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THE STATE OF NEW HAMPSHIRE  
DEPARTMENT OF TRANSPORTATION



Victoria F. Sheehan  
Commissioner

William Cass, P.E.  
Assistant Commissioner

His Excellency, Governor Christopher T. Sununu  
and the Honorable Council  
State House  
Concord, New Hampshire 03301

Bureau of Finance & Contracts  
July 21, 2017

**REQUESTED ACTIONS**

- 1.) In accordance with Governor and Council approval of July 19, 1995, Item #171, the Department of Transportation, Bureau of Finance and Contracts, reports there were no Small Claims that were paid in the previous fourth quarter of FY 2017 for individual amounts less than \$600.00 submitted under the provisions of RSA 228:29.
- 2.) The Department requests approval to revise the process that was approved by Governor and Council on July 19, 1995 as Item #171. It is requested to revise the process of approval to pay claims and reporting of paid claims from quarterly to annually.
- 3.) The Department further requests approval of Governor and Council to **retroactively** pay small claims for the next fiscal year, July 1, 2017 through June 30, 2018. 100% Highway Funds.

Funding is available as follows:	<u>Appropriation FY 2018</u>	<u>Paid to date</u>	<u>Balance Remaining</u>
04-96-96-960215-3001 Division of Finance 068-500563 Remuneration	\$5,000.00	\$0	\$5,000.00

**EXPLANATION**

RSA 228:29 authorizes the Commissioner to use funds accruing to the Department of Transportation for the payment of small claims occasioned by accidents due to the activities of the Department of Transportation. Any person claiming damage due to the activities of the Department of Transportation may seek payment of the small claim if the amount is less than \$600.00. Beginning July 1, 2017, the small claim limit was raised to \$1,000.00 pursuant to Chapter 33:1 Laws of 2017. If, upon investigation, the small claim is valid, the Commissioner shall submit the recommendation for payment to the Governor and Council for approval.

To improve efficiency in processing these small claims, and to be more responsive to those claimants awaiting payment for a small claim, the Department of Transportation initiated a blanket approval process at the beginning of Fiscal Year 1996. The revised process was approved by Governor and

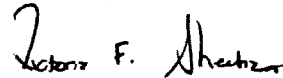
Council on July 19, 1995 as Item #171. The process requires the Department of Transportation to seek approval from the Governor and Council prior to each Fiscal Year quarter and submit the claims paid in the previous quarter. The Department requests a change to seek approval and submit reporting on an annual basis beginning July 1, 2017. We believe this will increase efficiency while still providing the necessary reporting and transparency.

A review of claims approved for payment during the fourth quarter of Fiscal Year 2017, to date, indicates that zero claims were paid.

A summary of the action taken on all claims for Fiscal Year 2017 is on file at the Department of Transportation.

Your approval of this resolution is respectfully requested.

Sincerely,

A handwritten signature in black ink that reads "Victoria F. Sheehan". The signature is written in a cursive style with a large initial "V".

Victoria F. Sheehan  
Commissioner



THE STATE OF NEW HAMPSHIRE  
DEPARTMENT OF TRANSPORTATION

JUL 19 1995

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CHARLES P. O'LEARY, JR.  
COMMISSIONER

2-1

Bureau of Administration/Contracts  
June 28, 1995

His Excellency, Stephen Merrill, Governor  
and The Honorable Council  
State House  
Concord, New Hampshire 03301

Re: **Blanket Approval to Pay Small Claims**

**REQUESTED RESOLUTION**

Resolved that the Commissioner of the Department of Transportation, or his designee be authorized to pay Small Claims submitted under the provisions of RSA 228:29 for the period of August and September 1995.

**EXPLANATION**

Small claims submitted to the Department in an amount of less than \$600.00 may be investigated by the Commissioner for payment thereof. At the conclusion of the investigation, if the Commissioner is of the opinion that the damage was caused because of activities of the Department, he submits his recommendation to the Governor and Council for approval.

Past practice has had individual claims submitted for approval on a one to one basis for amounts as low as \$50.00. Beginning in October, 1995 blanket approvals will be requested on a quarterly basis. At the conclusion of each blanket period an activities report will be supplied. The grouping of claims submitted on a quarterly basis would expedite the payment of claims, and reduce the amount of Department requests for approval to the Governor and Executive Council.

