

Bill as Introduced

HB 1517-FN - AS INTRODUCED

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

1 a separate name plaque that reads "IN MEMORY OF (the victim's name)."

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

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

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

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

12 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.

CHAPTER 80
HB 1517-FN – FINAL VERSION

2010 SESSION

10-2270
03/05

HOUSE BILL ***1517-FN***

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

COMMITTEE: Public Works and Highways

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CHAPTER 80
HB 1517-FN - FINAL VERSION

10-2270
03/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

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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
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25 the oncoming traffic, without obstructing the visibility of an existing traffic sign.

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CHAPTER 80
HB 1517-FN – FINAL VERSION
- Page 2 -

1 a separate name plaque that reads “IN MEMORY OF (the victim’s name).”

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

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

9 80:2 Rulemaking. Amend RSA 21-L:12 by inserting after paragraph XLVII the following new
10 paragraph:

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

12 80:3 Effective Date. This act shall take effect upon its passage.

13

14 Approved: May 19, 2010

15 Effective Date: May 19, 2010

Committee Minutes

AMENDED
SENATE CALENDAR NOTICE
TRANSPORTATION AND INTERSTATE COOPERATION

Printed: 04/01/2010 at 1:42 pm

- ✓ Senator Robert Letourneau Chairman
- ✓ Senator Peggy Gilmour V Chairman
- Senator Martha Fuller Clark
- ✓ Senator Molly Kelly
- ✓ Senator David Boutin

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

open: 10:30
close: 10:50

Date: April 1, 2010

HEARINGS

Thursday

4/8/2010

TRANSPORTATION AND INTERSTATE COOPERATION	LOB 101	10:30 AM
(Name of Committee)	(Place)	(Time)

EXECUTIVE SESSION MAY FOLLOW

Comments: THE PURPOSE OF THIS AMENDED NOTICE IS TO ADD HB 1620-FN-A, WHICH WAS RECESSED ON 4/1/10.

- 10:30 AM HB1517-FN establishing a DWI victim fatality sign program.
- 10:50 AM HB1203 relative to nonresident registration of motor vehicles.
- 11:10 AM HB1204 relative to equipment and inspection exemptions for older vehicles.
- 11:30 AM HB1247 (New Title) establishing a speed limit for vehicles traveling through toll collection areas.
- 11:50 AM HB1620-FN-A establishing state park number plates.

Sponsors:

HB1517-FN

Rep. Jayne Spaulding

Sen. Sheila Roberge

Rep. John Graham

HB1203

Rep. Norman Major

HB1204

Rep. Norman Major

HB1247

Rep. John Flanders

HB1620-FN-A

Rep. Andrew Peterson

Sen. Margaret Hassan

Rep. David Campbell

Sen. Bob Odell

Rep. Peter Bergin

Sen. Lou D'Allesandro

Rep. David Nixon

Rep. George Katsakiores

Jessica Eskeland 271-8631

Sen. Robert Letourneau

Chairman

Transportation & Interstate Cooperation Committee Hearing Report

TO: Members of the Senate
FROM: Gene Martin, Legislative Aide

RE: Hearing report on **HB 1517-FN** - *AN ACT establishing a DWI victim fatality sign program.*

HEARING DATE: April 8, 2010

MEMBERS OF THE COMMITTEE PRESENT: Senators Letourneau, Gilmour, Kelly, Boutin

MEMBERS OF THE COMMITTEE ABSENT: Senator Fuller Clark

Sponsor(s): Rep. Spaulding, Hills 18; Rep. Graham, Hills 18; Sen. Roberge, Dist 9

What the bill does: This bill establishes a DWI victim fatality sign program.

Who supports the bill: Rep. Spaulding; Wendy MacLearn; David Bailey, NHACOP, Catherine McNaughton, Hillsborough County Attorney; Rep. Graham.

Who opposes the bill: No one

Summary of testimony received:

Rep. Spaulding (prime sponsor) testified in support of the bill. When a person is fatally injured in a traffic accident and there is substantial evidence that another driver was under the influence the victim's family may apply to 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. If there are more the DOT may install additional signs in the vicinity. Once the applicant is approved the DOT will place the sign in the state State-maintained highway right-of-way, at cost to the applicant, near the location of the fatal accident, which will be in place for 2 years. The program's primary purpose is for education.

