

# Committee Report

**CONSENT CALENDAR**

**March 5, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Transportation to which was referred HB 515,**

**AN ACT relative to confidentiality for reporting possibly medically unfit drivers. Having considered the same, report the same with the following resolution:**

**RESOLVED, that it is INEXPEDIENT TO LEGISLATE.**

**Rep. Gregory Hill**

**FOR THE COMMITTEE**

## **COMMITTEE REPORT**

Committee:	<b>Transportation</b>
Bill Number:	<b>HB 515</b>
Title:	<b>relative to confidentiality for reporting possibly medically unfit drivers.</b>
Date:	<b>March 5, 2021</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### **STATEMENT OF INTENT**

The committee is sensitive to the concerns heard in testimony from the prime sponsor indicating how difficult it sometimes can be to begin the process of removing the driving privileges from a friend, neighbor, or family member. The bill seeks to make that easier by allowing the reporting process to take place behind the veil of secrecy. The most compelling testimony came from the Director of the Department of Motor Vehicles (DMV) who gave statistics indicating that most often the administrative action of taking the license is initiated by law enforcement, and then by a medical professional and way down the list, with only 20 occurrences in 2020, comes the family member. The director also explained that she personally oversees all of these cases and feels strongly that NH is beyond reproach in terms of handling these actions with compassion and professionalism. The committee feels the current system is working well and anonymous reporting would not make the difficult situation better.

Vote 19-0.

Rep. Gregory Hill  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Transportation

**HB 515**, relative to confidentiality for reporting possibly medically unfit drivers. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory Hill for Transportation. The committee is sensitive to the concerns heard in testimony from the prime sponsor indicating how difficult it sometimes can be to begin the process of removing the driving privileges from a friend, neighbor, or family member. The bill seeks to make that easier by allowing the reporting process to take place behind the veil of secrecy. The most compelling testimony came from the Director of the Department of Motor Vehicles (DMV) who gave statistics indicating that most often the administrative action of taking the license is initiated by law enforcement, and then by a medical professional and way down the list, with only 20 occurrences in 2020, comes the family member. The director also explained that she personally oversees all of these cases and feels strongly that NH is beyond reproach in terms of handling these actions with compassion and professionalism. The committee feels the current system is working well and anonymous reporting would not make the difficult situation better. **Vote 19-0.**

Original: House Clerk

Cc: Committee Bill File

# Voting Sheets







## 2021 SESSION

## TRANSPORTATION

Bill #: HB 515 Motion: ITL AM #: \_\_\_\_\_ Exec Session Date: 3/5/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Walsh, Thomas C. Chairman	X		
Gagne, Larry G. Vice Chairman	X		
Crawford, Karel A. Clerk	X		
Smith, Steven D.	X		
Hill, Gregory G.	X		
Aron, Judy F.	X		
Ankarberg, Aidan	X		
Gorski, Ted	X		
O'Hara, Travis J.	X		
Pitaro, Matthew	X		
Sykes, George E.	X		
Cleaver, Skip J.	X		
Fenton, Donovan W.	X		
Pickering, Daniel R.	X		
Rich, Cecilia	X		
Telerski, Laura D.	X		
Fox, Dru	X		
Stevens, Deb	X		
Veilleux, Daniel T.	X		
<b>TOTAL VOTE:</b>	<b>19</b>	<b>0</b>	



# Public Hearing

HOUSE COMMITTEE ON TRANSPORTATION

PUBLIC HEARING ON

**BILL TITLE: 515 relative to confidentiality for reporting possibly medically unfit drivers**

**DATE: 2/19/21**

**LOB ROOM: 301-303**

**Time Public Hearing Called to Order: 9:05 am**

**Time Adjourned: 9:44 am**

**Committee Members: Reps. Walsh, ~~Gagne~~, Crawford, **Smith**, Hill, Aron, Ankarberg, Gorski, O'Hara, ~~Pitaro~~, Sykes, Cleaver, ~~Fenton~~, Pickering, Rich, Telerski, Fox, Stevens and Veilleux, Rep. Grasse, Rep. True, Rep. Torosian**

