Bill as Introduced

HB 1131-FN – AS AMENDED BY THE HOUSE

23march00.....3483h

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

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.

- -

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23march00.....3483h

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 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.

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.

Committee Minutes

Date: April 18, 2000
Time: 3:30 PM
Room: 104-LOB

The Senate Committee on Transportation held a hearing on the following:

HB 1131-FN relative to license revocations and suspensions.

Members of Committee present: Senator Gordon
Senator Roberge
Senator Below

The Chair, Senator Edward M. Gordon, opened the hearing.
Senator Edward M. Gordon, D. 2: I'm going to call the hearing to order on House Bill 1131-FN, relative to license revocations and suspensions. And I'm going to call upon the Primary Sponsor, Representative Nowe, to give his testimony.

Representative Nowe: Good afternoon Mr. Chairman and committee members. For the record my name is Ron Nowe, Rockingham District 3 the town of Epping.

I started with this legislation on DWIs back in 1996, is when I originally started. And I started with the group that was known as PAST, Parents Against Speeding Teens and with the Department of Safety. And in that same year there were several other pieces of legislation that zoned in to original license holders and mine kind of went to the wayside. And a little piece of it got tacked into another piece of legislation that had been passed.

So this year the Department of Safety contacted me and asked me if I would continue forward with the legislation. And I said yes, I would be happy to do that. And we came forward with the bill that's in front of you now as it has been amended. And the idea, and the experts are here to testify before me on the vehicle to introduce it, but this bill... I'm in great hopes that this committee will go with an ought to pass.

What we're trying to do here is we're trying to preserve our youth for the future because they are our future. And we tried the increasing of the fines and penalties. The dollar, the monetary valu,e doesn't seem to bother the youths of today. So the other way that we thought that we'd be able to get them to look at what we're trying to do for them is take their privilege away from them that we have granted to them. That would hurt them more than putting a thousand dollar fine. And this is where we're going at. We originally were going at a .08 as an adult, that has been amended as you can see through here. And like I said I hope that the committee will go with ought to pass and there are experts behind me that would like to testify.

Senator Edward M. Gordon, D. 2: Any questions?

Senator Sheila Roberge, D. 9: If they're convicted of alcohol, driving under the influence. They could possibly get their license at 16. And if in fact they're convicted of driving under the influence they would loose their license for not less than 1 year, which means they're back on the road maybe at 17. When they're really not supposed to be drinking anything anyway until they're 21. I'm wondering if a year is long enough.

Representative Nowe: Senator Roberge the original bill had addressed that. It was if you were 16 and you were caught with a DWI with a .08 you would have lost you license, your privilege to drive, until the age of 21.

Senator Sheila Roberge, D. 9: But why is it .08 and why isn't it .02? Isn't it .02 for people under 21?

Representative Nowe: Well .08 is the percentage for an adult.

Senator Sheila Roberge, D. 9: I know. But don't we have a separate tolerance for people under 21 of .02?

Representative Nowe: I can't answer that, I don't know.

Senator Sheila Roberge, D. 9: We do.

Representative Nowe: I'm sure the Assistant Commissioner can answer that.

Senator Sheila Roberge, D. 9: That's only to allow for cough medicine with alcohol.

Representative Nowe: I agree.

Senator Sheila Roberge, D. 9: Ok.

Senator Edward M. Gordon, D. 2: Thank you Representative.

Representative Nowe: Thank you.

Senator Edward M. Gordon, D. 2: Representative Gleason would you like to testify?

Representative Gleason: Thank you Mr. Chairman. For the record Representative John Gleason from Rockingham 13.

I'm very supportive of this measure. It is something the Department of Safety is really very supportive of trying to bring into effect. Simply it addresses the alcohol issue with young people, young drivers. Having sponsored several pieces of legislation on young driver education this is very much in the league with it. So I would feel that it will send a very strong message to young people learning to drive, that there's little tolerance for the use of alcohol particularly under the age of 21, really under 18. So if that tends to answer your question Senator Roberge.

Senator Sheila Roberge, D. 9: I'm just wondering where does it say convicted with a Breath Alcohol Count, BAC, of .08? It doesn't say it in the legislation.

Representative Gleason: I think this was discussed. It was originally proposed at .08 or at .02 but it may have been amended to only be required with the Blood Alcohol up to .08. I think that might have been the amended or compromised position. But it does not say it in here.

Senator Sheila Roberge, D. 9: No it doesn't. But is in taken care of in one of these RSAs that are referred to in here?

Representative Gleason: I think I'm going to have to defer your question to Commissioner Stephen who will probably have a substantial comment on that. So I would say that I'm supportive of it. I think some of your technical questions he can better answer than I.

Representative Nowe: If I may answer that the original bill was to go to .08. The amendment today has removed the .08 and has gone to the RSA, which is .10.

Senator Sheila Roberge, D. 9: No. .10 is...

Representative Nowe: I thought it was .10, .08 I'm sorry.

Senator Sheila Roberge, D. 9: What is it right now?

Representative Nowe: .08.

Senator Edward M. Gordon, D. 2: It's .02. The way the statute reads is if you're 21 or older it's .08. The same statute reads if you're under 21 it's .02. So or you're convicted of one of the offences you would be .02.

Representative Kennedy: If I might, I have in my pocket both a driver's license and a pilot's license. In each of those cases it's a commercial driver's license. If I am caught at .04 I loose my license for year. The second time I'm caught I loose it for life, period.

At .04 you shouldn't be toughing anything, that includes the aircraft. The FAA tears my license up. On top of that there's 12 hours from the bottle to the truck. .04 is the place to go. Forget all about .08 it's nonsense.

Senator Sheila Roberge, D. 9: Even for adults?

Representative Kennedy: Yes.

Senator Sheila Roberge, D. 9: But it is .02. And the only reason it's even .02 we tried to get a 0 tolerance, people came in with alcohol in cough syrup and I can't remember the other issue.

Senator Edward M. Gordon, D. 2: Thank you John.

Representative Gleason: Thank you.

Senator Edward M. Gordon, D. 2: John Stephen? Representative Christie would you like to come and speak?

