Bill as Introduced

SB 436-FN – AS INTRODUCED

2000 SESSION

00-2707
05/09

SENATE BILL ***436-FN***

AN ACT relative to permanent revocation of drivers licenses for causing a fatality or serious injury while driving intoxicated.

SPONSORS: Sen. Trombly, Dist 7

COMMITTEE: Judiciary

ANALYSIS

This bill requires permanent revocation of an individual's driver's license when convicted of causing a motor vehicle fatality or serious bodily injury while under the influence of drugs or alcohol and requires a 3-year mandatory prison term for driving after such a permanent license revocation.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

Slow news day?

00-2707
05/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT relative to permanent revocation of drivers licenses for drunk driving causing a fatality or serious injury while driving intoxicated.

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

1 New Paragraph; Permanent Revocation of License for Motor Vehicle Fatalities Where Driver was Under the Influence of Drugs or Alcohol. Amend RSA 263:56 by inserting after paragraph V the following new paragraph:

VI.(a) Permanent revocation of a driver's license shall be mandatory and automatic where the driver, impaired by drugs or alcohol at the time of the incident, is found guilty of having caused a motor vehicle fatality or serious injury by a court of competent jurisdiction. If the driver is licensed in another state, the director shall notify the driver's home state that a notation should be made on the driver's record of permanent loss of driving privileges in New Hampshire.

(b) If a person is found guilty of driving after permanent license revocation under subparagraph (a), he or she shall be sentenced to a mandatory 3-year term of imprisonment.

2 Instances Where Permanent License Revocations are Allowed. Amend RSA 263:56, III(a) to read as follows:

(a) In the case of a person whose license is suspended or revoked pursuant to RSA 263:56, I(g) the director may suspend or revoke a license for not more than 7 years, ***except as provided in paragraph VI for offenses involving drugs or alcohol.***

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

LBAO
00-2707
12/17/99

SB 436-FN - FISCAL NOTE

AN ACT relative to permanent revocation of drivers licenses for causing a fatality or serious injury while driving intoxicated.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill as it is awaiting information from an agency.

Amendments

Senate Judiciary
March 16, 2000
2000-3834s
05/09

Amendment to SB 436-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Permanent Revocation of License for Motor Vehicle Fatalities Where Driver was Under the Influence of Drugs or Alcohol. Amend RSA 263:56 by inserting after paragraph V the following new paragraph:

VI.(a) Permanent revocation of a driver's license shall be mandatory and automatic where the driver, impaired by drugs or alcohol at the time of the incident, is found guilty of having caused a motor vehicle fatality or serious injury by a court of competent jurisdiction. If the driver is licensed in another state, the director shall notify the driver's home state that a notation should be made on the driver's record of permanent loss of driving privileges in New Hampshire.

(b) If a person is found guilty of driving after permanent license revocation under subparagraph (a), he or she shall be sentenced to a mandatory 3-year term of imprisonment.

(c) The driver may petition the sentencing court after 15 years from the date of the loss of license to have the license reinstated, if the driver can demonstrate good cause for the reinstatement.

2000-3834s

AMENDED ANALYSIS

This bill requires permanent revocation of an individual's driver's license when convicted of causing a motor vehicle fatality or serious bodily injury while under the influence of drugs or alcohol and requires a 3-year mandatory prison term for driving after such a permanent license revocation. The bill also provides a mechanism for requesting reinstatement after 15 years.

Committee Minutes

NEW HAMPSHIRE SENATE
107 North Main Street
Concord, NH 03301-4951
(603) 271-2111
TDD Access: 1-800-735-2964

TO: Senate Judiciary Committee
FROM: Shannon Gorrell
DATE: February 9, 2000
RE: **Hearing report on SB 436-FN,** relative to permanent revocation of drivers licenses for drunk driving causing a fatality or serious injury while driving intoxicated **(Senate Judiciary Committee, 2/9/00)**

Sponsor: Sen. Trombly

What the bill does: This bill requires permanent revocation of an individual's driver's license when convicted of causing a motor vehicle fatality or serious bodily injury while under the influence of drugs or alcohol and requires a 3-year mandatory prison term for driving after such a permanent license revocation.

Who supports the bill: Shelia Evans (self)

Who opposes the bill: no opposition at hearing

Testimony report: Senator Trombly testified that he believes strong sentencing can deter bad behavior. He stated that consuming alcohol is an intentional act, and causing a fatality or serious injury while driving drunk is very little different from intentionally shooting someone. NH law does not allow a felon to own a firearm; in cases of DWI accidents, the weapon is the vehicle and, accordingly, the offenders should not be allowed to drive. NH already has mandatory sentences for certain offenses, including DWI. This bill does not address the criminal penalties for DWI, but the state's discretionary ability to grant someone a driver's license.

Additional points raised by Sheila Evans:

- this bill is valuable both for its preventative/deterrent effect and for its direct impact on public safety.
- Teens often do not have a good sense of criminal consequences for DWI, but they do understand the permanent loss of license that this bill would require.
- MADD statistics relative to teens and driving substantiate the reasons this bill is needed (see handout)
- There is precedent in NH law relative to the permanent revocation of day care operator licenses for persons convicted of child abuse or neglect. However, as far as she has been able to determine, no other state has passed a law similar to SB 436

- Rehabilitation occurs through the criminal remedy and in addressing the drinking behavior. This bill is about public safety.
- This bill also applies to serious injuries. This could be more narrowly defined, for instance to apply to cases of brain injury/paralysis
- This bill should also apply to those who cause the injury to themselves. The behavior that led to the injury is what this bill is designed to address, not the criminal punishment

Funding: The LBAO is unable to complete a fiscal note as it is awaiting information from an agency.

Future Action: Pending.