**Bill Sponsors:  
Rep Gay**

**TESTIMONY**

- Use asterisk if written testimony and/or amendments are submitted.  
Rep. Gay introducing bill – reason for the bill had a bad experience with a friend that had problems speaking, called the DMV and they said if they call her in DMV would have to tell her who reported the incompetence. Was reluctant to do it because of an unstable spouse. You have to fail driving test 3 times before they will take you license.  
Rep. Telerski – compared bill to last year why different A. need to protect identity  
Rep. O'Hara is this bill targeted towards mentally ill A. Medically unfit people  
Rep. Aron – What's to prevent someone malicious targeting someone? A. Built in safe guards if you request someone to be retested and if the DMV does not see any reason nothing will be done.  
Rep. Aron any penalty if you falsely report it. A. They have to make this in writing and it's their reputation.  
Rep. Sykes to Chairman – who do we have for other speaker A. Director Bielecki  
Rep. Sykes Is there an amendment? Yes mailed by OLS mailed it out
- \*Director Bielecki- opposed 260:357 DMV call the family member and lets them know that they cannot remain confidential. They may reach out to a family physical.  
Rep. Sykes: statics on malicious reports A. no we do not  
Rep. Hill: Is there anything on a neighbor who observers a person who hits garage can every day, they should report it to local law enforcement,  
Rep. Hill: Is there any easier way to handle a person who walks in for a hearing and walks out without their license. A. I personally review all of these cases, and request all reports and I take it very seriously. I think other states are more automated and we are better at it.  
Rep. Gorski when someone makes a report who is the first person that handles it? A. Office of the director, couple of employees who look at it first and may ask for follow up information and will prepare for me reports to present for an answer.  
Rep. Gorski: The first two who look at it do they make any assessment? A no they just put the document together  
Rep. Aron: What is about the average time as the report and when something is done? Between two or three days unless it is a hearing 1-week or two, suspension it will be 5 days to be sent out in the mail. Can they continue to drive A. yes immediate suspension will be 5 days. How do you deal with folks that are belegent, A. they do not see a lot of it, often some do not show up we will give them 3 chances and 3 strikes we will suspend their license.
- Rep. Nutter-Upton two elderly relatives delicate matter and way they can take a

# House Remote Testify

## Transportation Committee Testify List for Bill HB515 on 2021-02-19

Support: 4 Oppose: 1 Neutral: 0 Total to Testify: 1

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Bielecki, Elizabeth	elizabeth.bielecki@dos.nh.gov	State Agency Staff	NH DMV	Oppose	Yes (3m)	No	2/12/2021 3:56 PM
Frost, Sherry	sherry.frost@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/15/2021 2:48 PM
Lucas, Janet	janluca1953@gmail.com	A Member of the Public	Myself	Support	No	No	2/16/2021 12:48 PM
See, Alvin	Loudon, NH absee@4Liberty.net	A Member of the Public	Myself	Support	No	No	2/18/2021 9:56 PM
Groetzinger, Tonda	Farmington, NH groetzinger6@aol.com	A Member of the Public	Myself	Support	No	No	2/19/2021 8:35 AM

# Testimony

**Archived:** Monday, July 19, 2021 9:51:11 AM  
**From:** [Wayne MacDonald](#)  
**Sent:** Friday, February 19, 2021 1:53:15 PM  
**To:** [~House Transportation Committee](#)  
**Subject:** HB 515  
**Importance:** Normal

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Hello Committee Members,

I understand that you have already heard testimony on this legislation and I apologize for not contacting you sooner. In the event that you have not execed on it as yet, please add me to the list of those who support it. I am already a cosponsor.

This is a sensitive issue and I understand the potential for abuse. However, there are times that the loss of a driver's license would be made all the more painful and difficult if the person involved knew the matter had been initiated by a family member or a friend. I urge you to vote this ought to pass.

Thank you for your consideration.

Rep. Wayne D. MacDonald  
Rockingham County District 5  
Londonderry

**Archived:** Monday, July 19, 2021 9:51:11 AM  
**From:** Betty Gay  
**Sent:** Friday, February 19, 2021 1:42:05 PM  
**To:** ~House Transportation Committee  
**Subject:** Personal Stories about HB 515  
**Importance:** Normal

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Dear Transportation Folks,  
Aidan, Skip, Judy, Donovan, Karel, Dan, Larry, Cecilia, Ted, Deb, Greg, George, Travis, Laura, Matt, Steve, Dan and Tom,

Here's a follow up to my testimony this morning on HB 515, anonymity for the person asking for someone's driving ability to be tested.

If you approve the amendment, the identity of the requester is not kept confidential, but the driver must ask for it in a signed letter, not a call.

Director Bielecki showed the numbers of how the DMV received requests for testing drivers last year: (My numbers may not be exact.)

Police are the highest at 267

Medical Dr's were next at 147

Family are the lowest at about 4

Now why would family file the fewest requests for retesting? Family are usually much more aware of each other's abilities, far more than the police or even the doctor.

What holds family back is fear of damaging their relationship with the driver. Imagine how difficult it is for a spouse or an adult child to take care of this person who is furious with them every day because they can't drive any more.

Unless we change the law to protect their anonymity, most families are going to continue to value their relationship with the loved one over the safety of the community.

Last year a mother sent me her heartfelt wish that the elderly driver had lost his license before he hit her and her daughters on Christmas Eve, sending them to the ER for many hours.

A young man, a very tall, beloved elementary school teacher here in Salem, and his fiancée were slowing down to turn off Rt 4 to one of the antique shops in Northwood. The elderly driver following them crashed onto them and the young man's head snapped back. He died.

Another woman wrote me to say how grateful she was that Florida has a form to request someone be tested which promises to protect your identity. She hated to make her 90 year old father sad, but she knew his driving was dangerous to him and the public. "But," she said, "I couldn't have done it if my identity hadn't been protected."

