

Bill as Introduced

HB 1517-FN - AS INTRODUCED

File

2010 SESSION

10-2270
03/05

HOUSE BILL **1517-FN**

AN ACT establishing a DWI victim fatality sign program.

SPONSORS: Rep. Spaulding, Hills 18; Rep. Graham, Hills 18; Sen. Roberge, Dist 9

COMMITTEE: Public Works and Highways

ANALYSIS

This bill establishes a DWI victim fatality sign program.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT establishing a DWI victim fatality sign program.

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

1 1 New Subdivision; DWI Victim Fatality Sign Program. Amend RSA 236 by inserting after
2 section 48 the following new subdivision:

3 DWI Victim Fatality Sign Program

4 236:48-a DWI Victim Fatality Sign Program.

5 I. A next of kin may apply to the department of transportation to sponsor a sign
6 memorializing an individual who was fatally injured in a traffic accident, occurring after July 1,
7 2006, in which there is substantial evidence gathered by law enforcement that another driver caused
8 the accident while driving in violation of RSA 265-A:2 or RSA 265-A:3. The applicant shall complete
9 a DWI victim fatality sign application furnished by the department. The applicant shall include
10 with the application:

11 (a) The date of the accident.

12 (b) The location of the accident.

13 (c) The name of the driver driving while intoxicated or under the influence of drugs.

14 (d) An affidavit by the applicant that the individual to be memorialized was fatally
15 injured in the traffic accident and that there is substantial evidence gathered by law enforcement
16 that the other driver was at fault and that drugs or alcohol were involved.

17 (e) The name of the individual who was fatally injured as it should appear on the name
18 plaque.

19 II. Within 60 days, or as soon as practical, after the department of transportation receives a
20 correctly completed application submitted under paragraph I and the department has inspected the
21 proposed site for the sign, the department shall send a written decision to the applicant as to
22 whether the proposed sign installation is in compliance with this section.

23 III.(a) A sign that the department approves under this section shall be placed in the state-
24 maintained highway right-of-way, at cost to an applicant, near the location of the accident and facing
25 the oncoming traffic, without obstructing the visibility of an existing traffic sign.

26 (b) Signs shall not be placed within an interstate right-of-way, or on-ramps and off-
27 ramps of such highways.

28 (c) The department shall furnish, install, and retain ownership of the DWI fatality sign.

29 IV. If a sign is applied for under paragraph I and approved by the department, the
30 department shall install a DWI fatality sign that reads "PLEASE DON'T DRINK AND DRIVE" and
31 a separate name plaque that reads "IN MEMORY OF (the victim's name)."

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- Page 2 -

1 V. No more than 4 name plaques of victims may appear below the DWI fatality sign on a
2 single sign installation. If there were more than 4 victims fatally injured in the traffic accident, the
3 department of transportation may install additional signs in the vicinity of the accident.

4 VI. Unless it determines that public safety requires removal, the department shall keep a
5 sign installation in its designated location for 2 years after the date of its installation. After the 2-
6 year period ends, the department shall remove the sign. No petition for time extension or re-erection
7 of such sign shall be accepted.

8 2 Rulemaking. Amend RSA 21-L:12 by inserting after paragraph XLVII the following new
9 paragraph:

10 XLVIII. Application procedures for DWI fatality signs authorized by RSA 236:48-a.

11 3 Effective Date. This act shall take effect upon its passage.

LBAO
10-2270
11/24/09

HB 1517-FN - FISCAL NOTE

AN ACT establishing a DWI victim fatality sign program.

FISCAL IMPACT:

The Department of Transportation states this bill will increase state highway fund revenue by \$18,050 in FY 2011 and each year thereafter. There will be no fiscal impact on county and local revenue or state, county, and local expenditures.

METHODOLOGY:

The Department of Transportation states the proposed bill will create a new sign program for DWI fatality victims. The Department states the program costs could be absorbed in its current operating budget by postponing or suspending previously scheduled work. These costs will be offset by fees charged to the applicants. The Department estimates an initial effort to establish the program consisting of 4 existing employees spending approximately 31 hours at a total cost of \$1072 out of currently budgeted funds. The Department also estimates a cost per sign, covering approval, installation, maintenance, and removal, of \$722 for existing staff time (22 hours), equipment, and supplies. Again, this estimate presumes the existing budget will cover the funding for the signs, with the costs, not including the estimated startup costs, recovered through program fees. Based on 10 years of historical experience, the Department assumes 150 annual highway fatalities, 35% of which are alcohol related, with roughly half of those resulting in signs under the program, for an average number of signs annually of 25. By charging program participants an amount equal to the cost of the sign, the Department estimates it will collect \$18,050 ($\722×25 signs) in revenue annually.

