



A-salt and battery:



Limited liability relief in NH

Ted Diers

NH Department of Environmental Services

WARNING: Those easily offended by inane puns, dad jokes, and images bordering on the irreverent should look away now.

Why is the ocean so salty?



Because the land doesn't wave back.



Why not less salt?





Does anybody know any jokes about sodium?



Na!

The issue is over-application!

Liability

- Certification
- Liability protection
- Like ski-areas



Did you know that in New Hampshire it is illegal to mix sodium chloride and magnesium chloride?

They call it aggregated a salt...

508:22 Liability Limited for Winter Maintenance. –

I. No commercial applicator as defined in RSA 489-C:1, II and certified under RSA 489-C:2, or owner, occupant, or lessee of land whose premises is maintained by a commercial applicator certified under RSA 489-C:2, shall be liable for damages arising from insufficiencies or hazards on any premises owned, occupied, maintained, or operated by them, even with actual notice thereof, when such hazards are caused solely by snow or ice, and the commercial applicator's, owner's, occupant's, or lessee's failure or delay in removing or mitigating such hazards is the result of its implementation, absent gross negligence or reckless disregard of the hazard, of best management practices for winter road, parking lot, and sidewalk maintenance adopted and published by the department of transportation and the department of environmental services. All commercial applicators, owners, occupants, or lessees who adopt such best management practices shall be presumed to be acting pursuant to the best management practices in the absence of proof to the contrary.

II. In order to receive the liability protection provided in paragraph I, a commercial applicator as defined in RSA 489-C:1, II, or an owner, occupant, or lessee of land shall keep a written record describing its winter road, parking lot and property maintenance practices. The written record shall include the type and rate of application of de-icing materials used, the dates of treatment, and the weather conditions for each event requiring de-icing. Such records shall be kept for a period of 3 years.

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Elements of certification

- Training -
 - 4 hours initial (every 5 years) – exam
 - 2 hours refresher (every 2 years)
 - Train-your-own option
- Application
- Fee
- Recertification
- List subordinates
- Track salt usage – material, town
- Keep your own records for each site
- Certified over 1200 people since 2015

Why do some fish swim in salt water?



Because pepper water makes them sneeze.

CYA



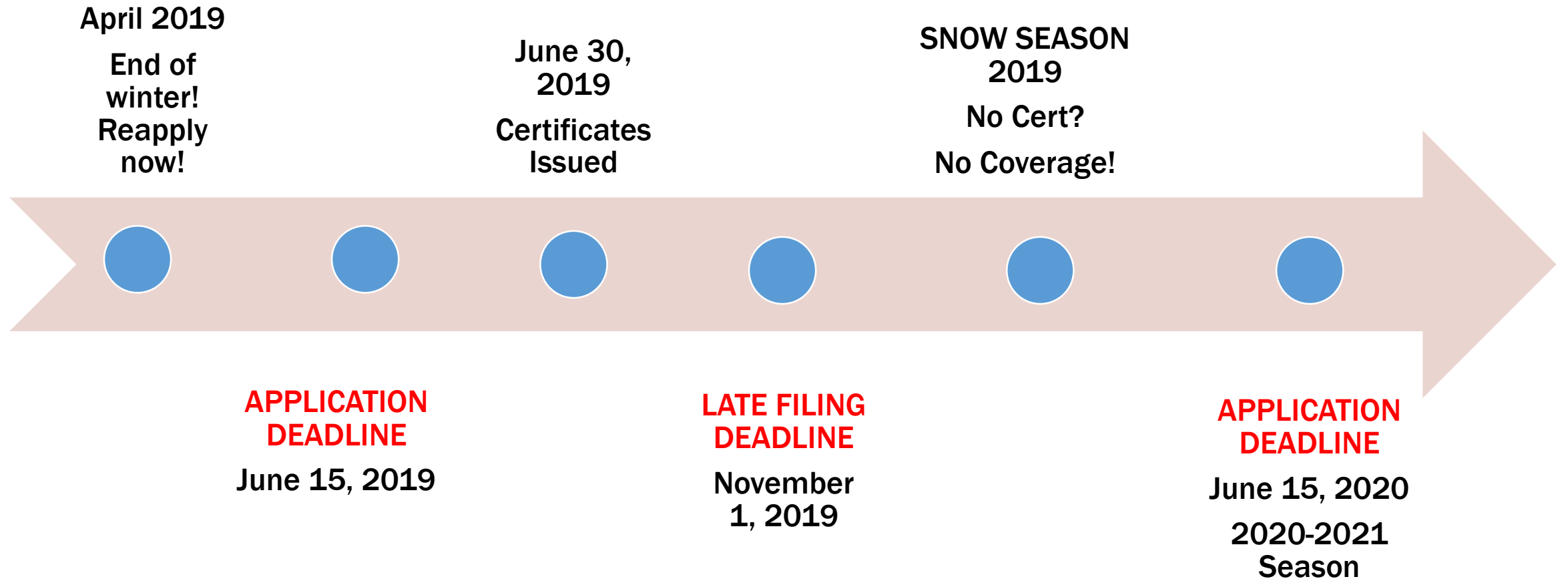
- Training in time for snow
- Accounting database
- Subordinates list
- Document self-training
- **Documentation**
- **Documentation**
- **Documentation**

Did you hear about the guy addicted to eating salt?

Don't worry, he was cured.

Timeline

I told my wife that it was her turn to shovel and salt the front steps.



All I got were icy stares.

Lots of lawsuits

- 20+ lawsuits
- None have gone all the way
- Insurance companies know program
- Trial attorneys know program
- Property owners know program

- Careful what you wish for!



What happened to the duck that got too close to a salt spreader?

Questions and comments:

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He became a saltine quacker

