

LEGISLATIVE COMMITTEE MINUTES

# **HB103**

# Bill as Introduced

HB 103 - AS INTRODUCED

2015 SESSION

15-0032  
05/10

HOUSE BILL        **103**

AN ACT            limiting the capabilities of wireless communication devices in motor vehicles.

SPONSORS:        Rep. J. Belanger, Hills 27

COMMITTEE:       Science, Technology and Energy

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ANALYSIS

This bill requires the email and texting capabilities of a wireless communication device to be disabled if the device is moving more than 5 miles per hour. The restriction shall not take effect unless 2 New England states adopt similar legislation.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fifteen*

AN ACT limiting the capabilities of wireless communication devices in motor vehicles.

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

1 1 New Chapter; Wireless Communication Devices in Motor Vehicles. Amend RSA by inserting  
2 after chapter 357-G the following new chapter:

3 CHAPTER 357-H

4 WIRELESS COMMUNICATION DEVICES IN MOTOR VEHICLES

5 357-H:1 Capabilities of Wireless Communication Devices in Motor Vehicles.

6 I. Any wireless communication device equipped with GPS capabilities that is sold or  
7 supplied for use in New Hampshire shall have the email and texting features of the device disabled if  
8 the device is moving more than 5 miles per hour.

9 II. Any business that sells or supplies a device in violation of paragraph I shall be subject to  
10 a fine of \$100 for each device sold or supplied in New Hampshire.

11 2 Contingency. If any 2 New England states adopt similar legislation restricting the capabilities  
12 of wireless communication devices in motor vehicles, section 1 of this act shall take effect upon  
13 certification of the attorney general to the secretary of state and the office of legislative services that  
14 such states have enacted the legislation.

15 3 Effective Date.

16 I. Section 1 of this act shall take effect as provided in section 2 of this act.

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

# Speakers



# Hearing Minutes

**HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY**

**PUBLIC HEARING ON HB 103**

**BILL TITLE:** limiting the capabilities of wireless communication devices in motor vehicles.

**DATE:** January 14, 2015

**LOB ROOM:** 304      **Time Public Hearing Called to Order:** 10 am

**Time Adjourned:** 10:34 am

(please circle if present)

**Committee Members:** Reps. Introne, Richardson, Devine, Rappaport, Murofaki, Vadney, Parison, Nottey, Aldrich, Halstead, D. Thomas, Yose, Baber, Cali-Pitts, Borden, Harvey, Townsend, Backus, Mann, Shepardson and Moffett.

**Bill Sponsors:** Rep. J. Belanger

**TESTIMONY**

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

**Rep. Jim Belanger, prime sponsor** – I hope my bill will stimulate discussion to address the problem of using the phone and distracted driving. I know of a phone app that can be downloaded to the phone which will disable the phone usage when the phone is moving more than 5 mph. I understand there is a flaw in the bill as to where the fine of \$100 will go when it is collected. I understand that in Pennsylvania that the highway rest stops are now called tech stops. I suggest that we retain the bill and work on the problem next year or ITL it.

**Rep. Lawrence Rappaport** – Is not this HB 103 regulated by the federal government and is not necessary?

**A:** No, I do not think so.

**Rep. Howard Moffett** – I salute you for this bill.

**Rep. Carol McGuire** – I oppose this bill; it is unfair to the vast majority.

**Rep. Suzanne Harvey** – We will try to move forward.

**A:** Most people do not believe they are driving a weapon.

**\*Chris Casco, NH Dept. of Safety** – Opposes the bill. HB 1360 will address and educate people in the state to the hazards of distracted driving; this bill is not necessary.

**Q: Rep. Robert Backus** I have seen reports that Bluetooth does not change distracted driving.

**A:** I have not seen data on this issue.



**Q:** Rep. Doug Thomas – Does distracted driving mean talking to another passenger in the auto?

**A:** No.

**Q: Rep. Jacqueline Cali Pitts** – Do we have a plan to educate the public?

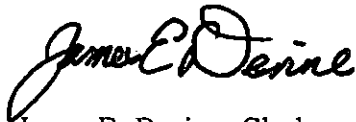
**A:** We are posting signage on the highway before the dead line which is July1, 2015.

