

TITLE XXI

MOTOR VEHICLES

CHAPTER 260

ADMINISTRATION OF MOTOR VEHICLE LAWS

Powers and Duties

Section 260:5

260:5 Rulemaking Authority. – All rulemaking authority expressly granted under the provisions of this title to the department or any of its administrators, officials, divisions or bureaus, or to any agency as defined in RSA 541-A:1, II, shall be subject to the provisions of RSA 541-A. Whenever, under the provisions of this title, the department or any of its administrators, officials, divisions or bureaus, or any other agency, has been granted authority to prescribe or otherwise require forms, reports or other matter included in the definition of rule in RSA 541-A:1, XV, such authority shall be construed as rulemaking authority and shall be subject to RSA 541-A. Provided, however, that under the provisions of this title wherever any administrator, official, division or bureau in the department has been granted the authority to adopt rules, either expressly or as stated above, such authority shall be subject to the approval of the commissioner. Unless otherwise specified in this title, appeals from any order or decision of the director, commissioner, division, department or other agency acting under the provisions of this title shall be pursued as provided in RSA 541.

Source. 1981, 146:1. 1994, 412:27, eff. Aug. 9, 1994.

TITLE XXI

MOTOR VEHICLES

CHAPTER 265-A

ALCOHOL OR DRUG IMPAIRMENT

Alcohol Ignition Interlock Program

Section 265-A:37

265-A:37 Alcohol Ignition Interlock Circumvention. –

- I. Any person required by the court or by the commissioner of safety after a hearing pursuant to RSA 265-A:36-a to install an ignition interlock device shall not drive any motor vehicle not equipped with this device.
- II. No person who is subject to an interlock order of the court or of the commissioner and no person who is conspiring with or attempting to permit a person subject to such an interlock order to circumvent the order shall tamper with, or in any way attempt to circumvent the operation of an ignition interlock device that has been installed in a motor vehicle, and no person who is subject to an interlock order shall knowingly drive a vehicle in which the interlock device has been circumvented or otherwise illegally tampered with. As a condition of having a vehicle equipped with an ignition interlock device, the vehicle owner assents to an inspection of the device by a representative of the director at reasonable times upon prior notice in order to determine that the interlock has not been subject to tampering or circumvention.
- III. A person shall not start or attempt to start a motor vehicle equipped with an ignition interlock device for the purpose of providing an operable motor vehicle to a person who he or she knows is restricted by law to drive only a motor vehicle so equipped. The provisions of this section do not apply if the starting of a motor vehicle, or the request to start a motor vehicle equipped with an ignition interlock device, is done for the purpose of safety or mechanical repair of the device or the vehicle, and the person subject to the court order or order of the commissioner does not drive the vehicle.
- III-a. Upon satisfactory proof that a person who is restricted by law to drive only a motor vehicle equipped with an ignition interlock device has attempted to start a motor vehicle equipped with an ignition interlock device while having an alcohol concentration of greater than .025, or who fails to take the retest, or who takes a retest while having an alcohol concentration of greater than .025, the department, after a hearing, may impose for each occurrence an additional period of up to one year following the expiration of the original interlock order during which the person shall be restricted to driving only a vehicle equipped with an ignition interlock device. The department may take action under this paragraph within 60 days after the ignition interlock device is removed.
- IV. A person shall not knowingly provide a motor vehicle not equipped with a functioning ignition interlock device to another person whom the provider of the vehicle knows was sentenced or subject to a valid order to drive only a motor vehicle equipped with an ignition interlock device.
- V. Any person who violates the provisions of this section shall be guilty of a class A misdemeanor, be fined not less than \$500, and if he or she is the person subject to the interlock order, be ordered to install an enhanced technology ignition interlock device, and have the period of required ignition interlock device installation extended for 2 years.

Source. 2006, 260:1. 2012, 201:1. 2013, 219:4, eff. July 11, 2013. 2015, 118:1, 2, eff. Jan. 1, 2016. 2017, 244:2, eff. July 18, 2017.