Bill as Introduced
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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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), or 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.
HB 652 - AS AMENDED BY THE HOUSE

2001 SESSION

01-0067

10/09

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18apr01...0183h

01-0067

10/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand One

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http://gencourt.state.nh.us/legislation/2001/HB0652.html 5/24/01
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Committee Minutes
Transportation Committee

HB 652 Hearing Report

TO: Members of the Senate

FROM: Susan Duncan
Legislative Assistant

RE: Hearing report on HB 652 – AN ACT relative to the penalties for reckless or negligent operation of a motor vehicle.

HEARING DATE: May 29, 2001

Sponsor: Representative L’Heureux, PRIME
Representatives Letourneau, C. Hall, Tholl
Senators Roberge, Wheeler and Gordon, Co-Sponsors

What the bill does: 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.

Who supports the bill: Representative L’Heureux
Linda and Don Smith
parents of Jessica Smith (deceased)
Henry ???? (Uncle of Jessica Smith)

Who opposes the bill: No one testified in opposition

Summary of testimony received:

• This legislation was filed because of an accident in which a large piece of ice flew off a truck’s roof, went through the windshield of a state highway truck causing the driver to lose
control of the vehicle and crash head-on into the vehicle being
driven by Jessica Smith (killing her instantly).
- The original intent of the bill was to have all truckers have to
  remove ice from their vehicles.
- A compromise was reached in the House.
- This bill does not target trucks or any one type of vehicle – but
  all drivers.
- This legislation is supported by the Department of Safety, the
  Highway Safety Agency and the Injury Center at Dartmouth
  Hospital (according to testimony received by the prime sponsor).
- The parents of the victim testified regarding Jessica’s ability and
  their pain in having their daughter killed.
- The Committee asked no questions of those testifying.

**Funding:** Not applicable.

**Future Action:** The Committee voted the bill out “ought to pass”
following the hearing. Senator Flanders will report the bill out of
committee.

sfd
[file: SB report]
The Senate Committee on Transportation held a hearing on the following:

HB 652 relative to the penalties for reckless or negligent operation of a motor vehicle.

Members of Committee present:
Senator Flanders
Senator O'Neil
Senator McCarley

Senator Robert B. Flanders, D. 7: The Chairman is at a finance meeting this morning, therefore, we will be handling the hearing without the Chairman. And Senator Gordon is away on vacation and so what you see is what you get until Senator McCarley arrives. So I declare the hearing open on HB 652 and I'll recognize the sponsors of this bill. Yes?

Representative Robert L'Heureux, D. 18: Good morning, Mr. Chairman, Members of the Committee. For the record, my name is Representative Bob L'Heureux. I represent the town of Merrimack, Hillsborough District 18, and on behalf of the Smiths and myself, I would like to publicly thank Senator Eaton for delaying the hearing on this bill for, for reasons, for personal reasons of the Smiths.

You should have received a package of information from me last week; it would be something like this. It was given out last Thursday.

Senator Robert B. Flanders, D. 7: I didn't receive that.

Susan Duncan: If you want to look at Senator Gordon's set, if you want to share that.

Senator Robert B. Flanders, D. 7: When did you give them out, Thursday?
Representative L’Heureux: Yes, you should have a big manila envelope with this in it. I have an extra copy for the, I was going to give to the clerk but –

Unidentified Male Speaker: I won’t mark it up permanently.

Unidentified Female Speaker: Yeah.

Representative L’Heureux: Thank you.

Unidentified Male Speaker: You’re welcome.

Representative L’Heureux: Basically what that information package gives you is a whole background of information as to what prompted this piece of legislation. And basically what happened, a few years ago a young lady was driving from Jaffrey, New Hampshire, a Jessica Smith -- and this bill is basically filed on her behalf, it’s being referred to as the Jessica Smith bill. And a trailer was traveling down the road, had a large accumulation of ice on the box and what happened, a piece of ice came off. I think it was three inches thick, nine feet long but the Smiths could probably give you the full details on exactly how big it was. It went through the windshield of a state highway truck. The driver of the state highway truck lost control, crossed the road and hit Jessica’s car head-on and resulting in a fatality.

So when we originally started working on this piece of legislation, the intent at that time was to require the – the intent was to get the truckers to remove the snow and ice off of their vehicles. Commissioner, Assistant Commissioner John Stephens [sic], Sergeant Brian Chase from the state police, Representative Rob Letourneau, for myself, the Smiths and Mr. Bob Sculley who works at the truckers’ association worked on this legislation. And the more we got involved with that specific issue, the more complicated it got as to how do you measure it and this and that and everything else.

So Assistant Commissioner Stephens and law enforcement from state police came up with negligent operation. And basically what this says, the incidents that occurred were caused, the direct result of negligence. A few years ago some of you may recall when I was working on my graduated driving license bill for first-time drivers there was a, two young ladies were driving north on the turnpike in Manchester – excuse me, in Merrimack and a skidder was being transported southbound on the turnpike. And the door panel off the skidder came off, went through the windshield of the girls’ car and resulted in another fatality. Thereagain, legally there’s nothing you can do about, to the drivers because there were no laws, no law violations. Another incident where a young man turned around to talk to two friends in
the backseat of the vehicle and hit a tree and a couple people died in that accident, also.

So these are all examples of negligent operations and which is not being addressed by the statutes that are currently on the books. So this negligent operation would address those issues. And basically what it says is if you do something or don't do something, that's going to be negligence. Now don't do something, as an example, would be to secure a panel on the skidder or remove the ice accumulation, snow accumulations on vehicles. That's something you don't do. Or if you do something, like start weaving in traffic 'cuz you're drinking a cup of coffee or reading the newspaper and so on and so forth. Now the law enforcement personnel will have a statute by which they can hold you criminally liable.