Date: February 9, 2000
Time: 10:05 A.M.
Room: 103 SH

The Senate Committee on **Judiciary** held a hearing on the following:

SB 436-FN: ***(3rd New Title) relative to revocation of drivers' licenses for causing a fatality and authorizing certain impaired driver intervention programs for restoration of driving privileges.***

Members of Committee present: *Senator Pignatelli*
Senator Cohen
Senator Brown
Senator Trombly

The Chair, Senator Debora B. Pignatelli, opened the hearing by calling upon to testify, and introducing Senator Rick Trombly, District 7, sole sponsor of the bill.

Senator Debora B. Pignatelli, D. 13: I'm opening the hearing on Senate Bill 436-FN, and call upon the sponsor, Senator Trombly. Welcome to your committee.

Senator Rick A. Trombly, D. 7: Thank you Madam Chairman and Senator Cohen. I appreciate the fact that we now have chairs to testify in without arms, it makes me feel very good. [*Senator Brown arrives.*] And, Senator Brown, how are you?

My name is Rick Trombly, Senate District 7. I think it's fair to say that the issue of DWI is one where I personally go back and forth on what we should do as legislators to stop this ... how far we should go, and what's appropriate, and what's inappropriate and how much discretion we need to insure that people don't do this. I think it's fair to say that ... that it's an easy thing when someone is arrested for DWI, and there's been no accident, or no one's been injured -- no one's been harmed.

But, there comes a point ... I think ... where we, representing society in it's greater interest, need to step back and say, certain consequences should not result from bad behavior. We have done a good job of educating people in this state about the consequences of DWI, and the penalties. But, I don't think we've done a good enough job in sending a message and making it very clear to people that when the ultimate price is paid by a third party ... when you go out and get drunk, or use drugs ... that message is strong enough.

I do happen to believe that strong sentencing can deter bad behavior. That people understand from an early age that if they do X, then Y is the consequence. And, if Y is a very harsh consequence, I do think it does modify behavior for some people. And, in this instances when it comes to DWI, modification for some people may save a life.

I have practiced law for 18 years, and I was involved in a very, very emotional case where a woman and her boyfriend were killed by a drunk driver, and the facts of the case were that the driver was so drunk that he crossed over into their lane ... so that he was going north when he should have been going south ... and the driver of her car, her boyfriend, saw it coming and tried to escape the oncoming vehicle, but was prevented from doing so by a guardrail. So, these people had to experience the absolute terror of watching a car barrel down on them, knowing that their only escape route was completely barred by a guardrail. They died. They didn't die instantly, but the result of that accident was they died. And, I represented the survivors in that woman's family. And, there is nothing you can say or do in an instance like that.

But, I think we do have the ability as legislators to pause and reflect on what's a consequence of a death? I find that it strikes me as ironic that we have some people who sit in the Senate that are knowledgeable about these affairs, yet seem not to respond to what's going on. This bill clearly says to people, that if you're going to drink and drive ... to the point of intoxication ... I mean, let's face it, this bill doesn't deal with people who drink and aren't intoxicated. Because, you can do that legally in NH, you can have a glass of wine or two. But, if you're going to get behind the wheel of a car, and you're going to kill somebody, there's no difference between going out and shooting them. There's no difference between going out and taking a bat to them and beating them up to the point of death.

Well, perhaps ... maybe on reflection the difference is you get in a 3000 pound car, and direct it at them. Unintended? Sure. Not intentional? Sure. But the fact of drinking is intentional, and going beyond your own limit is intentional. And, not controlling your own impulses is intentional. So, what's the difference? Point a gun ... point a car. Same thing. You kill somebody, you go to jail. What can we do as far as a motor vehicle goes? We send them to jail for a certain period of time ... but, I don't think we let felons ... who kill people with guns ... have another gun, do we? Absolutely not. We don't. We make it a crime not to. Well, if you drive a car, and you kill somebody with it, or you cause serious damage, you ought not to get the weapon back ... which is the car. Driving is a privilege, your license ought to be revoked for life. Thank you Madam Chairman.

Senator Debora B. Pignatelli, D. 13: I have a couple of questions for you ... I'm not sure what I'm going to do on this bill, certainly we want to punish people who drink and drive, but we don't have mandatory sentences for second degree murder ... knowingly killing someone ... or manslaughter, or rape, or other heinous crimes, and I'm just wondering why we should have a mandatory imprisonment for this crime?

Senator Rick A. Trombly, D. 7: Because ... well, it has to do with the revocation of the driver's license ... we do have mandatory sentencing for DWI now. We do have mandatory sentencing. And, we have ... Madam Chairman, if you're arrested for DWI, even a first offense, and your license is suspended, and you're arrested for driving after suspension for DWI ... we have mandatory sentences for that also. But, what this bill addresses is the discretionary part that we, of the state, have relative to the privilege of driving on our roads.

And, as I say ... my analogy is ... if you shoot somebody, Madam Chairman, you're not entitled to have a gun again in the State of NH. You can do all the rehabilitation you want, but if you shoot somebody, or if you commit another felony ... like a rape ... you can't have weapons. So, we do take that privilege away from people. Gun ownership. And, I think some people would probably argue that gun ownership is a constitutionally protected right ... so, I think when we come to guns and weapons, if you commit a crime, as you suggested ... we do have mandatory sentences. You don't get them ... you don't get it back. And, I think where we are dealing in the realm of the privilege of driving on our roads, if you kill somebody, or you cause the type of injury this bill envisions ... you ought not to get the weapon back. And, the weapon is the car. And, you can come out of prison and rehabilitate yourself ... all you want ... for rape, or for whatever charge it is ... you don't get a gun if you're a felon.

Senator Debora B. Pignatelli, D. 13: Ah ... Senator Brown?

Senator Mary E. Brown, D. 17: Thank you, Madam Chairman. Senator Trombly, if driving is a privilege, and we only allow mature people to drive. Mature people ... adults ... we don't allow kids to drive. And, you have demonstrated that you do not have proper judgement ... even once, to kill somebody, as you've described in this bill ... why should we restore that privilege?