Wendy Deabill MacLearn testified in support of the bill. She told the story of her father who was killed in 2006 by a drunk driver. She believes that by better acknowledging this we can maybe save a life. This bill addresses the concerns the Senate had two years ago.

Chief Bailey, Bedford PD/Chiefs of Police testified in support of the bill. He knew Wendy's father Henry and concurs with her and Rep. Spaulding.

Fiscal Impact: See FN.

Future Action: Senator Gilmour moved OTP the motion was seconded by Senator Boutin the vote was 4-0. Motion passed and Senator Gilmour will take the bill out.

e
epm
{file HB1517}
Date: April 9, 2010

Date: April 8, 2010
Time: 10:30 AM
Room: LOB 101

The Senate Committee on Transportation and Interstate Cooperation held a hearing on the following:

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

Members of Committee present: Senator Letourneau
Senator Gilmour
Senator Kelly
Senator Boutin

The Chair, Senator Robert J. Letourneau, opened the hearing on HB 1517-FN and invited the prime sponsor, Representative Jayne Spaulding, to introduce the legislation.

Representative Jayne Spaulding: Good morning. I have testimony and copies. Would you like it now or at the end?

Senator Robert J. Letourneau, D. 19: Sure. Do we have a sign up sheet?

Representative Jayne Spaulding: Good morning, Chairman Letourneau and members of the Senate Transportation and Interstate Cooperation. I didn't realize that was actually your official title until I looked it up.

Senator Robert J. Letourneau, D. 19: It's a long one.

Representative Jayne Spaulding: Interstate Cooperation. My name is Jayne Spaulding; I represent District 18, which is Bedford.

House Bill 1517 is a DWI victim fatality sign bill. When a person is fatally injured in a traffic accident and there is substantial evidence that another driver was under the influence, the victim's family can 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" and then the victim's name. Up to four of these name plaques can be on a single sign installation. If there are more than four victims that die in the same

accident, the DOT can install more signs in a nearby location at their discretion.

The application for the sign will include, among other things, 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 under the influence.

Once approved, DOT will place the sign in the State maintained highway right of way at cost to the applicant near the location of the fatal accident, and the sign will remain in that location for two years. There is a fiscal note attached to this bill, but 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 could be absorbed in its current operating budget. These costs will be offset by fees that are charged to the applicants. The DOT estimates a cost per sign of \$722 which covers approval, installation, maintenance and removal. Based on ten years of historical experience, the DOT assumes 150 annual highway fatalities; 35% of which are alcohol related and about half of those resulting in signs under this program, for an average of about 25 signs a year. Mothers Against Drunk Driving has offered a grant to help the families offset the cost of \$722.

House Bill 1517 has the support of the DOT, the Liquor Commission, the New Hampshire Chiefs of Police and Mothers Against Drunk Driving. The Associated Press ran stories about the bill which appeared in the *Keene Sentinel*, the *Boston Globe*, the *Concord Monitor* and the *Union Leader*; and all were favorable to passage of this bill. Also, WBZ Television in Boston covered the bill in a news story that aired last November.

This program is primarily for education about drunk driving. Rather than driving by a makeshift white cross along the highway and not knowing what happened, a driver will see a name and a reminder that a bad decision to drink and drive has resulted in the death of a person and that person has a name.

I ask you for your support of House Bill 1517. This bill will cost the state nothing and it could save a life. And I'm happy to answer any technical questions you have about the bill. Behind me, I have Wendy MacLearn whose father was killed by a 16-year-old drunk driver, and she is the impetus behind this bill. And I also have her testimony.

Senator Robert J. Letourneau, D. 19: Thank you. A question from Senator Gilmour.

Senator Peggy Gilmour, D. 12: Thank you, Mr. Chairman. Thank you for your excellent testimony Representative. I heard about this, I think on the radio, and one of the things they said was that right now, the white crosses are illegal.

Representative Jayne Spaulding: Right.

Senator Peggy Gilmour, D. 12: But that DOT basically, just to be respectful, leaves them for six months. Is that...

Representative Jayne Spaulding: Exactly.

Senator Peggy Gilmour, D. 12: So that's correct?

Representative Jayne Spaulding: Yes.

