

SB 618-FN - AS INTRODUCED

2026 SESSION

26-2196

09/05

SENATE BILL ***618-FN***

AN ACT relative to the penalties for repeat speeding offenders.

SPONSORS: Sen. Ricciardi, Dist 9; Sen. Fenton, Dist 10; Sen. Watters, Dist 4; Sen. Long, Dist 20; Sen. Birdsell, Dist 19; Sen. Perkins Kwoka, Dist 21; Rep. Rhodes, Ches. 17; Rep. Crawford, Carr. 3

COMMITTEE: Judiciary

ANALYSIS

This bill allows for the department of safety and courts to require drivers to install a device that uses GPS to actively limit the vehicle's speed to posted or preset speed limits, following certain offenses related to speeding.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to the penalties for repeat speeding offenders.

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

1 1 New Subdivision; Excessive Speeding. Amend RSA 265 by inserting after section 67 the
2 following new subdivision:

3 Excessive Speeding

4 265:67-a Definitions.

5 I. "Intelligent speed assistance (ISA) device" means an aftermarket device that uses GPS to
6 actively limit the vehicle's speed to posted or preset speed limits. Devices must be tamper-resistant
7 and capable of reporting attempts to disable or circumvent functionality. Active "intelligent speed
8 assistance device" does not include any technology that is provided by the vehicle manufacturer as a
9 component of a new motor vehicle and that controls or affects the speed of a motor vehicle.

10 II. "Department" means the department of safety.

11 III. "Excessive speeding" means traveling over 100 miles per hour on controlled access roads
12 or 50 miles per hour above the posted speed limit on secondary roads.

13 IV. "Eligible offender" means a person whose license is suspended due to a conviction or
14 administrative finding of excessive speeding, racing pursuant to RSA 265:75, or reckless driving
15 where speed was a factor, or a person who has exceeded more than a determined number of speeding
16 tickets per year, as defined by rule.

17 265:67-b Data Collection.

18 I. All data collected under this subdivision shall be securely maintained by the ISA device
19 provider. Data related to violations involving tampering with, circumventing, or removing the ISA
20 device may be shared with the department or the court that ordered the installation of the device.

21 II. Data collected under this subdivision may only be shared under the following
22 circumstances:

23 (a) When required by a court order;

24 (b) As directed by a state statute or regulation;

25 (c) With the department or the ordering court in cases involving violations for tampering
26 with, circumventing, or removing the device; or

27 (d) If the data is depersonalized and aggregated for research or evaluation purposes,
28 such as assessing the effectiveness of ISA offender programs in collaboration with third parties.

29 265:67-c Use of ISA Devices.

30 I. The department may require installation and use of an ISA device as a condition for
31 license reinstatement for any eligible offender.

1 II. If a person's license has been suspended under this subdivision, the terms of restricted or
2 revoked license reinstatement may require the person to use a properly functioning ISA device while
3 operating a motor vehicle.

4 III. If a person has exceeded a defined number of speeding tickets per year, as determined
5 by the department of safety through rules adopted pursuant to RSA 541-A, they may be subject to
6 installing this device as a condition of keeping their license.

7 IV. A person subject to the requirements of this section shall not operate a motor vehicle
8 without a properly functioning device for the duration of the restricted license.

9 V. A person subject to the requirements in this section shall provide proof of ISA installation
10 to the department through a form approved by the department from an ISA vendor.

11 VI. The offender shall bear the cost of leasing, installing, and maintaining the ISA device,
12 unless determined low income by the department, pursuant to RSA 265:67-d.

13 VII. The ISA device shall be operational on any vehicle the offender operates for a period of
14 not less than 12 months following reinstatement.

15 265:67-d Program Affordability.

16 I. The offender shall bear the cost of leasing, installing, and maintaining the ISA device,
17 unless determined low income by the department and qualified to participate in an affordability
18 program to partially offset the costs of the device. Persons meeting this standard shall receive
19 discounts for installation of the device and removal of the device and a discount on the monthly
20 device lease rate.

21 II. Persons applying for low income status shall be deemed to qualify for such status if:

22 (a) They show proof of enrollment in any of the following public assistance programs:

23 (1) Temporary Assistance for Needy Families (TANF);

24 (2) Supplemental Security Income (SSI);

25 (3) Supplemental Nutritional Assistance Program (SNAP);

26 (4) Low Income Home Energy Assistance Program (LIHEAP); or

27 (b) The individual's household income is at or below 150 percent of the federal poverty
28 level as documented.

29 265:67-e Certification and Installation.

