Bill as Introduced
HOUSE BILL 357

AN ACT relative to negligent driving.


COMMITTEE: Transportation

ANALYSIS

This bill establishes fines for persons guilty of negligent driving.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [*in brackets and struckthrough.*]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 357 – AS INTRODUCED

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Five

AN ACT relative to negligent driving.

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

1 Negligent Driving; Fines. Amend RSA 265:79-b to read as follows:

265:79-b Negligent Driving. Whoever upon any way drives a vehicle negligently or causes a vehicle to be driven negligently, as defined in RSA 626:2, I(d), or in a manner that endangers or is likely to endanger any person or property shall be guilty of a violation and shall be fined not less than $250 nor more than $500, except that if the person is carrying as a passenger a person less than 16 years of age such person shall be fined not less than $500 nor more than $1,000.

2 Effective Date. This act shall take effect January 1, 2006.
Amendments
Amendment to HB 357

Amend the bill by replacing section 1 with the following:

1 Negligent Driving; Fines. Amend RSA 265:79-b to read as follows:

265:79-b Negligent Driving. Whoever upon any way drives a vehicle negligently or causes a vehicle to be driven negligently, as defined in RSA 626:2, I(d), or in a manner that endangers or is likely to endanger any person or property shall be guilty of a violation and shall be fined not less than $250 nor more than $500 for a first offense and not less than $500 nor more than $1,000 for a second or subsequent offense.
Speakers
** SIGN UP SHEET **

To Register Opinion If Not Speaking

Bill # NB 357  Date 2/8/2005
Committee Transportation

** Please Print All Information **

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Hearing Minutes
HOUSE COMMITTEE ON TRANSPORTATION
PUBLIC HEARING ON HB 357

BILL TITLE: relative to negligent driving.

DATE: February 8, 2005

LOB ROOM: 203 Time Public Hearing Called to Order: 11:00

Time Adjourned: 11:05

(please circle if present)


TESTIMONY

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

Rep. Gile, prime sponsor – introduced the bill. She cited two accidents that caused this bill to be filed. The bill pertains to fines and whether there are minors in the car.

Questions on where minor is in the car of the driver or the other vehicle.

Answer: Of the car that is being driven.

Respectfully submitted,

Rep. Brenda L. Ferland

Rep. Brenda L. Ferland, Clerk
Testimony
Good morning. For the record, I am Mary Stuart Gile and I represent Merrimack District 10, which includes Concord Wards 1, 2, & 3. I am the prime sponsor of HB357, an act relative to negligent driving.

This bill was introduced at the request of a constituent who experienced two major accidents in 2004. The second totaled a new vehicle, causing extraordinary inconvenience, however no serious injuries. In both instances, the accidents were the result of negligent drivers, the second driver was using a cell phone.

When I agreed to file the bill, I did not know that there was 2005 legislation relative to cell phones. I enquired at legislative services as to the status of any legislation related to distracted drivers. I was informed that the bill from a previous year did not pass, however there was a statute (RSA 265:79) related to reckless and negligent drivers. I read both and in a subsequent conversation with my constituent, decided to amend the negligent driver statute, (RSA 265: 79-b) by adding a fine, which would be doubled in the event that minors were in the vehicle with a driver found guilty of a violation.

In my judgement, driver negligence as defined in RSA 626:2, is a term that is inclusive of most behaviors that prevent the operator of the vehicle from concentrating on driving. Use of cell phones could be included, so could reading, eating, etc. The fine imposed is modest however, it would be doubled if a minor or minors were in the vehicle.

According to 2005 Issue of VITAL SIGNS, which is published by the NH Office of Employment Security, the number of fatalities on NH highways hit a "historic" high as of November, 2004 (page 74). There were more than 40,000 crashes, including those experienced by my constituent. Who knows how many minors were involved in those and how many involved negligence. If it is determined that an accident has been caused by negligence, penalties involving hard cash are more forceful. If minors are in the car and the fine is doubled, it may further help to convince drivers that NH cares about the safety and protection of its children. I urge you to consider the merits of this bill and vote ought to pass. Thank you.
Voting Sheets
HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 357

BILL TITLE: relative to negligent driving.

DATE: February 13 2005

LOB ROOM: 202

Amendments:

Sponsor: Rep. Ferland

OLS Document #: 2005 0250h

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

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

Moved by Rep. Ferland

Seconded by Rep. Nedeau

Vote: 12-0 MOTION ADOPTED

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

Moved by Rep. Ferland

Seconded by Rep. Nedeau

Vote: 12-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 12-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Brenda L. Ferland, Clerk
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TOTAL VOTE: 12 0

Printed: 1/13/2005
### TRANSPORTATION

**Bill #:** 257  
**Title:**  
**Motion:** OT, P, A  
**Exec Session Date:** 2/10/05

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**TOTAL VOTE:** 12 0

*Printed: 1/13/2005*
Committee Report
COMMITTEE REPORT

COMMITTEE: Transportation
BILL NUMBER: HB 357
TITLE: relative to negligent driving.

DATE: February 13, 2005
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 came to the committee as a fine for negligent driving with a minor in the vehicle. The committee wants to get the message out that people must take the job of driving carefully, therefore we amended the bill to include the offense to cover negligent driving with anyone in the vehicle and have set the fine at not less than $250 nor more than $500 for a first offense and not less than $500 nor more than $1,000 for a second or subsequent offense.

Vote 12-0.

Rep. Brenda L. Ferland
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file
CONSENT CALENDAR

Transportation
HB 357, relative to negligent driving. OUGHT TO PASS WITH AMENDMENT
Rep. Brenda L. Ferland for Transportation: This bill came to the committee as a fine for negligent driving with a minor in the vehicle. The committee wants to get the message out that people must take the job of driving carefully, therefore we amended the bill to include the offense to cover negligent driving with anyone in the vehicle and have set the fine at not less than $250 nor more than $500 for a first offense and not less than $500 nor more than $1,000 for a second or subsequent offense. Vote 12-0.
This bill came to the committee as a fine for negligent driving with a minor in the vehicle. The committee wants to get the message out that people must take the job of driving carefully. Therefore, we amended the bill to include the offense to cover negligent driving with anyone in the vehicle and have set the fine at not less than $250 nor more than $500 for a first offense and not less than $525 and more than $1,000 for a second or subsequent offense.

Rep. Brenda Frederiksen

[Signature]