Bill as Introduced

HB 1131-FN – AS INTRODUCED

2000 SESSION

00-2236
05/09

HOUSE BILL ***1131-FN***

AN ACT relative to license revocations and suspensions.

SPONSORS: Rep. R. Nowe, Rock 3; Rep. Christie, Rock 22; Rep. Welch, Rock 18; Rep. Harmon, Graf 8; Rep. Packard, Rock 29

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill provides that persons under the age of 21 who commit an offense under RSA 265:82, (excluding offenses where the alcohol concentration level is below .08), RSA 265:82-a or RSA 630:3, II shall not be eligible to have their driving privileges reinstated until they are at least 21 years of age.

- -

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 1131-FN – AS INTRODUCED

00-2236
05/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT relative to license revocations and suspensions.

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

1 New Section; Revocation or Suspension of License for Alcohol or Drug Related Driving Offenses; Reissuance Withheld until Person Reaches Age 21 or Older. Amend RSA 263 by inserting after section 14-a the following new section:

263:14-b Reissuance of Privileges Following Revocation or Suspension of License for Alcohol or Drug Related Driving Offenses.

I. Notwithstanding any other provision of the law and except as provided in paragraph II, no person under 21 years of age shall be eligible for reissuance of a driver's license or privilege to drive for an offense under RSA 265:82, RSA 265:82-a or RSA 630:3, II until such person is 21 years of age or older.

II. This section shall not apply to offenses committed under RSA 265:82, I(b) where persons under age 21 are convicted of driving while intoxicated with an alcohol concentration of less than .08.

2 Effective Date. This act shall take effect January 1, 2001.

LBAO
00-2236
10/29/99

HB 1131-FN - FISCAL NOTE

AN ACT relative to license revocations and suspensions.

FISCAL IMPACT:

The Department of Safety stated this bill will have an indeterminable impact on state highway fund revenues in FY 2001 and each year thereafter. There will be no fiscal impact on county and local revenue or state, county and local expenditures.

METHODOLOGY:

The Department indicates this bill delays reinstatement fees for persons under 21 who are convicted of alcohol or drug related driving offenses until they are at least 21. This would cause revenue from the payment of reinstatement fees to be delayed. The amount of delayed revenue cannot be determined.

Amendments

Criminal Justice and Public Safety
February 16, 2000
2000-3483h
08/09

Amendment to HB 1131-FN

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Penalty for Offenders Under Age 21. Amend RSA 265:82-b by inserting after paragraph I-a the following new paragraph:

I-b. Any person under the age of 21 who is convicted of an offense under RSA 265:82, RSA 265:82-a, or RSA 630:3, II shall be sentenced according to the provisions of this section, except that in all cases the person's driver's license or privilege to drive shall be revoked for not less than one year.

2 Effective Date. This act shall take effect January 1, 2001.

2000-3483h

AMENDED ANALYSIS

This bill provides that persons under the age of 21 who are convicted of an offense under RSA 265:82, RSA 265:82-a, or RSA 630:3, II shall not be eligible to have their driving privileges reinstated for a period of at least one year.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1131 Date 1-11-2000

Committee CT+PS

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con

Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1131-FN

BILL TITLE: relative to license revocations and suspensions

DATE: January 11, 2000

LOB ROOM: 204 **Time Public Hearing Called to Order:** 1:35 PM

Time Adjourned: 2:04 PM

(please circle if present)

Committee Members: Reps. Welch, Christie, Hansen, Dunham, Sargent, Pepino, Flora, Mikowlski, Fesh, Weare, Andrews, J. Johnson, Tholl, Knowles, Doucette, Berube, Sohanda, O'Keefe, McCarthy, Robertson, Callaghan and Rodd..

Bill Sponsors: Rep. R. Nowe, Rock 3; Rep. Christie, Rock 22; Rep. Welch, Rock 18; Rep. Harmon, Graf 8; Rep. Packard, Rock 29

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

See Attachment

New Hampshire House of Representatives
Criminal Justice and Public Safety Committee
Committee Minutes

Bill Number - HB 1131 **Date of meeting** - January 11, 2000 **Presiding** - Rep. Andrew Christie, Jr. Vice-Chairman

Testifying:

1. Rep. R. Nowe, Rockingham Dist. #3, Epping, sponsor, in support. Bill submitted for the Dept. of Safety, Virginia Beecher. She can't be here today. Hopes committee will allow a continuance, so she can address the committee. Some think this bill is tough. Should be. It's illegal for anyone under 21 to have alcohol, anyway. Anheuser Busch stats: 41% underage had tried alcohol.

*2. John Stephen, Asst. Commissioner, Dept. of Safety, in support. This would be the toughest underage drinking bill in the country. Beecher is committed to it. Out of a total of 6,000 DWI's 1800 are underage drivers. A serious problem. This bill wouldn't allow the license to be reinstated until age 21.

Rep. Andrews expressed concern about someone under 21 who had to support a family, and drive to work.

Rep. Weare: What about the impact of person who no longer has license, but drives without one? Will we be creating a bigger problem down the road in that area? Response: Driving without a license is a violation, not another crime, as their license isn't revoked; it's just not reinstated.