Senator Peggy Gilmour, D. 12: But DOT... These would be legal.

Representative Jayne Spaulding: These would be legal.

Senator Peggy Gilmour, D. 12: And DOT would leave them for six months?

Representative Jayne Spaulding: Two years.

Senator Peggy Gilmour, D. 12: Two years, I'm sorry. You said that.

Representative Jayne Spaulding: And they determine the safe placement of the sign and, if something changes, they also have the right to take the sign down, if it becomes a safety hazard.

Senator Peggy Gilmour, D. 12: Thank you.

Senator Robert J. Letourneau, D. 19: Further questions from the Committee? Senator Boutin.

Senator David R. Boutin, D. 16: Thank you, Mr. Chairman. Representative Spaulding, thank you for your wonderful testimony this morning. The question I have has to do with, beginning down around line 23. And, I just want to know what the difference is between highway right-of-way and interstate right-of-way.

Representative Jayne Spaulding: Thank you for your question, and that's a very good question. This relates only to State of New Hampshire

State highways. It does not, for instance, have anything to do with 93, which is an interstate and federal; therefore, federal highway. So this is for State controlled roads.

Senator Robert J. Letourneau, D. 19: And it's not allowed on the interchanges.

Senator David R. Boutin, D. 16: Right.

Senator Robert J. Letourneau, D. 19: Further questions? Seeing none, thank you, very much; and thank you for your testimony.

Representative Jayne Spaulding: Thank you.

Please see Attachment #1 – Representative Spaulding's typewritten testimony.

Senator Robert J. Letourneau, D. 19: And thank you for bringing the bill forward. I saw Kevin O'Brien come in from the Department of Safety. Did you want to comment on this bill at all?

Kevin O'Brien: Didn't really want to comment unless we were needed to take questions.

Senator Robert J. Letourneau, D. 19: Okay. I know you came in late and I already had the sign in sheet. Alright.

Senator David R. Boutin, D. 16: Can we just ask him if he's okay with the bill?

Senator Robert J. Letourneau, D. 19: You can.

Senator David R. Boutin, D. 16: Can we just ask you if you're in support of the bill?

Kevin O'Brien: Hadn't given it any thought. But I believe that... Earl's out of town, but I believe we're in support of the bill. Just weren't going to speak on it, unless you...

Senator David R. Boutin, D. 16: Okay. Thank you.

Senator Robert J. Letourneau, D. 19: And I would note that the responsibility for this doesn't lie with the DOS, it actually lies with the DOT and they're not here in opposition. Just for the Committee's reference.

I call Wendy MacLearn. Did you want to speak on this John?

Representative John Graham: No. I thought you wanted me to say something here on...

Senator Robert J. Letourneau, D. 19: No, that would be the next bill.

Representative John Graham: Oh, okay. Alright.

Senator Robert J. Letourneau, D. 19: Thank you. Wendy, good morning and welcome back to Senate Transportation.

Wendy MacLearn: Good morning. Thank you very much for allowing me to speak today.

I'm here today to ask you to help pass this bill. I had the honor of addressing this Committee two years ago in support of this program; it didn't pass then. In the ensuing time, my conviction that this needs to happen has only grown stronger. When I spoke two years ago, my grief was still very raw. My dad, Henry Magee, was killed on September 23, 2006, at 6:30 in the morning on a Saturday morning in Bedford, on Route 101. He was on his way home from a fishing trip that got cancelled. He'd gone... I'm not even sure where it was; he turned around and came home. He lived in Bedford. He was two miles from his house when a 20 year old girl who'd been partying all night at Keene State College crossed the center line and hit him head on. There were no skid marks. In one instant, this great man who I loved so much was gone.

When I spoke two years ago, I told the Committee about a candle light vigil that his neighbors held for him on the street outside his house. We had been at my house, a couple streets away, celebrating my daughter's ninth birthday. She turned nine three days after the crash and we had planned, on the 24th, to celebrate her birthday; so we went through with that plan anyway. And, we sat there at my house celebrating her birthday through the tears and looking at that empty chair and realizing what that empty chair meant to us for the rest of our lives. It was going to stay empty. So it was kind of a tough night.