Representative Christie Jr.: Only if the committee has any questions about why my committee did anything. I'll try to answer them.

Senator Edward M. Gordon, D. 2: You're all set. John?

John Stephen: For the record John Stephen, Assistant Commissioner for the Department of Safety.

I think that this bill is a great effort, teamwork. A number of Representatives and the Director looking at the whole area of drinking and

driving and knowing there was going to be a study committee coming up this summer anyway. But this is a problem that I think currently exists. And I think that when you look at some of the data that I'm presenting you'll see why.

But going back over the question when you raised it. Originally the .08 was the original version because originally the Director's intent in asking for this legislation was if anyone commits a DWI under 21 they shouldn't get the eligible for restoration until they're 21. That's it.

Now the United States Congress currently is debating this issue right now. There's a bill by Representative James Trafikent that requires driver's license suspension, anyone under 21 to last until, for DWI conviction, until the offender's 21st birthday. This is a serious thing going on.

So New Hampshire if we were to pass this law, New Hampshire, the Director felt New Hampshire would be the toughest law in the United States for under 21 right now. But there was a feeling that if you are in the .02, .03, .04 area you shouldn't loose your license or loose the restoration privilege or your driving privilege for that many years.

So the House Criminal Justice committee thought well it might be a little too steep to go right now. Why don't we just change the 90 day minimum penalty that exists today for all DWI and for the young group which is .02 or greater or just DWI change that minimum to 1 year. And that was what the amendment came out to be. And we're happy with that obviously it's better than what we have. What we have today is 90 days. That's about what everyone gets with the ALS 6 months.

Attachment A

When you look at the statistics recently and this is the thing that's telling for me, is when you look at all DWI convictions... This data that I had put together from our information systems is convictions. So this is the best data that you're going to get. What you see a lot of times is arrest data and that's not accurate as we all know. Some of those arrests end up being not guilty or being plead to a different offence.

These are actual DWI convictions. We've taken every age group, and we've taken over the last 5 years. What we did is we bunched them into different age groups, 16 –20. And if you look at 4 pages down what's telling here is in the last 5 years the DWI conviction data has gone from about 5,100 went up last year, 98 actually 5,400 and it's hovering on the 5,500 5,400 for the average for the last 7 years. But last year convictions were 4,819 total

convictions. And it seems to be coming down. When you look at that and compare it to the under age 16 –20 age group and that's pretty much on the up scale for the exception of one age group last year. But by and large there's like a 300% increase since 95 for 16 –20 age group. And you can see that when you look at the convictions.

So and then you look at what new futures have been able to discern through their studies and research. And now they're coming out with a new brochure called "We need to act". And they're using a lot of this data. And I think this comes at a good time. I think it will send a good message. The Director would like more than that. But understanding what we've agreed to in terms of a compromise we would agree to that if the legislature were able to dock this one year. We feel that that would be a great policy set by the legislative body. And we really would appreciate that.

Senator Sheila Roberge, D. 9: Are you considering underage under 16?

John Stephen: Under 16 would be considered under age. But it's treated in the juvenile system Senator. Actually it would not be in the juvenile system unless it is a felony conviction. If it's a misdemeanor it's not a juvenile crime. So yeah.

Senator Sheila Roberge, D. 9: There're both drinking and driving and they're under age.

John Stephen: Yeah, they still could get a criminal conviction.

Senator Sheila Roberge, D. 9: You think they could or they would?

John Stephen: They still could. Because under the juvenile statutes right now 169, driving offences are exempted unless they're felony related offences.

Senator Sheila Roberge, D. 9: And that would be to seriously harm somebody else?

John Stephen: Yeah. Then you would have to go through the certification process. I still think that the bill before you is a stiff bill. I'm glad the House Criminal Justice Committee has looked at increasing the penalties for this age group. And my feeling from the Director's standpoint is this can be studied this summer as well but I think that this needs to be done.

Senator Sheila Roberge, D. 9: Would you be happy with a longer term?

John Stephen: Absolutely. Absolutely. I'd be happy to answer any questions.

Senator Edward M. Gordon, D. 2: Does anybody have any other questions? Thank you. Is there anyone else who wishes to testify on House bill 1131?

Representative Kennedy: I used to live in a small town in northern Maine. I knew everybody their grandfathers, their cats, their dogs and their kids. When you see a little boy who goes through high school, comes out and has scholarships to some of their better colleges and you find his brains all over his dash board and windshield, you think maybe you gotta move. That's all.

Senator Sheila Roberge, D. 9: Before that happened the kid would have said he was fine, he was never going to get in an accident.

Senator Edward M. Gordon, D. 2: Representative Christi?

Representative Christi Jr.: Thank you. For the record I'm Andrew Christie and I represent Rockingham district 22, which is Hampton and Hampton Falls. I'm a cosponsor of this piece of legislation and also the Vice-Chairman of the Committee on Criminal Justice. And Public Safety, which this bill was heard before in the House, most of the committee members felt that just 5 years. If you were 16 and got zapped 5 years was to long. If you 20 and 8 months you were probably going to be under the 90 day window roughly. So that's one reason.

My gut feeling is that you won't get the House to go any higher than the 1 year at least until we see how it works. I don't believe that you would get our committee to go any higher. So we thought this was a good compromise to remove the license for a mandatory 1 year and it can be taken for more. But the minimum mandatory would be 1 year under those circumstances.

Senator Edward M. Gordon, D. 2: Ok. I appreciate your advice.

Representative Christi Jr.: Thank you.

Senator Edward M. Gordon, D. 2: Is there anyone else who wishes to testify on House Bill 1131? Seeing no one I declare the hearing closed.