Senator Rick A. Trombly, D. 7: Well, I think this bill addresses that.

Senator Mary E. Brown, D. 17: Thank you.

Senator Debora B. Pignatelli, D. 13: Senator Cohen ...?

Senator Burton J. Cohen, D. 24: Just a quick question as to what the penalty is now? What's the minimum penalty now?

Senator Rick A. Trombly, D. 7: I don't know, Senator Cohen. I don't know what the license revocation is. I believe that they do have the ability to get their license back. This bill deals with the revocation of the license, it's not dealing with the criminal aspect of the felony committed in negligent homicide. But, there is a crime, if you kill somebody under the influence of alcohol.

Senator Burton J. Cohen, D. 24: Further question ... as it is now, somebody is able, at some point, to get their license back ... even if they've committed manslaughter?

Senator Rick A. Trombly, D. 7: Yes.

Senator Debora B. Pignatelli, D. 13: I don't see any other questions. Thank you.

Senator Rick A. Trombly, D. 7: Thank you very much.

Senator Debora B. Pignatelli, D. 13: Oh, I don't have a sign up sheet, is there anyone else who would care to testify? Okay, Sheila Evans?

Sheila Evans: Thank you and good morning. For the record, I'd like to state my name as Sheila Evans, I'm here representing myself. A context you don't often see me in. I want to just tell you briefly that this bill came about as a request that I made to Senator Trombly as a result of a conversation with a friend, who literally ... we were just talking, and he actually said ... you know what I would do if I was Governor? I would make it a law that people who drink and drive and kill somebody should lose their license. And it was like, wow ... that's kind of an interesting idea.

So, we started talking about it, and as I was going around ... in the town where I live, I'd be at the post office or wherever, and I'd say ... hey, what do you think of this idea? Just trying to get an idea from people. How does this play out? Because it made such good sense to me, and I thought ... boy, I'm surprised that we don't already have such a good, clear message.

Well, turns out ... it's almost like a Worchak test of people's reactions relative to their experiences. So, a huge majority of people, very supportive basically because their experience of either knowing someone who has a drinking problem, or knowing someone who's been in an accident, being aware of the safety issues. There were some people who were concerned about the affect it would have on the person who lost their license. And, they felt that would be punitive. When I spoke to them, and I would tell you as well ... I really believe that the punitive piece takes place when they go to court, and when they face their sentencing, or their punishment ... which is already established in law. I really regard this more as a preventative measure that would really enable us to have a safer environment for all of our citizens, and also as a preventative measure.

Ah ... I started thinking about the different aspects of what this would do, and how it would help. And, I think that the message piece ... especially with our young people ... when you talk to young people who, we beg not to drink and drive ... we know that it's a constant effort to get that ... to penetrate that invincibility, that teenagers seem to have. They don't have a good sense of what actually would happen if they did drink and drive. Going to prison or going to court is so far removed from their realm of experience that they can't really picture that consequence. Yet, if you say ... you would lose your license forever, they immediately react ... they immediately respond. It's such an important focus for teenagers and young people, driving is so critical that it sort of just clarifies for them, instantly, how very serious it is. Which is of course, one of the goals ... to somehow get that message across.

I think the safety aspect is extreme. I did some research, and I do have copies for you [*please refer to Attachment #1, Sheila Evans*]. Mothers Against Drunk

Drivers ... provides quite a few statistics. In NH, 47.5% of all traffic fatalities are alcohol related. The New England States ... NH is the highest, tied with Rhode Island. Massachusetts is quite high. And, Maine is relatively low. So, 47.5 ... almost 50% of all of our fatalities are from alcohol related driving.

Another interesting statistic, 91% of those surveyed that drink alcohol, cited losing their license would discourage them from driving after drinking. Again, it's a point that you can relate to on a very basic level. I know we use it in terms of our teenagers, if they don't have good grades ... we say, well, you're going to lose your driving privilege. It's something that people relate to on a very clear level.

One other issue I wanted to address with you, is this concept of permanently revoking a license. You know, that's a reality that this state already entertains in other areas. I looked at the RSA's for daycare license revocation. And, there's criteria there ... if you operate a daycare, and you are found to abuse or neglect a child, not comply with chapter or rules, if you're unable to meet and maintain standards adopted by the commission, or if you substantially or repeatedly violate any provision of the law, your license is revoked. Your daycare license is revoked. So, why would our criteria for revoking a driver's license be any less?

Right now, there are legislative efforts underway to deal with all of the problems that come from drinking and driving. This, really, is only looking at one piece. I know yesterday in the House, the House Criminal Justice Committee looked at a special demonstration of the ignition interlock devices. So, there's that piece that's being addressed. There's also a study committee that's looking at the penalties and the different aspects of dealing with people who drink and drive, and are caught with a BAC [*blood alcohol content*] level of a certain level ... and they repeat ... the whole big picture is being examined.

I don't really think that this bill is really [sic] a part of that. I really feel that this bill is about a message. This bill is about NH saying ... we care about the safety of our citizens, we want to set a standard that is high enough to really penetrate and get through. I also believe that the communication would be served not only in the putting this into law, but also the fact that there will be people who will have their licenses permanently revoked. And, I regard them as a constant message in our communities.

I don't know about you, but I know in my town, I know who the people are who have chronic alcoholism, and some of them actually self-revoke. I know two of them who never drive at all. And, you'll see them walking around town, and you'll see community members give them rides. They know the extent of their problem, and how serious it is.

So, in conclusion, I would just ask you to please consider passing this for our citizens, and especially for our teenagers.

Senator Debora B. Pignatelli, D. 13: Thank you very much. Any questions? Senator Cohen?

Senator Burton J. Cohen, D. 24: You don't happen to know ... or maybe Senator Trombly would know ... what other states ... do other states have statutes like this? And, how effective it's been?

