CHAPTER 328
HB 1127 - FINAL VERSION

13Jun2024... 2284CofC

2024 SESSION

24-2615
11/02

HOUSE BILL *1127*

AN ACT relative to the revocation and suspension of drivers' licenses.

SPONSORS: Rep. Layon, Rock. 13

COMMITTEE: Transportation

ANALYSIS

This bill allows individuals with suspended licenses to mow their lawns without penalty and eliminates the requirement that drivers with suspended licenses surrender their licenses to the department of motor vehicles.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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HB 1127 - FINAL VERSION

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24-2615
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to the revocation and suspension of drivers' licenses.

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

328:1 Habitual Offenders. Amend RSA 262:19, III to read as follows:

III. If the director finds that the person is not the same person named in the transcript or that the abstract does not contain the number of valid convictions required by RSA 259:39, the proceeding shall be dismissed. If the director finds that the person is the same person named in the transcript or abstract and that the person is an habitual offender, the director shall, by appropriate order, revoke the person's driver's license and direct the person not to drive a motor vehicle on the ways of this state for a period of one to 4 years effective upon the date of the order or upon dates of final conviction of the offense that resulted in certification. [~~All licenses or permits to operate a motor vehicle on the ways of this state must be surrendered to the director.~~] A copy of the order shall become part of the record of the division of motor vehicles.

328:2 Disobeying an Officer. Amend RSA 265:4, I(f) to read as follows:

(f) Refuse or neglect to produce his license when requested by a court or justice, or refuse to surrender to the director or to any authorized employee of the department or other authorized representative of the director any [~~license,~~] registration certificate or number plate upon demand after suspension or revocation [~~of the same~~].

328:3 Administrative License Suspension. Amend RSA 265-A:30, III-V to read as follows:

III. On behalf of the department, the law enforcement officer submitting the sworn report under paragraph I shall serve immediate notice of suspension on the person, and the suspension shall be effective 30 days after the date of service. If the person has a valid New Hampshire driver's license, an officer shall [~~take the driver's license of the person, and~~] issue a temporary license valid for the notice period. [~~The officer shall send the license to the department along with the sworn report under paragraph I.~~]

IV. If the person submits to a test described in RSA 265-A:4 and the results of the test are not immediately available and therefore no notice has been served by the law enforcement officer, the department shall mail such notice and the suspension shall be effective 30 days after the date of service. If the address shown in the law enforcement officer's report differs from that shown on the department records, the notice shall be mailed to both addresses. The notice shall be presumed to have been served 3 days after mailing. Upon receipt of the notice of suspension and before requesting any review or hearing under RSA 265-A:31, if the person has a New Hampshire driver's license [~~that has not been surrendered, the person shall surrender such person's license at a place designated by the department and~~] ***the person*** shall***, upon request to the department,*** be issued a temporary driving permit valid for the notice period.

V. In the case of a person who has a driver's license from another jurisdiction, all provisions of this subdivision shall apply except that [~~surrender of the out-of-state driver's license and~~] issuance of a temporary driving permit shall not be required. The department shall transmit a copy of the suspension order to the motor vehicle authorities in the jurisdiction where the person's license was issued, and also in the jurisdiction of the person's residence if different from that where the license was issued.

328:4 Driving After Revocation or Suspension. Amend RSA 263:64, I through V-a to read as follows:

I. No person shall drive a motor vehicle ***upon a way*** in this state while the person's driver's license or privilege to drive is suspended or revoked by action of the director or the justice of any court in this state, or competent authority in the out-of-state jurisdiction where the license was issued.

II. A person who drives a motor vehicle ***upon a way*** in this state while such person's license or driving privilege is suspended or revoked shall be guilty of violating this section regardless of whether such person has a license on the effective date of such suspension or revocation. Evidence that the notice of suspension or revocation was sent to the person's last known address as shown on the records of the division shall be prima facie evidence that the person was notified of the suspension or revocation.

