

**CONSENT CALENDAR**

**March 2, 2022**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Criminal Justice and Public Safety  
to which was referred HB 1246-FN,**

**AN ACT relative to interlock devices. Having  
considered the same, report the same with the  
recommendation that the bill OUGHT TO PASS.**

**Rep. Terry Roy**

**FOR THE COMMITTEE**

## **COMMITTEE REPORT**

Committee:	<b>Criminal Justice and Public Safety</b>
Bill Number:	<b>HB 1246-FN</b>
Title:	<b>relative to interlock devices.</b>
Date:	<b>March 2, 2022</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>OUGHT TO PASS</b>

### **STATEMENT OF INTENT**

The majority of the Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses, recommends that this bill Ought to Pass. The majority agreed that this bill will allow New Hampshire law enforcement to charge an operator of a commercial motor vehicle licensed in this, or any other state, appropriately if they drive in New Hampshire after having been convicted in another jurisdiction of operating a vehicle without an interlock device, after having been required to use one, or they are operating in this state without a required device. The bill would also allow the commissioner of safety to order a hearing to determine if the operator should be required to install an interlock device on any vehicle registered to them in this state based on an out of state conviction.

Vote 18-2.

Rep. Terry Roy  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Criminal Justice and Public Safety

**HB 1246-FN**, relative to interlock devices. **OUGHT TO PASS.**

Rep. Terry Roy for Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses, recommends that this bill Ought to Pass. The majority agreed that this bill will allow New Hampshire law enforcement to charge an operator of a commercial motor vehicle licensed in this, or any other state, appropriately if they drive in New Hampshire after having been convicted in another jurisdiction of operating a vehicle without an interlock device, after having been required to use one, or they are operating in this state without a required device. The bill would also allow the commissioner of safety to order a hearing to determine if the operator should be required to install an interlock device on any vehicle registered to them in this state based on an out of state conviction. **Vote 18-2.**

Original: House Clerk

Cc: Committee Bill File

Amendment to HB 1246-FN

1 Amend the bill by replacing section 1 with the following:

2

3 1 Authority to Order Interlock Device; Qualifying Offenses. Amend RSA 265-A:36-a to read as  
4 follows:

5 265-A:36-a Department of Safety Authority to Order Ignition Interlock Device Installation. The  
6 commissioner of safety may require an administrative hearing for a person whose license or driving  
7 privilege was revoked or suspended pursuant to RSA 262:19 or RSA 630:2, III, where alcohol was  
8 involved, or as the result of a conviction of any offense under RSA 265-A:2, RSA 265-A:3, or RSA  
9 265:79-a, *or an equivalent offense in another jurisdiction* where alcohol was involved, or RSA  
10 630:3, II, and, upon a finding that the safety of the person and of other users of the highways would  
11 be enhanced thereby, may order the person, as a condition of restoration of his or her license or  
12 driving privilege, to install an enhanced technology ignition interlock device in any vehicle  
13 [~~registered to that person or used~~] *being driven* by that person, for not less than 12 months nor  
14 more than 2 years, subject to the same conditions and prohibitions as if the interlock was ordered by  
15 a court under the provisions of this subdivision. Where possible, the hearing shall be conducted  
16 prior to the restoration of the license or driving privilege, although such restoration shall not prevent  
17 the commissioner from requiring the hearing.

18

19 Amend the bill by inserting after section 4 the following and renumbering the original section 4 to  
20 read as 5:

21

22 4 Ignition Interlock Program Established; Vehicles Being Driven. Amend the following RSA by  
23 replacing "registered to that person or used" with "being driven": RSA 265-A:36, I, I-a, I-b, and II;  
24 265-A:38-a, II and IV.