Committee Minutes

2-9-10

(P.S)

Briefing on N.H.'s Intermold
Bus Service by Paul Worsowicz
A two-page
written handout was distributed

Rep. McCortney
asked for a further breakdown
in the \$21,000 item for Berlin-
Dr. Conway - New Hampton in regard
to bus service to Post Office,
which is in his district

Mr. Worsowicz
answered several other questions from
committee about bus service

Speakers

Hearing Minutes

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

PUBLIC HEARING ON HB 1517-FN

BILL TITLE: establishing a DWI victim fatality sign program.
DATE: January 26, 2010
LOB ROOM: 201 **Time Public Hearing Called to Order:** 1:15 p.m.
Time Adjourned: 1:46 p.m.

(please circle if present)

Committee Members: Reps. Bouchard, Campbell, Cloutier, Leland, C. Brown, Cy, Long, Sprague, Mann, Ramsey, White, Chandler, Graham, Kausch, Gionet, Ingram, McConkey, Bailey, Kolodziej and Seidel.

Bill Sponsors: Rep. Spaulding, Hills 18; Rep. Graham, Hills 18; Sen. Roberge, Dist 9

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

1. Y: *Rep. Jayne Spaulding, prime sponsor.

Described the bill's purpose and mentioned its fiscal note, which could mean an increase of \$18,050 in state highway fund revenue in Fiscal Year 2011 because of its fees for the sign program to be established.

At hearing's ended, submitted written testimony.

2. Y: Rep. John Graham, co-sponsor.

Explained that initial applicants will have to pay more for such signs which after two years will be removed and reused by the Department of Transportation (DOT). Such reused signs will just have the victim's names changed thus costing future participants in the sign program less.

Said that passage of the bill could reduce the number of temporary memorials that are put along roads after a fatal highway accident.

Reminded committee of HB 1590's history that the prime sponsor mentioned in her oral and written testimony. Said he and the prime sponsor agreed to file the bill this year because the legislature had more important bills like the budget to deal with last year.

3. Y: Bedford Police Chief David Bailey, representing New Hampshire Association of Chiefs of Police.

HB 1517-FN Page Two Continued

4. Y: Wendy MacLearn of Bedford

Lost her father in a DWI (Driving While Intoxicated) accident, and recounted the details.

Mentioned that of 129 traffic fatalities – 34 were alcohol-related.

Said that the drunken driver convicted of killing her father cost the state in jail time than what the signs would cost. If one person would refrain from drinking and driving because of these signs, it would be worth it.

Further discussed her late father's life, what he meant to her and the rest of his family and friends.

Wouldn't stop all DWI accidents, but it's worth a try.

5. Y: Lydia Valliere of Manchester representing MADD (Mothers Against Drunk Driving)

Literally stood in strong support of the bill.

Said MADD intends to do fundraising to help pay for the signs which would be authorized in the bill.

6. Y: Department of Transportation (DOT) Michael Pillsbury

Answered questions about the bill, and said DOT would implement and run the program to be established by the bill through its rule-making authority.

At the chair's request Rep. Ramsey orally announced that no one had signed the blue sheet in support, or opposition to the bill.

Hearing ended at 1:46 p.m.

Respectfully Submitted:



Rep. John R. Cloutier, Clerk

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

PUBLIC HEARING ON HB 1517-FN

BILL TITLE: establishing a DWI victim fatality sign program.

DATE: 1-26-10

LOB ROOM: 201 Time Public Hearing Called to Order: 1:15

Time Adjourned: 1:46
TRQ

(please circle if present)

Committee Members: Reps. Bouchard, Campbell, Cloutier, Lerondeau, C. Brown, Cyr, Long, Sprague, Mann, Ramsey, White, Zandler, Graham, Rausch, Gionet, Ingram, McConkey, Bailey, Kolodziej and Seidel.