So that's the gist of the bill. It has the support of the Highway Safety Agencies, the New Hampshire Department of Safety, the Injury Prevention Center up at Dartmouth. And that's about the extent of it. I don't want to tie you up too long, there are other people who will be testifying after me on some more issues.

So if you have any questions, I'd be more than happy to entertain them.

**Senator Robert B. Flanders, D. 7:** Any questions for the witness? Yes?

**Senator Caroline McCarley, D. 6:** Sure. Can you tell me what the amendments in the House were, or the changes in the House were? Or if you've already done that, I apologize.

**Representative L'Heureux:** No, the amendment's been done and if you look on, if you look at the copy of the bill on line 12 –

**Senator Caroline McCarley, D. 6:** Mmm-hmm.

**Representative L'Heureux:** -- under, right after the parenthesis small letter d, the word or –

**Senator Caroline McCarley, D. 6:** Mmm-hmm.

**Representative L'Heureux:** -- when the bill was originally drafted, that word or was and, which meant we had to prove this and that.

**Senator Caroline McCarley, D. 6:** I see, okay.
Representative L’Heureux: And it was not the intent of that – it was to prove one or the other, so that was the only change.

Senator Caroline McCarley, D. 6: Okay, thank you.

Representative L’Heureux: You’re entirely welcome, Senator.

Senator Robert B. Flanders, D. 7: Your testimony, if I understand it correctly, is I believe that there was a meeting out here where we talked about the snow and so forth and we went to the press conference, and as a result – and I attended that – as a result of that, it was decided that we were not able to enforce that, is that why that didn’t go forward?

Representative L’Heureux: It didn’t go forward for several reasons. Enforcing that particular – it was too specific –

Senator Robert B. Flanders, D. 7: Okay.

Representative L’Heureux: Okay.

Senator Robert B. Flanders, D. 7: Okay.

Representative L’Heureux: How would you measure the snow? Who would measure it? How would you measure it? You know, it created more than it solved. And once we discussed this and we talked about it more in-depth, it made sense to come up with something that was a little more – and it did not, this is the main thing, we – it was never the intent to single out the trucking industry. And the trucking industry and their representatives were, were very insistent – and I agree with them – that they should not be singled out. And this is, this is what you get as it developed and discussion on these issues and can come up with something that everybody agrees with. I believe we’re all in favor on this one.

Senator Robert B. Flanders, D. 7: Thank you.

Representative L’Heureux: You’re entirely welcome, Senator.

Senator Robert B. Flanders, D. 7: Linda Smith?

Unidentified Male Speaker: Senator, can Mr. and Mrs. Smith testify together?

Senator Robert B. Flanders, D. 7: Certainly. We’ll get another chair – all set.
Linda Smith: Good morning, and thank you for letting us speak today.

[Inaudible exchange.]

Linda Smith: This is our daughter, Jessica. I wanted you to see who she was, not just her name. This is very difficult, so please bear with me.

[See Attachment “A”, Written Testimony]

Don Smith: The reason we worked on this bill is when I first found out that nobody was cited or (inaudible) effect at all, it really shocked both of us. And we didn’t know where to turn to and we did make some contacts and got pointed in the right direction and thanks to the people that have been working with us, hopefully we’re going in the right direction.

I noticed when my wife read the statement and sort of when we first prepared this it mentioned just tractors and the trucking industry, but this is all vehicles. You see it every day on the highway especially in the wintertime, a vehicle’s covered with snow, visibility is limited and failure to take the time and responsibility to clean their vehicles off. So this applies to the public transportation and also private vehicles also.

That’s all I have to say. Thank you.

Senator Robert B. Flanders, D. 7: Anybody have any questions?
Thank you.

Senator Robert B. Flanders, D. 7: I’m having trouble reading the signature, is it Henry?

Henry Gagnon: Yes, Henry Gagnon. In thinking about what I wanted to say today as Jessica’s uncle brings in a lot of emotions as a father, as a grandfather and to know when Jessica was born we were there that day and I got to see her when she was 15 minutes old. In the 20 years that she was here with us she was one of the finest young woman that I’ve ever had the pleasure of knowing. But she was the type of person that she took the time to listen. People, like Linda said, friends always, you know, seeked [sic] her out and she was always there for the underdog. So we all had a lot of hope for Jessica’s future and our lives have been so devastated since this loss and it, you know, gets to the point that you’re driving in the wintertime and you see people with this much and the car covered with snow, you just want to yell at them and tell them what we have gone through no family should.
So I think -- I am so proud at what Linda and Don have done. This isn't easy, our loss has been great and if we can prevent this from happening to any other family, believe me, that's why we're -- I'm here today.

Thank you.

**Senator Robert B. Flanders, D. 7:** Anyone else wish to speak on this bill? If not, I'll declare the hearing closed.

**Hearing recessed at 8:55 a.m.**

*This verbatim transcript respectfully submitted,*
*Susan Houghton, Senate Secretary*
September, 2000

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
Speakers
COMMITTEE HEARING ON HB 652

Date: 5/29/01   Place: (Senate Trans.) 104, LOB

NAME: Senator Katherine Wheeler

Business Address: ________________________________

City: __________________ Phone: __________________

REPRESENTING: District 21

WISH TO SPEAK: YES  NO  X  Time Needed: ____________

Supporting Bill:  X  Opposing Bill: ______________

PLEASE LEAVE COPY OF ANY PREPARED STATEMENT
WITH COMMITTEE CLERK

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Testimony
May 24, 2001

Dear Colleagues on the Senate Transportation Committee:

Enclosed is a copy of HB-652 relative to the negligent operation of a motor vehicle.

The hearing is scheduled before your committee on Tuesday May 29, 2001 at 8:30am.

I've also included newspaper articles relative to this incident, as well as some background information on Jessica. This information will give you an insight into the cause and after effects of this type of tragedy, and illustrate the need for this important legislation.