Your approval of this resolution is respectfully requested.

Sincerely,

*Charles P. O'Leary, Jr.*  
for Charles P. O'Leary, Jr.  
Commissioner

# **TITLE XX**

## **TRANSPORTATION**

### **CHAPTER 228**

#### **ADMINISTRATION OF TRANSPORTATION LAWS**

##### **Commissioner, Deputy and Assistant Commissioners**

###### **Section 228:29**

**228:29 Small Claims.** – With the approval of the governor and council, the commissioner may use the funds accruing to his department for the payment of small claims occasioned by accidents due to the activities of his department. No such claim shall be paid to any one person in an amount of over \$600. Any person claiming damage due to the activities of the department of transportation in an amount of less than \$600 may make application to the commissioner for payment thereof. Said application shall be filed within 60 days of the date of the accident. If the commissioner upon investigation is of the opinion that the damage was caused because of activities of the department, he shall submit his recommendation to the governor and council for approval.

**Source.** RSA 229:8-a. 1957, 266:1. 1977, 227:2. 1981, 87:1. 1983, 110:1. 1985, 402:6, I(a)(1).

CHAPTER 33  
SB 25 - FINAL VERSION

02/23/2017 0474s

2017 SESSION

17-0809  
06/09

SENATE BILL **25**

AN ACT relative to small claims resulting from accidents due to activities of the department of transportation.

SPONSORS: Sen. D'Allesandro, Dist 20

COMMITTEE: Transportation

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AMENDED ANALYSIS

This bill raises the amount the commissioner of transportation may pay to one person for small claims resulting from accidents due to activities of the department of transportation.

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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.  
02/23/2017 0474s 17-0809  
06/09

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Seventeen*

AN ACT relative to small claims resulting from accidents due to activities of the department of transportation.

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

33:1 Commissioner of Transportation; Small Claims. Amend RSA 228:29 to read as follows:  
228:29 Small Claims. With the approval of the governor and council, the commissioner may use the funds accruing to his ***or her*** department for the payment of small claims occasioned by accidents due to the activities of his ***or her*** department. No such claim shall be paid to any one person in an amount of over [~~\$600~~] ***\$1,000***. Any person claiming damage due to the activities of the department of transportation in an amount of less than [~~\$600~~] ***\$1,000*** may make application to the commissioner for payment thereof. Said application shall be filed within 60 days of the date of the accident. If the commissioner upon investigation is of the opinion that the damage was caused because of activities of the department, he ***or she*** shall submit his ***or her*** recommendation to the governor and council for approval.  
33:2 Commissioner of Transportation; Small Claims; 2018. RSA 228:29 is repealed and reenacted to read as follows:

228:29 Small Claims. With the approval of the governor and council, the commissioner may use the funds accruing to his or her department for the payment of small claims occasioned by accidents due to the activities of his or her department. No such claim shall be paid to any one person in an amount of over \$1,500. Any person claiming damage due to the activities of the department of transportation in an amount of less than \$1,500 may make application to the commissioner for payment thereof. Said application shall be filed within 60 days of the date of the accident. If the commissioner upon investigation is of the opinion that the damage was caused because of activities of the department, he or she shall submit his or her recommendation to the governor and council for approval.

33:3 Commissioner of Transportation; Small Claims; 2019. RSA 228:29 is repealed and reenacted to read as follows:

228:29 Small Claims. With the approval of the governor and council, the commissioner may use the funds accruing to his or her department for the payment of small claims occasioned by accidents due to the activities of his or her department. No such claim shall be paid to any one person in an amount of over \$2,000. Any person claiming damage due to the activities of the department of transportation in an amount of less than \$2,000 may make application to the commissioner for payment thereof. Said application shall be filed within 60 days of the date of the accident. If the commissioner upon investigation is of the opinion that the damage was caused because of activities of the department, he or she shall submit his or her recommendation to the governor and council for approval.

33:4 Effective Date.

- I. Section 2 of this act shall take effect July 1 2018.
- II. Section 3 of this act shall take effect July 1, 2019.
- III. The remainder of this act shall take effect July 1, 2017.

Approved: May 09, 2017

Effective Date:

- I. Section 2 effective July 1, 2018
- II. Section 3 effective July 1, 2019
- III. Remainder effective July 1, 2017