

SB 60-FN - AS AMENDED BY THE SENATE

03/25/2021 1014s

2021 SESSION

21-1024

04/08

SENATE BILL

60-FN

AN ACT

prohibiting the transport of an open container of marijuana in a motor vehicle or OHRV.

SPONSORS:

Sen. Gannon, Dist 23; Rep. M. Pearson, Rock. 34; Sen. Prentiss, Dist 5

COMMITTEE:

Judiciary

ANALYSIS

This bill prohibits the transport of an open container of marijuana in a motor vehicle or OHRV.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT prohibiting the transport of an open container of marijuana in a motor vehicle or OHRV.

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

1 1 New Section; Alcohol or Other Drug Impairment; Transporting Marijuana. Amend RSA 265-A
2 by inserting after section 45 the following new section:

3 265-A:46 Transporting Marijuana.

4 I. Except as provided in paragraph IV, no driver shall transport, carry, possess, or have any
5 marijuana within the passenger area of any motor vehicle or OHRV upon any way in this state
6 except in the original container and with the seal unbroken. Unsealed containers of marijuana shall
7 be stored and transported in the trunk of the motor vehicle or OHRV. If the motor vehicle or OHRV
8 does not have a trunk, such containers shall be stored and transported in that compartment or area
9 of the vehicle or OHRV which is the least accessible to the driver.

10 II. Except as provided in paragraph IV, no passenger shall carry, possess, or have any
11 marijuana within any passenger area of any motor vehicle or OHRV upon any way or in an area
12 principally used for public parking in this state except in the original container and with the seal
13 unbroken. Unsealed containers of marijuana may be stored and transported in that compartment or
14 area of the vehicle or OHRV which is the least accessible to the driver.

15 III. A person who violates this section shall be guilty of a violation and shall be subject to a
16 fine of \$150. In addition, a person who violates paragraph I of this section may have his or her
17 drivers' license, if a resident, or driving privilege, if a nonresident, suspended 60 days for a first
18 offense and up to one year for a second or subsequent offense.

19 IV. This section shall not apply to persons transporting, carrying, possessing, or having any
20 marijuana in a chartered bus, in a taxi, or in a limousine for hire; provided, however, that the driver
21 of any of said vehicles is prohibited from having any marijuana in or about the driver's area.

22 V. In this section:

23 (a) "Marijuana" shall have the same meaning as "cannabis-type drug" defined in RSA
24 318-B:1, IV.

25 (b) "Passenger area of any motor vehicle or OHRV" shall not include any section of a
26 motor vehicle or OHRV which has been designed or modified for the overnight accommodation of
27 persons or as living quarters.

28 (c) "Way" shall mean the entire width between the boundary lines of any public
29 highway, street, avenue, road, alley, park, or parkway, or any private way laid out under authority

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- 1 of statute, or any such way provided and maintained by a public institution to which state funds are
- 2 appropriated for public use or any such way which has been used for public travel for 20 years.
- 3 2 Effective Date. This act shall take effect January 1, 2022.

SB 60-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2021-1014s)

AN ACT prohibiting the transport of an open container of marijuana in a motor vehicle or OHRV.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	☒ General ☐ Education ☒ Highway ☐ Other			

METHODOLOGY:

This bill establishes a violation level offense relative to unlawful transport of marijuana in a motor vehicle or OHRV. It is not possible to estimate how many new cases may arise as a result of this change, if any, however the Judicial Branch estimates average cost of violation level cases to be \$53 in FY 2022. It should be noted that average case cost estimates for FY 2022 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types. Additionally, violations of this statute carry a fine of \$150. Therefore, this bill may increase revenue to the state highway fund.

AGENCIES CONTACTED:

Judicial Branch