**Rep. Max Abramson** – Opposes the bill. I request we retain this bill until we see what HB1360, the distracted driving bill, has worked its way through the processes.

**Tim O'Flaherty, NH Liberty Alliance** – Opposes the bill.1 the public needs to be able to use these devices.

Blue Sheet: 8 pro, 0 Con.

Respectfully Submitted:

A handwritten signature in black ink that reads "James E. Devine". The signature is written in a cursive style with a large, stylized initial "J".

JamesE. Devine, Clerk

**HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY**

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**Bill Sponsors:** Rep. J. Belanger

**TESTIMONY**

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1-14-15 HB 103

SPONSOR Rep J Belanger

I hope my bill will stimulate discussion to address the problem of using the phone and distractive driving. I know of a phone app that can be down loaded to the phone which will disable the phone usage when the phone is moving more than 5 MPH. I understand there is a flaw in the bill as to where the fine of \$100.00 will go when it is collected. I understand that in Penn~~a~~ that the highway rest stops are now call Tec stops. I suggest that we retain the bill and work on the problem next year with. ~~Per Rappaport~~ is not this ~~bill~~ House Bill HB 103 regulated by the Federal government and is not necessary.

ANS No I do not think so.

Rep Mo Fett I salute you for this bill

Rep McGuire I oppose the bill this unfair to the vast majority

Rep Harvey We will <sup>try</sup> to move forward

ANS Most people do not believe they are driving auto is a weapon

HB 103 1-14-15

Dept. OF SAFETY

2nd speaker C Casho I oppose the Bill

House bill 1360 will address and educate people in the state to the hazards of distracted driving this bill is not necessary.

Rep Backus I have seen reports that blue tooth does not change distractive driving.

ANS. I have not seen data on this issue

Rep Thomas Does distractive driving mean talking to another passenger in the auto.

ANS NO

Rep Cali-Pitts Do we have a plan to educate the public?

ANS we are posting signage on the highway before the dead line which is July 1, 2015.

3rd speaker Rep AGRAMASON I request we retain this bill until we see what HB 1360 the distractive driving Bill has ~~worked~~ worked its way through the processes

H speaker Tim O'Flaherty (Liberty Alliance)  
the public needs to be able to use these devices

Blue sheet

2 ~~ans~~ Pro O ~~vs~~ CON

HB 103 1-21-15

Comments

~~Rep Barber AN APP CAN BE ADDED TO PHONE  
A VENDOR CAN MONITOR THE APP TO KEEP IN CONTROL~~

~~Rep Call. Pitts something to control this phone  
use while driving AND AUTO. Thank you for bring this  
issue to our committee~~

HB 103

Comments

Rep Barber WE CAN TAKE AN APP.  
AND ADD THIS APP TO THE PHONE. A VENDOR  
CAN MONITOR THE APP TO KEEP THE PHONE  
UP TO DATE

Rep Call.-Pitts we should have something  
to control the use OF A PHONE while  
some one is driving A CAR Thank you  
for bringing this issue Go For The  
ST&E COMMITTEE

# Testimony

January 13, 2015

Honorable Robert Introne  
New Hampshire House of Representatives  
Chairman  
Science, Technology, and Energy Committee  
107 North Main Street  
Concord, NH 03301

Dear Chairman Introne:

On behalf of CTIA-The Wireless Association®, the trade association for the wireless communications industry, I write in opposition to New Hampshire House Bill 103, which would require all wireless communications devices sold or supplied for use in the state to have e-mail and texting features disabled if the device is moving more than 5 miles per hour. Although the ultimate intent of the legislation - to stop drivers from manually texting while driving - is laudable, HB 103 is unworkable and will lead to unintended consequences.

CTIA and its member companies recognize that drivers are faced with numerous potential distractions when they are on the road. Some of these distractions are caused by the inappropriate use of wireless devices by drivers. To help modify this behavior, the wireless industry has been at the forefront of encouraging safe driving. The wireless industry's approach to help raise consumer awareness on this issue is multifaceted and includes legislative advocacy, public outreach, and consumer education. The wireless industry supports passage of state legislation that would ban manual text messaging by all drivers. Manual text messaging requires drivers to take their hands off the wheel and their eyes off the road for extended periods of time. This is incompatible with safe driving.

