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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

2 265:79-b Negligent Driving. Whoever upon any way drives a vehicle negligently or causes a
3 vehicle to be driven negligently, as defined in RSA 626:2, I(d), or in a manner that endangers or is
4 likely to endanger any person or property shall be guilty of a violation and shall be fined not less
5 than $250 nor more than $500, except that if the person is carrying as a passenger a person
6 less than 16 years of age such person shall be fined not less than $500 nor more than $1,000.
7 2 Effective Date. This act shall take effect January 1, 2006.
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 struck through.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand 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:

2 265:79-b Negligent Driving. Whoever upon any way drives a vehicle negligently or causes a
3 vehicle to be driven negligently, as defined in RSA 626:2, I(d), or in a manner that endangers or is
4 likely to endanger any person or property shall be guilty of a violation and shall be fined not less
5 than $250 nor more than $500 for a first offense and not less than $500 nor more than
6 $1,000 for a second or subsequent offense.
7 2 Effective Date. This act shall take effect January 1, 2006.
HB 357 – AS AMENDED BY THE SENATE

23Mar2005... 0250h
06/02/05  1608s

2005 SESSION

05-0723
03/01

HOUSE BILL 357

AN ACT relative to negligent driving, relative to driver’s license fees for nonresident aliens, and relative to motor vehicle inspection expiration.


COMMITTEE: Transportation

AMENDED ANALYSIS

This bill:

I. Establishes fines for persons guilty of negligent driving.

II. Authorizes the department of safety to prorate drivers’ license fees for nonresident aliens.

III. Inserts a reference to the general grace period for motor vehicle inspections into the inspection provision for newly registered and transferred motor vehicles.

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.
HB 357 – AS AMENDED BY THE SENATE
23Mar2005... 0250h
06/02/05 1608s

STATE OF NEW HAMPSHIRE
In the Year of Our Lord Two Thousand Five

AN ACT relative to negligent driving, relative to driver’s license fees for nonresident aliens, and relative to motor vehicle inspection expiration.

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 for a first offense and not less than $500 nor more than $1,000 for a second or subsequent offense.

2 License Expiration; Non-Citizens. Amend RSA 263:10 to read as follows:
   263:10 License Expiration. Except as provided in RSA 263:14 and RSA 263:39-a, III, all licenses shall expire on the fifth anniversary of the license holder's date of birth following the date of issuance. The department shall notify each holder of a license by mail addressed to the holder's last known address, 30 days prior to the expiration date thereof of a place and time when he or she shall appear for the issuance of a new license.

3 Driver's License Fees; Aliens Temporarily Residing in New Hampshire. Amend RSA 263:42, I to read as follows:
   I. For each original driver's license and examination or driver's license renewal, other than for a commercial vehicle or motorcycle- $50; for each youth operator's license and examination- $10 per year, not to exceed $50; for each license issued to a nonresident alien for less than 5 years- $10 per year or portion thereof; for each original commercial driver license and examination or commercial driver license renewal- $60; for each commercial driver license reexamination in a one-year period- $20; for each commercial vehicle endorsement, renewal of an endorsement, or removal of a restriction- $10; for each special motorcycle original license and examination or special motorcycle license renewal- $50; for each original motorcycle endorsement- $25; for each motorcycle endorsement renewal- no charge. For each original driver's license issued, $5 shall be credited to the driver training fund established by RSA 263:52. Except as provided in RSA 263:14 and RSA 263:39-a, III, every license shall expire on the licensee's birthdate in the fifth year following the issuance of such license. No fee collected under this paragraph shall be refunded once an examination has been taken or a license issued, except as provided in RSA 263:43.

4 Vehicle Inspection; Expiration. Amend RSA 266:1, IV to read as follows:
IV. Notwithstanding paragraphs II and III, newly registered vehicles, other than [OHRVs]
OHRVs, snow traveling vehicles, and mopeds, and vehicles, other than [OHRVs] OHRVs, snow
traveling vehicles, and mopeds, the ownership of which has been transferred, shall be inspected not
later than 10 days after the registration or transfer of ownership of said vehicle. However, if a
vehicle is purchased at retail from a licensed dealer, as defined in RSA 259:18, [II.] the vehicle shall
be inspected not later than 30 days after the date of transfer. A vehicle for which a dealer has issued
a 20-day plate pursuant to RSA 261:109 shall be presumed to be capable of meeting the vehicle
inspection requirements. *All other expired motor vehicle inspections shall be subject to the
10-day grace period in RSA 266:5.*

