Bill as Introduced
HB 652 – AS INTRODUCED

2001 SESSION

HOUSE BILL 652

AN ACT relative to the penalties for reckless or negligent operation of a motor vehicle.


COMMITTEE: Transportation

ANALYSIS

This bill adds negligent operation of a motor vehicle as a traffic violation, and clarifies the application of the minimum penalty for reckless driving of a motor vehicle.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to the penalties for reckless or negligent operation of a motor vehicle.

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

1 Reckless Driving; Minimum Penalty. Amend RSA 265:79 to read as follows:

265:79 Reckless Driving; Minimum Penalty. Whoever upon any way drives a vehicle recklessly, or causes a vehicle to be driven recklessly, as defined in RSA 626:2, II(c), or so that the lives or safety of the public shall be endangered, or upon a bet, wager or race, or who drives a vehicle for the purpose of making a record, and thereby violates any of the provisions of this title or any rules adopted by the director, shall be, notwithstanding the provisions of title LXII, guilty of a violation and fined not less than $250 nor more than $1,000 and his or her license shall be revoked for a period of 60 days for the first offense and from 60 days to one year for the second offense.

2 New Section; Negligent Driving. Amend RSA 265 by inserting after section 79-a the following new section:

265:79-a Negligent Driving. Whoever upon any way drives a vehicle negligently or causes a vehicle to be driven negligently, as defined in RSA 626:2, II(d), and in a manner that endangers or is likely to endanger any person or property shall be guilty of a violation.

3 Effective Date.

I. Section 1 of this act shall take effect January 1, 2002 at 12:01 a.m.

II. The remainder of this act shall take effect January 1, 2002.
Amendments
Amendment to HB 652

Amend the bill by replacing section 2 with the following:

2 New Section; Negligent Driving. Amend RSA 265 by inserting after section 79-a the following new section:

265:79-a Negligent Driving. Whoever upon any way drives a vehicle negligently or causes a vehicle to be driven negligently, as defined in RSA 626:2, II(d), or in a manner that endangers or is likely to endanger any person or property shall be guilty of a violation.
Speakers
** SIGN UP SHEET **

To Register Opinion If Not Speaking

Bill # 48 652  Date: Thurs., March 15, 2001
Committee: Transportation

** Please Print All Information **

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<td>Rep. Sandra Falmouth</td>
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<td>Sen. Katie Wheeler</td>
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<td>Steve Griffin</td>
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<td>Frank Googum</td>
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<td>Peter Thomas</td>
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<td>Gene Garren</td>
<td>NH Traffic Safety Com</td>
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<td>Martin Pillory MD</td>
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Hearing Minutes
HOUSE COMMITTEE ON TRANSPORTATION

PUBLIC HEARING ON HB 652

BILL TITLE: relative to the penalties for reckless or negligent operation of a motor vehicle.

DATE: March 6, 2001 Resched. to March 15, 2001

LOB ROOM: 203 Time Public Hearing Called to Order: 1:50 p.m.

Time Adjourned: 1:30 p.m.

(please circle if present)


TESTIMONY

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

Rep. Bob L'Heureux, Hills 18, introduced the bill and has an amendment to change one word that is incorrect.

Sen. Roberge, Dist. 9, in support. Read letter from a constituent describing an incident that occurred to them. A block of ice fell off a truck and almost hit them.

Sen. Ned Gordon, Dist. 1 in support. Sen. Gordon reminded the committee that we as elected officials have a responsibility to respond to the public when incidents such as this one occur. Spoke of the burden of proof. The case of negligent driving would be easier to prove than reckless.

P. Anderson & B. Anderson, Nashua, NH – support. Mr. Anderson believes that this bill is very necessary. He came today to speak in support of this bill.


Linda & Don Smith, in support. Mr. & Mrs. Smith's daughter was killed in an accident when a large block of ice came off a truck into another smaller truck causing a head on collision.


Pat Rainboth, E. Rochester, NH, Exec. Dir. Of Victims Inc. – support. There are never words that can describe the pain families go through when these events occur.
John Stephen, Asst. Commissioner, DOS in support (Unable to speak).

