report of fetal death paternity affidavit has been executed, the notation not stated shall be entered for information concerning the father.

III. When a fetal death occurs in a moving conveyance and the fetus is first removed from the conveyance in New Hampshire, or when a dead fetus is found in New Hampshire and the place of fetal death is unknown, the fetal death shall be reported to the division. The place where the fetus was first removed from the conveyance or the dead fetus was found shall be considered the place of fetal death.

IV. Upon request, the division shall issue a non-certified copy of the fetal death report to the parents.

V. Upon request of a parent, the division shall complete and issue to the parent or parents a certificate of stillbirth for a fetal death, as defined in RSA 5-C:1, XII, on the form established pursuant to RSA 5-C:75-a.

5-C:75 Death Report Forms.

A completed fetal death report shall consist of the following:

- I.** The name of the fetus, if named.
- II.** If not named, the first and middle names shall be listed as given names or as baby girl or baby boy.
- III.** The name of the hospital or the street and number of the location of delivery.
- IV.** The city, town, or location, and county of delivery.
- V.** The date of delivery.
- VI.** The sex of the fetus.
- VII.** Information regarding the mother including her: full name, maiden surname, date of birth, residence, race, ancestry, education, occupation, and social security number.
- VIII.** If available, the same information regarding the father as that provided in paragraph VII regarding the mother.
- IX.** Statistical information regarding the pregnancy including:
 - (a)** The number of live births of children now living and now dead.
 - (b)** The date of the last live birth by month and year.
 - (c)** The number of other terminations, spontaneous or induced, at any time after conception.
 - (d)** The date of the last other termination by month and year.
 - (e)** Whether the mother was married at the time of delivery, conception, or any time between.
 - (f)** The date that the last normal menses began by month, day, and year.
 - (g)** The month of pregnancy in which prenatal care began, such as first, second, or third.
 - (h)** The total number of prenatal visits.
 - (i)** The weight of the fetus.
 - (j)** The clinical estimate of gestation, in weeks.
 - (k)** Whether the fetus was single, twin, triplet or more.
 - (l)** The birth order, if not a single birth.
- X.** Medical information regarding the pregnancy including:
 - (a)** The medical risk factors for the pregnancy.

- (b) Any other risk factors, such as, but not limited to, tobacco or alcohol use.
- (c) The obstetrical procedures employed.
- (d) Any complications of labor or delivery.
- (e) The method of delivery.
- (f) Any congenital anomalies.

XI. Information regarding the fetal death, including:

- (a) The fetal or maternal condition directly causing death.
- (b) Any condition of which death was a consequence or to which it was due, either fetal or maternal.
- (c) The conditions giving rise to the immediate cause of death.
- (d) Any other significant conditions of fetus or mother contributing to fetal death but not related to immediate cause.
- (e) Whether the fetus died before labor or during labor or delivery.
- (f) Whether an autopsy was performed.
- (g) Whether autopsy findings were considered in determining the cause of death.
- (h) The delivery attendants name and title.
- (i) The name and title of the individual completing the report.

XII. Any other applicable information regarding the fetus including: the manner of final disposition or, if disposition is outside of the hospital, the name of the cemetery or crematory and location by city or town and state.

XIII. The name and address of the funeral home, next of kin, or designated agent and the signature of the funeral director, next of kin, or designated agent, the license number of the funeral director, if applicable, and the date signed.

XIV. The signature of the hospital administrator, or designee, and the date signed.

5-C:75-a Certificate of Stillbirth.

The director shall establish a certificate of stillbirth for a fetal death, as defined in RSA 5-C:1, XII, occurring in this state on the following form:

5-C:76 Fetal Death Paternity Affidavit.

The information and signature requirements for a fetal death paternity affidavit shall be as follows: the fathers full name; the fathers city or town, county, and state of residence; the fathers date of birth; the fathers social security number; the date and place of delivery of the fetus; the mothers full maiden name; the mothers social security number; the mothers resident address; the name of the fetus if it appears on the report of fetal death; the fathers signature and the date signed; the mothers signature and the date signed; the mothers husbands signature in the case where the childs father is not the mothers husband; the signature of a parent or guardian if the natural father, the mother, or the mothers husband is not of legal age, and the date signed; and the signature and seal of a notary public or justice of the peace and the date signed.

5-C:77 Procedures for Completion of the Fetal Death Paternity Affidavit.

