

Bill as Introduced

SB 141-FN - AS INTRODUCED

2011 SESSION

11-1066
03/05

SENATE BILL *141-FN*

AN ACT requiring drivers who are residents of foreign countries to have insurance.

SPONSORS: Sen. Bradley, Dist 3

COMMITTEE: Commerce

ANALYSIS

This bill requires drivers who are residents of foreign countries to have insurance coverage and prohibits renting a motor vehicle to any resident of another country without insurance.

.....

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT requiring drivers who are residents of foreign countries to have insurance.

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

1 1 New Section; License Reciprocity; Insurance Required. Amend RSA 263 by inserting after
2 section 38 the following new section:

3 263:38-a Insurance Required. No resident of a country other than the United States may drive a
4 motor vehicle in this state without possessing an insurance policy providing coverage for damages
5 arising out of any motor vehicle accident. Any person who violates this section shall be guilty of a
6 misdemeanor. Courts are authorized to order restitution to any victim of an accident involving a
7 person violating this section.

8 2 New Section; Prohibited Contracts; Uninsured Motor Vehicle Rentals. Amend RSA 338-A by
9 inserting after section 2 the following new section:

10 338-A:3 Uninsured Motor Vehicle Rentals. No person may rent a motor vehicle to any other
11 person if the other person is a resident of any country other than the United States and the other
12 person does not possess an insurance policy providing coverage for damages arising out of any
13 motor vehicle accident. Any person who rents a motor vehicle to another person in violation of this
14 section shall be guilty of a violation and shall pay a fine of \$100; each day of a continuing violation
15 shall constitute a separate violation.

16 3 Effective Date. This act shall take effect January 1, 2012.

SB 141-FN – AS INTRODUCED

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LBAO
11-1066
01/31/11

SB 141-FN - FISCAL NOTE

AN ACT requiring drivers who are residents of foreign countries to have insurance.

FISCAL IMPACT:

The Department of Safety states this bill will increase state highway fund expenditures by \$131,250 in FY 2012. There will be no fiscal impact on state, county, or local revenue, or county and local expenditures.

METHODOLOGY:

The Department of Safety states this bill requires residents of foreign countries to have insurance coverage to drive a motor vehicle in the state and prohibits rental of a motor vehicle to a foreign resident if that resident does not have insurance coverage. The Department states this new requirement would necessitate one-time programming changes to its system by outside consultants. These changes would cost approximately \$131,250 (\$175 per hour x 750 hours).

Committee Minutes

Commerce Committee Hearing Report

To: Member of the Senate

From: Patrick Murphy, *Legislative Aide*

Re: Hearing Report on SENATE BILL 141-FN requiring drivers who are residents of foreign countries to have insurance.

Hearing Date: February 8, 2011

Members of the Committee Present:
Senator Prescott, Senator White, Senator De Blois, Senator Sanborn, Senator Houde

Members of the Committee Absent:
None

Sponsor(s):
Sen. Bradley, Dist 3

What the bill does:
This bill requires drivers who are residents of foreign countries to have insurance coverage and prohibits renting a motor vehicle to any resident of another country without insurance.

Supporters of the bill:
Senator Bradley, Dist 3; Tim Duhurst, Carroll County Attorney

Those in opposition to the bill:
None

Speaking to the bill (Neutral):
Deb Stone, NH Insurance Dept.

Summary of testimony received:
Sen. Bradley, Dist 3

- o This bill would require non residents of the United States to have auto insurance if they are driving in NH. This legislation came to light in the aftermath of a situation the Duhurst family experienced. A family member was involved in a car accident with a foreign national who had no insurance and simply disappeared.

The Duhurst family was left with the entire outcome of the accident to deal with and thankfully the injuries were not as serious as they could have been.

- Senator Bradley questioned the accuracy of the fiscal note. Not sure why it would cost the Department of Safety \$131,250 (\$175 per hour x 750 hours) to make a rather simple computer programming change.
- Clarified for the Committee that he still opposes as he always has mandatory automobile insurance for all NH drivers.

Tim Duhurst – Carroll County Attorney

- This type of accident, involving a foreign national and a NH resident occurs frequently in NH. Law enforcement is very reluctant to pursue actions in these situations due to the difficulty in dealing with foreign nationals. The interest here is in protecting NH residents. Does not support mandatory auto insurance for everyone in NH.
- Driving is not a right it is a privilege. The insurance industry has put together packages for foreign nationals.
- Because NH is one of a very few states who do not require auto insurance, rentals wouldn't be a big issue when the renter has to buy insurance in the state they rented from prior to driving into NH.
- The Duhursts are insured and paid the deductible and had to replace the vehicle. They were fortunate that the injuries were minimal.
- Believes that the Supreme Court has addressed the privileges and immunities question and believes the courts consider specific circumstances.