OPINION – NOT SPEAKING: - PRO
Sen. Katie Wheeler, Dist. 21
Steve Griffin, NH Chiefs of Policy
Celeste & Dennis R. Desrosiers (603) 888-1279
Greg Desaulniers, (603) 647-7145
Hank Gagnon, 603-621-0269
Laurie Smith
Lena Boucher, 603-595-4764
Dean Smith
Donald R. Suett 603-888-344_
B. Anderson 603-882-3980
Peter Thomson, NH Highway Safety 271-2131
Rep. James Pilliod, MD

Respectfully submitted,

[Signature]

Rep. Robert J. Letourneau, Clerk
HOUSE COMMITTEE ON TRANSPORTATION

PUBLIC HEARING ON HB 652

BILL TITLE: relative to the penalties for reckless or negligent operation of a motor vehicle.

DATE: March 6, 2001 (Read 3rd time March 15, 2001)

LOB ROOM: 203 Time Public Hearing Called to Order:

Time Adjourned:

(please circle if present)


TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.
Testimony
Bill seeks penalty for vehicle debris

Jessica Smith’s parents champion new law

BY DIANE KOLLER
Monadnock Ledger Staff

PETERBOROUGH — Two years ago Peterborough’s Jessica Smith died in an accident while driving to work at Market Basket in Rindge. She was about to turn 21 when she died.

Smith was traveling south on Route 202 when a piece of ice flew off the roof of an 18-wheeler whose top was coated with an 8-inch sheet of ice.

A nine-foot long chunk of ice hit the windshield of an oncoming state truck, which slammed into Smith’s Geo Tracker. The impact of the collision sent both vehicles off the road. The Tracker was pinned between the truck and a utility pole.

The driver of the 18-wheeler was not charged with any crime, despite the “fine job” of investigating done by police, Jessica’s father, Don, told the Ledger. There is no state law holding drivers accountable for objects or debris dislodging from their vehicles, causing or death damage, he said.

Now living in Nashua, Don and his wife, Linda, want the law to change. They support legislation that will make it possible for people driving negligently to be held accountable for resulting accidents.

The bill asks that a person arrested for driving negligently be charged with a violation and fined no less than $200 and no more than $1,000. For the first offense, an offender’s license would be revoked for 60 days. A second offense would call for a suspension from 60 days up to one year.

Peter Tomson of the New Hampshire Highway Safety Agency said that, under the law, the definition of negligence would cover accidents like Smith’s but could also include anything that takes a driver’s attention off the road.

“Basically I would have preferred to see an even stronger bill. But people more experienced than I with the legislative process tell me that a stronger bill would not go through. This is the best we feel we can get right now,” Tomson said.

He described a similar crash a couple years ago when debris came off a logging truck and killed a young woman. “Jessica Smith died needlessly. It was a terrible tragedy,” said Tomson.

Smith said, “This is for our daughter and other people out there driving. Even if it saves only one life it’s still worth the effort. Two years after losing her, it’s still hard.”

There will be a public hearing on this bill on March 6 at 1:45 p.m. in the Legislative Office Building, Room 203.

"Jessica Smith died needlessly. It was a terrible tragedy."
Peter Tomson,
New Hampshire Highway Safety Agency
March 2, 2001

Representative Bob L'Heureux,

Dear Mr. L'Heureux,

I am writing to you just in case I am not able to be present at the hearing on House Bill 652, the Jessica Smith Bill.

Thanks go to you for creating this bill and the Nashua Telegraph for printing the information about the bill so prominently on the front page of the newspaper. Condolences to Jessica's parents and thanks to them for pursuing a solution to a serious problem.

Two days before the story was printed in the newspaper, I witnessed a frightening sight as a truck turned the corner from Amherst St. at Pennichuck Square heading north toward Merrimack. I was heading south from Merrimack, first in line, waiting for the traffic light permitting me to make a left turn onto Amherst St. Thick blocks of ice slid off the roof of the truck and crashed onto the pavement. Fortunately there was an empty lane between my car and the truck, otherwise the ice would have fallen on my car.

Although we have seen snow and ice blow off roofs before, this was the first time I realized what an unseen hazard can lie on the roof of a large truck.

Hopefully the bill will make all motorists clear their vehicles of ice and snow before driving away.