The name and information concerning the father shall be included in the report of fetal death for a child delivered out of wedlock in the state of New Hampshire upon receipt of a sworn affidavit of paternity signed by both parents as described in RSA 5-C:76. The hospital or institutions designated staff shall prepare the fetal death paternity affidavit and attach it to the report of fetal death that is forwarded to the division. Upon receipt of the fetal death paternity affidavit, the information concerning the father shall be added by the division to the report of fetal death. The

fetal death paternity affidavit form shall be retained by the division with the report of fetal death in accordance with the record retention schedule listed in RSA 5-C:96.

5-C:78 Burial Permit for Disposition of Fetal Remains.

The burial permit for the disposition of fetal remains shall consist of the following information provided by the persons indicated. The hospital administrator or designee shall provide: the name, address, and license number, if any, of the funeral director, next of kin, or designated agent; the name of fetus; the date that the permit is completed; the signature of the hospital administrator or designee; and the name of the hospital. The cemetery or crematory authority shall provide: the manner of disposition; the date of disposition; the name of the cemetery or crematory; the name of the place where the cemetery or crematory is located; the section, lot number, and grave number; and, the signature of the funeral director, next of kin, or designated agent, the license number of the funeral director, if applicable, and the date signed.

5-C:79 Procedures for the Disposition of Fetal Death Remains.

Prior to disposition, the funeral director, next of kin, or designated agent, hospital administrator or his or her designated representative, or whomever assumes responsibility for the disposition shall request a written authorization from the parent regarding the manner of disposition such as burial, cremation, temporary entombment, donation, mausoleum, or other. When disposition takes place outside the hospital or institution, a burial permit shall be completed as described in RSA 5-C:78. In the case where fetal death remains are to be cremated other than in a hospital, authorization shall first be obtained from the medical examiner pursuant to RSA 611-B:11. The burial permit shall be submitted to the clerk of the town or city within 6 calendar days of the disposition.

5-C:80 Delayed Registration of Death.

I. When a death has occurred in New Hampshire and has not been registered with the division within 6 months of the date of death or within 6 months of the presumed date of death, a delayed certificate of death shall be filed, subject to such evidentiary requirements as specified in paragraph IV, to substantiate the alleged facts of death.

II. A certificate of death registered 6 months or more after the date of death or the presumed date of death shall be marked delayed by the registrar and include the date of the delayed filing.

III. For those certificates filed 6 months or more after the date of death, the physician, ARNP, or medical examiner and the funeral director shall submit an affidavit stating the reason why the death certificate was not filed in a timely manner.

IV. In the absence of the attending physician or ARNP or medical examiner and the funeral director, the certificate shall be filed by the next of kin or designated agent of the decedent. The certificate shall be accompanied by a notarized affidavit of the person initiating the filing, swearing to the accuracy of the information and explaining the reasons why the certificate has not been filed previously. Two additional notarized or certified documents that identify the decedent, the decedents date and place of death, and the circumstances surrounding the decedents death shall also be attached to the certificate. A summary statement of the evidence submitted in support of the delayed registration shall be prepared by the clerk of the town or city of death occurrence on the certificate, and the certificate shall be marked delayed. When all of the evidence has been gathered, the clerk of the town or city of death occurrence shall forward the application for a delayed death certificate and all supporting documentation to the state registrar.

V. When the state registrar has reasonable cause to question the validity or adequacy of the applicants sworn statements or the documentary evidence because of inconsistencies with other records, the state registrar shall notify the applicant, in writing, of the deficiencies and that the vital record shall not be amended unless the deficiencies are corrected. The registrar also shall notify the applicant that he or she has 30 days to appeal the registrars decision regarding the issuance of a delayed death certificate.

VI. All certified copies of delayed death certificates issued by the division or the clerk of a town or city shall be stamped or suitably noted to indicate DELAYED.

5-C:81 Queries.

I. When the division receives the death record, it shall be examined for accuracy and completeness.

II. Queries to obtain missing information or to clarify submitted information shall be made by the division to the attending or certifying physician or ARNP concerning the cause of death and related information, and to the funeral director, next of kin, or designated agent concerning all other information.

5-C:82 Application for and Preparation of a Certified Copy of a Death Certificate.

I. Written application for a certified copy of a death record shall be made by mail or in person at the division or at any clerk of a town or city office.

II. The applicant for a certified copy of death record shall provide: the full name of the deceased; the date and place of death; the purpose for which the record is requested; the applicants signature; the applicants relationship to the deceased; and the applicants name, address, and telephone number.

III. If the registrar determines that the applicant has a direct and tangible interest in the record, the registrar shall issue a complete certified copy of a death record for any year of occurrence on safety paper, bearing the official seal of the state registrar.

IV. The local or state registrar shall issue a certified copy of a vital record if the application is incomplete but the information provided enables the record to be identified and located and there is no question concerning the direct and tangible interest of the applicant.

5-C:83 Issuance of Death Certificate Copies.