We drove back up the street and in front of their house, it was dark, were almost 50 people holding candles. And we were floored. They got together to honor my dad; that's the kind of guy that he was. And they told stories about him and shared memories and sang a song; it was just wonderful. We had his wake the following Friday night. People stood in line for over an hour to

pay their respects. The church was standing room only the next day. He had such an impact on so many people and he left us just the best legacy that you could ever leave.

He died alone at the hospital without any one of us there holding his hand and telling him how much we loved him, because somebody made a poor choice to drink and drive. That choice ruined our family and it ruined her family.

Now I looked up the statistics just briefly for New Hampshire alcohol related fatalities for 2007 and 2008. In 2007, there were 129 fatalities; 34 of those were alcohol related, which means the driver had a .08 blood alcohol content or higher. 26% of our fatalities were alcohol related in 2007. In 2008, there were 139; 45 of those were alcohol related. That was 32% of the total. And it was an increase of 32% from one year to the next. That's 79 people whose deaths could have been prevented if better choices had been made.

And I think we have a chance to reverse that trend. I think that this sign program is going to help make people aware that the combination of automobiles and alcohol is a really bad thing. And one of things I believe that's important is a visual reminder out there on the roads. I know before this happened to our family, I would read the newspaper and I'd see where there'd been a drunk driving fatality, and I'd say, oh my God, that's just awful. And I'd put the paper down and I'd go on with my life. Well, I can tell you that my life from that day, from September 23rd forward, is never the same. I see one and I know exactly what that means; both to the family and to the drunk driver's family too, because they're impacted just as much as we are. You know, and all their friends and all their family. It's such a wide spread hurt that happens when this happens.

I went to school in Manchester in the 1970s and back then, the road to Route 101 lead through all the small towns, and that road was peppered with crosses. And when we would drive out to the beach, my friends and I, we were in high school, we'd look at those crosses and that made us slow down and stop. We didn't know what had happened there, but we knew that, you know, somebody had died. I know from reading the paper at those times a lot of them were kids our age. But it made you stop and think, and that reminder, that visual reminder worked more for us than an adult saying to us "Okay, don't do this, don't drink and drive". I mean, you saw it, and you said "Whoa" something's going on here, I better be careful.

Now, our signs, I think, will do the same thing. Except they're going to say, pay attention, somebody died here because of alcohol, rather than, when you see a cross, you say, oh, somebody died there, I wonder what happened? This

doesn't leave any doubt; this says, you know, somebody died right here because somebody drank and drove. So, I think we have a chance to really do something here. We're not going to know the impact of it because the impact will be the crashes that didn't happen. You know, we won't know if we saved a life, but I bet that we will. And I think it'll be because somebody saw the sign on their way to a party and decided not to drink and drive or they were in a car on their way to a party, a group of people pass the sign and said, hmm, did ya see that? Maybe we better talk about having a designated driver. I think that there's a chance to reverse this trend if we do it. I know that the cost is certainly going to be... we know that the cost is not going to impact the State at all, and it's certainly a lot less than what it costs the State to incarcerate this young woman for two years. She just got out of prison last November. She was 20 years old when the accident happened. She went in, I believe she was 21, so she was 23 when she got out. She's now on parole for the next 13 years, so...

When I started talking to you guys, I mentioned my raw grief. I'd like to share with you just what that meant to our family. First, 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. The State Coroner called us that afternoon with questions and she told my brother that my dad had severe head and chest injuries. He was a very handsome man and we decided that we could not let my mother see my dad in this condition; that it would haunt her forever. So, we never saw him again. So, all of a sudden, Friday night, the last time I spoke with my dad, he called to tell me that my brother had passed the New Hampshire Bar, and he was so excited. We had waited so long for that. My brother went back to school in his 30s and finished his law school in his 40s. So, he was so excited. He was... after he had gotten home; he was supposed to go home on Saturday, he was supposed to go to my brother's to celebrate this with him. All of these things were taken away from us. You know, these little moments; they were stolen. And when someone passes away, we've had other members of our family pass away, it hurts, but this is different. This is, didn't have to be; these are moments and memories that we don't have because somebody made a bad choice.