The wireless industry also has a longstanding record of working to educate drivers about responsible driving behavior. For example, CTIA and its member companies nationally distributed a series of radio and television segments that reminded viewers of sensible safety measures and directed those viewers to a dedicated online resource that presented a wide range of safety tips on the subject. CTIA also designed and printed collateral materials incorporating the industry's safe driving tips. That campaign has been updated multiple times. More recently, the industry's "On the Road, Off the Phone" ([www.onroadoffphone.org](http://www.onroadoffphone.org)) campaign, targeted at the dangers of texting while driving, included a widely aired and viewed public service announcement, informational materials for parents, children, and educators, and a web resource that can be incorporated into any parental or educational discussion. After that campaign ended, CTIA and a number of wireless carriers endorsed AT&T's "It Can Wait" education and awareness initiative ([www.itcanwait.com](http://www.itcanwait.com)). This campaign is yet another example of the wireless industry's continuing commitment on the safe driving issue.

One of the hallmarks of the wireless industry is its ability to provide innovative solutions on a wide range of issues, including the development of products to aid in curbing distracted driving. We recognize the important technological advances that are being made by numerous companies in the hope of creating a safer driving environment.

We do, however, have concerns with HB 103 because its requirements are unworkable. The technology mandate in this legislation cannot make a distinction between the person driving the vehicle and his or her passengers. In fact, the mandate cannot distinguish between someone in a car

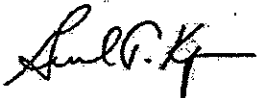
versus a passenger traveling on a bus, by rail, in a taxi, or any other mode of transportation. The functionality required by the bill would also require GPS or location settings to be on at *all* times and would have to preclude consumers from being able to turn it off, which would certainly raise privacy concerns among consumers.

Mobile phones - even if the technology mandate in the bill was technically feasible - have difficulty in determining the exact accuracy of a motor vehicle's speed, creating a compliance issue with this bill. Additionally, the bill cannot account for circumstances when the device loses connectivity because of infrastructure demands, foliage, or the vehicle simply enters a tunnel. Furthermore, the software or application required by the bill would have to be running at all times and have ultimate control over e-mailing and texting to disable them, which would negatively impact a device's battery life.

We also have concerns with government mandating one type of technological tool. There are a number of tools, including mobile applications and other products, currently in the marketplace that consumers can use to help modify distracted driving behavior. No single technological tool, however, is sufficient to address all aspects of distracted driving. As this is a burgeoning and innovative sector of the wireless ecosystem, government should allow consumers to adopt market-based solutions with proven results to ensure there are no unintended and negative consequences from the deployment of a specific technological device or product. Further, we support providing consumers a choice to best meet their individual needs.

Although we share the sponsor's goal of working to ensure that all drivers have their hands on the wheel and their eyes on the road, the wireless industry does have significant concerns with HB 103. Thank you for your consideration.

Sincerely,



Gerard Keegan  
Senior Director

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State Legislative Affairs

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# State of New Hampshire

DEPARTMENT OF SAFETY  
JAMES H. HAYES BLDG. 33 HAZEN DR.  
CONCORD, N.H. 03305  
603/271-2559

JOHN J. BARTHELMES  
COMMISSIONER OF SAFETY

EARL M. SWEENEY  
ASSISTANT COMMISSIONER

## LEGISLATIVE POSITION NH DEPARTMENT OF SAFETY

**HB 103:** limiting the capabilities of wireless communication devices in motor vehicles

**LSR:** 2015-0032      **Committee:** Science, Technology & Energy

**Position:** Opposed because it is likely unenforceable as written

Dear Honorable Members of the Committee:

This bill provides that any wireless communication device equipped with Global Positioning System (GPS) capability sold or supplied for use in the State of New Hampshire shall have its email and texting features disabled if the device is moving faster than 5 miles per hour. A seller or supplier of such device that does not comply with this limitation would be penalized and fined \$100 for each such device. The bill would only take effect if 2 other New England states pass similar legislation.

We appreciate the intent behind this bill but do not believe it will do very much to combat the problem of distracted driving due to the use of electronic devices, a problem which, both nationwide and in New Hampshire, has become so dangerous that it threatens soon to eclipse drunken driving and excessive speed as the cause of serious and fatal traffic crashes.