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

Amend the title of the bill by replacing it with the following:

AN ACT relative to negligent driving and relative to driver's license fees for nonresident aliens.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 License Expiration; Non-Citizens. Amend RSA 263:10 to read as follows:

263:10 License Expiration. Except as provided in RSA 263:14 and RSA 263:39-a, III, all licenses shall expire on the fifth anniversary of the license holder's date of birth following the date of issuance. The department shall notify each holder of a license by mail addressed to the holder's last known address, 30 days prior to the expiration date thereof of a place and time when he or she shall appear for the issuance of a new license.

3 Driver's License Fees; Aliens Temporarily Residing in New Hampshire. Amend RSA 263:42, I to read as follows:

I. For each original driver's license and examination or driver's license renewal, other than for a commercial vehicle or motorcycle- $50; for each youth operator's license and examination- $10 per year, not to exceed $50; for each license issued to a nonresident alien for less than 5 years- $10 per year or portion thereof; for each original commercial driver license and examination or commercial driver license renewal- $60; for each commercial driver license reexamination in a one-year period- $20; for each commercial vehicle endorsement, renewal of an endorsement, or removal of a restriction- $10; for each special motorcycle original license and examination or special motorcycle license renewal- $50; for each original motorcycle endorsement- $25; for each motorcycle endorsement renewal- no charge. For each original driver's license issued, $5 shall be credited to the driver training fund established by RSA 263:52. Except as provided in RSA 263:14 and RSA 263:39-a, III, every license shall expire on the licensee's birthdate in the fifth year following the issuance of such license. No fee collected under this paragraph shall be refunded once an examination has been taken or a license issued, except as provided in RSA 263:43.
AMENDED ANALYSIS

This bill establishes fines for persons guilty of negligent driving. This bill also authorizes the department of safety to prorate drivers' license fees for nonresident aliens.
Amendment to HB 357

Amend the title of the bill by replacing it with the following:

AN ACT relative to negligent driving and relative to motor vehicle inspection expiration.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Vehicle Inspection; Expiration. Amend RSA 266:1, IV to read as follows:

IV. Notwithstanding paragraphs II and III, newly registered vehicles, other than OHRVs, snow traveling vehicles, and mopeds, and vehicles, other than OHRVs, snow traveling vehicles, and mopeds, the ownership of which has been transferred, shall be inspected not later than 10 days after the registration or transfer of ownership of said vehicle. However, if a vehicle is purchased at retail from a licensed dealer, as defined in RSA 259:18, [H.] the vehicle shall be inspected not later than 30 days after the date of transfer. A vehicle for which a dealer has issued a 20-day plate pursuant to RSA 261:109 shall be presumed to be capable of meeting the vehicle inspection requirements. All other expired motor vehicle inspections shall be subject to the 10-day grace period in RSA 266:5.
2005-1531s

AMENDED ANALYSIS

This bill establishes fines for persons guilty of negligent driving. This bill also inserts a reference to the general grace period for motor vehicle inspections into the inspection provision for newly registered and transferred motor vehicles.
Amendment to HB 357

Amend the title of the bill by replacing it with the following:

AN ACT relative to negligent driving, relative to driver’s license fees for nonresident aliens, and relative to motor vehicle inspection expiration.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 5:

2 License Expiration; Non-Citizens. Amend RSA 263:10 to read as follows:

263:10 License Expiration. Except as provided in RSA 263:14 and RSA 263:39-a, III, all licenses shall expire on the fifth anniversary of the license holder’s date of birth following the date of issuance. The department shall notify each holder of a license by mail addressed to the holder’s last known address, 30 days prior to the expiration date thereof of a place and time when he or she shall appear for the issuance of a new license.