I. The state registrar or any clerk of a town or city shall, upon receipt of a written application, issue a certified copy of a death record or an abstract thereof to any applicant having a direct and tangible interest in the vital record.

II. Each copy issued shall show the date of filing and have the official seal of the state registrar or clerk of a town or city.

III. Certified copies issued from records marked amended or presumptive shall be similarly noted and show the effective date.

IV. Certified copies of death records shall be issued to the public only by the state registrar or clerk of a town or city.

V. When a New Hampshire resident has died out-of-state, the division shall make that information available to the clerk of the New Hampshire city or town of residence of the decedent.

5-C:84 Matching of Birth and Death Certificates.

I. To protect the integrity of vital records and to prevent the fraudulent use of the records of deceased persons, the state registrar and clerks of towns and cities shall, on a monthly basis, match birth and death records and post the facts of death to the appropriate birth record and mark the record as deceased.

II. In the case of birth records marked deceased, all certified copies shall also be marked deceased.

Forms and Procedures for Amendments and Corrections to Vital Records and Retention of Vital Record Documents

5-C:85 General Forms for Amending or Correcting a Vital Record.

Except for divorce records which are amended by the court, 2 forms shall be used to correct any vital record which contains inaccurate, erroneous, or missing information.

I. The first form shall be used if corrections to a vital record are to be made within 6 months of the filing of the birth, marriage, or death, except that the form shall not be used for the addition of a husband's name to the birth record. The form shall be completed by the clerk of the town or city with the following: an indication of the type of vital record, whether the correction is being done in order to enact a legal change of name, correct a state or town record which contains incorrect information, or make a correction due to spelling or other typographical errors; the items to be corrected; the items as they now appear on the record; the items as they should appear on the record after the correction is made; the date of the vital record event; information sufficient to identify the person requesting the correction; the source for the correction; the date the original vital record was filed with the clerk of the town or city; and the clerk's signature, town or city name, and date the clerk of the town or city signed the form. The form shall be forwarded to the division upon completion in order to have the correction made to the state record.

II. A second form shall be used if corrections to a vital record are to be made more than 6 months after the filing of the birth, marriage, or death. The form shall be completed by the clerk of the town or city with the following: an indication of the type of vital record; the items to be corrected; the items as they now appear on the record; the items as they should appear on the record after the correction is made; the date of the vital record event; the name and address of the person requesting the correction; the birthplace of the person requesting the correction; a list of evidence presented indicating the type of documentation presented by the requestor; and the signature of the clerk of the town or city and date signed by month, day, and year. The form shall be signed by the person requesting the correction and shall be notarized by a notary public or justice of the peace. The clerk of the town or city shall submit the form to the state registrar along with a copy of the supporting documentation. The state registrar shall review the documentation for completeness and indicate approval or disapproval of the requested changes in accordance with RSA 5-C:40 for birth records, RSA 5-C:54 for marriage records, and RSA 5-C:94 for death records. If the registrar approves the change, the registrar shall correct the record and return the approved form to the clerk of the town or city.

5-C:86 Forms to Amend Birth Records.

The division shall provide forms to amend birth records and shall require such information as the division deems appropriate given the year of birth.

5-C:87 Initiating Amendments and Corrections to Birth Records.

I. Any change to a birth record shall be initiated with the clerk of the town or city of birth occurrence by a personal visit or letter from the requesting party.

II. Within 6 months from the filing of the birth record, changes or corrections to the birth record may be made without obtaining approval from the state registrar by using the appropriate form in accordance with RSA 5-C:85.

III. After 6 months from the filing of the birth record, no change or alteration to the birth record on file with the division, or on file in any city or town in the state of New Hampshire, shall be made except upon application, in accordance with RSA 5-C:85, to the state registrar by one of the parents, the guardian or legal representative of the child or, if the person whose record is involved is 18 years of age or older, by the person, himself or herself.

IV. Upon receipt of a certified copy of a court order changing the name of a person born in the state of New Hampshire, the clerk of the town or city shall amend the birth record by replacing the original name with the new name, enter a marginal note stating legal change of name per court order with the date of the order, and A.K.A. the original name, and shall forward notice of the change to the state registrar.

V. Upon receipt of a certified copy of a court order advising that such individual born in the state of New Hampshire has had a sex change, a new birth record shall be prepared to reflect such change.

VI. For birth records created prior to 1948, if the surname was left blank but the surname was provided for the father or mother of the registrant, the parents surname shall be added as the surname of the registrant by the clerk of the town or city or the state registrar, but a correction form and documentation shall not be required to do so.

