

75:16 Reclassification by Board of Taxation. The board of taxation may order a reclassification or a denial of a classification of any residence classified under the provisions of this subdivision:

I. When a specific written complaint is filed with it by a land owner, within 90 days of being listed as provided by RSA 75:11, III, that a particular residence not owned by him has been fraudulently, improperly or illegally so classified, the complainant shall pay a fee of \$10 to the board of taxation for each specific particular residence complained of. The board of taxation shall send notice by certified mail to the owner against whose property the complaint is made; or

II. When it comes to the attention of the board of taxation from any source, except as provided in paragraph I, that a particular residence has been fraudulently, improperly or illegally so classified.

75:17 Procedure for Complying with Orders of Board of Taxation. When ordered to make a classification, reclassification or denial of classification pursuant to action of the board of taxation under RSA 76 the assessing officials shall make it within such time as the board of taxation orders. If the classification, reclassification or denial of classification is not made in conformity with the order, is not made to the satisfaction of the board of taxation, or is not made within such time as the board of taxation has directed, then any order the board of taxation makes shall, at the expiration of such time, have full force and effect as if it were made by the assessing officials.

75:18 Neglect of Duty. Neglect or failure on the part of any assessing official to comply with an order of the board of taxation issued pursuant to RSA 75:14 or an order of the superior court made pursuant to RSA 75:15 shall be deemed wilful neglect of duty, and they shall be subject to the penalties provided by law in such cases.

75:19 False Statement. Any person who shall make, or cause to be made any false or fraudulent application, return or statement with intent to defraud the towns or cities of any real property taxes which would be levied but for the provisions of this subdivision shall be guilty of a violation.

538:3 Effective Date. This act shall take effect 60 days after its passage.

[Approved July 15, 1977.]

[Effective date September 13, 1977.]

CHAPTER 539.

AN ACT TO ASSURE THE APPEARANCE OF NOMINEES ON THE BALLOT.

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

539:1 Town Clerk's Failure to Notify; Candidate Still Entitled to Be on Ballot. Amend RSA 56:52 as amended by striking out said section and inserting in place thereof the following:

56:52 —Notice to Other Candidates. Upon receipt of the copy of the publication provided for in RSA 56:50 each town or city clerk shall forthwith notify in writing any person in the respective town or city who received a nomination for any town or ward office, or the office of state representative where the district is composed of only one town or ward, for which he did not file a declaration of candidacy or primary petition with said clerk. A copy of said notification shall be forwarded at the same time to the secretary of state. A person so notified shall advise the secretary of state, in writing, if he wishes to accept such nomination. If such acceptance of nomination is not received by the secretary of state within 6 days from the date of the publication of the notice as provided in RSA 56:50, the person shall be deemed to have refused such nomination and his name shall not appear on the official ballot as a candidate for said office; provided, however, the secretary of state shall not strike a candidate's name if he has not received evidence that notice was sent to the candidate pursuant to the provisions of this section. In the event the secretary of state has received neither the acceptance of the candidate nor the evidence of notice within the 6-day period, the secretary of state shall contact the candidate to gain his acceptance or refusal of candidacy. If for any reason the person cannot be contacted by the deadline for printing of ballots, the candidate's name shall be printed on the ballot.

539:2 Effective Date. This act shall take effect 60 days after its passage.

[Approved July 15, 1977.]

[Effective date September 13, 1977.]

CHAPTER 540.

AN ACT REVISING THE ACCESS TO PUBLIC RECORDS LAW (RSA 91-A).

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

540:1 Preamble Enacted. Amend RSA 91-A:1 (supp) as inserted by 1967, 251:1 as amended by striking out said section and inserting in place thereof the following:

91-A:1 Preamble. Openness in the conduct of public business is essential to a democratic society. The purpose of this chapter is to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people.

540:2 Definitions. Amend RSA 91-A by inserting after section 1 the following new section:

91-A:1-a Definition of Public Proceedings. The term "public proceedings" as used in this chapter means the transaction of any functions affecting any or all citizens of the state by any of the following:

- I. The general court including executive sessions of committees;
- II. The governor's council;
- III. Any board or commission of any state agency or authority;

IV. Any board, commission, agency or authority, of any county, town, municipal corporation, school district, or other political subdivision, or any committee, subcommittee or subordinate body thereof, or advisory committee thereto.