The Legislature, in a bipartisan effort, already passed HB 1360 last year, a bill relative to the use of certain electronic devices while driving. That bill takes effect on July 1 of this year, after a targeted public education effort that started this winter and will be intensifying in the coming months. It will include media releases, talk show appearances, public service announcements, electronic message boards, and notices and handouts at driver education classes, DMV facilities, roadside rest area buildings, and other state-owned facilities to acquaint the driving public including visitors with the new law.

There has been misinformation given out in recent weeks about HB 1360. Some people have tried to claim that it forbids people from using their cell phones in a vehicle. This is not true at all. HB 1360 simply requires that cell phones must be hands-free and can only require a single touch to activate if they are being used while the vehicle is in motion or temporarily stopped in traffic. What most people will do and many are already doing is to simply use a Bluetooth device to synchronize the cell phone so it can be voice activated and take only one touch of the Bluetooth device mounted on the sun visor to make or take a call, whether the vehicle is moving or not. These devices are very inexpensive – around \$75 for a good one, but

many new vehicles are already Bluetooth enabled and come with this capability. Unlike many states where the police have exempted themselves from these laws, our police and firefighters in New Hampshire realize how dangerous manipulating a cell phone while driving is, and therefore did not ask to be exempted. The Department of Safety long in advance of the effective date of the bill has already passed a policy requiring only hands-free cell phone use by its employees and all State Police cruisers are equipped with these inexpensive Bluetooth devices and are using them every day. Some people have questioned why HB 1360 even requires hands-free operation if the vehicle is momentarily stopped in traffic. The reason for this is the many instances of people stopped in traffic and punching numbers into a cell phone or reading or writing text messages, sitting there when the light turns green and disrupting traffic and in some cases triggering angry responses from the motorists behind them, or starting up without looking and rear-ending a vehicle in front of them.

There is also no truth to the rumor that the new law requires people to purchase a Bluetooth device in order to use their cell phone. They can make a cell call from their vehicle at any time without a Bluetooth device – all they have to do is to pull over at a safe and legal location to do it. Also, they can make an emergency call to the 911 center or to local police, fire or ambulance service at any time, whether moving or not. The only exception is that drivers under age 18, who are the least experienced and the drivers with the highest accident rates, are not allowed to use a cell phone when driving except to make an emergency call to 911 or local emergency responders.

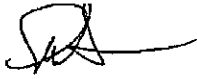
HB 1360 is much more effective than HB 103 will be if passed, because it also prohibits reading, composing, viewing or posting emails, texts and other electronic messages, accessing the Internet, manually typing into a portable electronic device or inputting information into a GPS device while driving, unless it can be done hands-free, except for a single touch to activate, deactivate, or initiate the function. And it provides a fine (\$100 for a first offense, \$250 for a second offense within a 2-year period) which can be enforced by the simple issuance of a traffic ticket.

HB 103, on the other hand, speaks about a \$100 penalty for each device sold or distributed in New Hampshire that doesn't have its email or texting features disabled if the vehicle is moving faster than 5 mph. The bill however makes no provision for how this is to be enforced, how the penalty would be collected, who would collect it, or where the money would go. It doesn't make it a criminal offense or a motor vehicle offense to operate such a device, and it is questionable how the State would be able to tell how many of these illegal devices a given manufacturer, distributor or retailer had sold in New Hampshire, or **how** the New Hampshire authorities or even **which** New Hampshire authorities would collect these penalties from out of state companies; or how to penalize some manufacturer or distributor in another country who sells them on the Internet and delivers them to a New Hampshire customer by mail or UPS, for instance. It is highly questionable how effective such a penalty would be. It is also possible that this provision may violate the Interstate Commerce clause of the federal Constitution.

Furthermore, there are already millions of devices on the market and in use in vehicles today that do not have this 5 mph capability. It would take many years before all vehicles on the road had them, even if all 50 states passed such a law. Since the bill would only take effect if NH and two other states enact similar legislation, there would be no way to require in a tourist state such as ours, the motorists in the other 47 states and Canada who travel here to have such devices; and at certain times of the year a substantial number of our crashes involve out of state vehicles.