30 I. To be eligible to install, repair, maintain, monitor, or remove an intelligent speed
31 assistance device, a company shall apply to the department and meet the requirements as provided
32 in this section.

33 II. An applicant seeking approval to install the device shall submit a declaration to the
34 department that the device is an intelligent speed assistance device as defined in this subdivision.

35 III. To maintain eligibility under this section, a certified ISA or ignition interlock device
36 provider or installer shall submit the results of a criminal background check to the department
37 annually for any individual that is hired to install, repair, maintain, monitor, or remove the device.

1 IV. Only certified ISA devices and installers of ISA and ignition interlock devices may be
2 used to meet the requirements of this subdivision.

3 V. The department shall adopt regulations pursuant to RSA 541-A governing the
4 certification of ISA device providers and installers.

5 265:67-f Program Administration.

6 The department shall establish procedures for:

7 I. Notifying offenders of ISA requirements;

8 II. Verifying installation and continued functionality of ISA devices; and

9 III. Monitoring compliance and responding to violations.

10 265:67-g Penalties for Noncompliance.

11 I. A person who is restricted to the use of a vehicle equipped with an intelligent speed
12 assistance device is noncompliant if the restricted driver:

13 (a) Tamper with the device or any components of the device, or otherwise interferes
14 with the proper functionality of the device, by modifying, detaching, disconnecting, or otherwise
15 disabling it to allow the restricted driver to operate the vehicle;

16 (b) Has, directs, authorizes, or requests another person to tamper with the device or any
17 components of the device, or otherwise interfere with the proper functionality of the device, by
18 modifying, detaching, disconnecting, or otherwise disabling it to allow the restricted driver to
19 operate the vehicle.

20 (c) Operates a vehicle without a required ISA device; or

21 (d) Fails to return the device to the vendor upon program completion.

22 II. Penalties for noncompliance under the section shall be subject to:

23 (a) Immediate re-suspension or revocation of driving privileges; and

24 (b) Extension of the ISA requirement for an additional 6 months;

25 III. If an individual is found to be noncompliant and chooses to instead cede all driving
26 privileges, the individual's license shall be suspended or revoked entirely and shall submit an
27 affidavit of compliance to the department.

28 IV. License reinstatement occurs when the user has satisfied the period of time required by
29 the court or department to use the device without incurring additional time penalties or has
30 completed the required time utilizing the device following additional time penalties, as specified in
31 this section.

32 265:67-h Reporting and Evaluation; Rulemaking.

33 I. The department shall submit an annual report to the legislature summarizing program
34 data, including recidivism rates, and user compliance.

35 II. The department may adjust implementation based on findings and emerging best
36 practices in ISA technology.

1 III. The department may adopt rules under RSA 541-A to implement the provisions of this
2 subdivision.

3 265:67-i Limitation of Liability.

4 I. A manufacturer, distributor, or retailer of a motor vehicle is not liable for any loss, injury,
5 or damages caused by the design, manufacture, installation, improper installation, use, or misuse of
6 an aftermarket intelligent speed assistance device. However, liability shall exist if the
7 manufacturer, distributor, or retailer of a motor vehicle knowingly engages in a repair or update to
8 the aftermarket intelligent speed assistance device and such repair or update proximately causes
9 loss, injury, or damage.

10 II. Nothing in this chapter requires a manufacturer, distributor, or retailer of a motor
11 vehicle to manufacture, distribute, or offer for sale a motor vehicle that includes or is compatible
12 with an aftermarket intelligent speed assistance device.

13 III. Nothing in this chapter prohibits a lessor or lienholder from requiring that a motor
14 vehicle lessee or owner notify the lessor or lienholder that an aftermarket intelligent speed
15 assistance device has been installed on a motor vehicle that is subject to a lease or finance
16 agreement.

17 2 New Paragraph; Reckless Driving. Amend RSA 265:79 by inserting after paragraph II the
18 following new paragraph:

19 III. Upon any conviction under this sentence in which the court determines that speed was a
20 factor, the court may order the defendant to participate in intelligent speed assistance device
21 program administered by the department of safety under RSA 265:67-c following the period of
22 license suspension.

23 3 New Paragraph; Racing on Highways. Amend RSA 265:75 by inserting after paragraph IV the
24 following new paragraph:

25 V. Upon any conviction under this sentence, the court may order the defendant to
26 participate in the intelligent speed assistance device program administered by the department of
27 safety under RSA 265:67-c.

28 4 Effective Date. This act shall take effect January 1, 2027.