VII. If the registrant is deceased, except for infant deaths under one year of age, given names or surnames shall not be added to a birth record but a copy of such a record shall be issued, if requested.

VIII. Birth records that do not show the given name or the surname of the registrant shall not be issued except in accordance with RSA 5-C:89, or for the purpose of adoption proceedings.

IX. Except as otherwise provided in paragraph X, the state registrar shall approve correction requests if a review of the documentation submitted shows that the information needed to render a decision is complete and the documentation submitted substantiates that the information contained on the current record is incorrect.

X. If the correction of a falsified birth record involves the removal or the substituting of the name of a father to the birth record, a certified copy of a court order shall be required.

XI. The correction process in this section shall not apply to birth records that, pursuant to RSA 5-C:105, are part of the public domain, unless it is shown that the record is to be used for legal purposes or the registrant is still alive.

5-C:88 Town or City Clerk Procedures to Amend Birth Records.

I. All amendments shall be made to the record by the clerk of the city or town where the birth occurred.

II. The clerk of the town or city shall: replace the original record with the amended birth record; retain the originally assigned file number; retain the original record attached to the amended record; prepare an amended birth record using the form appropriate for the year of birth; and forward the amended birth record to the division.

III. The clerk of the town or city shall use the amended record for all future inquiries to the record.

5-C:89 Documentary Evidence Required to Amend Birth Record.

I. Other than corrections in spelling, clerical errors, or omissions, name changes involving the name of the registrant, or the names of his or her parents as listed on a birth record, shall require a certified copy of a court order that states the name to be changed and how the name is to appear on the birth record.

II. Within 6 months of the filing of the birth registration, a request to change the spelling or to add the name of a child shall be processed by the clerk of the town or city. The form used to make the request shall be signed by the parent as recorded on the birth record, the guardian, or the legal representative of the registrant and shall be an acceptable affidavit for such a name change. The record shall be noted with the first name, middle name, or last name, as applicable, and Corrected and the date. The applicant shall present either a drivers license or other photo identification to the clerk of the town or city when making the request.

III. Irrespective of the time elapsed since the date of birth, if the surname on the birth record is blank, the registrant may request that the clerk of the city or town add a surname to the birth record, but only if the surname of the father shown on the birth record agrees with the surname that the registrant desires to add to the birth record.

IV. If a surname different than the surname of the father is requested, the amendment request shall require either a certified copy of the court order or the completion of the form described in RSA 5-C:85, II and submission of the documentation by the clerk of the city or town to the state registrar.

V. If a request for a change of the child's surname in connection with a court order of legitimation is made, the new surname shall be the name shown on a certified copy of the court order of legitimation and shall appear as such on the new birth record.

5-C:90 Forms for Amending or Correcting a Marriage Record.

I. Corrections to a marriage record shall be initiated by the officiant or the marriage partners either by a personal visit or a letter to the clerk of the town or city who issued the marriage license.

II. The clerk of the town or city shall make all corrections to the marriage record in accordance with RSA 5-C:85.

III. The original signed request shall be retained on file by the clerk of the town or city in conformance with the retention schedule established by this chapter.

IV. When amending a record, the change shall be noted by the clerk of the town or city on the marriage record with a notation indicating the documentation reviewed, if any, the date the change was made and whether the change was requested within 6 months of filing the original vital record.

V. The correction process as described above shall not apply to records that are part of the public domain, pursuant to RSA 5-C:105, unless it is shown that the record is to be used for legal purposes or the registrant is still alive.

5-C:91 False Information on the Marriage Application Worksheet.

I. If it becomes known to the clerk of the town or city who has issued a marriage license that false information was given on the worksheet and included on the license, or if the clerk discovers information that is known to be incorrect because of inconsistencies with other records, the clerk shall notify the bride and groom and, if appropriate, the officiant, by certified mail of the inconsistency and request that they respond in writing within 30 days. The clerk shall also

request that they attach to the response letter any information which will assist in correcting the worksheet information; send a copy of the letter to the division; and prepare the appropriate form under RSA 5-C:85 to correct the vital record.

II. Upon receipt of a response letter under paragraph I, the division shall correct the marriage certificate in accordance with RSA 5-C:92.

III. If no response is received, the division shall make a notation on the marriage certificate that there is conflicting information that has not been resolved or, in response to alleged bigamy or falsification of information provided on the marriage worksheet, pursue penalties in accordance with RSA 5-C:14.

5-C:92 Amending or Correcting a Certificate of Marriage.

I. Within 6 months of the filing of the marriage registration, corrections shall be made on the marriage record using the form indicated under RSA 5-C:85, I.