The sponsor is to be commended for his concern over the problem and if Congress passed such a law it would be effective. However, although this bill would do no harm, as we have pointed out it will be almost impossible to enforce as written, and we believe the better course of action would be to allow HB 1360 to take effect this summer and give it a chance to see what impact it has on distracted driving crashes.

POSITION PAPER APPROVED:

A handwritten signature in black ink, appearing to be 'ES', with a long horizontal line extending to the right.

Earl M. Sweeney

# Voting Sheets

**HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY**

**EXECUTIVE SESSION on HB 103**

**BILL TITLE:** limiting the capabilities of wireless communication devices in motor vehicles.

**DATE:** 1-21-15

**LOB ROOM:** 304

**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.

Seconded by Rep.

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

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

Moved by Rep. Cali Pitts

Seconded by Rep. Halstead

Vote: 19-0 (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:** Consent or Regular (Circle One)

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

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. James Devine, Clerk

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

EXECUTIVE SESSION on HB 103

**BILL TITLE:** limiting the capabilities of wireless communication devices in motor vehicles.

**DATE:** 1-21-15

1004  
1014

**LOB ROOM:** 304

~~Amendments:~~ sponsor of Bill

Sponsor: Rep. Rep Bolanger OLS Document #:  
Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:

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

Moved by Rep. Cali Pitts

Seconded by Rep. Halstead

Vote: (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.)

Yess 12 - NAYS 0

**CONSENT CALENDAR VOTE:** Consent or Regular (Circle One)

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

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. James Devine, Clerk

James E Devine 1-21-15



# Committee Report



**CONSENT CALENDAR**

**February 4, 2015**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on SCIENCE, TECHNOLOGY AND ENERGY to which was referred HB103,**

**AN ACT limiting the capabilities of wireless communication devices in motor vehicles. Having considered the same, report the same with the following Resolution: RESOLVED, That it is INEXPEDIENT TO LEGISLATE.**

**Rep. Carolyn Halstead**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>SCIENCE, TECHNOLOGY AND ENERGY</b>
Bill Number:	<b>HB103</b>
Title:	<b>limiting the capabilities of wireless communication devices in motor vehicles.</b>
Date:	<b>January 21, 2015</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### STATEMENT OF INTENT

This bill would regulate cell phone devices whether you are driving or not and thus does not help with minimizing distracted drivers. It also implies that distractions only come from cell phone use, when in reality, it is a much broader problem that can be better dealt with by education programs. The sponsor concurs with this decision but would like to keep the distraction of cell phones while driving in the forefront.

Vote 19-0.

Rep. Carolyn Halstead  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

**CONSENT CALENDAR**

SCIENCE, TECHNOLOGY AND ENERGY

**HB103**, limiting the capabilities of wireless communication devices in motor vehicles.

**INEXPEDIENT TO LEGISLATE.**

Rep. Carolyn Halstead for SCIENCE, TECHNOLOGY AND ENERGY. This bill would regulate cell phone devices whether you are driving or not and thus does not help with minimizing distracted drivers. It also implies that distractions only come from cell phone use, when in reality, it is a much broader problem that can be better dealt with by education programs. The sponsor concurs with this decision but would like to keep the distraction of cell phones while driving in the forefront. **Vote 19-0.**

**HB 103**, relative to the limiting of devices going more than 5 miles an hour. **INEXPEDIENT TO LEGISLATE.** Rep. Carolyn Halstead for Science, Technology, and Energy. This bill would regulate cell phone devices whether you are driving or not and thus does not help with minimizing distracted drivers. It also implies that distractions only come from cell phone use, when in reality, it is a much broader problem that can be better dealt with by education programs. The sponsor concurs with this decision but would like to keep the distraction of cell phones while driving in the forefront. **Vote 19-0.**

Herbert  
Richardson

COMMITTEE REPORT

COMMITTEE: STCE

BILL NUMBER: HB 103

TITLE: Limiting capacity of wireless com. services in motor vehicles.

DATE: 1-21-15 CONSENT-CALENDAR: YES  NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No. \_\_\_\_\_

STATEMENT OF INTENT:

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COMMITTEE VOTE: \_\_\_\_\_

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Cathy Hatcher  
For the Committee