Hearing closed at 3:47 PM

Respectfully submitted,
Jillian Nina Mason, Secretary

New Hampshire Department of Safety

-Richard M. Flynn, Commissioner

Convictions for Underage DWI and Transportation of Alcohol

1995 – 1999 Data

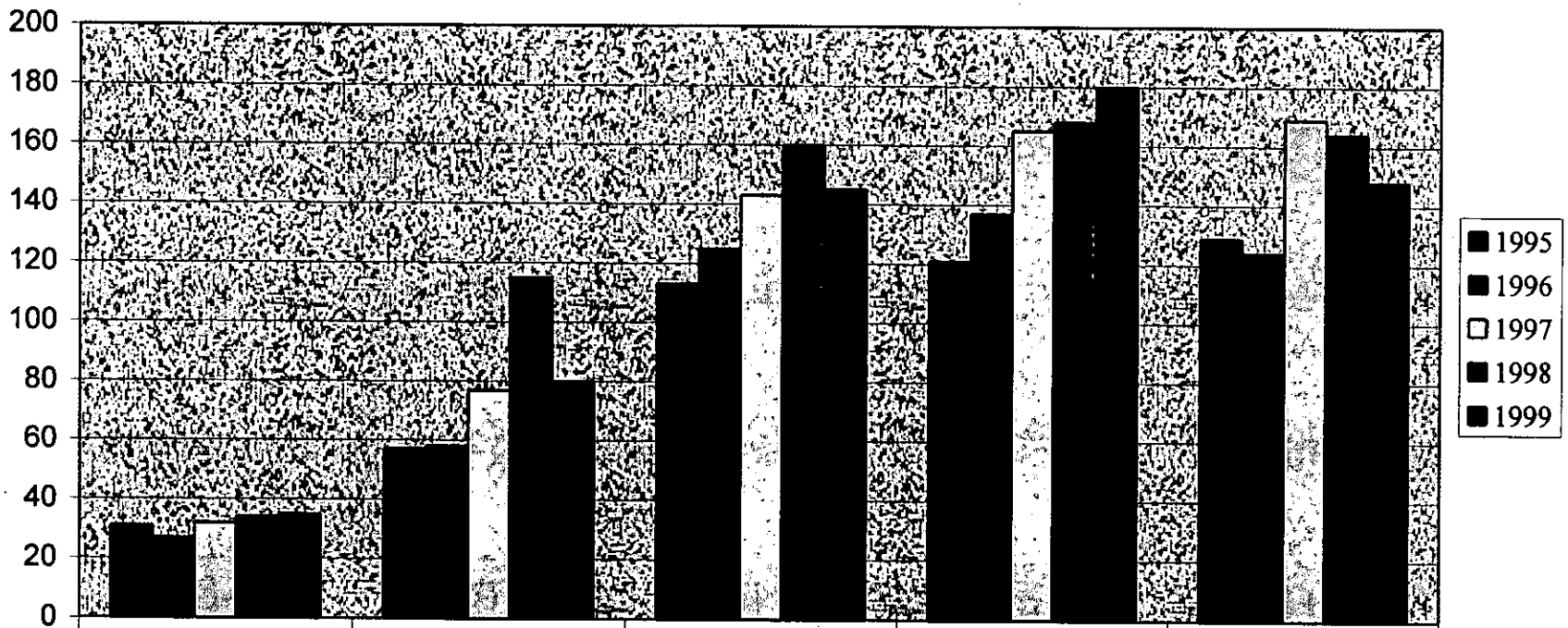




Source: Department of Safety – Information Services
For further information contact John A. Stephen, Assistant Commissioner

Attachment A

Total 1st Offense DWI Convictions- Underage (1995-1999)

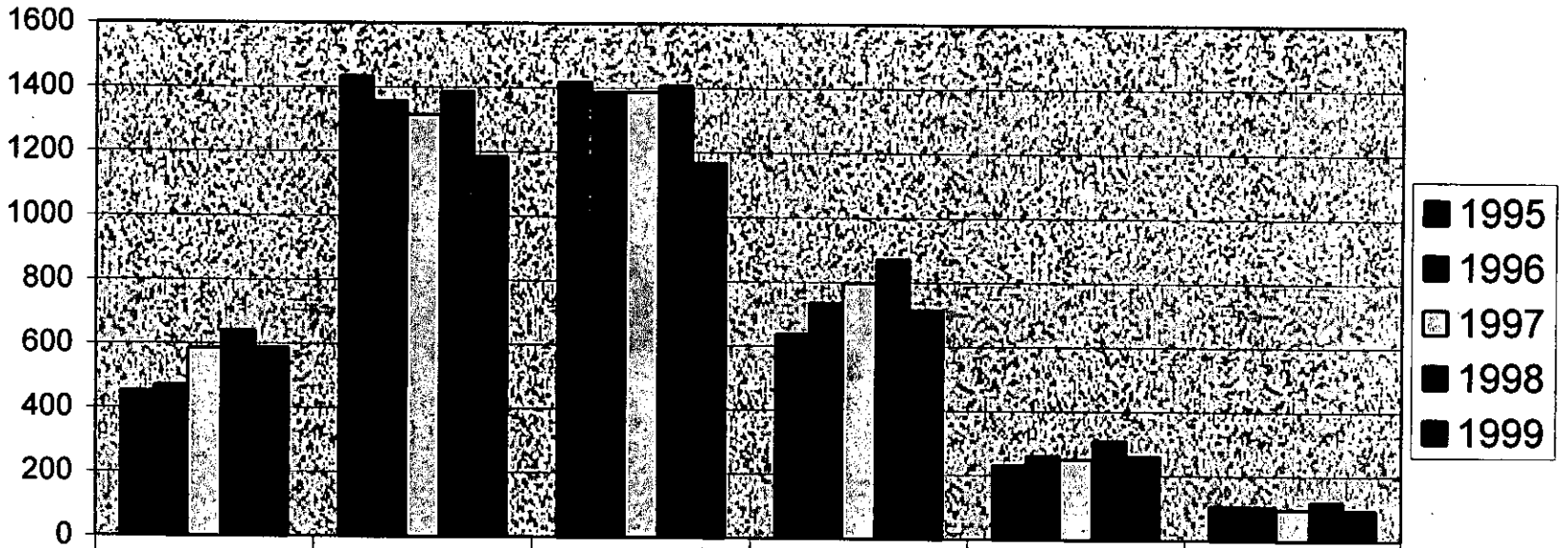


	16	17	18	19	20
1995	31	57	113	121	129
1996	27	58	125	137	124
1997	32	77	143	165	169
1998	34	115	160	168	164
1999	35	80	145	180	148