**Amendment to HB 1246-FN**  
**- Page 2 -**

2022-0920h

**AMENDED ANALYSIS**

**This bill disqualifies a person from operating a commercial vehicle if they violate an order, from any jurisdiction, requiring the use of an interlock device. This bill also authorizes the commissioner of safety to order a person to install interlock devices on any vehicle being driven by the individual.**

**HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

**EXECUTIVE SESSION on HB 1246-FN**

**BILL TITLE:** relative to interlock devices.

**DATE:** March 2, 2022

**LOB ROOM:** 202-204

**MOTIONS:** **OUGHT TO PASS**

Moved by Rep. Welch

Seconded by Rep. True

Vote: 18-2

**CONSENT CALENDAR: YES**

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

Respectfully submitted,

Rep Scott Wallace, Clerk

OFFICE OF THE HOUSE CLERK



2/8/2022 3:07:34 PM  
Roll Call Committee Registers  
Report

2022 SESSION

Criminal Justice and Public Safety

Bill #: HB 246 Motion: OTP AM #:            Exec Session Date: 3.2.22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman	18		
Roy, Terry Vice Chairman	1		
Welch, David A.	2		
Burt, John A.			1
Hopper, Gary S. <u>PEARSON</u>	3		
Green, Dennis E.	4		
Wallace, Scott Clerk	5		
Testerman, Dave <u>BERLY</u>	6		
True, Chris		1	
Pratt, Kevin M.	7		
Marston, Dick	8		
Harriott-Gathright, Linda C.		2	
<u>Pantelakos, Laura C.</u> <u>S. NEWMAN</u>	9		
O'Hearne, Andrew S.	10		
Bordenet, John	11		
Meuse, David	12		
Newman, Ray E.	13		
<u>Bouldin, Amanda C.</u> <u>HEATH</u>	14		
Conley, Casey M.	15		
<u>Bradley, Amy</u> <u>LAFLAMME</u>	16		
Espitia, Manny <u>HAMBLETT</u>	17		

OFFICE OF THE HOUSE CLERK



2/8/2022 3:07:34 PM  
Roll Call Committee Registers  
Report

2022 SESSION

**Criminal Justice and Public Safety**

Bill #: HB1246 Motion: OTP AM #:            Exec Session Date: 3.2.22

TOTAL VOTE:





OFFICE OF THE HOUSE CLERK



2/8/2022 3:07:34 PM  
Roll Call Committee Registers  
Report

2022 SESSION

Criminal Justice and Public Safety

Bill #: HB1246 Motion: OTPA AM #: 0900H Exec Session Date: 3.2.22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman		17	
Roy, Terry Vice Chairman		1	
Welch, David A.		2	
Burt, John A.			1
Hopper, Gary S. <u>PEARSON</u>		3	
Green, Dennis E.		4	
Wallace, Scott Clerk		5	
<del>Testerman, Dave</del> <u>BERRY</u>		6	
True, Chris	1		
Pratt, Kevin M.		7	
Marston, Dick		8	
Harriott-Gathright, Linda C.	2		
<del>Pantelakes, Laura C.</del> <u>S. NEWMAN</u>		9	
O'Hearne, Andrew S.		10	
Bordenet, John		11	
Meuse, David		12	
Newman, Ray E.		13	
<del>Bouldin, Amanda C.</del> <u>HEALTH</u>		14	
Conley, Casey M.		15	
Bradley, Amy <u>LAFLAMME</u>	3		
Espitia, Manny <u>HAMBLETT</u>		16	
	3	17	1

OFFICE OF THE HOUSE CLERK






2/8/2022 3:07:34 PM  
Roll Call Committee Registers  
Report

2022 SESSION

Criminal Justice and Public Safety

Bill #: NB 1246 Motion: OTF AM #: 0970H Exec Session Date: 3.2.22

TOTAL VOTE:

	3		17		1
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HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1246-FN

**BILL TITLE:** relative to interlock devices.

**DATE:** February 23, 2022

**LOB ROOM:** 204                      **Time Public Hearing Called to Order:** 0903

**Time Adjourned:** 0935

**Committee Members:** Reps. Abbas, Roy, Wallace, Welch, Burt, Hopper, Green, Testerman, True, Pratt, Marston, Harriott-Gathright, Pantelakos, O'Hearne, Bordenet, Meuse, R. Newman, Amanda Bouldin, Conley, Bradley and Espitia