I look forward to your support on HB-652. If you have any questions please do not hesitate to call on me.

Sincerely,

Rep. Bob L'Heureux
Hills. Dist. 18
424-2539
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 of 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 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
1121 NH Rt. 12 So.
Fitzwilliam, NH 03447

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
MEMORANDUM

********************************************************************************************************

To:    Susan Duncan

From:  Rick Lehmann, Senate Legal Counsel

Re:    HB 652

Date:  May 30, 2001

********************************************************************************************************

You asked me to look into whether HB 652, as amended, could result in a person being found guilty of a violation for drinking coffee while driving. I believe that under normal circumstances a person would probably not be guilty of negligent driving for drinking coffee while operating a motor vehicle.

The statute defines “negligence” as follows:

(d) "Negligently." A person acts negligently with respect to a material element of an offense when he fails to become aware of 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 his failure to become aware of it constitutes a gross deviation from the conduct that a reasonable person would observe in the situation.

RSA 626:2 (this is the RSA that defines various mental states required to prove crimes).

I suggest that drinking coffee while driving is probably not a “gross deviation from the conduct that a reasonable person would observe in the situation,” and therefore would probably not support a conviction. However, the statute would leave broad discretion to the police to charge someone with this conduct, and broad discretion to the court as to whether a conviction is appropriate. The decision would boil down to whether a reasonable person in the same situation would have realized that their conduct created an unjustifiable risk.
January 19, 1999

Attn: Mary Lee
Monadnock Ledger
PO Box 36
Peterborough NH 0345

Dear Mary Lee:

Again, please be kind enough to forward copy directly to my office at my letterhead address of any and all news clippings from your January 7, 1999 and January 14, 1999 editions going to the fatal vehicle collision of January 5, 1999 involving Jessica Jo Smith. Should any further information be available in your January 21, 1999 edition that, too, would be appreciated. I have enclosed a check made payable to the Monadnock Ledger for the sum of $2.50. Please bill my office for any further required amount.

Also, publication of the following within framed border is immediately requested for two editions of your paper:

INFORMATION WANTED:
REGARDING FATAL COLLISION
JANUARY 5, 1999 ROUTE 202 PETERBOROUGH
IN VOLVING JESSICA JO SMITH
If you were a witness to the crash or came upon the scene shortly afterwards or know anything concerning this tragic incident, please call collect to Attorney Gloria Schraud at 603/226-4950

I have enclosed check payment of thirty ($30) dollars toward the above requested publication. Please bill my office should any additional amount remain outstanding.

Your calls are always welcomed. And thank you for your prompt assistance.

Sincerely,

Gloria Schraud, Esquire

c: Donald and Linda Smith
Note: personal injury w/d jessica jo smith 1/12
GS
A roadside memorial in honor of Jessica Smith has been created by family and friends on Route 202 South. Smith died in an auto accident at that location on Jan. 5.

Jessica Smith remembered
Fatal accident caused by ice flying from tractor-trailer truck

PETERBOROUGH — More than 30 mourners held a candlelight vigil Jan. 6 at the scene of the Jan. 5 traffic accident that resulted in the death of Jessica Jo Smith, 20, of Peterborough.

Friends and relatives placed a memorial and a cross at the Route 202 South accident scene.

A piece of ice that fell from the roof of a tractor-trailer truck caused the accident that took Smith’s life.

After three days of investigating, Peterborough police concluded the accident occurred after a large piece of ice was thrown from a southbound truck as it rounded a curve on Route 202. The ice struck the windshield of the oncoming northbound 1996 International box truck driven by Brian C. Currier of Concord.

The impact shattered the box truck’s windshield, which collapsed into the cab, causing Currier to lose control of his truck. It crossed the center line and collided with the southbound 1994 Chevrolet Geo-Tracker driven by Smith. She had been driving behind the larger truck from which the ice fell.

Police said they have ruled out speed, road conditions and vehicle mechanical failure as factors contributing to the accident.

The accident remains under investigation as police have not yet identified the southbound tractor-trailer truck.

Smith graduated from Conant High School in 1997 and attended Hesser College in Manchester before moving to Peterborough last year. She was employed at Market Basket in Rindge.
Technology could provide a solution

Ice and snow should be removed from trucks

How often has it been said, “If we can put a man on the moon, why can’t we [fill in the blank]?”

The reason we can’t, of course, is because we don’t devote the same resources to solving problems for the common folk as are devoted to space exploration.

Perhaps that is as it should be, since exploring the unknown captures the imagination and stimulates invention in a way filling potholes doesn’t.

The problems of everyday life, however, loom as large as those presented by space exploration, especially when those problems mean loss of life.

We refer specifically to the death of 20-year-old Jessica Smith, who was killed after a chunk of ice fell off a truck into another truck’s windshield, causing the second truck to cross the centerline and collide with Smith’s vehicle.

There is no regulation in New Hampshire that requires ice and snow to be removed from the tops of trucks.

That’s understandable when considering the difficulty of removing three inches of frozen ice and slush from the top of a large truck.

While it is a fairly simple project for the owner of a car or small truck to clear the roof, for one truck driver working alone, the act of removal could prove threatening to his or her life.

The top of a truck can be a slippery place, to say nothing of cold and lonely.

Should a driver slip and fall, perhaps off the truck, he could be seriously injured or worse.

The events of last week, though, point to the seriousness of the problem and a need for a solution.

While the legislature could enact a law requiring the removal of ice and snow from trucks, the law would probably be ineffective until technology is developed making such removal practical.

We use technology to remove ice and snow from windows and from the roofs of houses, so it seems reasonable that we could use technology to remove it from the roofs of trucks.

The sad fact is that resources for research on a solution to the problem of ice and snow removal from trucks will become available only after enough trucking companies are held responsible for the damage and injuries caused by the ice and snow falling from their trucks.