II. When a person makes application to amend or correct a marriage record, the clerk of the city or town who issued the marriage license shall be paid the application fee required of the applicant by RSA 5-C:10, unless the correction is due to an error by the clerk.

III. Other than minor corrections in spelling or clerical errors, name changes involving the name of a spouse as listed on a marriage certificate shall be made as follows: a certified copy of the court order from a court of competent jurisdiction changing the name shall be obtained by the applicant; the court order shall be presented to the clerk of the town or city who issued the marriage license; the name change shall be shown with the notation A.K.A.; there shall be a notation on the marriage record which shall show the name of the court and the date of the court order; and shall be in accordance with RSA 5-C:90.

IV. When an applicant does not submit documentation to substantiate the need to amend a marriage record, or when the state registrar has reasonable cause to question the validity or adequacy of the applicants sworn statements or the documentary evidence, the state registrar shall notify the applicant, in writing of the deficiencies in the application. The state registrar shall notify the applicant, in writing, that the vital record shall not be amended unless the deficiencies are corrected and that the applicant has the right to appeal the registrars decision within 30 days.

V. The correction process as described above shall not apply to public records under RSA 5-C:105 unless it is shown that such a record is to be used for legal purposes or the registrant is still alive.

5-C:93 Amendments and Corrections to Divorce, Legal Separation, or Civil Annulment Records.

I. Any change to a divorce, legal separation, or civil annulment record shall be initiated with the clerk of court by the husband, wife, or their legal representative or representatives.

II. Any amendments or corrections shall be submitted to the division through the clerk of courts as specified in paragraph I.

III. A certificate or record registered under RSA 458 shall be amended only in accordance with RSA 458.

IV. Any changes or additions made to the divorce record shall be made only on the divorce record received by the division from the court with an asterisk and notated to show why the changes were made.

V. The form indicated under RSA 5-C:85, I shall be used as the notice from the division to the court reflecting a change to the divorce record so that the court record agrees with the division record.

VI. No changes shall be made to correct divorce, civil annulment, or legal separation records that are part of the public domain pursuant to RSA 5-C:105, unless the record is to be used for legal purposes or the registrant is still alive.

5-C:94 Amendments and Corrections to a Death Record.

I. When a request is made to change any of the death record information completed by the funeral director, next of kin or designated agent, the following procedure shall apply. If the request is made by the original informant, the original informant shall sign and complete the appropriate correction form as described in RSA 5-C:85 and submit the correction form and any documentation to substantiate the requested changes to the clerk of the town or city. If the requestor is not the original informant, then the original informant shall be notified of the request for changes to the death record by the clerk of the town or city of death occurrence, the requestor shall sign and complete the correction form as described in RSA 5-C:85, and, if possible, the clerk of the town or city shall attach to the correction form a notarized statement from the original informant approving the proposed changes. If the original informant does not approve of the proposed changes, he or she shall submit evidence as to why the requested change should not be made. If it is not possible to make contact with the original informant, a notarized statement shall be prepared by the clerk of the town or city and attached to the correction request, which contains a detailed explanation that an attempt was made to reach the original informant but the efforts were unsuccessful. In either case, the state registrar shall review the evidence submitted for completeness and, if complete, indicate approval by signing the request. If the request for change is being made by the funeral director who completed the death record due to an error made by him or her, the funeral director shall complete and sign a correction form and submit it to the clerk of the town or city of death occurrence. The change shall be made upon receipt of the correction form by the clerk of the town or city who shall submit a copy to the division.

II. The certifying physician or ARNP shall initiate corrections concerning the cause of death, in writing, to the division, by signing and completing the supplemental death certificate as described in RSA 5-C:62.

III. The correction authorization from the physician or ARNP shall be retained by the division in accordance with the retention schedule for a death record as established by this chapter. The death record shall be amended and noted as being amended.

IV. In the case where the division queries the physician or ARNP concerning the cause of death, the physician or ARNP shall send notice of the change in the cause of death directly to the division.

V. The physicians or ARNPs information concerning a change in the cause of death shall be retained by the division in accordance with the retention schedule for a death record established by this chapter. The death record shall be amended and noted as being amended.

VI. The funeral director, next of kin, or designated agent shall initiate corrections concerning burial arrangements information with the clerk of the city or town where the death occurred. The division shall be notified by the clerk of these corrections by the appropriate form as described in RSA 5-C:85.

VII. When the clerk of the town or city of death occurrence discovers information known to be incorrect because of inconsistencies with other records, he or she shall confirm the correct information, if possible, with the parties concerned, and shall notify the division of the inconsistencies. If the correction is to be made 6 months after the original death record was filed, the clerk shall obtain the approval of the state registrar before the vital event record is amended.