I guess that's probably the main thing that I wanted to let you know. That I think we have a chance to maybe stop some of the bad choices, just by having this out there and visual. I think it's an important thing. Everyone that I talk to; I spoke with a woman last night in a store in Kittery. The subject came up; I won't bore you with the details of how it came up, but, she said to me, "Can I give you a hug?" I said, sure. She said, "I think this is a really important program. I see the crosses." Everyone I speak to, and I..., believe me, I tell the story a lot, because I figure the more we get it out there, people

will tell other people and maybe somebody won't make that bad choice. Everyone I speak to mentions the crosses and the visual, and I think we have a really good chance to get that visual out there and make an impact.

And I thank you very much for letting me speak today. I appreciate your time.

Senator Robert J. Letourneau, D. 19: Thank you. Any questions from the Committee, or comments from the Committee? Thank you so much for your testimony.

Wendy MacLearn: Thank you.

Please see Attachment #2 – Wendy MacLearn's typewritten testimony.

Senator Robert J. Letourneau, D. 19: Chief Bailey. Good morning, Chief.

Chief David Bailey: Good morning, Mr. Chairman, and members of the Committee. My name is David Bailey. I'm the Chief of Police in Bedford and I'm here in support of the bill and also representing the New Hampshire Chiefs of Police.

I think everything's been said that's been said, so I'm not going to repeat it. But, we're certainly in support of the bill. And, if you have any technical questions, I'll answer them, because a sponsor has done her homework, listened last time what the problems were, the questions, and has, I think addressed all of those. And I couldn't begin to be as eloquent as Wendy has been as the motivator of this. And, I did know her father personally. And I'm... so, obviously in full support of this bill for many reasons. If you have any questions, I'd be happy to answer them.

Senator Robert J. Letourneau, D. 19: Any questions from the Committee?
Senator Gilmour.

Senator Peggy Gilmour, D. 12: I have a question. I read this, but it was a few days ago now. So on the sign, has the date, the location, the name of the person who was killed and the name of the driver?

Chief David Bailey: No.

Senator Robert J. Letourneau, D. 19: Well, one does say the name of the driver.

Representative Jayne Spaulding: No, that's on the application.

Senator Peggy Gilmour, D. 12: Well, that was my question. So, on the application, you have that information?

Chief David Bailey: That's the application.

Senator Peggy Gilmour, D. 12: But the sign has just the victim's name?

Chief David Bailey: Just the victim's name, yeah.

Senator Peggy Gilmour, D. 12: Okay.

Senator Robert J. Letourneau, D. 19: There's no red badge? Thank you so much for your testimony, Chief. I really appreciate it, your coming down here today.


Chief David Bailey: You're welcome.

Senator Robert J. Letourneau, D. 19: Thank you. Nobody else here to speak in favor of the bill, but we have several people who have signed in, in favor but do not wish to speak; Catherine McNaughton, from the Hillsborough County Attorney is here and is in favor, but does not wish to speak; Representative John Graham, Hillsboro, in support, but does not wish to speak. And thank you very much for that.

With that, I'm going to close the hearing on House Bill 1517.

Hearing closed at 10:50 A.M.

Respectfully submitted,



Brenda L. Higgins
Senate Committee Secretary
April 15, 2010

2 Attachments

April 8, 2010

HB 1517 – FN

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

Chairman Letourneau and Members of Senate Transportation and Interstate Cooperation:

HB 1517 – FN is a DWI victim fatality sign bill. When a person is fatally injured in a traffic accident and there is substantial evidence that another driver was under the influence, the victim's family may apply to 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 four 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, among other things, 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 the 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 of 25 signs annually.

HB 1517-FN has the support of the DOT, the Liquor Commission, NH Chiefs of Police, and MADD. The Associated Press ran stories about the bill which appeared in the Keene Sentinel, the Concord Monitor and the Union Leader. All were favorable. Also WBZ television in Boston covered the bill in a story last November.

This program is primarily for education. Rather than driving by a makeshift white cross along the highway and not knowing what happened, a driver will see a name, and a reminder that a bad decision to drink and drive has resulted in the death of a person.

I ask for your support of HB 1517-FN. This bill will cost the State nothing, and may save a life.

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 spoke of the candlelight vigil that his neighbors held on the street outside my parents' home the day after the crash. We had been at my home a few streets away, trying to celebrate my daughter's ninth birthday. We tried to celebrate through the tears and the realization of the reality that the empty chair at the table represented. We drove up the street to his house to find 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. All because someone else made a poor choice to drink and drive. A choice that shattered two families; ours and the young woman's.