We know lives would be saved should a solution be found.
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
“lack of” investigation done by police.
Jessica’s father, Don, told the
Ledger. There is no state law holding
drivers accountable for objects or de-
bris 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 negligent-
ly 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 of-
fense, an offender’s license would be re-
voked 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, un-
der 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.

JESSICA SMITH

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

He described a similar crash a cou-
ple 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 Leg-
islative Office Building, Room 203.

“Jessica Smith died needlessly. It was a terrible tragedy.”

Peter Tomson,
New Hampshire Highway Safety Agency
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.
January 5, 1999

January 5, 2000

TO OUR BELOVED DAUGHTER,
SISTER, NIECE AND BEST FRIEND

JESSICA JO SMITH

A long and lonely year has passed since you were taken from us on that sunny January 5th morning. God greeted you with his open arms. Your work here on earth was done. He needed someone special to be with his Angels.

We will never understand why he picked you, but then again, he only takes the sweetest and the very best.

Dear Jessica, every hour of every day we think of you and often talk about you. We all truly miss you. You were our special gift. We are constantly reminded of your beautiful smile, your gentle touch and your unique fashion style.

Time has flown by since you departed from us - it stands still for no one. You have your wings to soar now, Jessica. Keep watch over us and guide all of us through this painful and difficult time.

Our love for you remains unconditional. "Wings to Fly Now"

Sadly Missed

All Our Love Always,

Dad, Mom, Janie, Tricia, Philip, Fred, David, Lori, Uncle Mike, Uncle Hank, Cousins, Friends and All Whose Lives You Touched.
Woman killed in Route 202 crash

By JOE CUMMINGS
TRANSCRIPT PUBLISHER

PETERBOROUGH—A Peterborough woman was killed Tuesday morning in a motor vehicle accident on Route 202.

Police would not comment on reports that ice flew off the top of tractor trailer headed south on Route 202, smashed the windshield of the state truck and caused Currier to lose control of the vehicle.

It is known that police inspected truck in Jaffrey following the crash.

This is the first fatal accident in Peterborough in more than a year.

Peterborough Police were assisted at the accident scene by Jaffrey Police and State Police and are being aided in the accident investigation by the County Attorney’s office.

Smith, 20, of Vine Street, Peterborough, was pronounced dead at the scene by the county medical examiner’s office as a result of injuries sustained in the accident.

According to police, Smith was driving her 1994 Chevrolet Geo Tracker south on Route 202 near Carroll Concrete at 10:30 a.m. on her way to work at Market Basket in Rindge when a State of New Hampshire surplus distribution truck traveling north crossed the center line, colliding head-on with the Geo.

Brian Currier, 36, of Concord, was the driver of the 1996 International Box Truck. He was transported by ambulance to Monadnock Community Hospital for treatment of multiple facial lacerations.

Jessica Smith

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Smith, just moved to Peterborough in the last two months, spending most of her childhood in Jaffrey. She was a 1997 graduate of Conant High School and is the daughter of Don and Linda Smith of Jaffrey. While in school she participated in student council for four years, played field hockey, basketball, indoor track and field, and cross country. She also sang in the chorus and helped with Special Olympics.

Jan Donnelly, a parent of a classmate of Smith’s, said “she was just a fantastic kid, we are all in shock over this.” Friends held a candlelight vigil at the crash scene on Wednesday night.

Funeral services are scheduled for Saturday in Nashua. Besides her parents, she leaves three brothers and two sisters, all of whom reside in Nashua.

Both vehicles have been impounded by police pending the completion of their investigation.
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.
Peterborough woman, 20, dies in auto accident

Car hit head-on by state delivery truck

BY VERNE DAVIS
Monadnock Ledger Staff

PETERBOROUGH — A midday accident involving a car and state delivery truck claimed the life of a 20-year-old Peterborough woman Tuesday.

Jessica J. Smith of Vine Street was driving her 1994 Chevrolet Geo Tracker south on Route 202 near the Hanson sand pit when a northbound 1996 International box truck owned by the State of New Hampshire crossed the centerline, colliding with the Tracker at 10:30 a.m. Personnel from the county medical examiner's office pronounced Smith dead at the scene of massive injuries.

The driver of the truck, Brian C. Currier, 36, of Concord, was taken to Monadnock Community Hospital where he was treated for multiple facial cuts.

The impact of the collision sent both vehicles off the road and pinned the Tracker between the truck and a utility pole. The truck sustained major front-end damage, while the Tracker was totally destroyed.

"Jessica was a champion of the underdog." Roxanne Fox, Conant assistant principal

JESSICA SMITH

Peterborough police are still looking into the cause of the accident, but Chief Scott Guinard told the Ledger police are "investigating the possibility of ice flying off a third vehicle" into the windshield of the state truck. This is unsubstantiated, though, Guinard said.

Jessica Smith was born in Nashua to Donald and Linda Smith. The family moved to Jaffrey. Jessica Smith graduated from Conant High School in 1997 and attended Hesser College in Manchester. She was employed by Market Basket in Rindge.

Roxanne Fox, assistant principal at Conant High School, said yesterday Smith was a "very bright spirited" student. She studied art and excelled in art sculpture, Fox said. "She did funny stuff. Once she even made a sculpture out of pieces of an old iron."

In addition to academics, Smith participated in chorus, Student Council, Special Olympics and several sports. She played field hockey, basketball, indoor track, track and field, and cross-country.

Outside of school Smith collected a variety of pig figurines and had several ferrets. "She also liked cookie dough and nail polish," Fox said.

"Jessica was a champion of the underdog; she wasn't cliquish with any one group," Fox said. "If someone in the school was down and out, it was Jessica who was there lending a helping hand. She was a very kind, loving person."