Source: Department of Safety

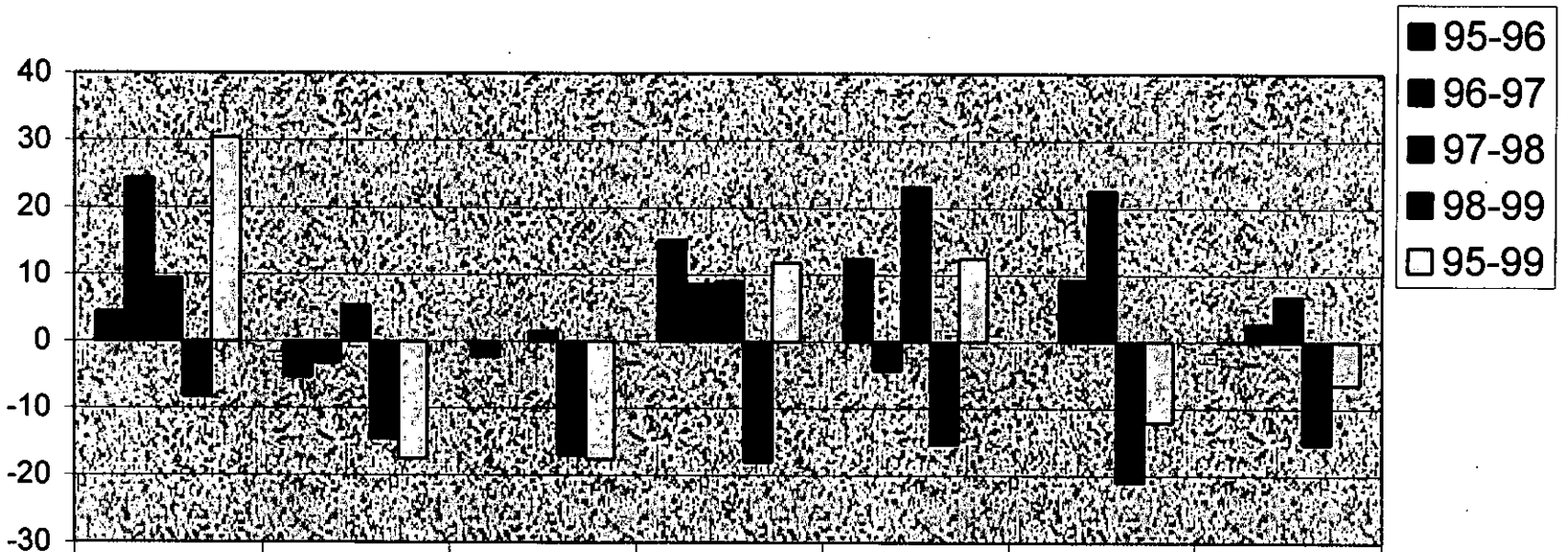
For further information, please contact John A. Stephen, Assistant Commissioner, Department of Safety

1st Offense DWI Convictions (1995-1999)



	16-20	21-30	31-40	41-50	51-60	61+
1995	451	1435	1418	638	232	107
1996	471	1359	1386	735	261	106
1997	586	1316	1387	798	250	97
1998	641	1387	1408	871	308	119
1999	588	1184	1168	714	261	94