540:3 "Meeting" Defined. Amend RSA 91-A:2 (supp) as inserted by 1967, 251:1 as amended by striking out said section and inserting in place thereof the following:

91-A:2 Meetings Open to Public.

I. For the purpose of this section, a "meeting" shall mean the convening of a quorum of the membership of a public body, as provided in section 91-A:1-a, to discuss or act upon a matter or matters over which the public body has supervision, control, jurisdiction or advisory power.

II. All public proceedings shall be open to the public, and all persons shall be permitted to attend any meetings of those bodies or agencies. Except for town meetings, school district meetings and elections, no vote while in open session may be taken by secret ballot. Any person shall be permitted to use recording devices, including but not limited to, tape recorders, cameras and videotape equipment, at such meetings. Minutes of all such meetings, including names of members, persons appearing before the bodies or agencies, and a brief description of the subject matter discussed and final decisions shall be promptly recorded and open to public inspection within 72 hours of the public meeting, except as provided in 91-A:6 of this chapter, and shall be treated as permanent records of any body or agency, or any subordinate body thereof, without exception. Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including an executive session, shall be posted in 2 appropriate places or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings. An emergency shall mean a situation where immediate undelayed action is deemed to be imperative by the chairman or presiding officer of the body or agency who shall employ whatever means are available to inform the public that a meeting is to be held. The minutes of the meeting shall clearly spell out the need for the emergency meeting. When a meeting of a legislative committee is held, publication made pursuant to the rules of the house of representatives shall be sufficient notice. If the charter of any city or guidelines or rules of order of any body or agency described in RSA 91-A:1-a requires a broader public access to official meetings and records than herein described, such charter provisions or guidelines or rules of order shall take precedence over the requirements of this chapter.

540:4 Executive Sessions. Amend RSA 91-A:3 (supp) as inserted by 1967, 251:1 as amended by striking out said section and inserting in place thereof the following:

91-A:3 Executive Sessions.

I. Bodies or agencies may meet in executive session for deliberations only after a majority vote of members present, which shall be recorded in the minutes of the meeting. All sessions at which information, evidence or testimony in any form is received, except as provided in paragraph II, shall be open to the public. No ordinances, orders, rules, resolutions, regulations, contracts, appointments or other official actions shall be finally approved in executive session except as provided in paragraph II. The record of all

actions shall be available for public inspection promptly, except as provided in paragraph II.

II. Exceptions. A body or agency may exclude the public, citing for the record the appropriate subparagraph hereof, when it is considering or acting upon the following matters:

(a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected requests an open meeting.

(b) The hiring of any person as a public employee.

(c) Matters which, if discussed in public, likely would affect adversely the reputation of any person, other than a member of the body or agency itself, unless such person requests an open meeting.

(d) Consideration of the acquisition, sale or lease of property which, if discussed in public, likely would benefit a party or parties whose interests are adverse to those of the general community.

(e) Matters discussed by a legislative committee sitting in executive session, which should not be made public as determined by a $\frac{3}{5}$ roll-call and recorded vote of the members present and voting at such meeting.

III. Minutes of Executive Sessions. Minutes of proceedings in executive session shall be kept, at least to the extent of recording any decisions made therein. Decisions reached in executive session must be publicly disclosed within 72 hours of the meeting, unless, in the opinion of $\frac{2}{3}$ of the members present, divulgence of the information likely would affect adversely the reputation of any person other than a member of the body or agency itself or render the proposed action ineffective. In event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply.

540:5 Violation. Amend RSA 91-A:7 (supp) as inserted by 1967, 251:1 by striking out said section and inserting in place thereof the following:

91-A:7 Violation. Any person aggrieved by a violation of this chapter may petition the superior court for injunctive relief. The courts shall give proceedings under this chapter priority on the court calendar. Such a petitioner may appear with or without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of this chapter, and may be filed by the petitioner or his counsel with the clerk of court or any justice thereof. Thereupon the clerk of court or any justice shall order service by copy of the petition on the person or persons charged. When any justice shall find that time probably is of the essence, he may order notice by any reasonable means, and he shall have authority to issue an order ex parte when he shall reasonably deem such an order necessary to insure compliance with the provisions of this chapter.