3 Driver’s License Fees; Aliens Temporarily Residing in New Hampshire. Amend RSA 263:42, I to read as follows:

I. For each original driver’s license and examination or driver’s license renewal, other than for a commercial vehicle or motorcycle- $50; for each youth operator’s license and examination- $10 per year, not to exceed $50; for each license issued to a nonresident alien for less than 5 years- $10 per year or portion thereof; for each original commercial driver license and examination or commercial driver license renewal- $60; for each commercial driver license reexamination in a one-year period- $20; for each commercial vehicle endorsement, renewal of an endorsement, or removal of a restriction- $10; for each special motorcycle original license and examination or special motorcycle license renewal- $50; for each original motorcycle endorsement- $25; for each motorcycle endorsement renewal- no charge. For each original driver’s license issued, $5 shall be credited to the driver training fund established by RSA 263:52. Except as provided in RSA 263:14 and RSA 263:39-a, III, every license shall expire on the licensee’s birthdate in the fifth year following the issuance of such license. No fee collected under this paragraph shall be refunded once an examination has been taken or a license issued, except as provided in RSA 263:43.

4 Vehicle Inspection; Expiration. Amend RSA 266:1, IV to read as follows:

IV. Notwithstanding paragraphs II and III, newly registered vehicles, other than [OHRVs] OHRVs, snow traveling vehicles, and mopeds, and vehicles, other than [OHRVs] OHRVs, snow
traveling vehicles, and mopeds, the ownership of which has been transferred, shall be inspected not
later than 10 days after the registration or transfer of ownership of said vehicle. However, if a
vehicle is purchased at retail from a licensed dealer, as defined in RSA 259:18, [H₃] the vehicle shall
be inspected not later than 30 days after the date of transfer. A vehicle for which a dealer has issued
a 20-day plate pursuant to RSA 261:109 shall be presumed to be capable of meeting the vehicle
inspection requirements. All other expired motor vehicle inspections shall be subject to the
10-day grace period in RSA 266:5.
This bill:

I. Establishes fines for persons guilty of negligent driving.

II. Authorizes the department of safety to prorate drivers' license fees for nonresident aliens.

III. Inserts a reference to the general grace period for motor vehicle inspections into the inspection provision for newly registered and transferred motor vehicles.
Committee Minutes
Transportation and Interstate Committee
Hearing Report

To: Members of the Senate

From: Molly Cowan
Legislative Aide

Re: HB 357 – AN ACT relative to negligent driving.

Hearing date: May 11, 2005


Members absent: Sen. Morse


What the bill does: This bill establishes fines for persons guilty of negligent driving.

Who supports the bill: Rep. Gile; Earl Sweeney, DOS

Who opposes the bill: No one appeared in opposition

Summary of testimony received:
- Rep. Gile opened testimony on HB 357 and said that this bill was introduced for a constituent who had been in 2 accidents, both resulting from negligent driving.
- Rep. Gile decided to amend the negligent driver statute by adding a fine. She said the definition of negligent driving could include using cell phones while driving, as well as eating or reading.
- She said that accidents on NH highways have reached historic highs in Nov. of 2004. There were more than 40,000 crashes.
- She said Earl Sweeney told her that 24% of NH’s fatalities were cause by driver inattention, an increase of 6% in the last 2 years.
- Earl Sweeney defined negligence as failing to become aware of a hazard, and defined recklessness as knowing the hazards of a situation and totally disregarding them.

Funding: No fiscal impact

Action: The Committee discussed a potential amendment for the bill, and will exec at a later date.

[mse]
[File: HB 357 report]
Date: May 11, 2005
The Senate Committee on Transportation and Interstate Cooperation held a hearing on the following:

HB 357 relative to negligent driving.

Members of Committee present: Senator Letourneau
Senator Flanders
Senator Martel
Senator Burling
Senator Estabrook

The Chair, Senator Robert J. Letourneau, opened the hearing.

I'll open the hearing on HB 357 relative to negligent driving. I'll recognize the prime sponsor Representative Gile.

Representative Gile: 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 HB 357, an act relative to negligent driving.

This bill was introduced at the request of a constituent some of you may remember former Representative Gloria Sullivan, who experienced two major accidents in 2004. The second totaled a new vehicle causing extraordinary inconvenience however no serious injury and neither was she at fault.

In both instances the accidents were the result of negligent drivers. The second driver was using a cell phone. Gloria called me and said, "I am so annoyed over the inconveniences of this particular action. I think you should produce a bill to fine people who are talking on cell phones."