1st Offense DWI % Convictions Change from 1995 to 1999

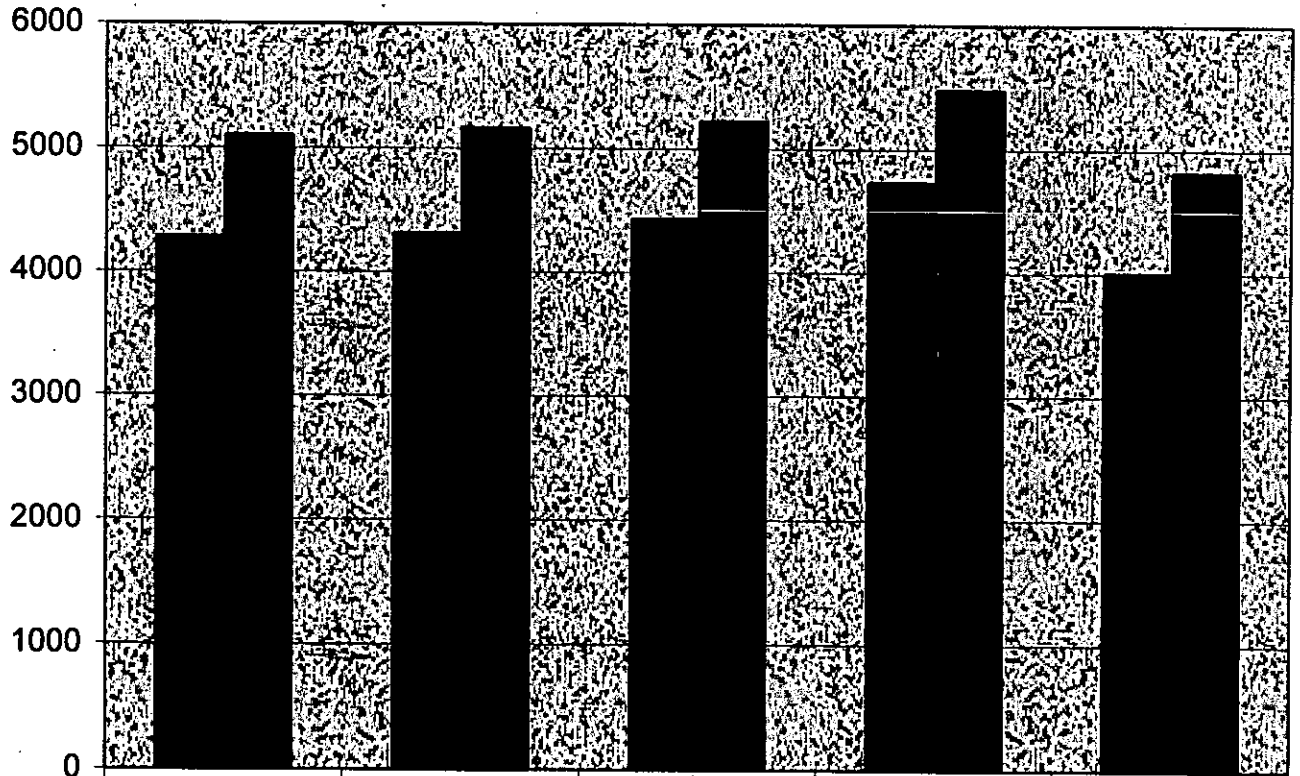


	16-20	21-30	31-40	41-50	51-60	61+	All
95-96	4.4	-5.3	-2.3	15.2	12.5	0	0.1
96-97	24.4	-3.2	0	8.6	-4.3	9.3	2.7
97-98	9.4	5.4	1.5	9.1	23.2	22.6	6.8
98-99	-8.3	-14.6	-17	-18	-15.3	-21	-15.3
95-99	30.4	-17.5	-17.6	11.9	12.5	-12.1	-6.4

Source: Department of Safety

For further information, contact John A. Stephen, Assistant Commissioner, Department of Safety

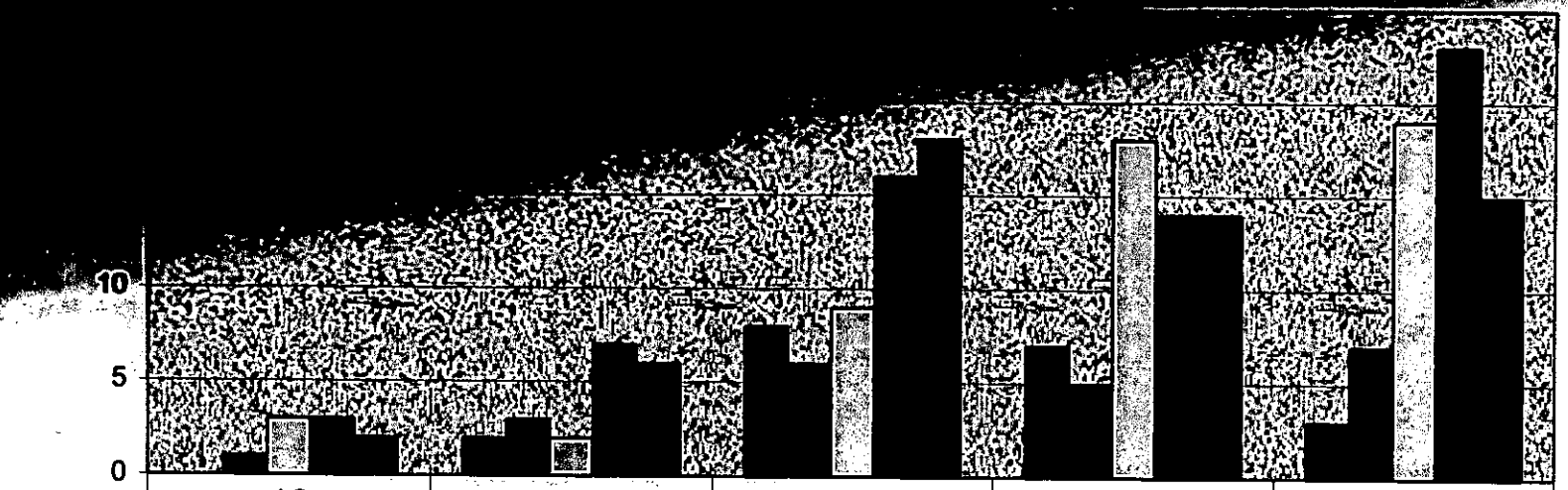
1st Offense DWI Convictions as a % of Total DWI Convictions



	1995-83.9%	1996-83.6%	1997-84.9%	1998-86.4%	1999-83.2%
1st Offense	4281	4318	4434	4734	4009
Total DWI	5101	5162	5220	5481	4819

Source: Department of Safety

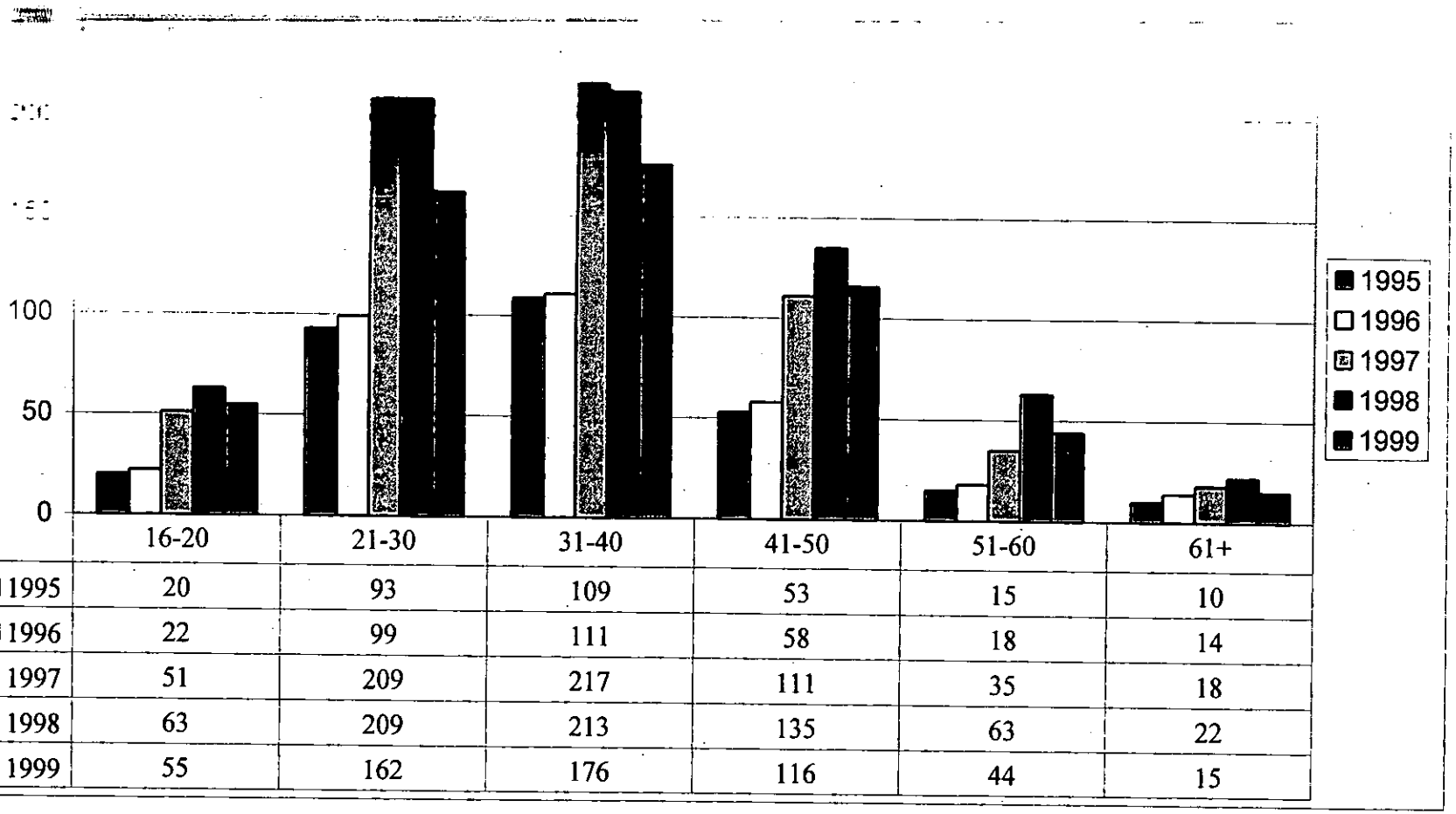
For further information, please contact John A. Stephen, Assistant Commissioner, Department of Safety