In addition to her parents, Smith leaves a sister, Laurie Smith of Manchester, and four brothers, Jamie Smith, Philip Smith, Fred Smith and David Smith, all of Nashua.

Jessica Smith's obituary is on page 12.
Jessica Jo Smith

Peterborough woman, 20, worked at Market Basket

PETERBOROUGH — Jessica Jo Smith, 20, of 3 Vine St., died Jan. 5, 1999, in an automobile accident on Route 202 South.

Born in Nashua May 20, 1978, she was the daughter of Donald and Linda (Tidd) Smith.

Before moving to Peterborough last year, she lived in Jaffrey. She was a 1997 graduate of Conant High School, Jaffrey, and attended Hesser College. She was employed by Market Basket in Rindge.

She is survived by her parents of Nashua; four brothers, Jamie Smith, Philip Smith, Fred Smith and David Smith, all of Nashua; a sister, Laurie Smith of Manchester; a special friend, Edward Foley of Jaffrey; several aunts, uncles, nieces, nephews and cousins.

A Mass of Christian Burial will be celebrated at St. Francis Xavier Church, Nashua, on Saturday at 10 a.m. Burial will be in St. Francis Xavier Cemetery. Calling hours are Friday from 2 to 4 and 7 to 9 p.m. at the Anctil-Rochette & Son Funeral Home, 21 Kinsley St., Nashua.

Memorial donations may be made to one’s favorite charity.
CARLENE McMANIS looks over the 10th Victims Memorial Quilt containing a square remembering her son, Brian, who was murdered in Concord in 1998. The quilt was unveiled at yesterday’s annual victim rememberance activities attended by many who have lost loved ones to tragic deaths. Flowers were placed at the victim memorial on the State House lawn.
September, 2000

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 whose 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
(Excerpts from the eulogy of Jessica Jo Smith who died January 5, 1999, delivered by her uncle Henry "Hank" Tidd-Gagnon.)

JESSICA JO SMITH
a beautiful sunflower following the brightness across the sky

It was less than a year ago that many of these same family members gathered to pay final respects to the grandmother of Jessica Smith. As they listened to Jessica read a poem she had written for her “Grammy”, many I’m sure reflected on the long and commendable life May Smith had led as well as the positive and loving influence she had on her many family members, friends, and acquaintances. Perhaps their thoughts turned to their own mortality as they looked upon the legacy this woman had left in the faces of those around them, or maybe still they celebrated her life in the hopeful promise of Christ.

Few if any though could have imagined the tragic events that would bring them back together to say farewell to Jessica herself. Their beautiful daughter, sister, niece, aunt, sweetheart, and friend was suddenly and irrevocably gone. The dreadful automobile accident that claimed Jessica’s life has left victims of us all. The horrifying consequences of a simple mistake or error in judgement has raised questions that may never be answered, yet at the same time Jessica’s passing has eliminated any uncertainty as to the content of her character or the intentions of her heart.

Jessica’s life was about love. Conceived in love and nurtured in love, she has learned no other way than to return love as a means to an end. The natural affection she shared with her parents Don and Linda underscored the obedience and respect she gave them and endeared her as the family’s youngest child. Her affectionate devotion to her brothers Jamie, Philip, David, and Fred, and her sister Laurie were always reflected in the way she loved and admired them all.

Wise beyond her years, Jessica was a peacemaker and always sought to present differences in the most flattering light.
She saw through human weaknesses and used her innate sensibilities to help those around her to rise above the trivial. Jessica understood the importance of family and formed tender connections as individual as each member was. One common and very special bond that united her in family was an honest and innocent physical display of affection. With endless hugs and kisses she showed how important everyone was to her, how much we loved each other. Jessica loved animals as well; her cat Pebbles would go only to her, while the family dog, a white Boxer named Whitney who everyone saw as ugly was a cherished and much loved pet. Jessica also hoped to someday have a pot-belly pig to call her own.

Jessica seemed to be everyone's best friend. They said she had style and grace and could wear even the most outrageous costumes in a natural and fitting manner.

The countless pictures of Jessica and others taken over the past 20 years leave a lasting reminder of those shared joys. Joy and love were also ideals refined in her private and intimate relationships with friends. Jessica's soulmate Ed; or Lloyd as she called him sparked in her the hope of a romantic bond that could be cultivated to a lasting happiness.

The outpouring of love, compassion, and concern from Jessica's many friends, fellow students, and instructors after the accident has offered a loving testimonial to her life and helped us all to consider how at least some good can rise from tragedy.

A goodness that will last forever.

In her short life, Jessica became all God wanted her to be; humble and charitable, spirited, obedient, and faithful, contrite, pure of heart, courageous, patient, and self-sacrificing, hopeful, trusting, loving, happy, and committed to good. A lesson perhaps for those much older, who despite their many years have yet to see the light Jessica saw so clearly.

To all she loved, Jessica never said "goodbye", but always "see you later"... the surest comfort of those who mourn her passing. Let's hold to the faith in the real and continual presence of our loved one; it is the real and penetrating conviction that death has not destroyed her or carried her away.

She is not even absent, but living near to us, transfigured. Death is for the good, a transformation into light, into power, into love.
To our dear Jessica from her parents, her brothers and sister, from her uncles and aunts, from her cousins, nieces, nephews, special friends and companions we say "see you later" as we hold these and all memories of you in our hearts until we meet again.
Jessica Smith

On January 8, 1999 I had to attend the wake of a student that I had had at Conant High School. I remember the day that news started to trickle in to the school that Jess' car was involved in a car accident. At that time no one knew the severity or extent of the accident. The only thing students could do at that time was to congregate in my classroom and pray that she was okay. Jessica had already graduated from Conant High School but that was the kind of girl she was. She was magnetic. People remembered her. They loved and cared for her in all grades.

