

1 *Amend RSA 489-C:1 by inserting new paragraph IV-a, to read as follows:*

2 IV-a. “Municipal winter maintenance program” means a program implemented by a governmental  
3 unit as defined in RSA 507-B:1<sup>[1]</sup> to maintain public roads, parking areas, and walkways in the  
4 winter months to be safe for public passage.

5 *Amend RSA 489-C:2 to read as follows:*

6 489-C:2 ***Commercial Applicator Certification Option.*** –

7 ***I.*** Commercial applicators may elect to be [~~annually~~] certified by the department. Applicator  
8 certificates shall be issued by the department ***and may be renewed annually.***

9 ***II.*** Any business that employs multiple commercial applicators may obtain a master certificate for  
10 the owner or chief supervisor, and commercial applicators employed by the business may obtain  
11 ***either an individual*** certificate[s] ***or a subordinate certificate*** to qualify under the master  
12 certificate. Any business holding a master certificate shall ensure that all commercial applicators  
13 operating ***with a subordinate certificate*** under its master certificate receive the required training and  
14 shall provide the required recordkeeping on behalf of all commercial applicators ***working under the***  
15 ***master certificate.***

16 ***III.*** ***The department shall charge an annual fee for master, individual, and subordinate***  
17 ***certificates.*** Annual fees for ***a subordinate*** certificate[s] obtained under a master certificate shall be  
18 significantly less than the fees for a master certificate. ***Annual fees for individual certificates shall***  
19 ***be higher than the fee for a subordinate certificate but less than the fee for a master certificate.***

20 *Amend RSA 489-C by inserting section 2-a after section 2, to read as follows:*

21 489-C:2-a ***Municipal Winter Maintenance Program Certification Option.*** –

22 ***I.*** ***Any governmental unit that has a municipal winter maintenance program may elect to have***  
23 ***the program certified by the department. Municipal winter maintenance program certificates***  
24 ***shall be issued by the department and may be renewed annually.***

25 ***II.*** ***Any governmental unit holding a municipal winter maintenance program certificate shall***  
26 ***ensure that each applicator operating under its certificate receives the required training and shall***  
27 ***provide record keeping on behalf of all applicators working under the municipal winter***  
28 ***maintenance certificate. A governmental unit may meet the training requirement by requiring its***  
29 ***employees to obtain commercial applicator individual certificates.***

---

<sup>1</sup> ***RSA 507-B:1 Definitions.*** – In this chapter:

I. “Governmental unit” means any political subdivision within the state including any county, city, town, precinct, school district, chartered public school, school administrative unit, or departments or agencies thereof, or any other body corporate and politic within the state, but does not include the state or any department or agency thereof.

1 ***III. The department may create more than one class of certificate to recognize different***  
2 ***complexity levels of municipal winter maintenance programs. If such classes are created, the***  
3 ***department shall, through rules adopted pursuant to RSA 541-A, identify the criteria, required***  
4 ***record keeping, and other requirements as may apply to each level.***

5 ***IV. The department shall charge an annual fee for a winter maintenance program certificate.***  
6 ***Amend RSA 489-C:3 by inserting new paragraph IV-a, to read as follows:***

7 IV-a. Procedures for governmental units to obtain certification for their municipal winter  
8 maintenance programs.

9 ***Amend RSA 489-C:3, V to read as follows:***

10 V. Recordkeeping [~~required for commercial applicators to maintain certification~~] ***and reporting***  
11 ***requirements for certificate holders.***

12 ***Amend RSA 507-B:2-b to read as follows:***

13 507-B:2-b Snow, Ice, and Other Weather Hazards. – Notwithstanding RSA 507-B:2, a  
14 governmental unit shall not be liable for damage arising from insufficiencies or hazards on any  
15 premises owned, occupied, maintained, or operated by it, even if it has actual notice of them, when  
16 such hazards are caused solely by snow, ice, or other inclement weather, and the governmental  
17 unit's failure or delay in removing or mitigating such hazards is the result of its implementation,  
18 absent gross negligence or reckless disregard of the hazard, of a winter or inclement weather  
19 maintenance policy or set of priorities with respect to such premises, adopted in good faith by the  
20 official responsible for such policy. All governmental units, officials, and agents shall be presumed  
21 to be acting pursuant to such a policy or set of priorities in the absence of proof to the contrary.

22 ***Municipal winter maintenance programs certified under RSA 489-C:2, II shall be presumed to***  
23 ***meet the standards herein for all public roads, parking areas, and walkways in the absence of***  
24 ***proof to the contrary.***

25