	16	17	18	19	20
1995		2	8	7	3
1996	1	3	6	5	7
1997	3	2	9	18	19
1998	3	7	16	14	23
1999	2	6	18	14	15

Source: Department of Safety

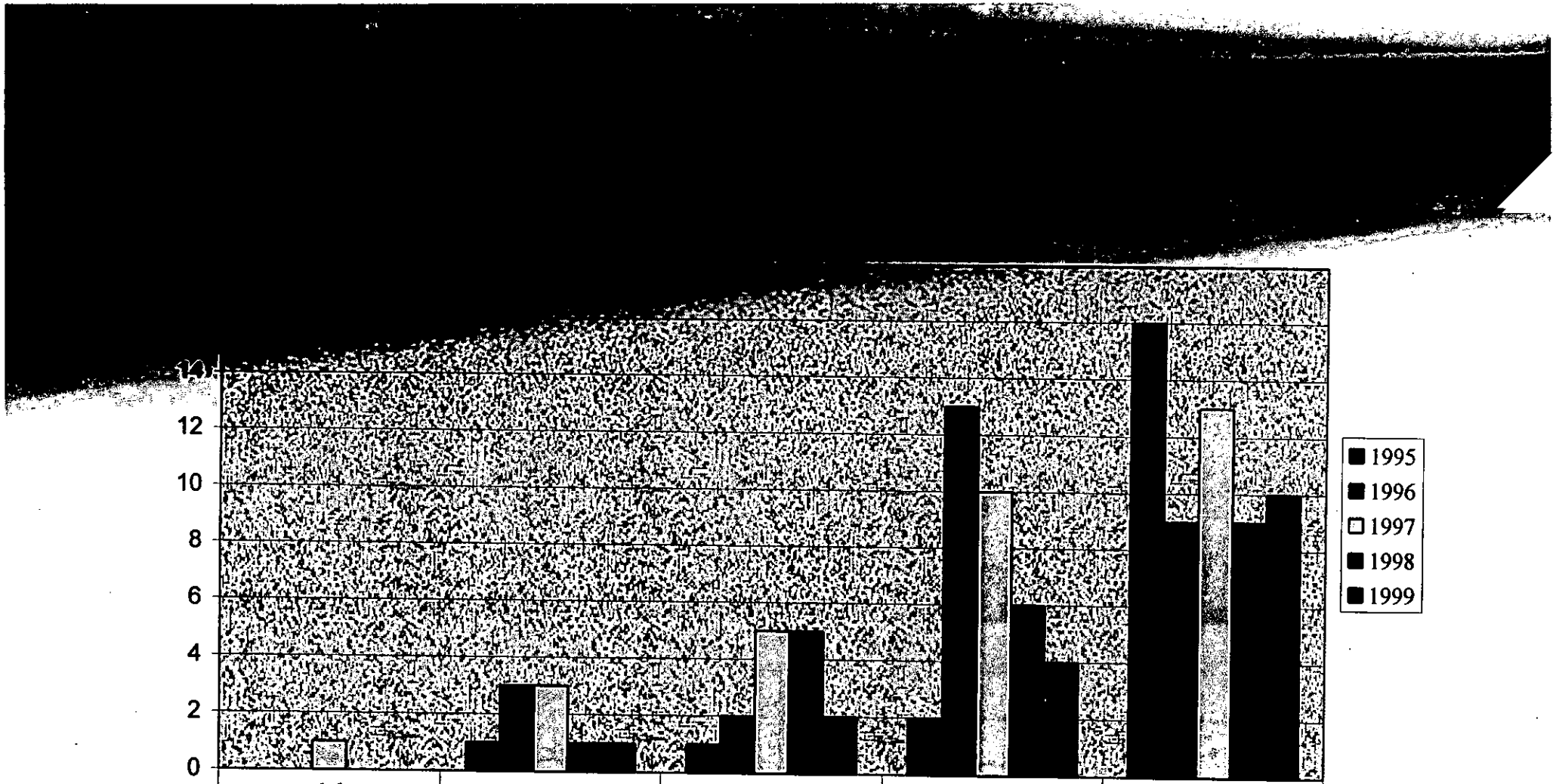
For further information, please contact John A. Stephen, Assistant Commissioner, Department of Safety