She represented so many things to so many people. She beat a learning disability and showed underclassman that you could graduate and accomplish whatever your dreams were. She was a fighter for the underdog. If a student was eating lunch alone, Jess would ALWAYS include them at her table. She could read people's emotions so well. I often told her that she was “an old women in a young body.” She saw and said things that were mature and insightful beyond her young age. She was an inspiration to the Art department. Her talents often were displayed in the front showcase. She often said that she would pursue that art talent with her profession. She was a juggler. She was on the track team and also worked a job during school. To be able to pull that off at a young age was another incredible asset about her. Her greatest strength was her love for her friends and her family. Jessica was loyal. Friends could share a confidence, an accomplishment, or a problem and she was there to listen, praise, or cry with them. Her sense of family always impressed me. She loved her mother and father. She always had kind words and a gentle smile when speaking about them. She had a brother in the high school and each were protective of each other. It was a true testament to her fine upbringing.

It was no wonder that when I attended her wake, there was standing room only. It broke my heart to know that she would never come back and visit me in my classroom and “keep me posted” on all her accomplishments. The world will be a sadder place without her. I do not know if I can ever be able to justify her death. With the world being such a crazy place to live in, we really needed to keep people like Jessica in it. I realize that nothing can bring her back. It is a shame that we will not be able to witness what she would have had to offer the world.

She would have been 21 years old this Thursday, May 20. I would have preferred to help her blow her candles out, not light a candle for her.

Jan Farrington. Resource Room Teacher
Conant High School
Jaffrey, New Hampshire

5/17/99
JESSICA JO SMITH  
Born May 20, 1978 / Died January 5, 1999  
"WINGS TO FLY NOW"

Jessica was born to the proud parents of Linda and Donald R. Smith, on May 20, 1978. She weighed in at 9 lb. 1 oz. at Memorial Hospital in Nashua, NH.

Throughout her childhood, Jessica held and had a special gift of loving, caring and friendliness.

Jessica held many interests from being active in basketball throughout her young life, playing baseball for the town of Jaffery, NH to field hockey and cross country track at Conant High School.

Jessica made many friends among her classmates as well as gaining respect from her peers. Her activities in high school were with the school newspaper team as well as being a member of the student council for 4 years.

When Jessica graduated from High School in 1997, Jessica received a scholarship from the American Legion and also received a special recognition called a Student Council Achievement Award. She was the first ever to receive this special award!

Jessica has a brother Jamie who is two years older than she. They were extremely close. She respected him as well as her family. Jamie misses Jessica, his friend and sister. Despite the little disagreements that brothers and sisters have, they adored each other. There was no one like her big brother Jamie.

Jessica also loved her half brothers Phillip, Fred, David and half sister Laurie. Jessica never spoke of them as half brothers or half sister, only as brothers and sister. They too loved Jessica unconditionally and miss her a great deal as well.

Don, Jamie and I miss our beautiful daughter, sister and friend Jessica a great deal. The void we all feel is real and deep. We sometimes wonder how we made it this far without her presence but we believe she's here helping us somehow.

Jessica, we miss and love you Honey. Rest in peace ---

Sadly missed by Mom, Dad, Jamie & Trisha, family and friends.
With undying love and devotion,

Mom, Dad and Jamie
Jaffrey-Rindge Cooperative School District
Conant High School
3 Conant Way
Jaffrey, N.H. 03452

Thomas J. Brennan
Principal
(603) 552-3131

Dec. 20, 1996

Jessica Smith
Senior, Conant High School

Jessica,

Every once in a while something special happens that captures a teacher's attention and which moves the teacher to want to say something to a student who is deserving of praise. No, I'm not talking about your classroom performance. Even though your talking drives me crazy, I appreciate your performance in class, but that's not what this letter is about. I want to commend you on your kindness.

I had heard through the grapevine that you were nice enough to have a birthday party for Lisa Kroeter, and to take her "out on the town" so to speak, but even that was not as courageous or as kind as what you did in the lunchroom yesterday. I watched as Lisa arrived late at lunch and looked for a seat at the already overflowing lunch table that you were sitting at. She saw that she couldn't fit at the table so she went to another table where no one was sitting. I also watched you, and noticed that as soon as you saw her at the other table, you called to her and you invited her to sit at the table with you and your friends. This was a small act of kindness to you perhaps, but I hope that you realize how big an act it was for Lisa. It made me feel that Christmas was alive and made me respect you all the more. Keep your kindness. It will be paid back to you many times over.

I just thought you might want to know that someone noticed. Have a very Merry Christmas! You are very deserving of it! And thank you for making my Christmas a little better.

Sincerely,

[Signature]

Joseph T. Hayes
Assistant Principal

cc: T. Brennan, Principal
RE: JESSICA SMITH

I have known Jessica Smith since her freshmen year at Conant High School. I had Jessica as a student for some of those years and have known her from her involvement with Student Council. I have maintained close ties with her. Jessica has the type of personality that draws people toward her. She possesses an enthusiasm for learning and a caring for others that makes her an asset in any given situation.

Jessica has always impressed me with her school spirit and willingness to help others. On an extracurricular level, she has been most active. She has played basketball, field hockey, indoor track, cross-country and even track and field. Sports are not the only thing in Jessica’s life. She has served on Student Council for all four years of her high school life. She was selected to attend the Hugh O’Brien Leadership Conference as Conant High School’s representative. She has done volunteer work at the Monadnock Community Hospital. She has also managed to work at the Good Shepard Nursing Home. She enjoys being around older people and sharing her time with them. Just recently, Jessica has been accepted in a program at Conant called Students Assisting Students. She is a wonderful choice for this because of her wonderful empathy and listening skills.

On a personal level, Jessica is fun-loving and unassuming. Jessica’s politeness and sense of family continue to impress me. At an age when so many students temporarily lose their good habits, Jessica has retained her fine upbringing. This is indeed a credit to the sense of values which have been instilled in her.