VIII. The state registrar shall approve the correction request if a review of the documentation submitted shows that the information required to render a decision is complete and the documentation submitted substantiates that the information contained on the current record is incorrect.

5-C:95 Amending the Death Certificate.

I. When the clerk of a town or city or the division amends a record, the change shall be noted indicating the authority, date, and correction procedure utilized.

II. When the state registrar questions the validity or adequacy of the applicants sworn statements or the evidence submitted, he or she shall: notify the clerk of the town or city of the deficiencies in writing; request that deficiencies be corrected within 30 days; and notify the clerk of the town or city in the written correspondence above that if the deficiencies are not corrected, the state registrar shall not amend the death certificate.

III. The correction process described above shall not apply to records that have become part of the public domain under RSA 5-C:105, unless they are to be used for a legal purpose, such as proving United States citizenship.

5-C:96 Retention Schedule for Forms and Other Documents.

I. Vital event record, for the purpose of the retention schedule established in this section, means all of the following records:

(a) All birth records and any related documents used in the preparation of new records, including completed affidavits of paternity legitimation forms, court-ordered paternity decisions, court-authorized decisions related to change of gender, and all records relating to adoptions.

(b) All death records, including changes affecting medical certification, submitted by the physician or ARNP to either the clerk of the town or city or the division.

(c) All marriage records, including any documents and related material used in the process of voiding any marriage certificate.

(d) Divorce, civil annulment, and legal separation records that are on file at the division.

II. For the purpose of preservation of facts in relation to births, marriages, deaths, and divorces, vital event records shall be retained by the city or town clerks and hospitals as follows:

(a) Application forms used to apply for certified copies: retained for one year.

(b) Marriage application worksheet when the clerk of the town or city has received the license from the officiant: retained for one year.

(c) Marriage application worksheet when the marriage license has not been returned by the officiant or it has been determined that the marriage had never taken place: retained for 50 years.

(d) Birth worksheet, hospital birth: retained permanently.

(e) Birth worksheet, home birth: retained permanently.

(f) In-state burial permit: retained for 6 years.

(g) Out-of-state burial permit: retained for 10 years.

(h) Disinterment and reinterment permit; in-state disposition: retained for 6 years.

(i) Disinterment and reinterment permit; out-of-state disposition: retained for 10 years.

(j) Medical examiners cremation certificate: retained for 6 years.

(k) Amendment or correction form: retained permanently.

(l) Clerk of the town or city's copy of marriage certificate: retained permanently.

(m) Fetal death report: retained permanently.

(n) Funeral director receipt: retained for one year.

(o) Vital event records, including, birth, marriages, and deaths, not specifically listed in this paragraph: retained permanently.

Registrars Duties

5-C:97 Marriage Licenses.

I. If the marriage license issued to the prospective bride and groom is not used for any reason, it shall be returned to the clerk of the town or city of issuance.

II. If the completed marriage license has not been returned by the officiant within 30 days of the planned date of the marriage, as noted on the marriage application worksheet, or 90 days has elapsed from the date the marriage intentions were filed, the clerk of the town or city shall contact the applicants to determine whether the marriage ever took place and who officiated and contact the officiant to request the marriage license.

III. If the clerk of the town or city is unable to obtain the marriage license, the clerk shall notify the division within 24 hours and contact one of the applicants to begin the process for a delayed marriage certificate as described in RSA 5-C:52.

IV. In the circumstances noted in paragraph II, the clerk of the town or city shall retain the application worksheet permanently and a notation shall be made to the application stating the marriage presumably did not take place.

V. All marriage worksheets shall be retained by the clerk of the town or city in accordance with the retention schedule as specified in this chapter.

5-C:98 Vital Records Copies.

I. A vital record may not be issued, duplicated, sealed, or notarized by any persons other than the division or clerks of towns and cities. These restrictions shall not apply to vital records in the public domain unless a certified copy is requested.

II. Certified copies of vital records shall be issued to the public only by the state registrar or a clerk of a town or city in accordance with this chapter.

III. Written application for a certified copy of a vital record shall be made by mail or in person at the division or at the office of a clerk of a town or city. Telephone and facsimile requests shall be acceptable only if payment is made through an electronic fee system by which payment for vital record copies may be made through a computerized system.

IV. Certified copies issued from records marked Delayed or Amended shall be similarly noted and show the effective date of the delay or amendment.

V. A certified copy of a vital record shall be issued if a direct and tangible interest claim is approved pursuant to RSA 5-C:102.

VI. A clerk of a town or city or the state registrar shall issue a certified copy of a vital record or a summary of the vital record even though required items of information are missing from the application if the information provided enables the record to be located and identified and there is no question concerning the direct and tangible interest of the applicant.