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 because 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 the sign provoked a discussion 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 children's eyes. I feel the scars on my heart. It hurts. We all try to honor his memory every day, and to live our lives the way that he did, to make him proud.

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 pass this important bill. 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 Deabill MacLearn

Bedford, NH

Speakers

Voting Sheets

Senate Transportation & Interstate Cooperation Committee EXECUTIVE SESSION

Bill # HB 1517-FN

Hearing date: 4/8/10

Executive session date: 4/8/10

Motion of: OTP

VOTE: 4-0

Made by
Senator: Letourneau
Gilmour
Kelly
Fuller Clark
Boutin

Seconded
by Senator: Letourneau
Gilmour
Kelly
Fuller Clark
Boutin

Reported
by Senator: Letourneau
Gilmour
Kelly
Fuller Clark
Boutin

Motion of: _____

VOTE: _____

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Kelly
Fuller Clark
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Reported
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Gilmour
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Fuller Clark
Boutin

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Letourneau, Chairman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Gilmour, Vice-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Kelly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Fuller Clark	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Boutin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: April 8, 2010

THE COMMITTEE ON Transportation and Interstate Cooperation
to which was referred House Bill 1517-FN

AN ACT establishing a DWI victim fatality sign program.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS

BY A VOTE OF: 4-0

AMENDMENT # s

Senator Peggy Gilmour
For the Committee

Jessica Eskeland 271-8631

New Hampshire General Court - Bill Status System

Docket of HB1517

Docket Abbreviations

Bill Title: establishing a DWI victim fatality sign program.*Official Docket of HB1517:*

Date	Body	Description
12/10/2009	H	Introduced 1/6/2010 and Referred to Public Works and Highways; HJ 6 , PG.243
01/12/2010	H	Public Hearing: 1/26/2010 1:15 PM LOB 201
01/13/2010	H	Executive Session: 2/2/2010 10:15 AM LOB 201
02/02/2010	H	Committee Report: Ought to Pass for Feb 10 CC (vote 18-0); HC 13 , PG.532
02/10/2010	H	Removed from Consent Calendar (Rep Vaillancourt); HJ 16 , PG.748
02/10/2010	H	Special Ordered to Regular Place in Feb 17 Consent Calendar: MA Without Objection; HJ 16 , PG.783
02/17/2010	H	Ought to Pass: MA VV; HJ 18 , PG.976
03/17/2010	S	Introduced and Referred to Transportation & Interstate Cooperation, SJ 10 , Pg.172
03/18/2010	S	Hearing: April 1, 2010, Room 101, LOB, 11:30 a.m.; SC12
03/23/2010	S	Hearing: === CANCELLED === April 1, 2010, Room 101, LOB, 11:30 a.m.; SC13
03/23/2010	S	Hearing: === RESCHEDULED === April 8, 2010, Room 101, LOB, 10:30 a.m.; SC13
04/08/2010	S	Committee Report: Ought to Pass 4/14/10; SC15
04/14/2010	S	Ought to Pass, MA, VV; OT3rdg; SJ 14 , Pg.291
04/14/2010	S	Passed by Third Reading Resolution; SJ 14 , Pg.296
04/21/2010	S	Enrolled; SJ 15 , Pg.332
04/28/2010	H	Enrolled; HJ 36 , PG.1729
05/24/2010	H	Signed by the Governor 05/19/2010; Effective 05/19/2010; Chapter 0080

NH House

NH Senate

Contact Us

New Hampshire General Court Information Systems
 107 North Main Street - State House Room 31, Concord NH 03301

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB1517 ORIGINAL REFERRAL

_____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

HEARING TRANSCRIPT (verbatim transcript of hearing)

List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: 1, 2

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

____ - AMENDMENT # _____ ____ - AMENDMENT # _____
____ - AMENDMENT # _____ ____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED ____ AS AMENDED BY THE HOUSE
 FINAL VERSION ____ AS AMENDED BY THE SENATE

____ PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: _____

EXECUTIVE SESSION REPORT

____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK 7/8/10

Brenda Z. Higgins
COMMITTEE SECRETARY