

CHAPTER 139  
HB 437 - FINAL VERSION

05/11/2017 1621s

2017 SESSION

17-0633  
08/04

HOUSE BILL **437**

AN ACT relative to the authority of municipal law enforcement officers and relative to information contained in certain motor vehicle records.

SPONSORS: Rep. Murphy, Hills. 7

COMMITTEE: Municipal and County Government

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AMENDED ANALYSIS

This bill allows a law enforcement officer to have temporary police authority in another jurisdiction until an arrested person is declared medically cleared.

This bill also allows law enforcement to release certain motor vehicle accident reports and records.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struck through.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Seventeen*

AN ACT relative to the authority of municipal law enforcement officers and relative to information contained in certain motor vehicle records.

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

1 139:1 Custody of Subject; Not Medically Cleared. Amend RSA 105:13, II to read as follows:

2 II. Where no written agreement exists or no officer is available, any duly authorized police  
3 officer, constable, or watchman shall have temporary police authority in another jurisdiction in the  
4 state, when requested by a law enforcement officer from such jurisdiction in the state to render  
5 assistance to such officer under such officer's direction in an emergency for the purposes of making  
6 an arrest or effecting custody of a detainee, conducting a search, quelling a disturbance, providing  
7 traffic or crowd control, ***holding an arrested person in need of medical treatment in***  
8 ***temporary custody until medically cleared to enter a state or county correctional facility***  
9 ***or municipal jail***, or securing a crime scene, until relieved by the requesting officer or otherwise  
10 directed by the ranking on-duty officer of the requesting jurisdiction.

11 139:2 New Paragraph; Motor Vehicles; Records and Certification. Amend RSA 260:14 by  
12 inserting after paragraph VII the following new paragraph:

13 VII-a. Nothing in this section shall prohibit a law enforcement agency of a political  
14 subdivision or its employees from releasing the following:

15 (a) Copies of reports of motor vehicle accidents prepared by the agency, and filed with  
16 the division pursuant to RSA 264:25 and RSA 264:26, to an owner, operator, or passenger of a  
17 vehicle involved in said accident, pedestrian hit by a vehicle in said accident, owner of property  
18 damaged in said accident, or the insurance company of any of the foregoing parties. Such agency  
19 may charge a reasonable fee therefor, to be deposited into the general fund of said political  
20 subdivision.

21 (b) Copies of reports of motor vehicle accidents prepared by the agency that are not  
22 required to be reported pursuant to RSA 264:25 and RSA 264:26, to an owner, operator, or  
23 passenger of a vehicle involved in said accident, pedestrian hit by a vehicle in said accident, owner  
24 of property damaged in said accident, or the insurance company of any of the foregoing parties.  
25 Such agency may charge a reasonable fee therefor, to be deposited into the general fund of said  
26 political subdivision.

27 (c) Information obtained by the law enforcement agency that accident participants are  
28 required to exchange pursuant to RSA 264:25, to an owner, operator, or passenger of a vehicle  
29 involved in said accident, pedestrian hit by a vehicle in said accident, or owner of property damaged

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1 in said accident.

2 139:3 New Paragraph; Motor Vehicles; Records and Certification. Amend RSA 260:14 by  
3 inserting after paragraph XI the following new paragraph:

4 XI-a. No political subdivision or its agencies or employees shall be civilly liable for any  
5 improper use of or release of motor vehicle records to any person obtaining such records as provided  
6 in this section.

7 139:4 Motor Vehicles; Accidents and Financial Responsibility; Conduct and Reporting After a  
8 Motor Vehicle Accident; Conduct After Accident. Amend RSA 264:25, I to read as follows:

9 I. The driver of a vehicle who knows or should have known that he or she has just been  
10 involved in any accident which resulted in death, personal injury or damages to property, shall  
11 immediately stop such vehicle at the scene of the accident and give to the driver or owner of any  
12 other vehicle involved in said accident, and to any person injured, and to the owner of any property  
13 damaged, the driver's name and address, *the* driver's license number, *the driver's or owner's*  
14 *insurance provider and policy information, if applicable*, the registration number of the  
15 vehicle, and the name and address of each occupant. If by reason of injury, absence or removal  
16 from the place of the accident, or other cause, such injured person, or driver of such other vehicle,  
17 or owner of the property damaged, or any of them, is unable to understand or receive the  
18 information required in this section, such information shall be given to any uniformed police officer  
19 arriving at the scene of the accident or immediately to a police officer at the nearest police station.  
20 *Police officers receiving such information, and other employees of such officers' law*  
21 *enforcement agencies, shall be authorized to provide that information to such injured*  
22 *persons, drivers, or owners.* Any person driving a vehicle which is in any manner involved in an  
23 accident or any person who owns a vehicle which was illegally parked when it was involved in an  
24 accident shall within 15 days after such accident report in writing to the division the facts required  
25 hereunder together with a statement of the circumstances if any person is injured or killed, or if  
26 damage to property is in excess of \$1,000, unless the accident is investigated by a police officer, in  
27 which case a report filed by such officer shall satisfy the requirements of this section; provided,  
28 however, that any person not otherwise required by this paragraph to file a report, who owns a  
29 vehicle which was involved in an accident, may file a report as provided by this paragraph.  
30 Voluntary intoxication shall not constitute a defense in the matter of knowledge under the  
31 provisions of this section. All reports, filed as required in this paragraph, shall be in the form  
32 prescribed by the director and shall contain information to enable the division to determine whether  
33 the requirements for the deposit of security under RSA 264:3 are inapplicable by reason of the  
34 existence of insurance or other exceptions specified in that ~~chapter~~ *section*. If such driver is  
35 physically or mentally incapable of making such report, the owner of the vehicle involved in such  
36 accident or the owner's representative shall, after learning of the accident, forthwith make such  
37 report. The driver or the owner shall furnish such additional relevant information as the division

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1 shall require. The provisions of this section shall be of general application and shall not be  
2 restricted to a way as defined in RSA 259.

3 139:5 Motor Vehicles; Accidents and Financial Responsibility; Conduct and Reporting After a  
4 Motor Vehicle Accident; Uniform Police Investigation Report of Accident. Amend RSA 264:26, II to  
5 read as follows:

6 II. In each reportable accident in which any person is killed or injured or in which damage  
7 to the property of any one individual, including the driver, is sustained, the police officer, agency, or  
8 individual who, in the regular course of duty, investigates such accident, either at the time of or at  
9 the scene of the accident or thereafter, by interviewing the participants or witnesses, shall, within 5  
10 days after completing such investigation, complete and forward one copy of such report to the  
11 division. Such report shall call for, ~~and~~ contain, **and incorporate by reference** all available  
12 detailed information to **establish and to** disclose the cause of the accident, the conditions then  
13 existing and the persons and vehicles involved including the names and addresses of all occupants  
14 of the vehicles involved, as well as the enforcement action taken. In each reportable accident in  
15 which a person is killed, the police officer, agency, or individual who, in the regular course of duty,  
16 investigates the accident shall provide written notice to the department of safety within 7 days of  
17 the accident. The notice shall include the information contained on the front page of the uniform  
18 police accident report and may be submitted electronically or by fax. This requirement shall not  
19 relieve the investigating agency or officer from the responsibility ~~in RSA 265:25~~ of filing the  
20 complete report ~~as soon as it is available~~ **as required by this paragraph**.

139:6 Effective Date. This act shall take effect upon its passage.

Approved: June 16, 2017  
Effective Date: June 16, 2017