Rep. Berube: We should amend the bill to consider hardship conditions.

DWI stats for last year: 17 year olds – 274; 18 yr. Olds – 481; 19 yr. Olds – 605; 20 yr. Olds – 572

(See statistics presented by Comm. Stephen.)

3. Rep. J. Gleason, Rockingham Dist. #13, Derry, in support. Sends right message. Will be a deterrent.

Pink Card in support: Rep. A. Christie, Jr., Rockingham Dist. # 22

Hearing was recessed to a later date.

Howard D. Lange – Clerk

New Hampshire House of Representatives
Criminal Justice and Public Safety Committee
Committee Minutes

Bill Number - HB 1131 -FN **Date of meeting** - January 26, 2000 **(continued hearing)**
Presiding - Rep. David A. Welch, Chairman

Testifying:

1. Rep. R. Nowe, Rockingham Dist. #3, Epping, sponsor, introduced bill and the Director of Safety.

*2. Virginia Beecher, Director, Motor Vehicles (271-2484), in support. ***(See written material.)*** Quoted statistics of DWI reports for people under age 21. In December, 18% of those apprehended were under 21. 6% - 18% is the average. Parents want to know if they could withdraw their consent to allow their child to drive. They can, if he/she is under 18, but not if from 18 – 21. Major concern is safety.

In answer to question from Rep. Welch: A minimum of a years suspension could be acceptable. They're not even supposed to be having alcohol.

Rep. Welch: Has a concern over inconsistency if someone loses license at age 16 (for 5 years) or at age 20 (for one year). Do you think we should have probationary licenses? Response: I believe there should be a junior or graduated license from 16 – 17.

Rep. Johnson: Should we be charging them with 2 offenses (DWI and drinking underage)? Response: Yes, but don't know if we are.

3. Jerry Gearan, N.H. Traffic Safety Commission, in support. The Commission unanimously supports it.

In answer to question from Rep. Welch: Would support the 1 year if Director Beecher does.

*4. Ellen Edgerly, Brain Injury Assn., in support. ***(See written testimony.)*** Talked about teenagers being brain injured in MV accidents. Kills and disables more young people than cancer, AIDS and heart disease, combined.

Maxwell D. Sargent

Rep. Maxwell D. Sargent - Clerk

Testimony

1999

	<16	16	17	18	19	20
DI10/DI11 DWI		97	274	481	605	572
DI15/DI16 DWI Drugs					4	4
DI20/DI21 DWI 2nd Offense				11	14	26
DI25/DI26 DWI Subsequent				4		24
DI30/DI32 DWI Aggravated		5	15	72	72	71
DI31 DWI Default		5	5	21	25	26

1998

DI10/DI11 DWI	4	89	410	631	729	669
DI20/DI21 DWI 2nd Offense			2	21	21	18
DI25/DI26 DWI Subsequent				3	12	20
DI30/DI32 DWI Aggravated		13	32	68	70	90
DI31 DWI Default		3		28	27	17

1997

DI10/DI11 DWI		100	278	543	690	691
DI20/DI21 DWI 2nd Offense		4	4	13	11	31
DI25/DI26 DWI Subsequent				11	17	25
DI30/DI32 DWI Aggravated		8	11	18	37	67
DI31 DWI Default		1	7	18	22	18

1996

DI10/DI11 DWI		100	222	569	678	595
DI15/DI16 DWI Drugs			5			
DI20/DI21 DWI 2nd Offense			4	6	12	32
DI25/DI26 DWI Subsequent			7	5	15	31
DI30/DI32 DWI Aggravated		4	17	41	20	40
DI31 DWI Default		4	9	15	26	7

	<16	16	17	18	19	20
1995						
DI10/DI11 DWI		110	205	428	601	588
DI15/DI16 DWI Drugs			4	11		7
DI20/DI21 DWI 2nd Offense			6	6	4	37
DI25/DI26 DWI Subsequent					7	19
DI30/DI32 DWI Aggravated				23	38	26
DI31 DWI Default				7	20	20

HB 1131

TESTIMONY OF

ELLEN EDGERLY, COMMUNITY ORGANIZER

BRAIN INJURY ASSOCIATION OF NEW HAMPSHIRE

Before the

CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE

January 26, 2000

Thank you Honorable Chairman Welch and Committee Members for allowing me the opportunity to present testimony. My name is Ellen Edgerly and I live in Rochester, New Hampshire. I work as the Community Organizer for the Brain Injury Association and I am here in support of this proposed legislation on the behalf of parents of and the teenagers who have been involved in alcohol or drug related vehicle accidents and have sustained serious brain injuries.

In the past, these teenagers would have likely had died from these accidents. As a result of the life saving advanced medical technology, acute care and rehabilitation following their accidents, they are now surviving. Consequently, families are assuming huge caregiving responsibilities in caring for their teenagers and are challenged with inadequate private and public funding for appropriate services and support.