Lucille Lapinskas
11 Hillside Drive
Nashua, N.H. 03064-1645
889-9397
March 11, 2001

Dear Linda,

Congratulations on you and your husbands efforts in championing house Bill 652 in memory of Jessica. I first heard about this from my father. I later read about it in the NH Sunday News (Feb. 25th). It was then; I learned that this is the “Jessica Smith” bill. You have my support and my family’s support in this cause. We’ve feared for our lives, as we’ve all experienced our windshields being hit by flying snow/debris from other vehicles. It’s truly a scary and dangerous situation! I have talked about this at (work) the “Heywood” and everyone there is hoping for success, as they too have had been faced with the same situation. “We” have many fond memories of you and remember your love for that terrific daughter you proudly talked about and allowed us to know. As you might remember, her friends Brian Kiritsy (my nephew and his cousin) Jolene Berardi are also hopeful that Bill 652 is passed. I want you to know you have a lot of support from this neck of the woods… Not only because it represents your fight in Jessica’s memory, but for safety’s sake! Again, congratulations on your effort with the help of Rep. Robert L’Heureux. If there is any thing else I can do from this area... please let me know.

Yours truly,

Terry Gilbert
March 9, 2001

To the Distinguished Members of the Transportation Committee:

I am writing in support of HB-652 sponsored by Representative Bob L'Heureux of Merrimack. I am a Derry resident. For nearly twenty years, I commuted to work in Massachusetts. There were many occasions during the winter months that I felt I and other drivers were in peril because of the failure of trucks and vans to properly clean the accumulated ice and snow from the roofs of their vehicles. This is indeed a very dangerous situation and speaks to the recklessness of the drivers of these vehicles. While traveling on Rte 93, I have witnessed many “close calls” when a sheet of ice or frozen snow has come loose from the top of a large truck or trailer and flown into high-speed traffic. There is virtually no time for the driver to react when this occurs. At all times this poses an extremely dangerous situation but especially during heavy traffic. I have experienced a sheet of frozen snow hitting my windshield. I was very lucky that my windshield did not shatter and I did not lose control while I was driving at 65 miles per hour trying to get my windshield wipers to clear the debris blocking my view entirely. This is a very frightening experience.

I believe that HB-652 will help make our roads safer and may prevent another senseless tragedy from occurring.

My husband wholeheartedly supports this bill as well. He has experienced similar close calls while traveling our NH roads and feels that it is time to address the negligent behavior of these drivers who fail to properly clear their vehicles of ice and snow.

Thank you.

Sincerely,

Sue and Al Centner
2 Bisbee Circle
Derry, NH 03038
432-3950
February 25, 2001

Dear Mr. And Mrs. Smith,

Please accept my sincere sympathy for Jessica’s tragic death. The story in The Telegraph brought to mind an incident I was involved in several years ago.

While my late mother was still living in Connecticut and in the early stages of alzheimers I traveled the route from Merrimack, NH, to her home in Darien, CT, almost every weekend in all sorts of weather (Route 13 south, to 190, to 290, to the Mass Pike, Route 84 to Hartford, 91, to the Merritt Parkway). Traffic was fast and close one morning on the Mass Pike. I was driving in the center lane and noticed a full-size van in my rear view mirror...all I could see was his front grill, he was that close. There were several large trucks in the right lane so I stayed where I was and the van passed me on the left.

There was about 18" of snow on the roof of the van and the snow began to break up, a large clump hitting my windshield. By now, the right lane was clear and I moved over. A couple in the car that had been behind me was also hit on the windshield by snow and then a large sheet of ice. The driver, a man in his 60's, briefly lost control but was able to remain in the lane. It was very frightening.

Up the road in Sturbridge, we both stopped at the rest area. Unfortunately, neither one of us, or the people in a third car, had been able to get the license plate numbers of the van due to an accumulation of snow on the mounted spare tire and back bumper. I think the bill is an excellent idea, and that making sure the license plate is unobstructed should also be a legal requirement.

I wish you well, and again I am very sorry for your loss.

Very sincerely,

Christine Graham

P.O. Box 194
Brookline, NH 03033
OPINION

Keep ice off trucks

Jessica Smith bill a step in the right direction

We support the Jessica Smith bill, which would hold accountable drivers of vehicles from which ice and snow fall and cause injury.

Jessica Smith died in Peterborough two years ago in an accident caused by ice flying off the top of a tractor-trailer unit.

