

LEGISLATIVE COMMITTEE MINUTES

HB1246

Bill as Introduced

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

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.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 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5 privilege was revoked or suspended pursuant to RSA 262:19 or RSA 630:2, III, where alcohol was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

CHAPTER 136
HB 1246-FN - FINAL VERSION

12May2022... 1984EBA

2022 SESSION

22-2622
12/11

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COMMITTEE: Criminal Justice and Public Safety

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CHAPTER 136
HB 1246-FN - FINAL VERSION

12May2022... 1984EBA

22-2622
12/11

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:

1 136:1 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 265:79-
7 a, ***or an equivalent offense in another jurisdiction*** where alcohol was involved, or RSA 630:3, II, and, upon
8 a finding that the safety of the person and of other users of the highways would be enhanced thereby, may
9 order the person, as a condition of restoration of his or her license or driving privilege, to install an
10 enhanced technology ignition interlock device in any vehicle registered to that person or used by that
11 person, for not less than 12 months nor more than 2 years, subject to the same conditions and
12 prohibitions as if the interlock was ordered by a court under the provisions of this subdivision. Where
13 possible, the hearing shall be conducted prior to the restoration of the license or driving privilege, although
14 such restoration shall not prevent the commissioner from requiring the hearing.

15 136:2 Commercial Motor Vehicle Operation; Disqualifying Events. Amend RSA 263:94, I(f)-(g) to
16 read as follows:

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

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

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

26 136:3 Definition of Serious Traffic Violation. Amend RSA 259:98-a, IX-X to read as follows:

27 IX. Driving a commercial motor vehicle in violation of RSA 265:24, I; [e]

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

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

30 136:4 Motor Vehicles; Definition of Serious Traffic Violation. Amend RSA 259:98-a, X to read as
31 follows:

32 X. Driving a commercial motor vehicle in violation of RSA 265:79-c[.]; ***or***

CHAPTER 136
HB 1246-FN - FINAL VERSION
- Page 2 -

- 1 136:5 Effective Date.
- 2 I. Section 4 of this act shall take effect January 1, 2023, at 12:01 a.m.
- 3 II. The remainder of this act shall take effect 60 days after its passage.

Approved: June 07, 2022

Effective Date:

I. Section 4 effective January 1, 2023 at 12:01 a.m.

II. Remainder effective August 6, 2022

Committee Minutes

SENATE CALENDAR NOTICE

Transportation

Sen Regina Birdsell, Chair
Sen David Watters, Vice Chair
Sen Denise Ricciardi, Member
Sen Ruth Ward, Member
Sen Tom Sherman, Member

Date: April 6, 2022

HEARINGS

Tuesday		04/12/2022
(Day)		(Date)
Transportation	Legislative Office Building 101	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m.	HB 1302-FN relative to the weighing of vehicles.	
1:15 p.m.	HB 1462-FN relative to motorcycle learner's permits.	
1:30 p.m.	HB 1246-FN relative to interlock devices.	
1:45 p.m.	HB 1085 relative to ignition lock requirements.	
2:00 p.m.	HB 2022 relative to the 10-year transportation plan.	

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 1302-FN

Rep. Steven Smith

Rep. Stapleton

HB 1462-FN

Rep. Yakubovich

Rep. Walsh

Rep. Belanger

HB 1246-FN

Rep. Gagne

HB 1085

Rep. Telerski

HB 2022

Rep. Graham

Peter O'Neill 271-4151

Regina Birdsell
Chairman

Senate Transportation Committee
Peter O'Neill 271-4151

HB 1246-FN, relative to interlock devices.

Hearing Date: April 12, 2022

Time Opened: 1:34 p.m.

Time Closed: 1:37 p.m.

Members of the Committee Present: Senators Watters, Ricciardi, Ward and Sherman

Members of the Committee Absent : None

Bill 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.

Sponsors:
Rep. Gagne

Who supports the bill: Rep. Gagne, Robert Blaisdell, Consumer Safety Technology; Robert Keller; DMV

Who opposes the bill: Walter Kirsch

Who is neutral on the bill: None

Summary of Testimony Presented:

Sen. Watters

- Sen. Watters introduced HB 1246 on behalf of Rep. Gagne.

Bob Keller, DMV

- Mr. Keller said that the bill was put in at the request of the department. It would help strengthen the continuity for the New Hampshire interlock program for New Hampshire license drivers that receive a DUI conviction in another jurisdiction.
- Sen. Watters asked if there was similar reciprocity in other states on this issue so that they recognize somebody who is convicted in New Hampshire and that they would be interlocked in another state that they move to.
- Mr. Keller said he knew that Massachusetts does that but wasn't sure if any other state did. He would have to look into that further.

Speakers

SENATE TRANSPORTATION COMMITTEE

Date 04/12/22

Time 1:30 p.m.

Public Hearing on

HB 1246-FN

(Relative to interlock devices.)

Please check box(es) that apply.