5-C:99 Apostille Records.

An apostille record means a vital record document which contains the certification as provided for in the 1961 Hague Convention and which is recognized in the United States and other certifying countries as a certified document. An apostille record shall be prepared in the same manner as required for a certified copy and shall contain the following: the signature of the state registrar or the clerk of the town or city; the notarized acknowledgement of the state registrar or

clerk and acknowledgement of the document by the New Hampshire secretary of state, including his or her signature and seal.

5-C:100 Search Fees.

- I. The fee for making a record search shall be in accordance with RSA 5-C:10.
- II. The search fee shall be payable regardless of whether the record is found.
- III. The search fee shall include one certified copy of the record if a copy is desired and if it has been determined that the requestor has a direct and tangible interest in such record.

5-C:101 Requests From Government Agencies.

- I. Federal, state, or local government agencies may request certified copies of vital records by special arrangement without regard to RSA 5-C:10 by submitting such request to the local or state registrar.
- II. If a free copy is issued by a clerk of a town or city or by the division to a United States Veterans Administration, a notation shall be made by the registrar on the face of the copy stating: This certified copy is issued to be used solely in connection with U.S. Veterans Administration claim application and processing.

Confidentiality and Disclosure of Information

5-C:102 Disclosure of Information to Individuals; Direct and Tangible Interest.

- I. Birth records prior to 1901 and death, marriage, divorce, legal separation, or civil annulment records prior to 1948 shall be considered public records.
- II. Local and state registrars shall make vital records available only to persons who have a direct and tangible interest in the requested record as described in paragraph III and RSA 5-C:9.
- III. In this chapter, the following persons shall be deemed to have a direct and tangible interest with regard to access to a vital record: the registrant; a member of the registrants immediate family; the registrants legal guardian; the registrants legal representative; persons demonstrating a need for information for the determination or protection of a personal or property right; members of the press, radio, television, and other news media when the information requested by such media sources is of a public nature; persons authorized by the immediate family to conduct genealogical research; and the spouse of a divorced or legally separated person whose former marriage has been legally dissolved who is requesting certified copies of such divorce, legal separation, or civil annulment record.
- IV. The natural parents of an adopted child who has been adopted outside of the natural parents immediate family, shall not be considered to have a direct and tangible interest in the vital records of the adopted child.
- V. A person who is not a member of the immediate family may be considered to have direct and tangible interest in the requested record in accordance with paragraph VI and VII.
- VI. A claim of direct and tangible interest, as described in paragraph III made by an individual, an attorney, or an agent working on behalf of an attorney, shall be reviewed by either the state registrar or the clerk of the town or city. The claim shall include a letter from the requestor that describes and documents the claim of direct and tangible interest, including what record is required, why it is needed, and any other evidence the requestor wishes to submit to document the claim. The requestor also shall provide positive identification, such as a drivers license, passport, or other picture identification.

VII. A claim of direct and tangible interest submitted as in paragraph VI shall be approved if the claim is substantiated by the evidence submitted to the satisfaction of the state registrar or the clerk of the town or city, and access to the requested record shall be approved. If the claim is not substantiated by the evidence submitted to the satisfaction of the state registrar or the clerk of the town or city, then access shall be denied, and the requestor may appeal the registrars or clerks decision.

VIII. In order to obtain access to a vital record, an attorney or an agent working on behalf of an attorney shall identify himself or herself as a member of the legal profession by means of a business card, business stationery, or by similar means when he or she requests access to a record as the representative of his or her client, state in the request the name of the client, and submit evidence for the claim of direct and tangible interest.

IX. Law enforcement officials, court officials, and representatives of the office of the attorney general demonstrating a direct and tangible interest following procedures in paragraphs VVIII shall obtain access to the requested record on a case-by-case basis. Certified copies of vital records shall be issued to these agencies by the division at no charge.

X. Reports of birth, death, or marriage events that happened out-of-state regarding one of New Hampshire residents sent to the state registrar or a clerk of a town or city for statistical purposes shall not be available for public inspection or issued by the division or the clerk.

XI. When publishing information regarding vital record events for statistical purposes in city or town reports, the following procedure shall apply. A written request from a resident that a particular vital event be omitted from the city or town report shall always be granted. A written request from a resident registrant that a certain event be published in the city or town report, including the birth of a child to a unwed mother, shall be granted. Items included in a city or town report for birth shall be limited to: the child's name; the name of the father; the name of the mother; the place of birth; and, the date of birth. Items included in a city or town report for death shall be limited to: the name of deceased; the place of death; the name of the father; the maiden name of the mother; and the date of death. Items included in a city or town report for marriage shall be limited to: the grooms name and place of residence; the brides name and place of residence; and the date of the marriage ceremony.