Her parents, Don and Linda Smith of Nashua, are championing the bill in the state legislature.

We agree there should be penalties for injuries caused by ice and snow coming off any vehicle, a car or a truck.

Some truckers are saying that ice usually comes off big trucks while they’re leaving the parking lot. This obviously was not the case two years ago when Jessica Smith was killed.

Truckers say companies won’t allow their staff to climb on top of trucks to clean off ice and snow because it’s too dangerous.

We suggest that the bill, in addition, should hold the owners of trucking companies responsible should ice and snow from their trucks cause damage. That way, trucking company owners would have an incentive to figure out a way to remove ice and snow from their trucks without having truck drivers climb on top of them.

This is, after all, the age of technology, and with proper incentive a method to clean snow off trucks could probably be invented in no time at all. We’ve developed methods of keeping snow and ice from accumulating on air planes. It seems we should be able to the same for the tops of trucks.
The Telegraph
When common sense fails, new law is what’s needed

Motorists in New Hampshire shouldn’t have to be compelled by law to do what common sense and plain courtesy dictate: Clear away the snow and ice from the top of a vehicle before heading out on the road.

Car and trucks operate quite nicely when there’s snow on the roof or over the trunk. But when a slab of ice-encrusted snow flies off when the vehicle is in motion, it may cause a motorist who is following or passing to lose control.

It’s easy to figure out why motorists skip this step in preparing their vehicle for the road after a snow or ice storm. They’re in a rush to make an appointment, they’re late for work or to pick up the kids, or they just don’t think there’s any harm to leaving a mound of snow or ice on top of the car.

Besides, having to clear off a vehicle is just plain hard, cold work, especially if the vehicle is a big truck and sweeping off its uppermost part is difficult. Shortcuts to a quick start from the driveway or parking lot are appreciated. Leaving snow piled up on the vehicle is one.

But the tragedies that can be created when ice or snow chunks fly off is what drove Nashua residents Don and Linda Smith to favor the introduction of a bill that the Legislature is considering. They were motivated to do so after the death of their 20-year-old daughter, Jessica Smith, in 1999.

She died when a 9-foot piece of ice flew from the top of an 18-wheeler into the windshield of state truck traveling in the opposite direction. The driver of the state truck lost control of his vehicle, which plowed into Jessica’s car, killing her.

Neither driver was charged with any crime because New Hampshire has no law covering such a situation.

The bill under consideration would allow people who cause an accident and are found guilty of operating negligently to be jailed for up to a year and/or fined $1,000. That would include an accident caused by ice, chunks of snow or other forms of debris flying off a vehicle. An accident under that scenario would land a driver in deep legal trouble. Leaving a snow-ice buildup on a traveling vehicle wouldn’t be worth such a risk.

The state Department of Safety supports the bill. It may need tweaking after a March 6 public hearing, but its intent is clear. And though we hate to add yet another motor vehicle law to the books, the death of Jessica Smith shows that it’s needed.

Some people push the envelope when it comes to clearing off their vehicles before taking to the road. Some of us have had the uncomfortable experience of having an ice sheet become airborne in our direction as we followed a snow-encrusted car or truck on the highway. It’s startling. And after Jessica Smith’s accident, we know it can also be deadly.
March 15, 2001
September, 2000

Testimony To The N.H.
Transportation Committee

To live in the hearts of those we leave behind,
Is not to die.

Time is relative. Twenty years can seem like an eternity under certain conditions or it can seem to pass in the blink of an eye, leaving you astounded at the briefness of a human lifetime. Clearly, there are few guarantees in life; our very presence here on earth is conditional. The best any of us can do is try to modify some of those conditions to assure longevity and peace of mind for all.

Our goal here today is to work a change within the transportation safety interest. so that the kind of preventable tragedy that has affected our family and friends might become a thing of the past.

On May 20, 1978, Don and I were blessed with a beautiful, healthy baby girl we named Jessica Jo. It was a day filled with happiness, hope, and promise. Our hopes for Jessica were not defeated as she grew into childhood. Our daughter learned early the value of family, friendship, and community and often surprised us with her unique perspective on life and personal contribution.

Confident with herself and engaging with others, Jessica became the kind of girl sought after by others for friendship and company.

