

LEGISLATIVE COMMITTEE MINUTES

HB435

Bill as
Introduced

HB 435-FN - AS AMENDED BY THE HOUSE

5Jan2022... 2197h

2021 SESSION

0638

11/10

HOUSE BILL **435-FN**

AN ACT relative to the suspension of drivers' licenses

SPONSORS: Rep. Sykes, Graf. 13; Rep. Klein-Knight, Hills. 11

COMMITTEE: Transportation

AMENDED ANALYSIS

This bill modifies the circumstances under which a driver's license may be suspended or revoked.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

5Jan2022... 2197h 21-0638

11/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the suspension of drivers' licenses

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

- 1 Motor Vehicles; Authority to Suspend or Revoke License. Amend RSA 263:56, I(d) to read as follows:
(d) Is incompetent to drive a motor vehicle by reason of physical[⁵] **or** mental [~~or moral~~] impairment[~~— For purposes of this paragraph, a license suspension or revocation on the basis of moral impairment shall be predicated only upon a conviction of a crime involving moral turpitude~~];
- 2 Effective Date. This act shall take effect January 1, 2023.

LBA
21-0638
12/30/20

HB 435-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the suspension of drivers' licenses and creating a committee to study the creation of a restricted driving license for participants in drug court.

FISCAL IMPACT: State County Local None

Estimated Increase / (Decrease)

STATE:	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Expenditures	\$0	\$0	\$0	\$0
<i>Funding Source:</i>	<input type="checkbox"/> General	<input type="checkbox"/> Education	<input checked="" type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill includes the following provisions:

- Removes language specific to moral impairment and turpitude when deeming an individual as incompetent to drive.
- Clarifies license suspension in relation to defaults, limiting suspensions to defaults for motor vehicle offenses only unless otherwise allowed under law. This would eliminate any driver license suspensions for a person who defaults on a court appearance or conviction, or failure to pay a fine or other penalty for all other offenses not motor vehicle related.
- Clarifies a suspension for unpaid child support is applicable under RSA 263:56.
- Eliminates the authority to report names of persons whose driver's license privileges are suspended for nonpayment to a consumer reporting agency.
- Establishes a study committee.

The Department of Safety states these changes would result in a decrease in the total number of suspended driver's licenses, which would decrease revenue from suspension reinstatement fees. The Department is unable to provide an estimate as to the decrease in the number of suspensions or corresponding impact to state revenue. The Department anticipates no impact to state expenditures.

It is assumed this bill will be effective July 1, 2021.

AGENCIES CONTACTED:

Department of Safety

LBA
21-0638
Amended 1/28/22

**HB 435-FN FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2021-2197h)**

AN ACT relative to the suspension of drivers' licenses

FISCAL IMPACT: [] State [] County [] Local [X] None

METHODOLOGY:

This bill removes language specific to moral impairment and turpitude when determining an individual as competent to drive. The Department of Safety states this bill will have no impact on state, county, and local revenue or expenditures.

AGENCIES CONTACTED:

Department of Safety

CHAPTER 7
HB 435-FN - FINAL VERSION

5Jan2022... 2197h

2022 SESSION

21-0638
11/10

HOUSE BILL ***435-FN***

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COMMITTEE: Transportation

AMENDED ANALYSIS

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

CHAPTER 7
HB 435-FN - FINAL VERSION

5Jan2022... 2197h

21-0638
11/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the suspension of drivers' licenses.

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

1 7:1 Motor Vehicles; Authority to Suspend or Revoke License. Amend RSA 263:56, I(d) to read as
2 follows:

3 (d) Is incompetent to drive a motor vehicle by reason of physical[,] *or* mental [~~or moral~~]
4 impairment[~~— For purposes of this paragraph, a license suspension or revocation on the basis of~~
5 ~~moral impairment shall be predicated only upon a conviction of a crime involving moral turpitude~~];

6 7:2 Effective Date. This act shall take effect January 1, 2023.

Approved: March 18, 2022
Effective Date: January 01, 2023

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: February 3, 2022

HEARINGS

Tuesday

02/22/2022

(Day)

(Date)

Transportation

Legislative Office Building 101 1:00 p.m.

(Name of Committee)

(Place)

(Time)

1:00 p.m. **HB 116** relative to personal delivery devices and mobile carriers.

1:20 p.m. **HB 435-FN** relative to the suspension of drivers' licenses

1:40 p.m. **HB 571** repealing the prohibition against OHRV travel on Hoit Road Marsh.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 116

Rep. Steven Smith

Rep. Packard

Rep. Walsh

HB 435-FN

Rep. Sykes

Rep. Klein-Knight

HB 571

Rep. Walsh

Rep. Wells

Rep. Steven Smith

Rep. Pearl

Peter O'Neill 271-4151

Regina Birdsell
Chairman

Senate Transportation Committee

Peter O'Neill 271-4151

HB 435-FN, relative to the suspension of drivers' licenses

Hearing Date: February 22, 2022

Time Opened: 1:22 p.m.

