

SB 649-FN - VERSION ADOPTED BY BOTH BODIES

2026 SESSION

26-2087

06/08

SENATE BILL **649-FN**

AN ACT increasing fines for using a hand-held mobile electronic device while driving a motor vehicle.

SPONSORS: Sen. Fenton, Dist 10; Sen. McConkey, Dist 3; Sen. Gannon, Dist 23; Sen. Prentiss, Dist 5; Sen. Birdsell, Dist 19; Sen. Ricciardi, Dist 9; Rep. Roy, Rock. 31; Rep. Gorski, Hills. 2; Rep. N. Murphy, Hills. 12; Rep. Crawford, Carr. 3

COMMITTEE: Transportation

ANALYSIS

This bill increases fines and adds license suspension for repeat offenses involving the use of a hand-held mobile electronic device while driving, with enhanced penalties when the violation contributes to a crash.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struck through.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 increasing fines for using a hand-held mobile electronic device while driving a motor vehicle.

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

1 1 Use of Mobile Electronic Devices While Driving; Prohibition; Penalties. Amend RSA 265:79-c,
2 III to read as follows:

3 III. Any person who violates this section shall be guilty of a violation and shall be ~~fin~~
4 ~~\$100 plus penalty assessment for a first offense, \$250 plus penalty assessment for a second offense,~~
5 ~~and \$500 plus penalty assessment for any subsequent offense within a 24-month period.]~~ **subject to**
6 **the following fines and penalties:**

7 (a) **For a first offense, a fine of \$250. If the violation is a contributing cause of a**
8 **motor vehicle crash, the fine shall be \$500.**

9 (b) **For a second offense within 24 months of the first offense, a fine of \$500. If**
10 **the violation is a contributing cause of a motor vehicle crash, the fine shall be \$750.**

11 (c) **For a third or subsequent offense within 24 months of the first offense, a fine**
12 **of \$750 and license suspension of up to 30 days. If the violation is a contributing cause of a**
13 **motor vehicle crash, the fine shall be \$1,000 and the suspension shall be 60 days.**

14 2 Effective Date. This act shall take effect January 1, 2027.

**SB 649-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT increasing fines for using a hand-held mobile electronic device while driving a motor vehicle.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	Indeterminable		
<i>Revenue Fund</i>	General Fund, Highway Fund, Victims Assistance Fund, and Judicial Branch Information Technology Fund			
Expenditures*	Department of Safety DMV Costs - \$48K in FY 2027 Costs to Criminal and Judicial Systems - Indeterminable			
<i>Funding Source</i>	General Fund, 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</i>	None			

*Expenditure = Cost of bill *Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill, effective January 1, 2027, increases penalties for using hand-held mobile electronic devices while driving a motor vehicle:

Offense Count	Existing Law	Proposed Change
1st Offense	\$100 fine	\$250 fine, or \$500 fine, if crash-contributing
2nd Offense ¹	\$250 fine	\$500 fine, or \$750 fine, if crash-contributing
3rd or Later Offense ¹	\$500 fine	\$750 fine, plus license suspension up to 30 days, or \$1,000 fine, plus 60-day suspension, if crash-contributing

¹ If within 24 months of first offense

In addition to the fines illustrated above, an additional penalty assessment of \$2 or 24 percent, whichever is greater, is applied to each fine under RSA 265:79-c, III. Fine revenue is credited to the highway fund and penalty assessment revenue is split between the general fund (66.66%), the Victims' Assistance Fund (16.67%) and the Judicial Branch Information Technology Fund (16.67%).

In FY 2025, the Department of Safety and Judicial Branch report the following fine and penalty assessment revenue collections:

Fine Revenue - Highway Fund	\$458,720
Penalty Assessment - General Fund	\$73,399
Penalty Assessment - Victims' Assistance Fund	\$18,352
Penalty Assessment - Judicial Branch Information Technology Fund	\$18,352

It is assumed this bill would increase revenue to all four funds illustrated above, however the amount of a potential increase is indeterminable as the number of infractions cannot be predicted as it is unknown if this bill will change driver behavior.

The Department of Safety states this bill will require updates to its systems and processes to reflect the new fine structure and license suspension protocols. This includes updated software and configuration changes, user acceptance testing (UAT), and production deployment with post-implementation support. The DMV estimates a one-time expenditure of \$48,000 to implement these changes.

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Department of Safety, Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association