Please save heartache and worry for the families of impaired drivers by helping to get them off the road. It is a kindness to the drivers, too, because killing or maiming someone is devastating, too.

Appreciatively,  
Betty Gay

**Archived:** Monday, July 19, 2021 9:51:11 AM  
**From:** [Cassandra Levesque](#)  
**Sent:** Friday, February 19, 2021 10:15:07 AM  
**To:** [~House Transportation Committee](#)  
**Subject:** Written testimony in support of HB-515  
**Importance:** Normal

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Good Morning Chairman Walsh and distinguished members of the Transportation committee.

Thank you for accepting my testimony on HB-515.

This is a tough subject, but we have to think outside the box here. There are times when a family member, friend or even a neighbor sees behaviors that may raise concerns about a person's ability to drive but they don't want to "get involved" by reporting what they have seen to the police.

My Uncle was a professional furnace installer, part of his job was driving to people's homes/businesses to do furnace repairs. During his "off-time" he was a drug user. His drug of preference was marijuana, but he was known to use speedballs, a mix of heroin and cocaine. He would drink alcohol and frequent the bar next door to his apartment. Did he have violations? No. Did he have accidents? No. Was there any reason why he would be on the radar of any authority to take away his license? No.

My Aunt had seizures; she was advised not to drive for six months. She could go four months without a seizure but then she'll have one. She was diagnosed with seizures three years ago and has driven a few times "Just to the store for a quick errand". Did she have an accident? No. Was there any reason why she would be on the radar of any authority to take away her license? No.

My Grandfather had an accident where due to his age his reflexes were slowed, the accident he was involved in was a fatal accident. He was physically fit for his age and his doctor never said he should have his license taken away. There had been a series of close calls and it was mentioned in passing to the police that he should not be driving to our local police leading up to that accident that perhaps if the DMV knew about it they may have considered taking his license from him but it was never reported to the DMV. He was even stopped for doing 15 miles an hour under the speed limit, he was asked if he was okay, he said he was fine and he was released to go on his way..

The general feeling is that it's "Not my business" to report this person's behavior. The reason for that feeling is because, in all honesty, the personal relationship is more important than the report. Does the average person want to see a person who is in a temporary situation license taken away? No. It could be an abused spouse, who doesn't want to face the consequence if he/she were to report their partner should not be driving.

It could be a person's son/daughter or relative whose relationship is more important than losing touch with a loved one if they found out they had reported them for not being able to drive safely anymore.

If a person were able to report anonymously, without fear of repercussion wouldn't you think that more people would come forward? To me, this is a commonsense way to clear the way to make our roads safer and I urge you to vote to support this bill.

Thank you,  
Representative Cassie Leveque



Bill as  
Introduced

HB 515 - AS INTRODUCED

2021 SESSION

21-0762  
11/08

HOUSE BILL **515**

AN ACT relative to confidentiality for reporting possibly medically unfit drivers.

SPONSORS: Rep. Gay, Rock. 8; Rep. Read, Rock. 17; Rep. Love, Rock. 6; Rep. Wolf, Merr. 5; Rep. Levesque, Straf. 4; Rep. W. MacDonald, Rock. 5; Rep. Elliott, Rock. 8; Rep. Prudhomme-O'Brien, Rock. 6; Rep. Pitre, Straf. 2

COMMITTEE: Transportation

ANALYSIS

This bill provides that the identity of a person reporting that a driver may not be fit to drive shall remain confidential unless the division of motor vehicles deems such report malicious.

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.

21-0762  
11/08

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to confidentiality for reporting possibly medically unfit drivers.

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

1 Drivers' Licenses; Reporting Possibly Medically Unfit Driver. Amend RSA 263:6-d to read as follows:  
263:6-d Reporting Medically Unfit Person; Immunity.

***I.*** Any licensed health care provider who reasonably and in good faith believes a person cannot safely operate a motor vehicle based on clinical evaluation appropriate to his or her practice and who reports such to the division of motor vehicles shall be immune from any civil or criminal liability that might otherwise result from making the report. All reports made and medical records reviewed and maintained by the division of motor vehicles pursuant to this section shall be considered motor vehicle records under RSA 260:14.

***II.*** *To protect family, friend, and professional relationships and except pursuant to the provisions of paragraph III, the identity of a person who reports in a signed written statement to the division his or her observations of a driver who does not appear to be capable of driving safely shall be kept confidential.*

*The division may research the driving ability of the reported driver, including, but not limited to, accident reports, police records, and retesting interviews. The division maintains its authority to determine the competence of the reported driver and any subsequent actions. The reported driver maintains the confidentiality guaranteed to all citizens' division records.*

***III.*** *The reporting person's identity shall not remain confidential in any instance where the division deems the complaint malicious. In such cases the reported driver has the right to know the identity of the*

***reporting person.***

2 Effective Date. This act shall take effect 60 days after its passage.