Well, I, given the memory of Representative Milligan in the House a number of years ago I was a little reluctant to take on the cell phone issue. But I did inquire at legislative services as to the status of any legislation related to distracted drivers. I was informed that a bill from a previous year that did not pass. However there was a statute (RSA 265:79) related to reckless and
negligent drivers. I read both and realized that there was fine associated
with reckless drivers but nothing associated with negligent drivers.

So I went back to my friend, Representative Sullivan and informed her of
what I had found and said, “Why don't we try to amend the negligent driving
statute by attaching a fine?” Which we did.

We felt that negligent driving as defined RSA 626:2 is a term that is inclusive
of most behaviors that prevent the operator of the vehicle from concentrating
on driving. Cell phones could be included. Eating, playing around with your
radio or reading and so on would all fall under that category.

Initially I had proposed that the fine be doubled if minors were in the car but
when the House Transportation Committee heard the bill they decided not to
go with that and to just impose the fine.

I did include at the end of my little statement here some information from the
2005 issue of VITAL SIGNS which indicates that driver inattention is a
national problem. VITAL SIGNS is a New Hampshire document as you know
but according to the 2005 issue, the number of fatalities on New Hampshire
highways hit a historic high. As of November 2004 there were more 40,000
crashes including those experienced by my constituent. According to Early
Sweeney, New Hampshire Assistant Safety Commissioner 24% of New
Hampshire fatalities were caused by driver inattention, up 6% in the last two
years.

I agree with former Representative Gloria Sullivan and I hope you do as well
that accidents caused by negligence should be penalized with fines involving
hard cash. I hope you will consider the merits of the bill and vote ought to
pass.

Please see attached Testimony: HB 357 attached hereto and referred to as
Attachment #1.

I do need to add that Representative Sullivan was not here when the bill was
heard before the House, she was in Florida and as we speak today she is in
Atlanta Georgia visiting former Representative Gene Walladen. So I did ask
her to make a statement and when she did she wrote the statement as if she
were me and I chose to include my own statement but I added her (inaudible)
to the material that I gave you.

So with that I'm finished. Thank you for your attention.
Senator Robert J. Letourneau, D. 19: Questions from the committee?
Senator Estabrook.

Senator Iris W. Estabrook, D. 21: Do you have a copy of the 626 statute that is cited?

Representative Gile: I have a copy of the amendment. Do you want to see the original? I don't have it.


Senator Robert J. Letourneau, D. 19: Further questions from the committee? Seeing none, thank you very much.

Senator Iris W. Estabrook, D. 21: It's 265 but 626 has the definition. 626 is not in our law book.

Senator Robert J. Letourneau, D. 19: 626 is a criminal code isn't it.

Assistant Commissioner Sweeney: I can help you on that.


Assistant Commissioner Earl Sweeney: Senator Estabrook, the statute that you're referring to is in the criminal code and it's the definition of negligence. There's a definition of negligence and a definition of recklessness. I'm going to go off the top of my head but negligence is when you fail to become aware of a substantial hazard and as a result something happens. Recklessness is when you disregard a hazard that you're aware of. So reckless driving would be that you consciously drive 100 miles per hour through a school zone. Negligent driving would you drop your cigarette on the floor and you take your eyes off the road and reach over to retrieve it or you take your eyes off the road to tune your radio or to read a novel as I've seen people going down the interstate or weaving back and forth because you're paying more attention to your cell phone. They chose to use the definition of negligence that is in the criminal code.

This was not our bill but we certainly support it. The chairman is aware from his activities with the Highway Safety Commission that last year and again this year our traffic fatalities are up again so far this year. In so many cases the person drifted across the center line and struck an oncoming vehicle or drifted off the road. Those cases have to be either negligent driving or they fell asleep at the wheel.
So we support it for that reason.

If the committee is in an adventurous spirit with either this bill or the next one and you think it has legs I would like to propose a little cure for a problem that came to my attention within the last week. That is the fact and I think most of us agree that when it's time to inspect your vehicle that you have a 10 day period of grace at the end of the month to inspect that vehicle.

However there are some inspection stations and some police officers that are interpreting it otherwise. The statute in question which I'll leave you a copy of says, “Notwithstanding paragraphs I and III, newly registered vehicles and vehicles in which the ownership has been transferred shall be inspected not later than 10 days after the registration or transfer of ownership of said vehicle.”

To me, in years out there as a police officer, that always meant that when you pay your fee even though your car was registered last year, you put your new decal on, it's newly registered and you have 10 days. Apparently it's being interpreted otherwise. I would like to find a vehicle where we could put, "After the registration, renewal registration or transfer" that you have 10 days. I think that's particularly important in these days of the OBD going through because people are going to be shopping for a good price to get their vehicle inspected.

*Please see Motor Vehicle Statute attached hereto and referred to as Attachment #2.*

The sponsor has probably left and I don't like to tamper with someone else's bill but if you think that one is going to pass or this next one on driver education would pass I would be glad to leave the suggested language with the clerk. I think it would avoid a lot of arguments for people who innocently believe they have that 10 day period of grace from getting a ticket.

**Senator Robert J. Letourneau, D. 19:** This could be a good bill to hang that other issue we have, the ability to buy a license for less than 5 years.

**Assistant Commissioner Sweeney:** Yes. It would be.

**Senator Robert J. Letourneau, D. 19:** Any questions from the committee? Seeing none, thank you very much.

There is nobody else signed up to speak on HB 357. I'll close the hearing.
Hearing closed at 8:43 a.m.

Respectfully submitted,

\[Signature\]

Pamela Manocchi
May 12, 2005

Attachments
Vehicle Equipment Safety Compact 266:90 to 266:107 [Repealed.]

Wreckers
266:108 Wrecker Safety Chains.
266:109 Special Wrecker Lighting Required.
266:110 Wrecker Identification.
266:111 Mechanical Inspection.
266:112 Penalty.

Street Rods
266:113 Equipment Required of Street Rods.

Neighborhood Electric Vehicles
266:114 Equipment Required for Neighborhood Electric Vehicles.

Cross References
Manufactured housing or modular building escort vehicles, see RSA 21-L:12-a.

Library References
ALR
Criminal responsibility for injury or death in operation of mechanically defective vehicle. 28 ALR2d 1165.

Liability of owner or operator of motor vehicle for accident resulting from alleged breaking of or defect in steering mechanism. 28 ALR2d 599.

New Hampshire Practice
2 N.H.P. Criminal Practice and Procedure § 27.20 (4th ed.).

Inspections
266:1 Inspection Authorized.

I. The director may require the inspection of any vehicle, except an OHRV, snow traveling vehicle, moped, or any other vehicle exempted under this chapter, to determine whether it is fit to be driven. Such inspection shall be made at such times and in such manner as the director may specify, subject to the requirements set forth in this section.

II. Any vehicle registered under this title, except an OHRV, snow traveling vehicle, moped, or other exempt vehicle, shall be inspected once a year, during the month in which the birth date of the owner is observed, if the owner is a natural person. An inspection sticker shall be valid for the same duration as the vehicle's registration, which shall not exceed 16 months. If the month in which the anniversary of the owner's birth occurs will be one of the next 4 months, an inspection sticker may be issued, with an expiration date of the birth month in the following year, of the first person named on the title application. Nothing in this paragraph shall require any person who has registered and had inspected a vehicle with temporary plates to have the vehicle reinspected upon receipt of permanent motor vehicle plates.

II-a. Notwithstanding RSA 266:1, II, if the month in which the anniversary of the owner's birth occurs will be one of the next 4 months, and the vehicle owner provides written verification of absence from New Hampshire during the entire anniversary month, an inspection sticker may be issued, with an expiration date of the birth month in the following year, of the first person named on the title application.

III. If the owner of the vehicle is a company or corporation or other than a natural person, the annual inspection shall be made during the month designated by the director as the registration calendar month for such legal entity, and motorcycles shall be inspected once a year. Vehicles registered as antique motor vehicles and antique motorcycles which are 40 years old and over shall be inspected biennially. Antique motor vehicles shall be inspected in the month of April. Motorcycles shall be inspected by July 1.

IV. Notwithstanding paragraphs II and III, newly registered vehicles, other than OHRV, snow traveling vehicles and mopeds, and vehicles, other than OHRVs, snow traveling vehicles and mopeds, the ownership of which has been transferred, shall be inspected not later than 10 days after the registration or transfer of ownership of said vehicle. However, if a vehicle is purchased at retail from a licensed dealer, as defined in RSA 259:18, II, the vehicle shall be inspected not later than 30 days after the date of transfer. A vehicle for which a dealer has issued a 20-day plate pursuant to RSA 361:109 shall be presumed to be capable of meeting the vehicle inspection requirements.

V. The director may authorize properly qualified persons to make inspections without expense to the state at stations designated by him and may at any time revoke such authorization or designation, provided, however, that inspections conducted at such stations at the request and under the direction of a police officer or highway enforcement officer shall be paid for as follows:

(a) In the event violations of this section are uncovered, by the owner of the vehicle.

(b) In the event no such violations are uncovered, by the agency represented by the police officer or highway enforcement officer.

The annual fee to be paid by the inspect station upon authorization to make inspection shall be $25 and shall not be refundable.

VI. Each inspection station shall conspicuously post on its premises a notice, in a form of adequate size approved by the department of motor vehicles.

VII. Each entity shall provide a clearly visible notice on its premises stating the existence of the inspection program and the fees charged thereunder.

VIII. A person in this state who fails to comply with the provisions of this chapter and fails to make the required inspections is guilty of a Class B crime and shall be punished by a fine of $25 and shall not be refundable.

IX. Notwithstanding the provisions of this section, motor vehicles used exclusively for religious or charitable purposes, and for the use of persons with disabilities, are not subject to inspection.

X. The director may require inspections by persons other than OHRV and snow traveling vehicle, moped, or other exempt vehicle. Any person is required to make such inspections in accordance with the requirements set forth in this chapter.

XI. (a) The administration and enforcement of this section shall be under the authority to impose any penalty or other imposition, but impose both a privilege in the persons and on the premises. The penalties shall be as follows:

(1) For any violation of any of the provisions of this section, a fine of $25 shall be imposed.

(2) For any violation of the provisions of this section, a fine of $25 shall be imposed.

(3) For any violation of the provisions of this section, a fine of $25 shall be imposed.

(4) For any violation of the provisions of this section, a fine of $25 shall be imposed.

(5) For any violation of the provisions of this section, a fine of $25 shall be imposed.
Speakers
<table>
<thead>
<tr>
<th>SPEAKING</th>
<th>FAVOR</th>
<th>OPPOSED</th>
<th>NAME (Please print)</th>
<th>REPRESENTING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td></td>
<td>Earl Swanger</td>
<td>Dept of Safety</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td></td>
<td>Rep Mary Stuart Gile</td>
<td>Mem 16</td>
</tr>
</tbody>
</table>

Relative to negligent driving. Please check box(es) that apply.
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 enquired at legislative services as to the status of any legislation related to distracted drivers. I was informed that a 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.

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.

Driver inattention is a national problem. 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. According to Earl Sweeney, NH’s Assistant Safety Commissioner, 24% of NH’s fatalities were caused by driver inattention, up 6% in the last two years. I agree with my constituent and I hope you do as well. Accidents caused by negligence should be penalized with fines involving hard cash. I urge you to consider the merits of this bill and vote ought to pass.

Thank you.
New Hampshire Department of Safety
Legislative Position Paper

Richard M. Flynn, Commissioner
33 Hazen Drive
Concord, NH 03305
(603) 271-2791
rflynn@safety.state.nh.us

Earl M. Sweeney, Asst. Commissioner
33 Hazen Drive
Concord, NH 03305
(603) 271-2559
esweeney@safety.state.nh.us

Bill Number: HB 357

Amendment Number:

Purpose: Negligent Driving Penalties

Committees Assigned: House Transportation

Department's Position on Bill or Amendment: No position

Presently, negligent driving is a violation. This bill establishes specific penalties for the offense – a fine of $250-$500 for a first offense and $500-$1,000 if a passenger under the age of 16 is in the vehicle.
Voting Sheets
Senate Transportation Committee
EXECUTIVE SESSION

Hearing date: May 11, 2005
Executive session date: May 25, 2005
Motion of: OTP - A

VOTE: 5-0

Made by
Senator:
Letourneau □ Morse □ Flanders □ Martel □ Burling □ Estabrook □

Seconded by Senator:
Letourneau □ Morse □ Flanders □ Martel □ Burling □ Estabrook □

Committee Member Present Vote Reported out by

Senator Letourneau, Chairman □ Y □
Senator Morse □ □
Senator Flanders □ Y □
Senator Martel □ Y □
Senator Burling □ Y □
Senator Estabrook □ Y □