As a student, Jessica excelled in her education and always helped others to do the same. She was bright, articulate, and motivated without ever being condescending or self absorbed.
In high school Jessica continued to broaden her circle of friends as well as her interests. She had a vibrant school spirit and an open willingness to help others despite her own challenges. In addition to her enthusiastic involvement with at least five different school sport activities, Jessica served on the Student Council all four years, volunteered her energies at the community hospital and worked at a nursing home. All these activities are attested to by the numerous awards, recognitions, and certificates of achievement she received. Jessica's goal was to attend college and to pursue a career in health care.

On January 5, 1999, those goals, interests, and Jessica's very life were cut short when the vehicle she was driving to work was hit head on by a large truck.

Jessica's potential contribution to community and society at large was as immeasurable as the overwhelming sadness and pain caused by her death.

In our minds, there is absolutely no justifiable reason why unsafe tractor-trailers are allowed to travel on public roadways.

Three vehicles were involved in the accident that killed our daughter. The first, a traction engine who's trailer roof was covered with a three inch coating of ice front to rear. A large section of this ice flew off, smashing through the windshield of an oncoming smaller truck who's driver then lost control and collided head on into Jessica's vehicle; killing her instantly and crushing her body beyond recognition.

We were not even allowed to see our beautiful daughter before burying her the following week.
Everyone grieves in their own way and at their own pace. There is no 'right' way to feel and no time limit on experiencing those feelings. This is one of those occasions and this is one of the reasons why Jessica’s father and myself have taken the time to work out some of the goals that we think would best suit the needs of those who share our loss.

We hope to see an amendment attached to a law prohibiting ice covered trailers and other large vehicles from entering public roadways. We hope also to avoid any unvoiced feelings concerning what may be left unsaid, undone, or untried.

Thank you for listening and for taking the time to read through the folders we’ve prepared for you.

May God bless you and keep you all.

Very sincerely,

Don and Linda Smith,
family, and friends of Jessica Jo Smith
CHAPTER 626
GENERAL PRINCIPLES

626:1 Requirement of a Voluntary Act.
I. A person is not guilty of an offense unless his criminal liability is based on conduct that includes a voluntary act or the voluntary omission to perform an act of which he is physically capable.

II. Possession is a voluntary act if the possessor knowingly procured or received the thing possessed or was aware of his control thereof for a sufficient period to have been able to terminate his possession.

HISTORY

ANNOTATIONS

1. Defenses
When evidence of intoxication is offered as a defense to the commission of a crime, it must be shown that the person was, at all times, conscious of his act and that he was aware of the consequences of his act. In such cases, the defendant has the burden of proving his innocence by a preponderance of the evidence. If the defendant is unable to prove his innocence, he is guilty of the offense. If the defendant is able to prove his innocence, he is not guilty of the offense.

2. Duress
Duress cannot be used as a defense to the commission of a crime. If a person is forced to commit an act by another person, he is not guilty of the offense. If a person is forced to commit an act by another person and is unable to escape, he is guilty of the offense. If a person is forced to commit an act by another person and is able to escape, he is not guilty of the offense.

CITED

References
New Hampshire Criminal Jury Instructions, Instruction # 24.

ALR
75A ALR4th 1057.

Effect of voluntary drug intoxication upon criminal responsibility. 75A ALR4th 98.

WHEN INTOXICATION IS CONSIDERED TO BE A FACTOR
75A ALR4th 109.

626:2 General Requirements of Culpability.
I. A person is guilty of murder, a felony, or a misdemeanor only if he acts purposely, knowingly, recklessly or negligently, as the law may require, with respect to each material element of the offense. He may be guilty of a violation without regard to such culpability. When the law defines an offense prescribes the kind of culpability that is sufficient for its commission, without distinguishing among the material elements thereof, such culpability shall apply to all the material elements, unless a contrary purpose plainly appears.

II. The following are culpable mental states:
(a) "Purposely." A person acts purposely with respect to a material element of an offense when his conscious object is to cause the result or engage in the conduct that comprises the element.

(b) "Knowingly." A person acts knowingly with respect to conduct or a circumstance that is a material element of an offense when he is aware of it and consciously disregards a substantial and unjustifiable risk that the material element exists or will result from his conduct. The risk must be of such a nature and degree that, considering the circumstances known to him, his disregard constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. A person who creates such a risk but is unaware thereof solely by reason of having voluntarily engaged in intoxication or hypnosis also acts recklessly with respect thereto.

(d) "Negligently." A person acts negligently with respect to a material element of an offense...
Voting Sheets
HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 652

BILL TITLE: relative to the penalties for reckless or negligent operation of a motor vehicle.

DATE: April 3, 2001

LOB ROOM: 203

Amendments:
Sponsor: Rep. L'Heureux et. al
OLS Document #: 2001 0183
Sponsor: Rep.
OLS Document #:
Sponsor: Rep.
OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)
Moved by Rep. Ferland
Seconded by Rep. Duval
Vote: 17-0 (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.)

CONSENT CALENDAR VOTE: YES 17-0
(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Robert J. Letourneau, Clerk
HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 652

BILL TITLE: relative to the penalties for reckless or negligent operation of a motor vehicle.

DATE: 04-03-01

LOB ROOM: 203

Amendments:

Sponsor: Rep. L'Heureux

Sponsor: Rep.

Sponsor: Rep.

OLS Document #: 0183

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

Moved by Rep. Feindt

Seconded by Rep. Deveau

Vote: 17-0 (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.)

CONSENT CALENDAR VOTE: 17-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Robert J. Letourneau, Clerk
TRANSPORTATION

Bill #: HB652  Title: 

PH Date: 03/15/01  Exec Session Date: 04/03/01

Motion: OTP/A

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<td>Duval, Jeffrey S</td>
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<td>Ferland, Brenda L</td>
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<td>Weed, Charles F</td>
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<td>Woodill, Rodney J</td>
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17-  17-  0

TOTAL VOTE:
Printed: 1/3/2001
Committee Report
COMMITTEE REPORT

COMMITTEE: Transportation
BILL NUMBER: HB 652
TITLE: relative to the penalties for reckless or negligent operation of a motor vehicle.

DATE: April 3, 2001
CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS
☒ OUGHT TO PASS WITH AMENDMENT
☐ INEXPEDIENT TO LEGISLATE
☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This bill took current law concerning reckless and negligent driving and redefined the language. "Whoever upon any way drives a vehicle recklessly, (new language continues here) or causes a vehicle to be driven recklessly as defined in RSA 626:2, II(c)." This RSA deals with the criminal code definitions of "recklessly." The amendment changed one word under negligent driving from "and" to "or" and this paragraph doesn't name any specific task such as using cell phones, eating, etc.

Vote 17-0.

Rep. Brenda L. Ferland
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT
CONSENT CALENDAR

Transportation
HB 652, relative to the penalties for reckless or negligent operation of a motor vehicle. OUGHT TO PASS WITH AMENDMENT

Rep. Brenda L. Ferland for Transportation: This bill took current law concerning reckless and negligent driving and redefined the language. "Whoever upon any way drives a vehicle recklessly, (new language continues here) or causes a vehicle to be driven recklessly as defined in RSA 626:2, II(c)." This RSA deals with the criminal code definitions of "recklessly." The amendment changed one word under negligent driving from "and" to "or" and this paragraph doesn't name any specific task such as using cell phones, eating, etc. Vote 17-0.
This bill starkly changes current law concerning reckless and negligent driving and redefines the language.

"Whoever upon any way drives a vehicle recklessly, (new language continued here) in such a vehicle to be driven recklessly as defined in RSA 656:2, II(c)."

RSA 656:2, II(c) deals with the criminal code definitions of "recklessly."

The amendment changed one word under negligent driving from "and" to "or," and this paragraph.

Rep. Brenda Furland
name any specific task such as using cell phones, eating, etc.

S. Bach
COMMITTEE REPORT

COMMITTEE: Transportation
BILL NUMBER: HB 652
TITLE: relative to the penalties for reckless or negligent operation of a motor vehicle.

DATE: (Type DATE) **04-03-01** CONSENT CALENDAR YES ☑ NO ☐

☐ OUGHT TO PASS
☑ OUGHT TO PASS WITH AMENDMENT
☐ INEXPEDEINT TO LEGISLATE
☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

Vote (Type VOTE). **17-0**

Rep. (Type NAME) [Signature]
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT