CHAPTER 136
HB 1246-FN - FINAL VERSION

12May2022... 1984EBA

2022 SESSION

22-2622
12/11

HOUSE BILL ***1246-FN***

AN ACT relative to interlock devices.

SPONSORS: Rep. Gagne, Hills. 13

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill disqualifies a person from operating a commercial vehicle if they violate an order, from any jurisdiction, requiring the use of an interlock device.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to interlock devices.

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

136:1 Authority to Order Interlock Devices; Qualifying Offenses. Amend RSA 265-A:36-a to read as follows:

265-A:36-a Department of Safety Authority to Order Ignition Interlock Device Installation. The commissioner of safety may require an administrative hearing for a person whose license or driving privilege was revoked or suspended pursuant to RSA 262:19 or RSA 630:2, III, where alcohol was involved, or as the result of a conviction of any offense under RSA 265-A:2, RSA 265-A:3, or RSA 265:79-a***, or an equivalent offense in another jurisdiction*** where alcohol was involved, or RSA 630:3, II, and, upon a finding that the safety of the person and of other users of the highways would be enhanced thereby, may order the person, as a condition of restoration of his or her license or driving privilege, to install an enhanced technology ignition interlock device in any vehicle registered to that person or used by that person, for not less than 12 months nor more than 2 years, subject to the same conditions and prohibitions as if the interlock was ordered by a court under the provisions of this subdivision. Where possible, the hearing shall be conducted prior to the restoration of the license or driving privilege, although such restoration shall not prevent the commissioner from requiring the hearing.

136:2 Commercial Motor Vehicle Operation; Disqualifying Events. Amend RSA 263:94, I(f)-(g) to read as follows:

(f) A first conviction within this or any other jurisdiction of driving a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle, the driver's commercial driver license is revoked, suspended, or canceled, or the driver is disqualified from operating a commercial motor vehicle; [~~or~~]

(g) A first conviction within this or any other jurisdiction of causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of vehicular homicide and negligent homicide[~~.~~]***; or***

(h) A first conviction, within any jurisdiction, of driving a commercial motor vehicle not equipped with an ignition interlock device when subject to an ignition interlock order in any jurisdiction.

136:3 Definition of Serious Traffic Violation. Amend RSA 259:98-a, IX-X to read as follows:

IX. Driving a commercial motor vehicle in violation of RSA 265:24, I; [~~or~~]

X. Driving a commercial motor vehicle in violation of RSA 265:105-a[~~.~~]***; or***

XI. Driving a commercial motor vehicle in violation of RSA 265-A:37.

136:4 Motor Vehicles; Definition of Serious Traffic Violation. Amend RSA 259:98-a, X to read as follows:

X. Driving a commercial motor vehicle in violation of RSA 265:79-c[~~.~~]***; or***

136:5 Effective Date.

I. Section 4 of this act shall take effect January 1, 2023, at 12:01 a.m.

II. The remainder of this act shall take effect 60 days after its passage.

Approved: June 07, 2022
Effective Date:
I. Section 4 effective January 1, 2023 at 12:01 a.m.
II. Remainder effective August 6, 2022