Time Closed: 1:24 p.m.

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

Members of the Committee Absent : None

Bill Analysis: This bill modifies the circumstances under which a driver's license may be suspended or revoked.

Sponsors:

Rep. Sykes

Rep. Klein-Knight

Who supports the bill: Rep. Sykes, Rep. Klein-Knight

Who opposes the bill: None

Who is neutral on the bill: None

Summary of Testimony Presented:

Senator Watters, SD 4

- Sen. Watters introduced HB 435 on behalf of Representative Sykes.
- The bill makes a simple change to the authority of suspending or revoking an individual's license. It would remove moral impairment and turpitude as basis for suspension of a license.
- It would leave the basis for suspension as it stands currently with suspension being relative to physical or mental impairment.

PJO

Date Hearing Report completed: February 23, 2022

Testimony

Peter O'Neill

From: lakeview clock repair <lakeviewclockrepair@protonmail.com>
Sent: Tuesday, February 22, 2022 11:15 AM
To: ~Senate Transportation
Subject: HB435 - please support/send as OTP

Dear members of the Committee,

Please support and send forward HB435 as ought to pass.

The bill strips away outdated and ambiguous languages on operating requirements (moral causes) to the suspension of drivers licenses.

This ambiguity of language allows for possible misinterpretation and application to punish people for political or even racial purposes - perhaps unlikely, but not impossible, for individual bad actors who may work for the system.

If the intent was to invoke the practice via those convicted and serving time, that should be addressed in another bill.

Sending HB435 forward as OTP is a simple fix to this problem.

Thank you for all you do on behalf of the people of New Hampshire,

Renier
Ashua, NH

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Tuesday, February 22, 2022

THE COMMITTEE ON Transportation

to which was referred **HB 435-FN**

AN ACT relative to the suspension of drivers' licenses

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator David Watters
For the Committee

HB 435-FN modifies the circumstances under which a driver's license may be suspended or revoked, clarifying revocation is allowable on the grounds of physical or mental impairment. This is a clarifying change and, as amended by the House, there is no fiscal impact.

Peter O'Neill 271-4151

FOR THE CONSENT CALENDAR

TRANSPORTATION

HB 435-FN, relative to the suspension of drivers' licenses

Ought to Pass, Vote 5-0.

Senator David Watters for the committee.

HB 435-FN modifies the circumstances under which a driver's license may be suspended or revoked, clarifying revocation is allowable on the grounds of physical or mental impairment. This is a clarifying change and, as amended by the House, there is no fiscal impact.

Docket of HB435

Docket Abbreviations

Bill Title: (New Title) relative to the suspension of drivers' licenses*Official Docket of HB435.:*

Date	Body	Description
1/10/2021	H	Introduced (in recess of) 01/06/2021 and referred to Transportation HJ 2 P. 48
3/5/2021	H	Public Hearing: 03/05/2021 09:30 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/99182085994 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
3/26/2021	H	Retained in Committee
9/15/2021	H	Full Committee Work Session: 09/28/2021 10:00 am LOB 201-203 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
9/29/2021	H	Executive Session: 10/19/2021 1000am
11/12/2021	H	Committee Report: Ought to Pass with Amendment #2021-2197h NT 10/19/2021 (Vote 19-0; CC) HC 48 P. 16
1/11/2022	H	Amendment #2021-2197h : AA VV 01/05/2022 HJ 1
1/11/2022	H	Ought to Pass with Amendment 2021-2197h: MA VV 01/05/2022 HJ 1
1/18/2022	S	Introduced 01/05/2022 and Referred to Transportation; SJ 2
2/3/2022	S	Hearing: 02/22/2022, Room 101, LOB, 01:20 pm; SC 7
2/22/2022	S	Committee Report: Ought to Pass, 02/24/2022; Vote 5-0; CC; SC 8A
2/24/2022	S	Ought to Pass: MA, VV; OT3rdg; 02/24/2022; SJ 4
3/15/2022	H	Enrolled (in recess of) 03/10/2022 HJ 5
3/15/2022	S	Enrolled Adopted, VV, (In recess 02/24/2022); SJ 5
3/21/2022	H	Signed by Governor Sununu 03/18/2022; Chapter 7; 1/1/23

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 435-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)

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 Onorati
Committee Aide

6/6/2022
Date

Senate Clerk's Office AK