Jessica has indeed beaten tremendous odds. She has a diagnosed specific learning disability. With her educational profile, one would think Jessica would give up. Never has that thought entered her mind. She is fighter and a survivor. When she needs help, she is not afraid to ask for it. She has never taken the easy way out. She has taken upper level classes and worked hard to get the grades she has gotten. This alone attests to Jessica’s level of responsibility and integrity.

Jessica’s goal is to attend college. She has interests in physical therapy, nursing and massage. She is strong-willed and committed to her life. She is independent and a great listener. I envision a wonderful future for Jessica Smith. She is one individual who will certainly excel at anything she chooses. I am proud to know her and proud to recommend her for anything. Jessica would be an asset to any place.

Jan Farrington, Resource Room Teacher
Student Council Advisor
Conant High School
Jaffrey, New Hampshire

3/97
June 13, 1997

Dear Jessica Smith,

You have been selected to receive a Thousand Dollars ($1,000.00) scholarship made possible through the generosity of the membership of John Humiston Post #11 of the American Legion, "John Humiston Post 11 Higher Education Grant".

Your contact person to receive this scholarship is Richard D. Davis Jr., at 532-7975. Please state your full name and correct mailing address for future correspondence. Best wishes in your future academic endeavors.

Sincerely Yours,

Charles S. Smith
Commander
Happy Holidays:

Dear Jessica:

Congratulations! Here is your handsome Famous Poets Certificate which you so richly deserve. Frame and display it with pride. (If there are any errors return this entire Poetrygram, and we'll replace it with a corrected one.) As a Famous Poet for 1996 you are invited to publish your poetry in our latest anthology Famous Poems for 1995. A Permission Form is enclosed just for you! There are $1,500.00 in prizes to be awarded to winning participants! Publication is free. A thank you, of course, goes out to all of you who sent us cards and letters of congratulations on our Poetry Convention in Anaheim. It was a tremendous success. Poet Archie D. Hughes from Wickenburg, Ohio, won our Convention Poetry Contest and took home $5,000.00. He is our Poet Laureate for 1996. If you would like to further commemorate your greatness as a Famous Poet you may acquire a Famous Poets Plaque, with your poem engraved on it, or a beautiful Diamond Homer, both individually hand-crafted by master artisans. A gift brochure is enclosed. Also, for you contest lovers, we are sponsoring two more contests with combined prizes totaling over $20,000.00! In our Mug Poetry Contest you get a free Famous Poets Coffee Mug...just for entering. In our T-Shirt Poetry Contest you get a free Famous Poets T-Shirt...just for entering. This should keep us all busy well into the New Year! You are a great poet, Jessica, and we love you here at Famous Poets Society. Keep up the good work!

Poetically yours, G. Charles Nash, Editor & Publisher

Jessica Jo Smith
4 Amboy Cir # 6
Jaffrey, NH 03452-6600

VIP-61001 24055

Note New Address—Famous Poets Society • 1626 North Wilcox Avenue, Suite 126 • Hollywood, California 90028

Award of Recognition

Jessica Jo Smith

is honored as

FAMOUS POET FOR 1996

We, the undersigned and duly authorized agents of the Executive Committee of the Famous Poets Society, have presented this Award of Recognition to the above-mentioned poet for contributing to the beauty of our world by writing the special poem noted below. Indeed, the poem was deemed worthy of a formal presentation during our Second Annual Poetry Convention at the Hyatt Regency Alicante in Anaheim, California, on September 27, 1996.

“Never a Good-Bye”

Martha French, Poetry Editor
G. Charles Nash, Editor & Publisher
SCHOLARSHIP AWARD

THIS IS TO CERTIFY THAT THE

John Humiston Post 11 Higher Education Grant

HAS BEEN AWARDED TO

Jessica Smith

THE AMERICAN LEGION, John Humiston Post 11, is proud to assist in your quest of higher education.

June 11, 1997

Charles L. Smith
Certificate of Achievement

To the parents of: Jessica Smith

I am very pleased to tell you that your child's progress in the area of Language Arts has been very good thus far this quarter.

Below I have checked items or comments which I feel appropriately describe this progress.

Since communication between us is so important, please feel free to communicate with us when you feel it necessary. You may call me at JRMS, 532-7744.

Margaret A. D'Alary J. Stone
Teacher

<table>
<thead>
<tr>
<th>Commendations</th>
<th>Remarks</th>
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<tbody>
<tr>
<td>Good Attendance</td>
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<tr>
<td>Makes up work after absence</td>
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<td>Performs well on tests</td>
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<td>Excellent daily preparation</td>
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<td>Pays attention in class</td>
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<td>Completes work fully and on time</td>
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<td>Actively participates in class activities</td>
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<td>Displays positive attitude toward learning</td>
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JAFFREY-RINDGE COOPERATIVE SCHOOL DISTRICT
Principal's Award

To ____________ Jessica Smith ____________

For ____________ beaming, radiant good will ____________

Because of you our school is a better place to learn.
You have proven to me by your actions that
one person can make a difference.
I applaud you for what you have accomplished
and look forward to hearing even more great
things about you in the future.

Given This ________ 13th ________ day of ________ February ________ 1992

CONGRATULATIONS AND BEST WISHES

__________________________
Robert W. Potter, Jr.
Principal
CIVIC ORATION CONTEST

Certificate of Participation

PRESENTED TO

______________________________
Jessica Smith

In recognition of participation in the Modern Woodmen of America Civic Oration Contest and as a sincere tribute to excellent oratorical ability.