*Amendments:

NOTES:

__________________________________________
__________________________________________
__________________________________________
__________________________________________
__________________________________________
__________________________________________
__________________________________________
Committee Report
STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: May 25, 2005

THE COMMITTEE ON Transportation and Interstate Cooperation
to which was referred House Bill 357

AN ACT relative to negligent driving.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1608s

Senator Robert J. Letourneau
For the Committee

Pamela Manocchi 271-3207
**HB357 Docket**

**Bill Title:** relative to negligent driving.

<table>
<thead>
<tr>
<th>Date</th>
<th>Body</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/26/2005</td>
<td>H</td>
<td>Introduced and ref to Transportation; HJ 15, p 248</td>
</tr>
<tr>
<td>2/2/2005</td>
<td>H</td>
<td>Hearing Feb 8 11:00 RM203,LOB</td>
</tr>
<tr>
<td>2/13/2005</td>
<td>H</td>
<td>Maj Report OTP/AM for Mar 23 (vote 12-0;CC)</td>
</tr>
<tr>
<td>2/13/2005</td>
<td>H</td>
<td>Prop Comm Am{0250}; HC 22, p 495</td>
</tr>
<tr>
<td>3/23/2005</td>
<td>H</td>
<td>Passed with Am; HJ 27, p 764 + 793</td>
</tr>
<tr>
<td>3/31/2005</td>
<td>S</td>
<td>Introduced and Referred to Transportation and Interstate Cooperation; SJ 11, Pg.216</td>
</tr>
<tr>
<td>4/7/2005</td>
<td>S</td>
<td>Hearing; May 11, 2005, Room 101, LOB, 8:30 a.m.; SC15</td>
</tr>
<tr>
<td>5/25/2005</td>
<td>S</td>
<td>Committee Report; Ought to Pass with Amendment{1608} (New Title) [06/02/05]; SC22, Pg.11-12</td>
</tr>
<tr>
<td>6/2/2005</td>
<td>S</td>
<td>Committee Amendment{1608} (New Title), AA, VV</td>
</tr>
<tr>
<td>6/2/2005</td>
<td>S</td>
<td>Ought to Pass with Amendment{1608} (New Title), MA, VV; OT3rdg</td>
</tr>
<tr>
<td>6/2/2005</td>
<td>S</td>
<td>Passed by Third Reading Resolution</td>
</tr>
</tbody>
</table>

**Docket Abbreviations**

http://www.gencourt.state.nh.us/ie/billstatus/billdocketpwr.asp  

6/7/2005
Other Referrals
COMMITTEE REPORT FILE INVENTORY

1+3 357 ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMMITTEE SECRETARY WILL CONFIRM ALL ENTRIES CHECKED AND SIGN THIS INVENTORY.
5. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

☐ DOCKET (Submit only the latest docket found in Bill Status)
☐ COMMITTEE REPORT (For calendar and floor)
☐ HEARING REPORT (Written summary of hearing testimony, if produced)
☐ HEARING TRANSCRIPT (Verbatim transcript of hearing)
   List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: ____________
☐ SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:
   ☐ - AMENDMENT # 1608  ☐ - AMENDMENT # 1530
   ☐ - AMENDMENT # 1531  ☐ - AMENDMENT # ______

ALL AVAILABLE VERSIONS OF THE BILL:
   ☑ AS INTRODUCED  ☑ AS AMENDED BY THE HOUSE
   ☑ FINAL VERSION  ☑ AS AMENDED BY THE SENATE

☐ PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)
   List by letter [a thru g or a, b, c, d] here: A, B ____________

☐ EXECUTIVE SESSION REPORT

☐ OTHER (Anything else deemed important but not listed above):
   ____________

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A NEW FILE FOLDER WITH THE CHAIRMAN’S COPY OF THE BILL AND THE LATEST DOCKET AND KEEP THOSE FILES IN YOUR OFFICE. PLEASE KEEP YOUR MASTER SHEET CURRENT AS YOU CLOSE OUT YOUR FILES AND PROVIDE THE SECRETARIAL SUPERVISOR WITH A COPY WHEN COMPLETED.

DATE DELIVERED TO SENATE CLERK 1/7/05  ____________

COMMITTEE SECRETARY

SENCL7 09/04 (REV 5)