III. A person who obtains or possesses an out-of-state license after such person's New Hampshire license or driving privilege has been revoked does not revive his or her driving privilege by having such out-of-state license, and such person shall be guilty of violating this section if he or she drives ***upon a way*** in the state while his or her New Hampshire license or driving privilege is suspended or revoked.

IV. Any person who violates this section by driving or attempting to drive a motor vehicle ***upon a way*** or by operating or attempting to operate an OHRV or snowmobile in this state during the period of suspension or revocation of his or her license or driving privilege for a violation of RSA 265:79 or an equivalent offense in another jurisdiction shall be guilty of a misdemeanor. Any person who violates this section by driving or attempting to drive a motor vehicle ***upon a way*** or by operating or attempting to operate an OHRV or snowmobile in this state during the period of suspension or revocation of his or her license or driving privilege for a violation of RSA 265-A:2, I, RSA 265-A:3, RSA 630:3, II, RSA 265:82, or RSA 265:82-a or an equivalent offense in another jurisdiction shall be guilty of a misdemeanor and shall be sentenced to imprisonment for a period not less than 7 consecutive 24-hour periods to be served within 6 months of the conviction, shall be fined not more than $1,000, and shall have his or her license or privilege revoked for an additional year. No portion of the minimum mandatory sentence of imprisonment shall be suspended by the court. No case brought to enforce this paragraph shall be continued for sentencing for longer than 35 days. No person serving the minimum mandatory sentence under this paragraph shall be discharged pursuant to authority granted under RSA 651:18, released pursuant to authority granted under RSA 651:19, or in any manner, except as provided in RSA 623:1, prevented from serving the full amount of such minimum mandatory sentence under any authority granted by title LXII or any other provision of law.

V. Notwithstanding the definition of "revocation" in RSA 259:90 and the definition of "suspension" in RSA 259:107, the phrase "period of suspension or revocation" as used in paragraph IV and for purposes of paragraph IV only shall mean only suspension or revocation imposed by a court of competent

jurisdiction. "Period of suspension or revocation" shall include the period specifically designated and until the restoration of the person's driver's license or privilege to drive.

V-a.(a) Except as provided in subparagraph (b), any person who drives a motor vehicle ***upon a way*** in this state during the period of suspension or revocation of his or her license or driving privilege and is involved in a collision resulting in death or serious bodily injury, as defined in RSA 625:11, VI, to any person, shall be guilty of a class B felony, where such person's unlawful operation of the motor vehicle caused or materially contributed to the collision. Evidence that the driver violated any of the rules of the road shall be prima facie evidence that the driver caused or materially contributed to the collision.

(b) A person violating this section whose license or driving privilege has been suspended pursuant to the provisions of RSA 263:14 only shall be guilty of a misdemeanor.

(c) A person violating this section whose license or driving privilege has been suspended pursuant to the provisions of RSA 265-A:30, or pursuant to a reasonably equivalent law in any other jurisdiction, shall be guilty of a misdemeanor and fined $500 plus penalty assessment.

328:5 Way. Amend RSA 259:125, I to read as follows:

I. Except as provided in [~~paragraph~~] ***paragraphs*** II ***and III***, the entire width between the boundary lines of any public highway, street, avenue, road, alley, park or parkway, or any private way laid out under authority of statute, or any such way provided and maintained by a public institution to which state funds are appropriated for public use, or any such way which has been used for public travel thereon, other than to and from a toll bridge or ferry, for 20 years, or any public or private parking lot which is maintained primarily for the benefit of paying customers;

328:6 New Paragraph; Way. Amend RSA 259:125 by inserting after paragraph II the following new paragraph:

III. For the purposes of RSA 263:64, any unimproved land between the boundary lines described in paragraph I and the maintained portion of the roadway.

328:7 Repeal. RSA 263:12, IV, relative to failure to surrender license, is repealed.

328:8 Effective Date. This act shall take effect January 1, 2025.

Approved: August 02, 2024
Effective Date: January 01, 2025