SPEAKING FAVOR **OPPOSED**

NAME (Please print)

REPRESENTING

Robert Blaisdell Consumer Safety Technology

Robert Kuller DMV

Voting Sheets

Transportation Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # HB 1246-FN

Hearing date: 4/12/22

Executive Session date: 4/12/22

Motion of: OTP Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, VC	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Ricciardi

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Tuesday, April 12, 2022

THE COMMITTEE ON Transportation

to which was referred **HB 1246-FN**

AN ACT relative to interlock devices.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Denise Ricciardi
For the Committee

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.

Peter O'Neill 271-4151

FOR THE CONSENT CALENDAR

TRANSPORTATION

HB 1246-FN, relative to interlock devices.

Ought to Pass, Vote 5-0.

Senator Denise Ricciardi for the committee.

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.

Docket of HB1246

Docket Abbreviations

Bill Title: relative to interlock devices.*Official Docket of HB1246.:*

Date	Body	Description
11/18/2021	H	Introduced 01/05/2022 and referred to Criminal Justice and Public Safety
2/19/2022	H	Public Hearing: 02/23/2022 09:00 am LOB 202-204
2/28/2022	H	Executive Session: 03/02/2022 10:00 am LOB 202-204
2/28/2022	H	Executive Session: 03/02/2022 10:00 AM LOB 202-204
3/9/2022	H	Committee Report: Ought to Pass (Vote 18-2; CC)
3/22/2022	S	Introduced 03/17/2022 and Referred to Transportation; SJ 6
4/6/2022	S	Hearing: 04/12/2022, Room 101, LOB, 01:30 pm; SC 15
4/14/2022	S	Committee Report: Ought to Pass, 04/21/2022; Vote 5-0; CC; SC 16
4/21/2022	S	Ought to Pass: MA, VV; OT3rdg; 04/21/2022; SJ 9
5/16/2022	S	Enrolled Bill Amendment #2022-1984e Adopted, VV, (In recess of 05/12/2022); SJ 13
5/17/2022	H	Enrolled Bill Amendment #2022-1984-EBA: AA VV (in recess of 05/12/2022)
5/27/2022	S	Enrolled Adopted, VV, (In recess 05/26/2022); SJ 13
5/27/2022	H	Enrolled (in recess of) 05/26/2022 HJ 14

NH House

NH Senate

General Court of New Hampshire - Bill Status System

Docket of HB1246

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Bill Title: relative to interlock devices.*Official Docket of HB1246.:*

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11/18/2021	H	Introduced 01/05/2022 and referred to Criminal Justice and Public Safety
2/19/2022	H	Public Hearing: 02/23/2022 09:00 am LOB 202-204
2/28/2022	H	Executive Session: 03/02/2022 10:00 am LOB 202-204
2/28/2022	H	Executive Session: 03/02/2022 10:00 AM LOB 202-204
3/9/2022	H	Committee Report: Ought to Pass (Vote 18-2; CC)
3/22/2022	S	Introduced 03/17/2022 and Referred to Transportation; SJ 6
4/6/2022	S	Hearing: 04/12/2022, Room 101, LOB, 01:30 pm; SC 15
4/14/2022	S	Committee Report: Ought to Pass, 04/21/2022; Vote 5-0; CC; SC 16
4/21/2022	S	Ought to Pass: MA, VV; OT3rdg; 04/21/2022; SJ 9
5/16/2022	S	Enrolled Bill Amendment # 2022-1984e Adopted, VV, (In recess of 05/12/2022); SJ 13
5/17/2022	H	Enrolled Bill Amendment # 2022-1984EBA : AA VV (in recess of) 05/12/2022 HJ 12
5/27/2022	S	Enrolled Adopted, VV, (In recess 05/26/2022); SJ 13
5/27/2022	H	Enrolled (in recess of) 05/26/2022 HJ 14
6/8/2022	H	Signed by Governor Sununu 06/07/2022; Chapter 136; I. Sec 4 eff.01/01/2023 at 12:01 am II. Rem eff 08/06/2022

NH House

NH Senate

Other Referrals

May 10, 2022
2022-1984-EBA
10/04

Enrolled Bill Amendment to HB 1246-FN

The Committee on Enrolled Bills to which was referred HB 1246-FN

AN ACT relative to interlock devices.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1246-FN

This enrolled bill amendment incorporates RSA changes made in HB 1562 of the 2022 legislative session to avoid a conflict.

Enrolled Bill Amendment to HB 1246-FN

Amend the bill by replacing all after section 3 with the following:

4 Motor Vehicles; Definition of Serious Traffic Violation. Amend RSA 259:98-a, X to read as follows:

X. Driving a commercial motor vehicle in violation of RSA 265:79-c[-]; **or**

5 Effective Date.

I. Section 4 of this act shall take effect January 1, 2023, at 12:01 a.m.

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

Senate Inventory Checklist for Archives

Bill Number: HB 1246-FN

Senate Committee: Transportation

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s) 1984EB1A

Governor's Veto Message

All available versions of the bill: {Clerk's Office}

___ as amended by the senate ___ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Peter O'Neill
Committee Aide

6/7/2022
Date

Senate Clerk's Office AK