	16-20	21-30	31-40	41-50	51-60	61+
1995	20	93	109	53	15	10
1996	22	99	111	58	18	14
1997	51	209	217	111	35	18
1998	63	209	213	135	63	22
1999	55	162	176	116	44	15

Source: Department of Safety

For further information, please contact John A. Stephen, Assistant Commissioner, Department of Safety

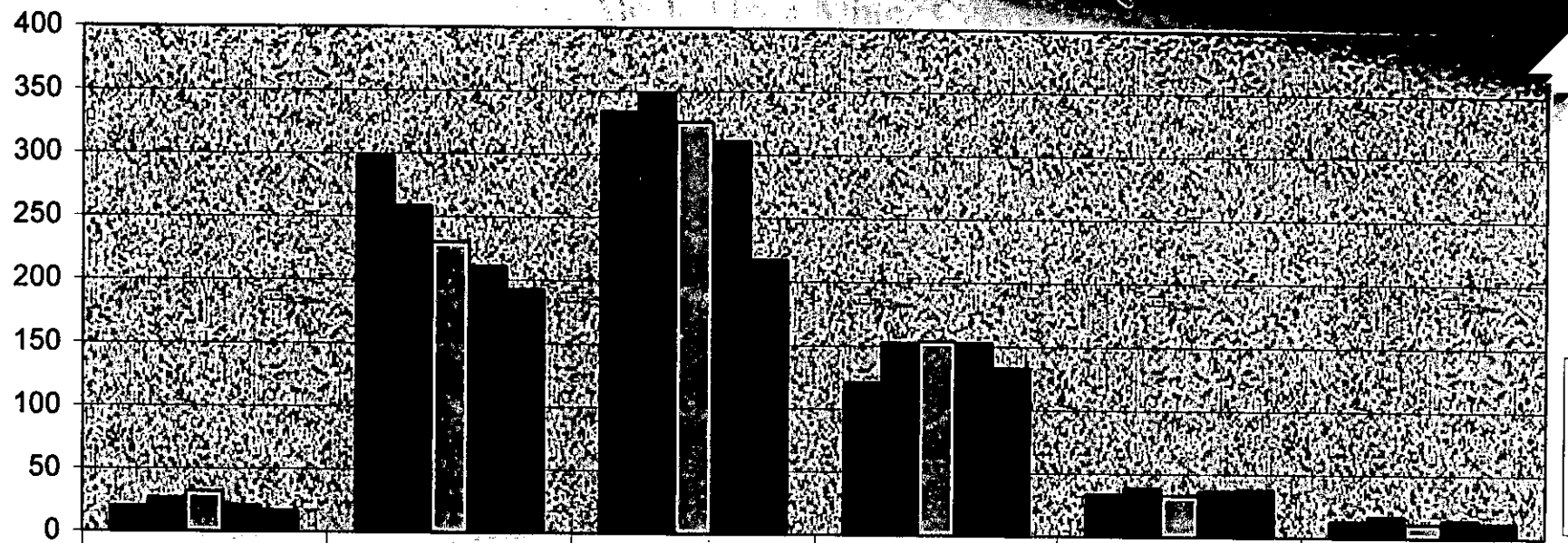


	16	17	18	19	20
1995		1	1	2	16
1996		3	2	13	9
1997	1	3	5	10	13
1998		1	5	6	9
1999		1	2	4	10

Source: Department of Safety

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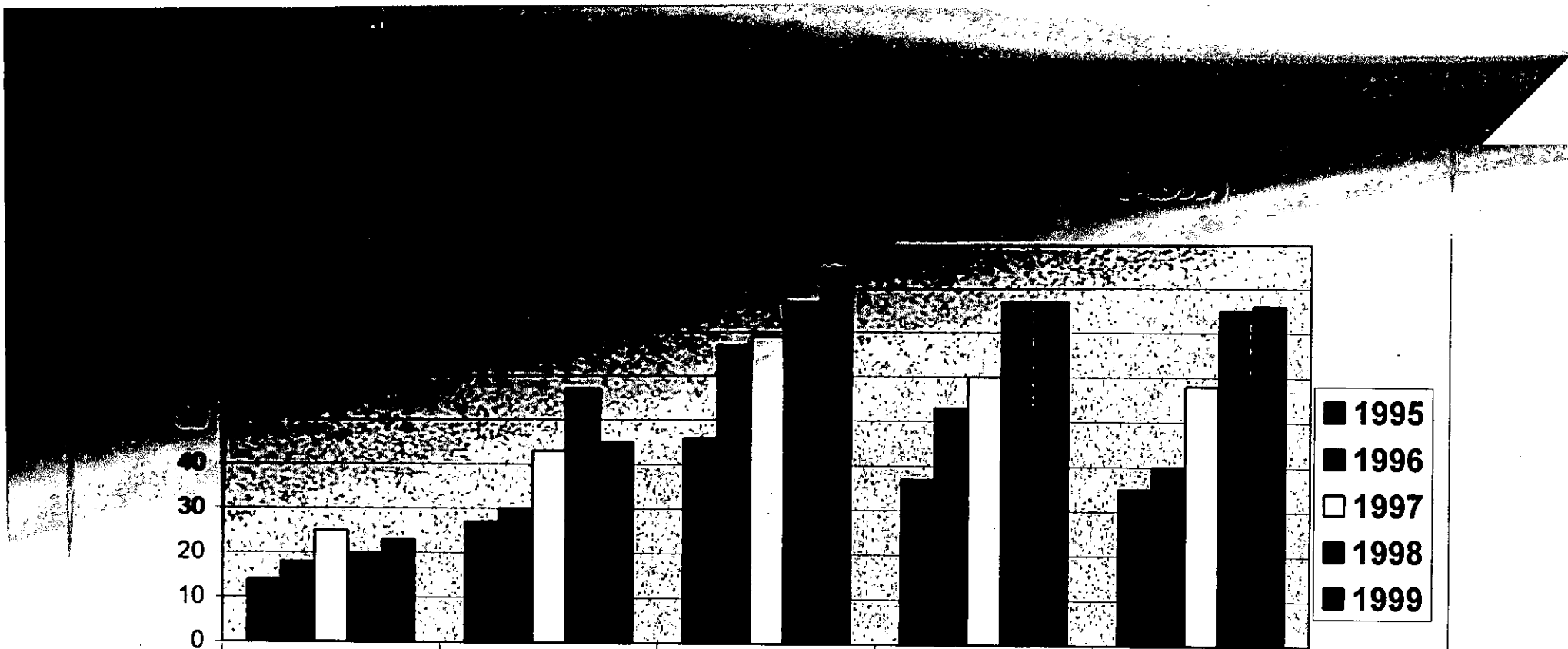
Subsequent Offense DWI Convic[illegible]