Bill Sponsors: Rep. Spaulding, Hills 18; Rep. Graham, Hills 18; Sen. Roberge, Dist 9

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

1-26-10

(P. 9)

1. Y: Rep. Jayne Spaulding,
prime sponsor

Described the bill's purpose, and mentioned its fiscal note, which could mean an increase of \$18,050 in state highway fund revenue in Fiscal Year 2011 because of its fees for the sign program to be established.

At hearing's end, submitted written testimony.

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Explained that initial applicants will have to pay more for such signs, which after two years will be removed and reused by the Dept. of Transportation (DOT). Such reused signs will just have the victim's names changed thus costing future ~~participants~~ participants in the sign program less.

Said that passage of the bill could reduce the number of temporary memorials that are put along roads after a fatal highway accident.

HB 1517

(13)

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of Chiefs of Police
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Wendy Merdoun

(P.3)

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(P. 4)

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Answered
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At the chair's
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no one had signed the
blue sheet in support or
opposition to the bill.

Hearings ended at

1:46 pm

Rep. John D. Clarke
Chair

Testimony

HB 1517-FN

January 26, 2010

I'm here today to ask you to help pass the DWI Victim Fatality Sign Program (HB1517). I had the honor of addressing this committee two years ago in support of this program, which did not pass at that time. In the two years that have passed since then, my conviction that this needs to happen has only strengthened.

Two years ago my grief was still very raw. My father, Henry Magee, was killed on Sept. 23, 2006 at 6:30AM on a Saturday morning in Bedford. He was on his way home from a cancelled fishing trip. He never made it. He was just two miles from his home when a 20 year old woman who had been partying all night in Keene crossed the center line and hit his car head on. There were no skid marks. In an instant, this wonderful man who had been a foundation to so many was gone.

When I spoke two years ago I told you about the candlelight vigil that his neighbors held on the street outside my parents' home. I told you that we had been at my home a few streets away, trying to celebrate my daughter's ninth birthday. How we tried to celebrate through the tears and the looks at the empty chair at the table. I told you that when we drove up the street to his house there were close to 50 people in the street, holding candles. They shared stories of what he had meant to them and honored his memory.

We had his wake on a Friday night, six days after he was killed. People stood in line for over an hour to pay their respects. The church was standing room only the next day. This man had such an impact on so many people. He was truly loved and left us the finest legacy that any man can leave.

This wonderful man died alone at the hospital, without any of the people who loved him holding his hand and telling him how much we loved him. Because someone else made a poor choice to drink and drive. A choice that shattered two families.

I looked up the 2007 and 2008 statistics for NH alcohol related fatalities at the National Highway Transportation Safety Agency. Here's what I found: in 2007 there were 129 fatalities. 34 of those were alcohol related (meaning that a driver had a .08 BAC or higher). That was 26% of the total fatalities. In 2008 there were 139 fatalities. 45 of those were alcohol related. That was 32%. There was a 32% increase from 2007 to 2008! That is 79 people whose deaths could have been prevented had better choices been made.

I believe that we have a chance to help reverse this trend. I strongly believe that this sign program will help by raising awareness that people die from the combination of automobiles and alcohol.

When I was in high school in the 1970's in Manchester, a favorite trip was a drive to Hampton Beach. In those days Route 101 wound through all the small towns on the way there. There were white crosses on the sides of the road, many of them. Each marked a life lost on that road. My friends and I noticed them. And we tried to drive safely on that road. Those crosses warned us to be careful, in a way that no adult talking to us could. But we never knew the cause of those crashes, just that someone died there. This sign program leaves no doubt that alcohol was involved. These signs say "Pay attention! Someone died here and it was because of drunk driving".

We have a chance to help save lives. We'll never know how successful this program has been. The lives saved will be the crashes that didn't happen. Perhaps because someone saw the sign on their way to a party and decided not to drink and drive, or a discussion happened along the way and someone agreed to be a designated driver. We'll never know. But we do have the chance to try to reverse this disturbing trend. And it certainly will cost the state less than incarcerating someone for years. I'm sure that the two years that the woman who killed my dad spent in prison cost more than the cost of a sign (or perhaps even many years worth of signs).