XII. Events referenced in paragraph X may be included in the towns annual report unless otherwise requested pursuant to paragraph XI.

XIII. When a city or town clerk is requested to supply birth information for local school census purposes, such requests shall be referred to the state registrar and the data supplied shall be restricted to showing the number of resident births that occurred in the city or town and shall not show the names of any individuals.

5-C:103 Release of Information to Federal or Other Agencies.

I. For statistical purposes, the state registrar shall, by written agreement, transmit copies of vital event records to offices of vital statistics outside of New Hampshire when such records relate to residents of those jurisdictions or persons who die in those jurisdictions.

II. The written agreement in paragraph I shall require that the copies transmitted be used for statistical and administrative purposes only and shall provide for the retention and disposition of such copies.

III. Copies received by the division from offices of vital statistics in other states shall be by written agreement and handled in the same manner as prescribed in this section.

5-C:104 Release of Information to the Media.

I. All requests for vital event records from persons representing the news media shall be made directly to the state registrar in writing, or reduced to writing by the division, and include specific information to identify the record under investigation as described in paragraph II.

II. Information from the news media that shall be required prior to release of information shall include the name of the registrant, the date and place of the event in question, and the type of vital record requested.

III. Media requests for cause of death information from a death certificate shall be made directly to the state registrar in writing, or reduced to writing by the division.

5-C:105 Disclosure of Information to Genealogists.

I. (a) Birth records more than 100 years old and death, marriage, and divorce records more than 50 years old shall be considered part of the public domain.

(b) By April 1 of each year, the division shall release public domain records that became public during the previous calendar year.

II. A genealogist may be designated as an authorized representative by means of a written statement from the registrant or a member of the registrants immediate family.

III. The written statement designating a genealogist as an authorized representative shall:

(a) Indicate whether the writer is the registrant or a member of the registrants immediate family, in which case the relationship shall be specified.

(b) Indicate the specific record or records requested.

(c) Authorize the division to release the information as specified.

(d) Contain the signature of the authorizing party and be notarized.

IV. Certified copies of records as specified in paragraph I shall be issued on safety paper, when requested, according to the fees established by RSA 5-C:10.

5-C:106 Requests for Public Records to Clerk of Towns and Cities.

I. Requests made to a clerk of a town or city for records as specified in RSA 5-C:105, I, contained in ledger books may be denied for any of the following reasons:

(a) The physical condition of the record, such as being too frail to be photocopied.

(b) The location of the record, such as the proximity of confidential records to the record to be accessed.

(c) The physical space and personnel available to assist the requestor.

II. In the case of a denial pursuant to paragraph I, the clerk of the town or city shall redact the record in order to fill the request.

III. In the case of a denial pursuant to subparagraph I(c), the clerk of the town or city shall provide the requestor with the date by which the clerk could provide the information.

IV. In the case of any denial under this section, the clerk of the town or city shall refer the request to the genealogical research facilities at the division.

5-C:107 Handling of Special Records.

I. Records relative to adoptions shall be handled in accordance with RSA 5-C:33.

II. Access to non-certified copies of records involving paternity judgments, affidavits of paternity, legitimation, and change of sex which require the preparation of a new birth certificate shall be handled as provided by this paragraph. Any New Hampshire state agency shall be granted access when a specific legal authority is presented. The registrant and parents, legal guardians, or legal representatives of the registrant shall have access to the record, and any order

from a court of competent jurisdiction requesting access shall be honored. To indicate that the document is a non-certified copy, a copy of the document shall be marked informational copy only.

III. Hospital copies of birth certificate worksheets, fetal death reports, and death certificates shall be considered a vital event record subject to the disclosure requirements described in RSA 5-C:9 and this subdivision.

5-C:108 Procedures for Requesting Vital Records Data for Health-Related Research.

Vital records data or copies of vital records that directly or indirectly identify individuals shall be made available for health-related research purposes upon receipt of a written application and approval of the states institutional review board pursuant to RSA 126:24-d.

5-C:109 Aggregate Data.

Statistics derived from vital records data shall be considered to be aggregate data if published by towns with a populations of or above 5500. Population estimates shall be derived from the most recent decennial census.

5-C:110 Public Use Statistical File.

The department shall make available a public use statistical file containing vital record information of all New Hampshire residents. The public use statistical file shall not contain any identifying personal information or information to constructively identify an individual.

Hearings

5-C:111 Hearings.

If aggrieved by any decision for denial of access to vital records documents under this chapter, an individual may request, within 30 days of the denial, an administrative due process hearing.