**Bill Sponsors:**  
Rep. Gagne

TESTIMONY

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

**Rep. Burt**

- Introduces bill for Rep. Gagne

**Carl Huddleston - NHSP**

- Supports

**Brittany Shute - DMV**

- Supports

Respectfully submitted,

Rep. Scott Wallace



# House Remote Testify

## Criminal Justice and Public Safety Committee Testify List for Bill HB1246 on 2022-02-23

Support: 2 Oppose: 0 Neutral: 0 Total to Testify: 0

[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>
Friedman, Richard	Bedford, NH friedman946@yahoo.com	A Member of the Public	Myself	Support	No	No	2/20/2022 10:47 AM
Pauer, Eric	Brookline, NH secretary@BrooklineGOP.org	A Member of the Public	Self	Support	No	No	2/20/2022 2:58 PM

HB 1246-FN - AS INTRODUCED

2022 SESSION

22-2622

12/11

HOUSE BILL            **1246-FN**

AN ACT                relative to interlock devices.

SPONSORS:            Rep. Gagne, Hills. 13

COMMITTEE:          Criminal Justice and Public Safety

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ANALYSIS

This bill disqualifies a person from operating a commercial vehicle if they violate an order, from any jurisdiction, requiring the use of an interlock device.

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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 Twenty Two*

AN ACT relative to interlock devices.

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

1 1 Authority to Order Interlock Devices; Qualifying Offenses. Amend RSA 265-A:36-a to read as  
2 follows:

3 265-A:36-a Department of Safety Authority to Order Ignition Interlock Device Installation. The  
4 commissioner of safety may require an administrative hearing for a person whose license or driving  
5 privilege was revoked or suspended pursuant to RSA 262:19 or RSA 630:2, III, where alcohol was  
6 involved, or as the result of a conviction of any offense under RSA 265-A:2, RSA 265-A:3, or RSA  
7 265:79-a, **or an equivalent offense in another jurisdiction** where alcohol was involved, or RSA  
8 630:3, II, and, upon a finding that the safety of the person and of other users of the highways would  
9 be enhanced thereby, may order the person, as a condition of restoration of his or her license or  
10 driving privilege, to install an enhanced technology ignition interlock device in any vehicle registered  
11 to that person or used by that person, for not less than 12 months nor more than 2 years, subject to  
12 the same conditions and prohibitions as if the interlock was ordered by a court under the provisions  
13 of this subdivision. Where possible, the hearing shall be conducted prior to the restoration of the  
14 license or driving privilege, although such restoration shall not prevent the commissioner from  
15 requiring the hearing.

16 2 Commercial Motor Vehicle Operation; Disqualifying Events. Amend RSA 263:94, I(f)-(g) to  
17 read as follows:

18 (f) A first conviction within this or any other jurisdiction of driving a commercial motor  
19 vehicle when, as a result of prior violations committed while operating a commercial motor vehicle,  
20 the driver's commercial driver license is revoked, suspended, or canceled, or the driver is disqualified  
21 from operating a commercial motor vehicle; ~~or~~

22 (g) A first conviction within this or any other jurisdiction of causing a fatality through  
23 the negligent operation of a commercial motor vehicle, including but not limited to the crimes of  
24 vehicular homicide and negligent homicide[-]; **or**

25 (h) **A first conviction, within any jurisdiction, of driving a commercial motor**  
26 **vehicle not equipped with an ignition interlock device when subject to an ignition interlock**  
27 **order in any jurisdiction.**

28 3 Definition of Serious Traffic Violation. Amend RSA 259:98-a, IX-X to read as follows:

29 IX. Driving a commercial motor vehicle in violation of RSA 265:24, I; ~~or~~

30 X. Driving a commercial motor vehicle in violation of RSA 265:105-a[-]; **or**

31 **XI. Driving a commercial motor vehicle in violation of RSA 265-A:37.**

**HB 1246-FN - AS INTRODUCED**

**- Page 2 -**

1        4 Effective Date. This act shall take effect 60 days after its passage.



LBA  
22-2622  
10/26/21

**HB 1246-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT                    relative to interlock devices.

**FISCAL IMPACT:**

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2022 through 2025.

**AGENCIES CONTACTED:**

Department of Safety