Sheila Evans: I have only found some legislative efforts ... but, none of them have been successful. And, I couldn't get the detail as to why. I would imagine that there would be some political pressure, because it would be considered too severe. I know of no other state that has it, although, I know in Europe that it is a standard in some countries ... someone told me Sweden, and one other country in Europe.

Senator Debora B. Pignatelli, D. 13: Do you have a question? Senator Gordon?

Senator Edward M. Gordon, D. 2: I guess ... my concern is ... that there is no opportunity for somebody to rehabilitate themselves ...?

Sheila Evans: Right. That's again ... it's the rehabilitation would occur in the areas of their drinking, and in their serving out their sentence, but in terms of driving a car again, no. That's the intent of this message is to say, this is serious enough ... this is a consequence that is absolute.

Senator Edward M. Gordon, D. 2: I happen to be on a study committee, which was created last session ... which is actually looking for penalties, the penalties for DWI and trying to customize them to make them more tailored to fit the offense, and to focus in not necessarily strictly on retribution, but to focus in on dealing with the roots of the problem itself. And, I'm just wondering if you might think it would be appropriate ... rather than to make a discreet judgement in regard to one bill, in relation with one bill it might not be better to wait and let that study committee do its work, and come back and make an overall recommendation?

Sheila Evans: Well, actually, it's interesting that you use the word penalty, because I really regard the work that committee is doing to be explicitly about penalty, and I don't really see this as a penalty, I really have a different view on what revoking a license is about. I think the penalty says, you know ... we're dealing with the mistake that you made. We're dealing with the conscious decision you made, we're dealing with punishing you, and rehabilitating you and bringing you back into society.

I'm looking at this more from a picture of ... the state has granted a license, and now there has been a problem. And, the problem is severe, it's not a minor problem, it's not just an accident, not just a fender-bender. It has resulted in the fatality of a person. So, the severity of that problem, relative to looking at it in the framework of granting a license, it's time to pull that license and say "No." Just as again, in some other aspects of the state, which is daycare, that license is pulled for the safety of our citizens.

So, I'm looking it not as a penalty, not as a punishment, but as an actual matter-of-fact reaction to a standard that we set and how we respond to that stan-

dard. So, I fully support what the committee is doing, and I do believe that there will be some really great outcomes from that, which will hopefully work with this to prevent that 47.5% of all fatalities being alcohol related, from becoming any higher.

Senator Debora B. Pignatelli, D. 13: We all want to do whatever we can do to prevent accidents and crashes where alcohol and drugs are involved, but this goes beyond fatality. This also involves serious injury, so ... if you injure somebody seriously, you would also lose your license for life as well.

Sheila Evans: Right. And, in that sense, and I don't know if there is a need for a really narrow definition on that, but I was thinking in terms of ... we have in my area, Robin Hill Farm, where people are brain injured. They are still able to do a lot of the things that keep them functioning in society, but their life as they knew it is completely over. So, I was thinking in terms of that.

Senator Debora B. Pignatelli, D. 13: Thank you ... any more questions? Okay, Senator Gordon?

Senator Edward M. Gordon, D. 2: Would this apply where there was a single vehicle accident, and the person himself, was the one that was injured?

Sheila Evans: If the person was driving drunk, and they injured themselves?

Senator Edward M. Gordon, D. 2: It says that if somebody was convicted of causing a serious bodily injury ... if they caused bodily injury. Let's say they go out and they harm themselves driving, would it apply in that particular circumstance, as opposed to harming somebody else?

Sheila Evans: Well, if it was a fatality of course, the point is moot. And, if it was a serious injury to the extent of what I'm relating to, I think that it would sort of self-revoke, because I know the people at Robin Hill Farm can't drive. I know that a brain injury or paralysis keeps you from driving, so I would say that ... I would expect that it pretty much would include one doing it to oneself as well. Thank you.

Senator Debora B. Pignatelli, D. 13: I don't see any more questions ... thank you very much.

Senator Debora B. Pignatelli, D. 13: Ah, Colleen Yont, you're here in support of the bill, you do not wish to speak. Thank you. Is there anyone else that would like to testify on SB436-FN? I don't see anyone, I'm going to close the hearing on this bill.

The Hearing on SENATE BILL 436-FN was closed at 10:28 A.M

Respectfully submitted,
Laurel J. Gallant-Hanlon, Senate Secretary

Attachment #1
Sheila Evans

2/09/00
To: Judiciary Committee
From: Sheila Evans
Re: SB 436

Although the efforts to increase awareness regarding drinking and driving continue, the statistics for New Hampshire indicate that the message is not getting through. Setting a strict standard such as the proposal in SB 436 will help to communicate a very important message and may provide greater safety for the citizens of New Hampshire.

SB436 would serve as a preventative message, most especially with our young people. Permanently losing a driver's license is a concept that is easy to grasp, and one that is extremely meaningful. It is hard for a young person to envision having an accident, especially since the aura of invincibility seems to encompass all teens. The idea of permanent revocation of their license seems to penetrate, maybe because the focus on driving is so intense at their age. Interestingly, a statistic from MADD states that :
91% of those surveyed that drink alcohol cited losing their license would discourage them from driving after drinking.
The power of the message is profound.

Safety is another issue that would be addressed with this bill. The citizens of this state deserve a standard that is set high enough to improve their chances of surviving on our roads and highways. When it comes to fatalities, the news for New Hampshire is particularly grim:
47.5% of all traffic fatalities in 1998 were alcohol related.
(MADD State by State Traffic Fatalities)

The reality of permanently revoking a license already exists in other areas of licensing in the state. For example, the RSA for Day Care License Revocation provides criteria such as:
"does not comply with chapter or rules", "unable to meet and maintain standards adopted by commission" "substantially or repeatedly violates any provision of the law"...
Why would the criteria for a driving license be any less strict?