Deb Stone, Insurance Department

- The Department takes no position on the bill but is concerned that the language is vague and doesn't define anything. It would be difficult for the Department to adopt rules to fill in the gaps without clear legislative intent. Asks the Committee to look at this bill carefully.

Funding:

FISCAL IMPACT:

- The Department of Safety states this bill will increase state highway fund expenditures by \$131,250 in FY 2012. There will be no fiscal impact on state, county, or local revenue, or county and local expenditures.

METHODOLOGY:

- The Department of Safety states this bill requires residents of foreign countries to have insurance coverage to drive a motor vehicle in the state and prohibits rental of a motor vehicle to a foreign resident if that resident does not have insurance coverage. The Department states this new requirement would necessitate one-time programming changes to its system by outside consultants. These changes would cost approximately \$131,250 (\$175 per hour x 750 hours).

Action:

Pending

**SENATE CALENDAR NOTICE
COMMERCE**

Senator Russell Prescott Chairman
 Senator Raymond White V Chairman
 Senator Tom De Blois
 Senator Matthew Houde
 Senator Andy Sanborn

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

Date: February 10, 2011

EXECUTIVE SESSIONS

Tuesday

2/15/2011

COMMERCE

LOB 102

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION ON PENDING LEGISLATION

Comments: This notice is intended to replace a previous notice. This notice includes a list of the bills that are available for the Committee to consider in executive session.

- SB28 establishing an exemption from the licensing requirements for nondepository first mortgage bankers and brokers for persons providing loans for certain seller-financed transactions.
- SB54 repealing certain condominium registration and filing requirements.
- SB57 relative to regulation of title loan lenders.
- SB89 relative to employee leasing companies.
- SB109 establishing a committee to study the foreclosure process in New Hampshire.
- SB141-FN requiring drivers who are residents of foreign countries to have insurance.

Sponsors:

SB28

Sen. David Boutin
 Sen. John Gallus

Sen. Jeb Bradley
 Rep. John Hunt

Sen. Andy Sanborn
 Rep. Patricia Dowling

Sen. Tom De Blois
 Rep. Mark Warden

SB54

Sen. Tom De Blois

Rep. Richard Hinch

SB57

Sen. Sharon Carson
 Rep. Alfred Baldasaro
 Sen. David Boutin

Rep. Marshall Quandt
 Rep. Barbara Shaw

Rep. John Hunt
 Sen. Andy Sanborn

Rep. Kenneth Gidge
 Sen. Tom De Blois

SB89

Sen. Sharon Carson
 Rep. Jennifer Coffey

Rep. Jeffrey Goley

Rep. Marshall Quandt

Rep. Matt Quandt

SB109

Sen. Sharon Carson
 Rep. James Headd

Sen. John Barnes, Jr.

Rep. Mary Griffin

Rep. Alfred Baldasaro

SB141-FN

Sen. Jeb Bradley

Speakers

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: February 15, 2011

THE COMMITTEE ON Commerce
to which was referred Senate Bill 141-FN

AN ACT requiring drivers who are residents of foreign countries to
 have insurance.

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

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 5-0

AMENDMENT # s

Senator Matthew Houde
For the Committee

Patrick Murphy 271-3067

New Hampshire General Court - Bill Status System

Docket of SB141

Docket Abbreviations

Bill Title: requiring drivers who are residents of foreign countries to have insurance.*Official Docket of SB141:*

Date	Body	Description
1/19/2011	S	Introduced and Referred to Commerce, SJ 3 , Pg.38
2/2/2011	S	Hearing: 2/8/2011, Room 102, LOB, 10:00 a.m.; SC10
2/15/2011	S	Committee Report: Inexpedient to Legislate, 2/23/11; SC12
2/23/2011	S	Inexpedient to Legislate, MA, VV === BILL KILLED ===; SJ 7 , Pg.67

NH House**NH Senate**

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB 141-FN ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE 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
- HEARING REPORT
- HANDOUTS FROM THE PUBLIC HEARING
- PREPARED TESTIMONY AND OTHER SUBMISSIONS
- SIGN-UP SHEET(S)

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

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 8-5-11

Patrick Murphy
BY COMMITTEE AIDE