In our state alone, over 2000 children, teens and young adults are hospitalized with brain injury each year. The majority of these individuals sustain their brain injury as a result of motor vehicle accidents. Brain injury kills and disables more young people than cancer, AIDS, and heart disease combined. Those that survive incur a life-long disability.

On a national level, last year on February 4, 1999, Alan Bergman, the National Brain Injury President, stated in his Senate Testimony, "Traumatic brain injury has become the number one killer and cause of disability of young people in the United States. Almost one-half of all traumatic brain injuries result from transportation-related incidents.

The Brain Injury Association of New Hampshire believes HB1131 is a responsible effort to reduce the high rate of brain injury due to motor vehicle accidents caused by alcohol or drug related driving offenses since this behavior is a very predictable and preventable problem.

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1131-FN

BILL TITLE: **relative to license revocations and suspensions.**

DATE: March 16, 2000

LOB ROOM: 204

Amendments:

Sponsor: Rep. CJ & PS Committee — OLS Document #: 3483h 2000

Sponsor: Rep. — OLS Document #:

Sponsor: Rep. — OLS Document #:

Motions: OTP (OTP/A) ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Tholl

Seconded by Rep. Sargent

Vote: 12-1 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 13-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Maxwell D. Sargent, Clerk

OFFICE OF THE HOUSE CLERK 2000 SESSION

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: HB 1131-FN **Title:** relative to license revocations and suspensions

PH Date: 1/11/00 and 1/26/00 **Exec Session Date:** 3/16/00

Motion: ought to pass as amended **Amendment #:** 2000-3483h

MEMBER	YEAS	NAYS
Welch, David A, Chairman	✓	
Christie, Andrew, V Chairman	absent	
Hansen, Herbert R	✓	
Dunham, Vivian L	absent	
Sargent, Maxwell D, Clerk	✓	
Pepino, Leo P	absent	
Flora, Kathleen M	absent	
Mikowlski, Walter J	✓	
Fesh, Robert M	✓	
Weare, Everett A	✓	
Andrews, Frederick B		✓
Johnson, James M	✓	
Tholl, John E	✓	
Knowles, William V	✓	
Doucette, Richard F	✓	
Berube, Roger R	absent	
Schanda, Frank M	✓	
O'Keefe, Patricia M	absent	
McCarthy, William J	absent	
Robertson, Timothy N	absent	
Callaghan, Frank D	✓	
Rodd, Beth	absent	
TOTAL VOTE:	12	1

Printed: 12/30/1999

Committee Report

COMMITTEE REPORT

COMMITTEE: **Criminal Justice and Public Safety**

BILL NUMBER: **HB 1131-FN**

TITLE: relative to license revocations and suspensions.

DATE: March 16, 2000 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

HB 1131 originally called for a suspension of a driving license for anyone under 21 years of age convicted of driving while intoxicated. The loss of license was to be until the individual attained 21 years of age. This would have resulted in sentences varying from a year or less to as much as a five-year loss of license. The statistics indicate an increasing number of young drivers under the legal age for obtaining alcoholic beverages are driving while intoxicated, transporting alcoholic beverages and/or in possession of alcohol. The committee wants to impress upon our newest and most inexperienced drivers that violating the highway safety statutes as well as the legal age for use of alcohol is no longer to be tolerated and voted to amend HB 1131 to provide for a suspension of driving privileges for not less than one year for persons under 21 years of age who are convicted of driving while intoxicated.

Vote 12-1.

Rep. John E. Tholl, Jr.
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Criminal Justice and Public Safety

HB 1131-FN, relative to license revocations and suspensions. OUGHT TO PASS WITH AMENDMENT

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: HB 1131 originally called for a suspension of a driving license for anyone under 21 years of age convicted of driving while intoxicated. The loss of license was to be until the individual attained 21 years of age. This would have resulted in sentences varying from a year or less to as much as a five-year loss of license. The statistics indicate an increasing number of young drivers under the legal age for obtaining alcoholic beverages are driving while intoxicated, transporting alcoholic beverages and/or in possession of alcohol. The committee wants to impress upon our newest and most inexperienced drivers that violating the highway safety statutes as well as the legal age for use of alcohol is no longer to be tolerated and voted to amend HB 1131 to provide for a suspension of driving privileges for not less than one year for persons under 21 years of age who are convicted of driving while intoxicated. Vote 12-1.

HB 1131 originally called for a suspension of a driving license for anyone under 21 years of age convicted of driving while intoxicated. The loss of license was to be until the individual attained 21 years of age, ~~or~~ This would have resulted in sentences varying from a year or less to a much as a five year loss of license. The statistics indicate an increasing number of ~~underage~~ young drivers under the legal age for obtaining alcoholic beverages, are driving while intoxicated, transporting alcoholic bever. and/or in possession of alcohol. The committee wants to impress upon our newest and most inexperienced drivers that violating the highway safety statutes as well as the legal age for use of alcohol is no longer to be tolerated and voted to amend

HB 1131 To provide for a suspension of driving privileges for not less than one year for persons under 21 yrs of age ~~The legal age for use of alcohol~~ who are convicted of driving while intoxicated.