	16-20	21-30	31-40	41-50	51-60	61+
1995	20	298	334	121	34	13
1996	27	259	349	153	39	17
1997	32	230	326	154	33	11
1998	21	211	311	153	37	14
1999	17	193	217	133	38	12

Source: Department of Safety

For further information, please contact John A. Stephen, Assistant Commissioner, Department of Safety



	16	17	18	19	20
1995	14	27	46	37	35
1996	18	30	67	53	40
1997	25	43	69	60	58
1998	20	57	77	77	75
1999	23	45	85	77	76

Source: Department of Safety

For further information, please contact John A. Stephen, Assistant Commissioner, Department of Safety

Jillian

Transportation Committee

HB 1131-FN Hearing Report

TO: Members of the Senate

FROM: Susan Duncan
Legislative Assistant

RE: Hearing report on **HB 1131-FN** – ***AN ACT relative to license revocations and suspensions.***

HEARING DATE: April 18, 2000

Sponsor: Representative Ron Nowe
Representatives Christie, Welch, Harmon and Packard

What the bill does: This bill provides that persons under the age of 21 who are convicted of an offense under RSA 265:82, RSA 165a:820a, or RSA 630:3 II shall not be eligible to have their driving privileges reinstated for a period of at least one year.

Who supports the bill:
Representative Ron Nowe
Representative John Gleason
Representative "Stretch" Kennedy
John Stephen, Assistant Commissioner, DOS
Representative Andrew Christie

Who opposes the bill: No one testified in opposition

Summary of testimony received:

- This legislation started back in 1996.

- HB 1131 is offered as another sincere effort to preserve our youth drivers so that they can live to make it to the future.
- HB 1131 is an effort to send a very strong message to our young drivers – that alcohol consumption is not tolerated.
- Commercial driver's licenses and pilot's licenses have a 0.04 tolerance rating. There is an automatic license revocation if convicted of driving or flying over 0.04.
- When looking at driving statistics, viewing the arrests is not accurate as some are found not-guilty.
- Overall, DWI convictions are coming down. However, in the underage driving group, there has been an increase of 300%.
- The issue of underage drinking and driving is also being debated in the US Congress currently.
- When asked if the loss of license should be higher, the Assistant Commissioner responded "yes," but the feeling is that a longer loss of license might be difficult to get through the House.

Funding: Negligible.

Future Action: The Committee took the legislation under advisement.

sfd
[file: HB 1131 report – TRANS]

Speakers

SENATE TRANSPORTATION COMMITTEE

Date 4/18/00 Time 3:30PM Public Hearing on ~~SB~~ HB 1131-FN

Appearing in FAVOR: (Please print) **Please check box at left to speak.**

Speaking?	Name	Address	Representing
☐			
☑	John Stephen	SAFETY, Asst. Comm.	
☑	John Gleason	Derry	Rep. Rock 13
☐	Rep Andrew Christie JR	Hampton Falls	Rock. #22
☒	Rep Ben Nelson	Epping	Rock #3
☐			
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☐			

Appearing in OPPOSITION: (Please Print) **Please check box at left to speak.**

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Committee Report

Date: April 18, 2000 Time: 3:30 PM

The Senate Committee on Transportation held its hearing in Room 104-LOB, Concord, New Hampshire.

BILL NO.: HB 1131-FN TITLE: relative to license revocations and suspensions.

Members of the Committee present: Senator Gordon
Senator Roberge
Senator Below

Those appearing in favor:

Name and Address	Representing
See Attached.	

Those appearing in opposition:

Name and Address	Representing
See Attached.	

REPORT OF THE COMMITTEE:

- ☒ Ought to Pass
- ☐ Ought to Pass w/ Amendment
- ☐ Inexpedient to Legislate
- ☐ Rereferred
- ☐ Interim Study
- ☐ Continued Hearing
- ☐ Postponed Hearing

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date:

THE COMMITTEE ON Transportation

to which was referred House Bill 1131-FN

AN ACT relative to license revocations and suspensions.

VOTE: 3-0

Having considered the same, report the same without amendment and recommend that the bill: **OUGHT TO PASS.**

Senator Sheila Roberge
For the Committee

|HB1131 Docket

Next|Prev|Results List|Main|Bill Status

Bill Title: relative to license revocations and suspensions.

Date	Body	Description
1/5/2000	**H**	Introduced and ref to Crim Just & Psfty; HJ5, p88
1/5/2000	**H**	Copy to Chairman on 12/22/1999
1/5/2000	**H**	Hearing Jan 11 1:30 RM204,LOB
3/16/2000	**H**	Maj Report OTP/AM for Mar 23 (vote 12-1;CC)
3/16/2000	**H**	Prop Comm Am{3483}; HC23, p686
3/23/2000	**H**	Passed with Am; HJ26, p804 + 851
3/23/2000	**S**	Introduced and Ref. to Transportation; SJ 7, Pg.232
4/4/2000	**S**	Hearing April 18, Room 104, LOB, 3:30 p.m.; SC21, Pg.13
4/26/2000	**S**	Committee Report Ought to Pass, 4/27/2000; SC25
4/27/2000	**S**	Ought to Pass, MA, VV; OT3rdg, MA, VV; SJ 12, Pg.331
5/4/2000	**H**	Enrolled; HJ45, p1363
5/11/2000	**S**	Enrolled Bill; SJ 14, [See Perm. Journal]
5/23/2000	**H**	Signed by the Governor on 5/23/2000 Eff: 1/1/2001 Chap: 0143

Next|Prev|Results List|Main|Bill Status

Docket Abbreviations