

HB 847 – AS AMENDED BY THE HOUSE

30Jan2008... 2538h

2007 SESSION

07-1098

08/03

HOUSE BILL 847

AN ACT relative to general rules for vessels operating on water.

SPONSORS: Rep. Pilliod, Belk 5; Rep. Lovett, Graf 8; Rep. Abbott, Rock 12; Rep. Patten, Carr 4; Rep. Millham, Belk 5; Sen. Hassan, Dist 23; Sen. Burling, Dist 5; Sen. Cilley, Dist 6; Sen. Kenney, Dist 3; Sen. Fuller Clark, Dist 24

COMMITTEE: Transportation

AMENDED ANALYSIS

This bill establishes speed limitations for vessels traveling on Lake Winnepesaukee. This bill also requires that violations of the general rules for vessels operating on water become a part of the motor vehicle driving record of the person convicted. These provisions are repealed on January 1, 2011.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seven

AN ACT relative to general rules for vessels operating on water.

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

1 New Paragraphs; General Rules for Vessels Operating on Water. Amend RSA 270-D:2 by inserting after paragraph IX the following new paragraphs:

X.(a) No person shall operate a vessel on Lake Winnepesaukee at a speed greater than is reasonable and prudent under the existing conditions and without regard for the actual and potential hazards then existing. In all cases, speed shall be controlled so that the operator will be able to avoid endangering or colliding with any person, vessel, object, or shore.

(b) Where no hazard exists that requires lower speed for compliance with subparagraph (a), the speed of any vessel in excess of the limit specified in this

subparagraph shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

(1) 25 miles per hour during the period from 1/2 hour after sunset to 1/2 hour before sunrise; and

(2) 45 miles per hour at any other time.

(c) The speed limitations set forth in subparagraph (b) shall not apply to vessels when operated with due regard for safety under the direction of the peace officers in the chase or apprehension of violators of the law or of persons charged with, or suspected of, any such violation, nor to fire department or fire patrol vessels, nor to private emergency vessels when traveling to emergencies. This exemption shall not, however, protect the operator of any such vessel from the consequences of a reckless disregard of the safety of others.

(d) The speed limitations set forth in subparagraph (b) shall not apply to boat racing permitted under RSA 270:27.

XI. Any conviction under this section shall be reported to the commissioner of the department of safety, division of motor vehicles, and shall become a part of the motor vehicle driving record of the person convicted.

2 Repeal. RSA 270-D:2, X-XI, relative to speed limits on Lake Winnepesaukee, is repealed.

3 Effective Date.

I. Section 1 of this act shall take effect January 1, 2009.

II. The remainder of this act shall take effect January 1, 2011.