540:6 Remedies. Amend RSA 91-A:8 (supp) as inserted by 1973, 113:1 by striking out said section and inserting in place thereof the following:

91-A:8 Remedies. If any body or agency or employee or member thereof, in violation of the provisions of this chapter, refuses to provide a public document or refuses access to a public proceeding to a person who reasonably requests the same, such body, agency or person may be liable for reasonable attorney's fees and costs incurred in making the information available or the proceeding open to the public, at the discretion of the court.

In addition to any other relief awarded pursuant to this chapter, the court may issue an order to enjoin future violations of this chapter.

540:7 Effective Date. This act shall take effect 60 days after its passage.

[Approved July 15, 1977.]

[Effective date September 13, 1977.]

CHAPTER 541.

AN ACT RELATIVE TO THE INSPECTION OF USED MOTOR VEHICLES
OFFERED FOR SALE BY RETAIL DEALERS.

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

541:1 New Chapter. Amend RSA by inserting after chapter 358-E the following new chapter:

CHAPTER 358-F

SALE OF UNSAFE USED MOTOR VEHICLES; INSPECTION

358-F:1 Definitions. As used in this chapter:

I. "Customer" means any person who is seeking to purchase, is purchasing, or has purchased a used motor vehicle at retail.

II. "Dealer" means any person who is engaged in the business of selling at retail used motor vehicles.

III. "Person" means any person defined by RSA 358-A: 1, I.

IV. "Used motor vehicle" means any motor vehicle as defined by RSA 259: 1, XVII which has been previously leased, rented or sold at retail.

358-F:2 Inspection. Before selling to any customer any used motor vehicle which is unsafe for operation upon the highways pursuant to RSA 260: 52-a, the dealer shall, upon the request of the customer, conduct or have conducted a safety inspection of such vehicle. If the vehicle is found to be unsafe for operation, the dealer may sell the vehicle to the customer without correcting the defects, but only if the dealer presents to the customer at the time of sale a notice which states:

This motor vehicle will not pass a New Hampshire inspection and is unsafe for operation. The following defects must be corrected before an inspection sticker will be issued.

The dealer shall list all inspection defects under this statement and specify the date on which the inspection was conducted and the person who performed the inspection. The dealer may make a reasonable charge for conducting the inspection.

358-F:3 Notice of Rights. Each dealer shall notify each customer of his rights under this chapter before selling an unsafe used motor vehicle to the customer and shall obtain a written acknowledgment from the customer that he has been so notified.

358-F:4 Remedy. A failure of any dealer to comply with the provisions of this section, or a concealment by any dealer of any defect which was discovered, or should have been discovered, during the inspection required by RSA 358-F: 2 is an unfair or deceptive act or practice within the meaning of RSA 358-A: 2. Any right or remedy set forth in RSA 358-A may be used to enforce the provisions of this chapter.

541:2 Effective Date. This act shall take effect 60 days after its passage.

[Approved July 15, 1977.]

[Effective date September 13, 1977.]

CHAPTER 542.

AN ACT TO PROVIDE FOR THE USE OF INTERPRETERS FOR THE DEAF
FOR ALL ADMINISTRATIVE AND JUDICIAL PROCEEDINGS IN
WHICH DEAF PERSONS ARE INVOLVED AND RELATIVE
TO HEARING DOGS.

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

542:1 New Chapter. Amend RSA by inserting after chapter 521 the following new chapter:

CHAPTER 521-A

INTERPRETERS FOR THE DEAF

521-A:1 Definitions. As used in this chapter the following terms shall have the following meanings:

I. "Appointing authority" means the presiding justice of any court, the chairman of any board, commission or authority, and the director or commissioner of any department or agency, or any other person presiding at any hearing or other proceeding wherein a qualified interpreter is required pursuant to this chapter.

II. "Deaf person" means any person whose hearing is totally impaired or whose hearing is so seriously impaired as to prohibit the person from understanding voice communications or the English language including, but not limited to, a person who is deaf, mute, deaf-mute or deaf-blind.

III. "Principal party in interest" means a person in any proceeding in which he is a named party or a person with respect to whom the decision or action which may be taken in any proceeding directly affects.

IV. "Qualified interpreter" means an interpreter certified by the national registry of interpreters for the deaf, or the New Hampshire registry of interpreters for the deaf, or, in the event an interpreter so certified is unavailable, any other interpreter whose actual qualifications have otherwise been appropriately determined.

521-A:2 Interpreter Required. At all stages of any proceeding before any court, department, board, commission, agency or licensing authority of the state; any political subdivision of the state; or any department, board,