Currently there are legislative efforts underway to deal with the prevention and rehabilitation for those that drink and drive. Yesterday the House Criminal Justice Committee observed a demonstration of ignition locks. There is a study committee that is looking at the broad issues, including penalties and sentencing. This bill is different. This bill is intended to serve as a constant communication – both in its message and its reality. Anyone who loses his or her license through this legislation participates in delivering the message. Please pass SB 436.

statistics

Public Opinion, Crash Risk and Pedestrian

- MADD is the most popular non-profit cause in the U.S., well liked by 51% of A It ranked second (79.7%) among the most strongly supported charities and third on the most credible list. (The Chronicle of Philanthropy, 1994)
- 97% of people who are of driving age consider drinking and driving by others a themselves and their families. (NHTSA, 1996)
- Two thirds of the driving age population believe that scientific evidence has sho any amount of alcohol impairs driving. (NHTSA, 1996)
- Seventy-seven percent of those surveyed favor the immediate authority to take tl driver's license as a means to reduce drunk driving. An identical percentage favc impoundment and sale of a repeat offender's vehicle to stop this crime. A slightl percentage, 79% support the use of sobriety checkpoints to reduce drunk drivin (MADD, 1994)
- Nearly three out of four (72%) of the driving age public think that penalties for and driving should be more severe. Of those nearly half think that they should bc much more severe. (NHTSA, 1996)
- Of those who occasionally drink, 13% said during the last three months, they ha operated a vehicle close to or under the influence of alcohol. Of this 13%, one p (1%) said they were stopped while driving. (MADD, 1994)
- Ninety-one percent of those surveyed that drink alcohol, cited losing their licens would discourage them from driving after drinking. (MADD, 1994)
- Sixty-three percent said it would be a good or excellent idea to raise the penalty and restaurants that serve alcoholic drinks to individuals who are already intoxic (IRC, 1993)
- About 80% of the driving age public has heard of blood alcohol concentration (I levels, but only about one in five know the BAC level in their state. (NHTSA, 1

- In most cases, emergency physicians are not legally required to report impaired the authorities. (Orsay, et al., 1994)

- For DWI offenders sentenced to jail, the median term imposed was six months; with two or more prior DWI sentences received sentences that were more than 1 as long as first-timers. (sourcebook, 1993)

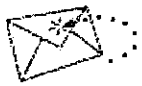
- Prior to their arrest for DWI, half of the convicted offenders in jail has consume six ounces of pure alcohol (about equal to the alcoholic content of 12 bottles of t mixed drinks) in about 5 hours. About 29% consumed at least 11 ounces of pur (equivalent to 22 beers) prior to their arrests. (BJS, 1992)

- Nearly nine out of ten of those in jail (86%) for DWI have previously been sente probation, jail or prison for DWI or for other offences. (BJS, 1992)

- In 1998, one out of nine intoxicated drivers in fatal crashes have had a prior DW conviction within the past three years. (NHTSA, 1999)

- Youth arrests (for under 18) increased significantly from 1984 to 1993 for drunl (42.9%); DUI (50.2%) and drug abuse (27.8%). (FBI, 1994)

Back Return to Statistics Hompage

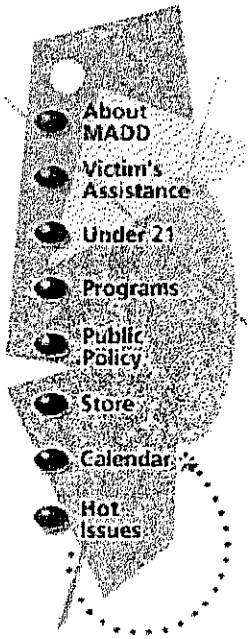


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MADD. Mothers Against Drunk Driving

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statistics

More Stats:
African Americans | Asian Americans | BAC | Crash Costs | DUIs | Fatalities | Fel
Classifications | General | Hispanic Americans | Holidays | Public Opinion |
References | Higher-Risk Drivers | Seatbelts | Youth

1998 State-By-State Traffic Fatalities

STATE	1998 Total Traffic Deaths	1998 Alcohol Related Deaths	Percent Alcohol-Related
Alabama	1,071	406	38.0
Alaska	71	31	43.6*
Arizona	980	423	43.2*
Arkansas	625	193	30.9
California	3,494	1,324	37.9
Colorado	628	232	36.9
Connecticut	329	142	43.1*
Delaware	115	45	38.9*
D.C.	54	27	50.8*
Florida	2,824	925	32.8
Georgia	1,569	509	32.5
Hawaii	120	56	46.6*
Idaho	265	90	34.0
Illinois	1,393	599	43.0*
Indiana	978	379	38.7*
Iowa	449	164	36.4
Kansas	493	174	35.3
Kentucky	858	285	33.3
Louisiana	922	426	46.2*
Maine	192	54	28.0
Maryland	606	203	33.5
Massachusetts	406	192	47.4*

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Minnesota	650	280	43.0*
Mississippi	948	351	37.0
Missouri	1,169	525	44.9*
Montana	237	104	43.8*
Nebraska	315	119	37.9
Nevada	361	177	49.0*
New Hampshire	128	61	47.5*
New Jersey	743	271	36.5
New Mexico	424	193	45.4*
New York	1,498	365	24.4
North Carolina	1,596	513	32.1
North Dakota	92	44	47.5*
Ohio	1,422	464	32.6
Oklahoma	755	252	33.4
Oregon	538	233	43.3*
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South Carolina	1,002	304	30.3
South Dakota	165	67	40.5*
Tennessee	1,216	499	41.1*
Texas	3,577	1,792	50.1*
Utah	350	50	14.4
Vermont	104	38	36.8
Virginia	935	343	36.7
Washington	660	307	46.5*
West Virginia	354	145	40.9*
Wisconsin	714	302	42.2*
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TOTAL	**41,471**	**15,935**	**38.4**

Go to:

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As for post-conviction sentences, some states have statutes requiring mandatory jail time--ranging from 48 consecutive hours to two years--for a drunk driving conviction for anyone whose drinking caused a death or an injury. Some states also require driving school and alcohol or drug rehabilitation, and in some cases judges may sentence offenders to do community service in emergency rooms and morgues.