I mentioned at the beginning of my discussion my raw grief. I would like to share with you the impact of losing someone you love in this manner. First, in our case, this wonderful man who we loved, a devoted husband of almost 55 years, the best father I could have asked for and a wonderful grandfather just vanished from this Earth. We never saw him again. When the State Coroner called us the afternoon of the accident she told my brother that my dad had severe head and chest injuries. My dad was a very handsome man and my brother and I decided that we couldn't let my mother see him in that state. He vanished.

Three years have passed and the pain is with each of us every day. Not as strong as it was at first, but it doesn't go away. We have had other family members pass away but this is different. This is a time and a life stolen away from you. Moments that they should be present to experience stolen. There is no justification such as "their body just gave out". These deaths are preventable and just should not happen. I watch my mother, lost without her life's love. I see the pain that is still there in my childrens' eyes. I feel the scars on my heart. We all try to honor him and his memory every day, and to live our lives the way that he did, to make him proud. It hurts.

This program can help to save other families from the pain that my family has gone through. The drunk driver and her family have suffered as well. This woman (a girl, really) at 20 years old had her future darkened because of a choice made one night.

She is a convicted felon and spent two years in the NH State Prison for Women. She is a year younger than my son. The world is wide open for him now. She is on parole for the next 13 years. Her family had to live with the pain of having their daughter in prison. I'm sure that they worried about her constantly. No parent wants to see their child go through that. She will carry the weight of my dad's death for the rest of her life.

I thank you for listening to my story and urge you to help this important bill pass. We have a chance to save lives and a responsibility to do so. Next time it could be you, on your way home, or your child, or your spouse, or your best friend, just trying to get home and not making it there.

Respectfully,

Wendy MacLearn

Bedford, NH

File

HB 1517 – FN

January 26, 2010

Testimony of Rep. Jayne Spaulding, Dist. 18 (Bedford)

Chairman Bouchard and Members of Public Works and Highways;

HB 1517-FN is a DWI victim fatality sign bill. When a person is fatally injured in a traffic accident in which there is substantial evidence that another driver was under the influence, the victim's family may apply to the DOT to sponsor a sign memorializing the victim. The sign will read "PLEASE DON'T DRINK AND DRIVE" and a separate name plaque that reads "IN MEMORY OF (the victim's name). Up to four names may appear on a single sign installation. If there are more than 4 victims fatally injured in the traffic accident, the DOT may install additional signs in the vicinity of the accident.

The application for a sign will include the date and location of the accident, the name of the driver driving under the influence, an affidavit by the applicant that the person to be memorialized was fatally injured in the accident, and that there is substantial evidence gathered by law enforcement that the other driver was at fault and that drugs or alcohol were involved.

Once approved, DOT will place the sign in the State-maintained highway right-of-way, *at cost to an applicant*, near the location of the fatal accident. The sign will remain in place for 2 years.

There is a fiscal note attached to this bill. Please note that this bill will *increase* State highway fund revenues by \$18,050 in 2011 and each year thereafter. The DOT states the program costs (\$1072) could be absorbed in its current operating budget. These costs will be offset by fees charged to the applicants. The DOT estimates a cost per sign of \$722, covering approval, installation, maintenance and removal. Based on 10 years of historical experience, the DOT assumes 150 annual highway fatalities, 35% of which are alcohol related, with roughly half of those resulting in signs under the program, for an average number of signs annually of 25.

A similar bill, HB 1590, was introduced last session. The bill easily passed this Committee and the full House, but was killed in the Senate. HB 1517-FN addresses the issues raised by the Senate.

Voting Sheets

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

EXECUTIVE SESSION on HB 1517-FN

BILL TITLE: establishing a DWI victim fatality sign program.

DATE: February 2, 2010

LOB ROOM: 201

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. John A. Graham

**Approved
18-0**

Seconded by Rep. Peter E. Ramsey

Vote: 18-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 18-0 (YES)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,
John R. Cloutier
Rep. John R. Cloutier, Clerk

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

EXECUTIVE SESSION on HB 1517-FN

BILL TITLE: establishing a DWI victim fatality sign program.

DATE: 2-2-10

LOB ROOM: 201

Amendments:

Sponsor: Rep. OLS Document #:

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Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. John A. Graham

Seconded by Rep. Peter E. Ramsey

Vote: (Please attach record of roll call vote.)