1992

W. B. Foster
President
Certificate of Award

This certificate that

Jessica Smith

of

Conant High School

has been awarded this certificate for

JV Basketball

Date: March 8, 1995

[Signature]
[Signature]
Certificate of Award

This Certifies that

Jessica Smith

of

Conant High School

has been awarded this certificate for

HOBY LEADERSHIP AWARD

Date June 12, 1995

Mr. Ed Walsh, Guidance

Ms. Naomi Drury
January 3, 1999

Dear Mr. & Mrs. Smith and Jamie,

I have wanted to write this letter for a long time but haven’t gotten it done. I know that January 5, 2000 will be a difficult day for all of you so I write today with the sincere hope that this letter will bring you some measure of comfort on the first anniversary of Jessica’s tragic death. As you probably know, I was Jessica’s guidance counselor, speech/drama teacher and most important, her friend. We talked many times and I loved her dearly. She was such a spirited young woman and she radiated a light so warm and pure that it literally seemed to brighten the environment she was in and all the people around her!

Each day I drive to work at Conant I look at her highway memorial with the white cross and all the mementos left by those who loved her, too. After the accident, I wasn’t able to attend the funeral or the wake but I knew that I had to do something to honor a life so well lived. That Friday night, I drove to Twelve Pine in Peterborough and spent a long time looking at the flowers until I could find the most beautiful of them all—delicate pink roses—and I picked out three. On the enclosed note I could think of nothing to write but simply, “We love you Jessica!” and I signed three names—Ms. Drury, Ms. Simons, and Mrs. Ricard. When I drove to the accident site it was snowing softly and I gently laid the roses in the white snow and I wept.

You should know that in our many talks, Jessica always spoke with such love for all of you. And, I remember in particular her saying one day in my office (I don’t think she would mind if I shared this with you) that her parents “were still married and still loved each other very much”. She was so proud of that and considered herself so lucky! Jessica brought pictures every once-in-a-while of her family and I believe it was an uncle that she spoke so fondly of. Jessica was a true and loyal friend. Many kids came back to the high school to talk to me and to try to make sense out of her death. Sadly, there was no sense. But I can tell you that Jessica’s life touched so many of those that she knew! One young woman, who was a good friend of Jessica’s, finally decided to go to college and to make her life count for something because she had learned from Jessica that life is precious and time is not to be wasted. A Mother of one of our learning disabled students remarked that all through school her son was continually picked on and shunned by his peers, with the exception of Jessica Smith who always was kind and friendly to him despite how the others treated him. I thought of that comment so many times because, to me, is such a metaphor for the kind of human being that Jessica was and continues to be in all our hearts.

She was so creative and imaginative! In drama class, she was always full of ideas or projects to try out and she took great joy in dressing up in outrageous costumes (as you can imagine!). She was not at all afraid of acting “goofy” in front of her peers or, for that matter, playing a more serious role that demanded more dramatic emotions. In my mind, I can still see her sitting in “her” seat in the little theatre (or often sitting cross-legged on the floor in her coveralls) usually smiling and occasionally turning beet red and collapsing into “giggling fits” over something funny that happened in class. In speech class, Jessica was more reserved and contemplative but when she spoke we all listened because we knew that it would be something important that she had to say. One day, during a heated discussion about the gay lifestyle and how “disgusting” some of the students thought it was, Jessica courageously spoke out in disagreement with her peers. She not only defended a person’s right to be gay but also tried to gracefully “educate” her peers about what homophobia was and what a destructive thing it could be. And she did all this alone, with great conviction and compassion. Later, in that same speech class while other students gave speeches on such topics as lowering the legal drinking age, or legalizing marijuana, Jessica chose to speak about the AIDS epidemic. And, I will never forget the day she brought her pet ferret to school for us to meet. I can still see her in front of the class petting and cooing to her “baby”.

Some of the kids told me that they had gone to the accident site and, as they got out of the car, the radio suddenly started playing the song “In The Arms Of The Angels” by Sarah McLachlin and they just stood in silence, listening. Somehow this story felt so right to me—I just couldn’t figure out if it meant that Jessica is now in the arms of the angels or if she is, in fact, the angel sent to hold all of us. I never dreamed that she would be taken from us so soon. But, in retrospect, perhaps that helps to explain the astounding radiance and incredible beauty of her being.
Jessica touched and inspired so many of us! I know that she is one of the kids who truly made a difference in my life and in the work I do here at school. I want you to know that I, and many others here at school, think of her often. We have not, nor will we soon forget her and the difference she made in all our lives.

Sincerely,

Naomi Drury
Guidance Counselor
Dear Jessica's Family,

Please excuse us for being so late with a prompt response to such a generous, thoughtful deed. It is not because we are not touched by what you have done, we are overcome with emotion over it.

Jessica is in our thoughts and prayers daily we have many happy loving memories of her. Shelly remembers a time when they went to the dump together to look for "stuff" for an art project. She wanted to find bent pieces of metal and broken irons and they went scavenging this huge pile of metal and ran into a hornets nest that chased them all the way to the car. They had a good time that day! Shelly couldn't get over going to the dump for art, Jessica always saw the creativity in things. Words can not express (such a cliche') but felt so deep, the impact of knowing Jessica, is profound. Her light, carefree, loving way that she had in life is an attribute we all can strive to replicate. The tragic sudden loss of such a life filled girl is a lesson to us all to not take our precious loved ones for granted. Jessica was, and is, a divine spirit and will be inside our hearts forever.

Thank you for giving Shelly such a special graduation memory. It will forever be a bittersweet reminder of the friend we all knew in Jessica. We will keep in touch and let
you know how Shelly is doing in her college journey. Thanks again and may God bless you and your family with strength of spirit and mind. Jessica is all around us in spirit.

Sincerely,

Shelly & Susan
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
Committee Report
STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date: May 29, 2001

THE COMMITTEE ON Transportation

to which was referred House Bill 652

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

VOTE: 4-0

Having considered the same, report the same without amendment and recommend that the bill: OUGHT TO PASS.

Senator Robert B. Flanders
For the Committee