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1) A fine ranging from $300 to $150,000 and or, 2) Imprisonment for up to six years, and or, 3) Loss of driving privilege for 180 days to a permanent revocation.

CAN AN INSURER LEGALLY RAISE A PERSON'S RATES BECAUSE OF A DRUNK DRIVING CONVICTION?
Yes. A very costly aspect of a conviction for drunk driving is the price of insurance. Basically, insurers can charge sky-high fees and raise the rates of convicted drivers. In some states--New Jersey, for example--a person convicted of drunk driving must pay a mandatory $1000 per year auto insurance payment for three consecutive years, in addition to any court-imposed penalties and fines. This is added to the increase that will inevitably--and legally-- occur in a driver's automobile insurance premiums.

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Sheila Evans.
Attachment #1

2/09/00
To: Judiciary Committee
From: Sheila Evans
Re: SB 436

Although the efforts to increase awareness regarding drinking and driving continue, the statistics for New Hampshire indicate that the message is not getting through. Setting a strict standard such as the proposal in SB 436 will help to communicate a very important message and may provide greater safety for the citizens of New Hampshire.

SB436 would serve as a preventative message, most especially with our young people. Permanently losing a driver's license is a concept that is easy to grasp, and one that is extremely meaningful. It is hard for a young person to envision having an accident, especially since the aura of invincibility seems to encompass all teens. The idea of permanent revocation of their license seems to penetrate, maybe because the focus on driving is so intense at their age. Interestingly, a statistic from MADD states that :
91% of those surveyed that drink alcohol cited losing their license would discourage them from driving after drinking.
The power of the message is profound.

Safety is another issue that would be addressed with this bill. The citizens of this state deserve a standard that is set high enough to improve their chances of surviving on our roads and highways. When it comes to fatalities, the news for New Hampshire is particularly grim:
47.5% of all traffic fatalities in 1998 were alcohol related.
(MADD State by State Traffic Fatalities)

The reality of permanently revoking a license already exists in other areas of licensing in the state. For example, the RSA for Day Care License Revocation provides criteria such as:
"does not comply with chapter or rules", "unable to meet and maintain standards adopted by commission" "substantially or repeatedly violates any provision of the law"...
Why would the criteria for a driving license be any less strict?

Currently there are legislative efforts underway to deal with the prevention and rehabilitation for those that drink and drive. Yesterday the House Criminal Justice Committee observed a demonstration of ignition locks. There is a study committee that is looking at the broad issues, including penalties and sentencing. This bill is different. This bill is intended to serve as a constant communication – both in its message and its reality. Anyone who loses his or her license through this legislation participates in delivering the message. Please pass SB 436.

statistics

More Stats:
African Americans | Asian Americans | BAC | Crash Costs | DUI's | Fatalities | Fel
Classifications | General | Hispanic Americans | Holidays | Public Opinion |
References | Higher-Risk Drivers | Seatbelts | Youth

Public Opinion, Crash Risk and Pedestrian

- MADD is the most popular non-profit cause in the U.S., well liked by 51% of A It ranked second (79.7%) among the most strongly supported charities and third on the most credible list. (The Chronicle of Philanthropy, 1994)
- 97% of people who are of driving age consider drinking and driving by others a themselves and their families. (NHTSA, 1996)
- Two thirds of the driving age population believe that scientific evidence has sho any amount of alcohol impairs driving. (NHTSA, 1996)
- Seventy-seven percent of those surveyed favor the immediate authority to take tl driver's license as a means to reduce drunk driving. An identical percentage favc impoundment and sale of a repeat offender's vehicle to stop this crime. A slightl percentage, 79% support the use of sobriety checkpoints to reduce drunk drivin (MADD, 1994)
- Nearly three out of four (72%) of the driving age public think that penalties for c and driving should be more severe. Of those nearly half think that they should bc much more severe. (NHTSA, 1996)
- Of those who occasionally drink, 13% said during the last three months, they ha operated a vehicle close to or under the influence of alcohol. Of this 13%, one pe (1%) said they were stopped while driving. (MADD, 1994)
- Ninety-one percent of those surveyed that drink alcohol, cited losing their licens would discourage them from driving after drinking. (MADD, 1994)
- Sixty-three percent said it would be a good or excellent idea to raise the penalty and restaurants that serve alcoholic drinks to individuals who are already intoxic (IRC, 1993)
- About 80% of the driving age public has heard of blood alcohol concentration (E levels, but only about one in five know the BAC level in their state. (NHTSA, 1

- In most cases, emergency physicians are not legally required to report impaired the authorities. (Orsay, et al., 1994)

- For DWI offenders sentenced to jail, the median term imposed was six months; with two or more prior DWI sentences received sentences that were more than 1 as long as first-timers. (sourcebook, 1993)

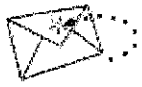
- Prior to their arrest for DWI, half of the convicted offenders in jail has consume six ounces of pure alcohol (about equal to the alcoholic content of 12 bottles of b mixed drinks) in about 5 hours. About 29% consumed at least 11 ounces of pure (equivalent to 22 beers) prior to their arrests. (BJS, 1992)

- Nearly nine out of ten of those in jail (86%) for DWI have previously been sente probation, jail or prison for DWI or for other offences. (BJS, 1992)

- In 1998, one out of nine intoxicated drivers in fatal crashes have had a prior DW conviction within the past three years. (NHTSA, 1999)

- Youth arrests (for under 18) increased significantly from 1984 to 1993 for drunl (42.9%); DUI (50.2%) and drug abuse (27.8%). (FBI, 1994)

Return to Statistics Hompage



program@madd.org

About MADD | Victims' Assistance | Under 21 | Programs | Public Policy | MADD's Guide to Congress | Store | Calendar | Hot Issues | News | Become a Member | Find Your Chapter | Statistics | MADD Chat | Donate to MADD | MADD Homepage

MADD. Mothers Against Drunk Driving

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statistics

More Stats:
African Americans | Asian Americans | BAC | Crash Costs | DUI's | Fatalities | Fel
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1998 State-By-State Traffic Fatalities

STATE	1998 Total Traffic Deaths	1998 Alcohol Related Deaths	Percent Alcohol-Related
Alabama	1,071	406	38.0
Alaska	71	31	43.6*
Arizona	980	423	43.2*
Arkansas	625	193	30.9
California	3,494	1,324	37.9
Colorado	628	232	36.9
Connecticut	329	142	43.1*
Delaware	115	45	38.9*
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2/9/2000 10:06 am SB436-FN

Sue Trombly: prime culprit
"...ultimate price paid by a third party..." → punishment is a deterrent! [personal/professional account]
* representing survivor family members
— lack of legislative response —
no difference between shooting, "bludgeoning" — from DUI w/ fatality..
→ "point a gun... point a car."
driving is a privilege →

Sen Degrandelli: 2nd degree murder — no mandatory sentence — why this?

Trombly: yes — mandatory DWI sentencing —

Sen Brown: → maturity factor — why restore privilege —

Trombly: this bill covers that —

Cohen: ——— Q =
brief exchange →

Sheila Evans: → key. self-
personal account from conversation
w/ citizen — brought to Rick T.
Punitive — ?
"... will maintain safer environment
for citizens..."
EXCELLENT analogy w/regard
to damage perspective:
45-50% alcohol related
fatalities
comparison made to day care
operators — criteria issues
Ignition interlock devices
BAC levels — appeal for
damage!

Cohen: — other states
Sheila: — leg efforts — not results
standard in Europe — named

Gordon 10[18] am

Gordon: — comments — rehab.

Sheila: in punitive manner and revocation of license.

Gordon: — discretion = ??
re already committee
w/ penalty phase — ?

Sheila: privilege vs disregard.
1623 + Am Broker / Gloria
expecting Good results from
any form of

Pignatelli: → serious injury - ?

Sheila: rendering total disability

Gordon: single vehicle - ?
self injury - ??

Sheila: "... would self revoke..."

10[27] am

Speakers

SB 436-FN Senate Judiciary Hearing Sign In

APPEARING: IN FAVOR	APPEARING: TO OPPOSE	DATE: FEBRUARY 9, 2000 TIME: 10:00 AM NAME / REPRESENTING	WISH TO SPEAK?
✓		Sheila Evans (Self) PO B386 Henniker	✓
✓		Colleen Yont self 6 Longview Dr. Bow 03304	

Hearing Minutes

SB 436-FN – AS INTRODUCED

2000 SESSION

00-2707
05/09

SENATE BILL ***436-FN***

AN ACT relative to permanent revocation of drivers licenses for causing a fatality ~~or serious injury~~ while driving intoxicated.

SPONSORS: Sen. Trombly, Dist 7

COMMITTEE: Judiciary

ANALYSIS

This bill requires permanent revocation of an individual's driver's license when convicted of causing a motor vehicle fatality or serious bodily injury while under the influence of drugs or alcohol and requires a 3-year mandatory prison term for driving after such a permanent license revocation.

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.

SB 436-FN - AS INTRODUCED

00-2707
05/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT relative to permanent revocation of drivers licenses for drunk driving causing a fatality ~~or serious injury~~ while driving intoxicated.

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

1 New Paragraph; Permanent Revocation of License for Motor Vehicle Fatalities Where Driver was Under the Influence of Drugs or Alcohol. Amend RSA 263:56 by inserting after paragraph V the following new paragraph:

VI.(a) Permanent revocation of a driver's license shall be mandatory and automatic where the driver, impaired by drugs or alcohol at the time of the incident, is found guilty of having caused a motor vehicle fatality or serious injury by a court of competent jurisdiction. If the driver is licensed in another state, the director shall notify the driver's home state that a notation should be made on the driver's record of permanent loss of driving privileges in New Hampshire.

(b) If a person is found guilty of driving after permanent license revocation under subparagraph (a), he or she shall be sentenced to a mandatory 3-year term of imprisonment.

2 Instances Where Permanent License Revocations are Allowed. Amend RSA 263:56, III(a) to read as follows:

(a) In the case of a person whose license is suspended or revoked pursuant to RSA 263:56, I(g) the director may suspend or revoke a license for not more than 7 years, ***except as provided in paragraph VI for offenses involving drugs or alcohol.***

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

... If the driver may petition the Sentencing court after 15 years from the date of the loss of license to have the license re-instated if the driver can demonstrate good cause for the reinstatement.

LBAO
00-2707
12/17/99

SB 436-FN - FISCAL NOTE

AN ACT relative to permanent revocation of drivers licenses for causing a fatality or serious injury while driving intoxicated.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill as it is awaiting information from an agency.

Testimony

Senate Judiciary Committee

Amendment to SB436-FN

Amend the title:

AN ACT relative to permanent revocation of drivers licenses for drunk driving causing a fatality while driving intoxicated

insert the following [under line 15 of the existing bill] :

(b) The driver may petition the sentencing court after fifteen (15) years from the date of the loss of license to have the license re-instated, if the driver can demonstrate good cause for the reinstatement.