Approved
18-0

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

18-0 (Yes)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. John R. Cloutier, Clerk

PUBLIC WORKS AND HIGHWAYS

Bill #: HB 1517-FN Title: Establishing a DWI victim fatality

PH Date: 01 / 26 / 2010 sign program. Exec Session Date: 02 / 02 / 10

Motion: Ought to Pass Amendment #: N/A

MEMBER	YEAS	NAYS
Bouchard, Candace C W, Chairman	✓	
Campbell, David B, V Chairman	✓	
Cloutier, John R, Clerk	✓	
Lerandean, Alfred C	✓	
Brown, Carole M	✓	
Cyr, James E	✓	
Long, Patrick T	✓	ABSENT
Sprague, Dale R	✓	ABSENT
Mann, Maureen R	✓	
Ramsey, Peter E	✓	
White, Andrew A	✓	
Chandler, Gene G	✓	
Graham, John A	✓	
Rausch, James B	✓	
Gionet, Edmond D	✓	
Ingram, Russell F	✓	
McConkey, Mark E	✓	
Bailey, Clinton W	✓	
Kolodziej, Walter	✓	
Seidel, Carl W	✓	

TOTAL VOTE: YEAS 18 NAYS 0

Committee Report

CONSENT CALENDAR

February 2, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on PUBLIC WORKS AND HIGHWAYS to
which was referred HB1517-FN,

AN ACT establishing a DWI victim fatality sign
program. Having considered the same, report the same
with the recommendation that the bill **OUGHT TO**
PASS.

Rep. John A Graham

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	PUBLIC WORKS AND HIGHWAYS
Bill Number:	HB1517-FN
Title:	establishing a DWI victim fatality sign program.
Date:	February 2, 2010
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill is substantially the same as HB 1590 that was passed by the House in 2008, but placed into Interim Study by the Senate. The bill incorporates the concerns raised by the Senate during its study of HB 1590. This bill will allow the next of kin of an individual killed by a driver who was operating under the influence of drugs, or alcohol, to apply for a sign to be placed near the site of the accident urging other motorists not to drink and drive. These signs would include the name of the victim(s) and would remain standing for a period not to exceed 2 years. These cautionary signs would be placed at a cost to the applicant. There would also have to be substantial evidence, gathered by law enforcement officials, that the accident was caused by a driver operating under the influence. The signs could be placed along any state owned and maintained roadway, but due to federal regulations, will not be placed along the inter-state system.

Vote 18-0.

Rep. John A Graham
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

PUBLIC WORKS AND HIGHWAYS

HB1517-FN, establishing a DWI victim fatality sign program. **OUGHT TO PASS.**

Rep. John A Graham for PUBLIC WORKS AND HIGHWAYS. This bill is substantially the same as HB 1590 that was passed by the House in 2008, but placed into Interim Study by the Senate. The bill incorporates the concerns raised by the Senate during its study of HB 1590. This bill will allow the next of kin of an individual killed by a driver who was operating under the influence of drugs, or alcohol, to apply for a sign to be placed near the site of the accident urging other motorists not to drink and drive. These signs would include the name of the victim(s) and would remain standing for a period not to exceed 2 years. These cautionary signs would be placed at a cost to the applicant. There would also have to be substantial evidence, gathered by law enforcement officials, that the accident was caused by a driver operating under the influence. The signs could be placed along any state owned and maintained roadway, but due to federal regulations, will not be placed along the inter-state system. **Vote 18-0.**

Original: House Clerk
Cc: Committee Bill File

HB 1517-FN establishing a DWI victim fatality sign program.

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**Rep. John A. Graham
For the Committee**

18-0 OTP
CC

CWZ
2/2/2010

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CWB
2/2/2010

COMMITTEE REPORT

COMMITTEE: Public Works and Highways

BILL NUMBER: HB 1517-FN

TITLE: Establishing a DWI victim fatality sign program.

DATE: 2-2-10 CONSENT CALENDAR YES NO

OUGHT TO PASS

OUGHT TO PASS WITH AMENDMENT

INEXPEDIENT TO LEGISLATE

RE-REFER

REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

**STATEMENT OF INTENT
(Include Committee Vote)**

*CUT
2/2/2010*

Vote. 18-0

Rep. John A. Graham
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT