

# N.H. LIEN LAW

## 262:35-a Review of Fees for Removal and Impoundment –

I. All fees charged for the removal and storage of any vehicle caused to be removed by an authorized official pursuant to RSA 262:32 or RSA 262:40-a shall be reasonable, and may reflect market variables, including, but not limited to, distance traveled to and from the storage facility, vehicle size and weight, the amount of time needed to remove and store the vehicle, any special equipment needed, and personnel costs. If the owner or other person lawfully entitled to possession of the vehicle wishes to challenge the reasonableness of the fee charged, the owner or other person may pay over to the custodian of the vehicle an amount equal to the towing and storage charges to secure the release of the vehicle, and, within **15** days of the release of the vehicle, request in writing a review by the commissioner of safety. The commissioner of safety or designee shall review the claim to determine if there are sufficient grounds to conduct a hearing to determine whether the charge was reasonable. If the commissioner or designee determines that a hearing is necessary, the hearing shall be scheduled by the bureau of hearings within **20** days after review by the commissioner, at which time the extent of removal and storage fees shall be determined. The commissioner or designee shall approve or disapprove of the decision of the bureau of hearings within **7** days after the hearing was held. Notwithstanding RSA 262:25, any person aggrieved by a decision of the commissioner or designee under this section may appeal the decision to the superior court in the same manner as that prescribed in RSA 263:75, II and III. If no request for review is filed within the **15**-day period, the owner or other person lawfully entitled to possession of the vehicle shall be deemed to have waived all rights to review under this section and shall be liable for the total amount billed.

II. Nothing in this section shall prevent a review of the reasonableness of the towing or other action as may be permitted by laws of this state by a court of competent jurisdiction.

III. Any time that a person is storing a vehicle pursuant to the provisions of this subdivision, the person may remove any items from within the vehicle that are not a part of or accessories to the vehicle. The person may hold any such items, other than wallets, purses, life essential clothing, mail, legal documents, car seats, eyeglasses, medicine, medical equipment, or house keys pending payment of any fees due under this subdivision. If fees remain unpaid after **20** days, the person may dispose of the items.

## 262:36-a Disposal by Storage Company –

I. If the owner of a motor vehicle removed or stored pursuant to RSA 262:33 or RSA 262:40-a does not claim the vehicle within **20** days, and the vehicle is more than **5** model years old at the time of removal, the storage company may dispose of such vehicle after giving notice pursuant to RSA 262:38, provided that no notice by publication shall be required.

II. If the vehicle is **5** model years old or less at the time of removal and the vehicle has not been claimed within **30** days, the storage company may dispose of such vehicle after giving notice pursuant to RSA 262:38.

III. If the value of the vehicle is less than **\$1,000** or the vehicle is so vandalized, damaged, or in disrepair as to be unusable as a motor vehicle and only fit for salvage as determined in good faith through the application of reasonable automotive industry standards, the storage facility may dispose of the vehicle in **15** days without the notice required by RSA 262:38 and RSA 444. If the last place of abode of the owner of such vehicle is known to or may be ascertained by such storage facility by the exercise of reasonable diligence, the storage facility shall give notice of the time and place of the sale to the owner by registered or certified mail, or in person, at least **10** days prior to the disposal and upon written notice to the director subject to such rules as the department shall adopt pursuant to RSA 541-A.

IV. If the towing or storage facility has knowledge or has been notified that the owner of the vehicle is hospitalized or incarcerated as a result of an accident, the time allowed for claiming the vehicle under paragraph I shall be extended for an additional **14** days or until the person has been released from the medical facility or place of incarceration, whichever occurs first.

**262:37 Sale Authorized.** – If the vehicle shall have been stored pursuant to this subdivision and all the requirements of RSA 262:36-a have been met, the custodian of the vehicle may sell the same, at the custodian's place of business at public auction, for cash.

**262:37-a Access to Records.** – The custodian of the vehicle may obtain the name and last known mailing address of the last registered owner of a vehicle stored pursuant to this subdivision, and a law enforcement officer with jurisdiction, upon request of the operator of a tow truck, shall give to the tow truck operator, upon receipt of such information, the name and mailing address of the registered owner of the vehicle if the owner or custodian of the vehicle was not present or able to give that information at the scene. If the law enforcement officer is aware that the owner or custodian of the vehicle was removed to a medical or correctional facility, the law enforcement officer shall notify the tow truck operator of that fact.