Voting Sheets

SENATE JUDICIARY COMMITTEE

EXECUTIVE SESSION

HOLD 2/23

SB 420

Date: _____ Room: _____

Motion of: OTP

Made by Senator:		*Seconded by Senator:*	
Pignatelli	☐	Pignatelli	☐
Gordon	☐	Gordon	☐
K. Wheeler	☐	K. Wheeler	☒
Squires	☐	Squires	☐
Trombly	☐	Trombly	☐
Brown	☒	Brown	☐
Cohen	☐	Cohen	☐
Fernald	☐	Fernald	☐

Re Senator Trombly

Committee Member	*Present*	*Vote*	*Reported out by*
Senator Debora Pignatelli, Chairman	☐		
Senator Edward Gordon, Vice-Chair	☐		
Senator Katherine Wells-Wheeler	☐		
Senator James Squires	☐		
Senator Rick Trombly	☐		
Senator Mary Brown	☐		
Senator Burton Cohen	☐		
Senator Mark Fernald	☐		

Senator Trombly: "...the Court may [illegible] all individuals' [illegible] privilege"

*Amendments:

NOTES:

Gordon: has some reservations... "

Fernald: "agree w/ reservations..." Rehabilitated? Reformed?

Wants to see amendment

Squires: give the Courts some "latitude..."

Trombly

SENATE JUDICIARY COMMITTEE

EXECUTIVE SESSION

SB 406

Date: 3/8/2000 Room:

Motion of: OTP/A

Made by Senator:			*Seconded by Senator:*		
	Pignatelli	☐		Pignatelli	☐
	Gordon	☐		Gordon	☐
	K. Wheeler	☐		K. Wheeler	☐
	Squires	☐		Squires	☐
	Trombly	☒		Trombly	☐
	Brown	☐		Brown	☒
	Cohen	☐		Cohen	☐
	Fernald	☐		Fernald	☐

6/0 OTP/A

Committee Member	*Present*	*Vote*	*Reported out by*
Senator Debora Pignatelli, Chairman	☐	✓	
Senator Edward Gordon, Vice-Chair	☐	—	
Senator Katherine Wells-Wheeler	☐	✓	
Senator James Squires	☐	—	
Senator Rick Trombly	☐	✓	✓
Senator Mary Brown	☐	✓	
Senator Burton Cohen	☐	✓	
Senator Mark Fernald	☐	✓	

*Amendments:

NOTES: Trombly - clarification
Right to appeal
Permanent guardianship

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date: **MARCH 23, 2000**

THE COMMITTEE ON **Judiciary**

to which was referred **Senate Bill 436-FN**

AN ACT ***relative to permanent revocation of drivers licenses for causing a fatality or serious injury while driving intoxicated.***

file copy

VOTE: **6 / 0**

AMENDMENT # **00-3834s**

Having considered the same, report the same with the following amendment and recommend that the bill: **AS AMENDED OUGHT TO PASS.**

Senator Rick Trombly
For the Committee

SB436 Docket

Next|Previous|Results List|Bill Status

Bill Title: (3rd New Title) relative to revocation of drivers' licenses for causing a fatality and authorizing certain impaired driver intervention programs for restoration of driving privileges.

Date	Body	Description
1/5/00	S	Introduced and Ref. to Judiciary; SJ Convening Day, Pg.15
1/6/00	S	Hearing, Feb. 9, Room 103, SH, 10:00 a.m.; SC1, Pg.8
3/21/00	S	Committee Report Ought to Pass with Amendment{3834}, [New Title], 3/23/2000, SC18, Pg.10
3/23/00	S	Ought to Pass with Amendment{3834}, [New Title], AA, VV; Refer to Finance, [Rule 24]
3/23/00	S	SJ 7, Pg. 206-207
4/4/00	S	Committee Report Ought to Pass; 4/6/2000, SC21
4/6/00	S	Ought to Pass, MA, VV; OT3rdg, MA, VV; SJ 9, Pg.273
4/11/00	H	3/30/2000 Introduced and ref to Crim Just & PSfty; HJ35, p1056
4/11/00	H	Copy to Chairman on 4/11/2000
4/13/00	H	Hearing Apr 19 1:30 RM204,LOB
4/20/00	H	Continued Hearing Apr 26 11:00 RM204,LOB
4/26/00	H	Subcom Work Session May 2 10:00 RM204,LOB (Rep Christie)
5/4/00	H	Maj Report OTP/AM for May 17 (vote 15-0;CC)
5/4/00	H	Prop Comm Am{4361}(New Title); HC40, 1277-1278
5/17/00	H	Removed from Consent Cal, req Rep Welch; HJ45, p1366
5/17/00	H	Comm Am{4361}, AA VV; Rep Welch Fl Am{4535}(New Title), AA VV; Passed with Am VV; HJ45, p1423-1424 +
5/17/00	H	+ 1428
5/18/00	S	Sen. Pignatelli Nonconcur with House Amendment, Request C of C; MA,VV; SJ 15, Pg.504
5/18/00	S	Senate Conferees; Sen. Trombly, Brown, Pignatelli
5/18/00	H	House Acceded to req for Conf Comm; HJ46, p1492
5/18/00	H	(Spkr appts Reps: Christie, Welch, Tholl & Knowles)
5/24/00	S	C of C Meeting Thursday, May 25, Room 204, LOB, 11:00 a.m.
5/26/00	H	Conf Comm Report (House Am & New Am{4707}) filed;
5/31/00	H	Conf Comm Report Adopted 2/3VV; HJ48, p1514-1515
5/31/00	S	Conf. Comm Report Adopted, VV; SJ 16, Pg.581-582
5/31/00	S	Enrolled Bill Am{4782}[New Title], Adopted; SJ 16, Pg.611
5/31/00	H	Enrolled Am{4782}(New Title), Adopted; HJ48, p1549
5/31/00	S	Enrolled Bill, Adopted; SJ 16, Pg.625
5/31/00	H	Enrolled; HJ50, p1567
7/5/00	S	Signed by the Governor on 06/21/2000; Eff: 06/21/2000 Chapter 0318

**Docket Abbreviation Explanations

Next|Previous|Results List|Bill Status