SB 618-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the penalties for repeat speeding offenders.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	\$807,000	\$837,000	\$875,000
<i>Funding Source(s)</i>	Restricted - Highway Fund Cost of Collections - Per the state constitution, costs associated with the collection/administration of highway fund revenue by the Department of Safety is deducted prior to funds being credited as unrestricted highway fund revenue			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

METHODOLOGY:

This bill, effective January 1, 2027, creates an Intelligent Speed Assistance Device (ISAD) Program targeting the accumulation of excessive speeding citations, street racing, and reckless driving convictions where speed is a factor. The law defines “excessive speeding” and outlines conditions under which offenders may be required to install and use ISADs as prerequisite for license reinstatement or retention to include “... a person who has exceeded more than a determined number of speeding tickets per year... (currently undefined)”. This bill includes certification and oversight of ISAD providers and installers, data collection and sharing protocols, affordability program for low-income participants, and penalties for noncompliance. Additionally, this bill requires annual reporting based on data analysis of the program as well as rulemaking authority granted to the Department of Safety. The Department would be responsible for administering the program to include notifying offenders, verifying installation and functionality, compliance monitoring, certifying vendors and installers, and management of affordability determinations. This bill is expected to have an impact on both the Department’s Bureau of Hearings and Division of Motor Vehicles (DMV).

The Department of Safety states that given that no ISAD program currently exists in New Hampshire, implementation would require the creation of a new administrative framework.

Based on similarities to the existing Ignition Interlock Device (IID) Program and the process for identifying Habitual Offenders, the following assumptions are made by the Department:

Bureau of Hearings Staffing

This bill will likely require administrative hearings to determine whether an individual shall be required to install an ISAD under RSA 265:67-c III. The bill may require administrative hearings to determine an individual's eligibility for a discount on the monthly rates to maintain the ISAD under RSA 265:67-d I and II. The bill would require administrative hearings to impose penalties for noncompliance with the ISAD under RSA 265:67-g. The Department states this bill would require additional staff within the Bureau of Hearings to include three (3) Administrative Law Judges to hear the matters and issue written decisions based upon the relevant law and rules, and one (1) support staff member to process the paperwork, schedule the hearings and enter the hearing results.

Division of Motor Vehicles (DMV) Staffing

The Division of Motor Vehicles (DMV) will need four (4) new full-time positions to administer an ISAD program. If this program were to run like the IID program, there would be a workload increase to determine and identify eligible offenders as defined in the bill. There are currently 1,400 participants in the IID program of which anywhere from 50-100 violations are received daily for manual review. This program is currently run with one (1) compliance officer position and up to two (2) support staff. Unlike IID, ISAD would require data analysis and annual reporting. The only data analysis and annual report position DMV has is the Fatal Analysis Reporting System (FARS) which is a federal National Highway Traffic Safety Administration (NHTSA) requirement for reporting and statistically tracking fatality rates related to crashes in the state. It is assumed that the workload for an ISAD program would be significantly higher than that of the current IID program, as there are more individuals who could potentially meet the criteria to install an ISAD. The staffing needs are related to certification and oversight of ISA vendors and installers, compliance monitoring and violation processing, customer service and offender support, and data analysis and overall program administration

DMV Technology and Systems

The Department's internal systems would need to be developed and/or modified dependent on the rules developed, to potentially include:

- Tracking ISAD installations and offender compliance
- Interfacing securely with ISA vendors for data exchange
- Interfacing with SPOTS for ISAD restriction on credential
- Creating queues and reports for excessive speed compliance and identification of offenders

- Building upon existing compliance requirements for convictions and/or court interfaces

DMV Rulemaking and Legal Support

Legal and administrative staff will be required to draft and adopt rules under RSA 541-A for comprehensive program development. It would also need to review and respond to legal challenges or enforcement actions.

DMV Training and Outreach

There will need to be comprehensive staff training on ISAD technology, procedures, and best practices and the development of educational materials for offenders and stakeholders.

Cost Summary

Below is a summary of the costs associated with this bill, as estimated by the Department:

Description	FY 2027	FY 2028	FY 2029
<u>DMV Staffing</u>			
One (1) Management Analyst (SOC 13-05)			
Two (2) Records Clerks (SOC 43-03)			
One (1) Compliance Officer (SOC 13-03)	\$311,000	\$312,000	\$326,000
<u>Bureau of Hearings Staffing</u>			
One (1) Admin Assistant (SOC 43-04)			
Three (3) Admin Law Judges (SOC 13-10)	\$276,000	\$525,000	\$549,000
System Development and Programming	\$220,000	\$0	\$0
Total	\$807,000	\$837,000	\$875,000

It should be noted that this bill provides neither authorization nor appropriation for new personnel.

AGENCIES CONTACTED:

Department of Safety