

HB 435-FN - AS INTRODUCED

2021 SESSION

21-0638

11/10

HOUSE BILL

435-FN

AN ACT relative to the suspension of drivers' licenses and creating a committee to study the creation of a restricted driving license for participants in drug court.

SPONSORS: Rep. Sykes, Graf. 13; Rep. Klein-Knight, Hills. 11

COMMITTEE: Transportation

ANALYSIS

This bill modifies the circumstances under which a driver's license may be suspended or revoked, and establishes a committee to study the creation of a restricted driving license for participants in drug court.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the suspension of drivers' licenses and creating a committee to study the creation of a restricted driving license for participants in drug court.

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

1 1 Motor Vehicles; Authority to Suspend or Revoke License. Amend RSA 263:56, I(d) to read as
2 follows:

3 (d) Is incompetent to drive a motor vehicle by reason of physical[;] **or** mental [~~or moral~~]
4 impairment[~~]. For purposes of this paragraph, a license suspension or revocation on the basis of~~
5 ~~moral impairment shall be predicated only upon a conviction of a crime involving moral turpitude~~];

6 2 Suspension or Revocation for Default, Noncompliance, or Nonpayment of Fine. Amend the
7 introductory paragraph of RSA 263:56-a, I and subparagraphs I(a)-(c) to read as follows:

8 I. Whenever any [~~defendant~~] **person**:

9 (a) Defaults on an arraignment or other scheduled court appearance in connection with
10 a [~~charge or conviction of any offense~~] **motor vehicle offense, unless otherwise allowed under**
11 **law**, or

12 (b) Fails to pay a fine or other penalty imposed in connection with a conviction of any
13 **motor vehicle** offense which a court has determined he **or she** is able to pay, or issues a bad check
14 in payment of a fine or other penalty; or

15 (c) Fails to comply with a similar order of the director or a court on any matter within
16 the director's or court's jurisdiction **including orders made pursuant to RSA 161-B:11**, his **or**
17 **her** driver's license or resident or nonresident driving privilege and in any motor vehicle case or
18 related case the resident plates and motor vehicle registration shall be suspended or revoked only
19 upon written consent of the director, effective 30 days after such default or failure, except as
20 provided in subparagraph I(d) of this section.

21 3 License Suspension and Revocation; Suspension or Revocation for Default, Noncompliance, or
22 Nonpayment of Fine. Amend RSA 263:56-a, VI to read as follows:

23 VI. The provisions of this section shall be the primary sanction for defendants who fail to
24 [~~appear, pay a fine, or other penalty or~~] comply with an order of the director or a court, but shall not
25 exclude other provisions of law relative to sanctions for defendants who fail to appear, pay a fine, or
26 other penalty or comply with an order of the director or a court.

27 4 Committee to Study the Creation of a Restricted Driving License for Participants in Drug
28 Court Established.

29 I. There is established a committee to study the creation of a restricted driving license for
30 participants in drug court.

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1 II. The members of the committee shall be as follows:

2 (a) Four members of the house of representatives, appointed by the speaker of the house
3 of representatives, including one member from the criminal justice and public safety committee and
4 one member from the health, human services, and elderly affairs committee.

5 (b) One member of the senate, appointed by the president of the senate.

6 III. Members of the committee shall receive mileage at the legislative rate when attending
7 to the duties of the committee.

8 IV. The committee shall study the possible creation of a restricted driving license privilege
9 for participants in drug court, including:

10 (a) The administration of a possible restricted or provisional driving license for
11 participants in drug court, including administration by the courts and the division of motor vehicles.

12 (b) How the restrictions of such a license would be enforced.

13 (c) The benefits of having such a license for drug court participants, including in
14 accessing treatment and employment.

15 (d) Lessons learned from existing restricted licenses in New Hampshire.

16 (e) Examples of such a restricted license in other states.

17 (f) Any costs associated with establishing such a license, including any cost savings.

18 V. The committee shall solicit information from any individual or entity the committee
19 deems relevant to its study, including but not limited to:

20 (a) The director of the division of motor vehicles.

21 (b) The commissioner of the department of safety.

22 (c) A representative of the superior courts.

23 (d) A representative of the circuit courts.

24 (e) The statewide drug offender program coordinator.

25 (f) Individuals who have participated in drug court.

26 (g) Law enforcement.

27 (h) The New Hampshire County Attorneys Association.

28 (i) New Futures.

29 (j) The American Civil Liberties Union of New Hampshire.

30 (k) The New Hampshire public defender program.

31 VI. The members of the study committee shall elect a chairperson from among the members.
32 The first meeting of the committee shall be called by the first-named house member. The first
33 meeting of the committee shall be held within 45 days of the effective date of this section. Three
34 members of the committee shall constitute a quorum.

35 VII. The committee shall report its findings and any recommendations for proposed
36 legislation to the speaker of the house of representatives, the president of the senate, the house
37 clerk, the senate clerk, the governor, and the state library on or before November 1, 2021.

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1 5 Repeal. RSA 263:56-a, II(d), relative to reporting persons whose driver's licenses and driving
2 privileges are suspended due to nonpayment, is repealed.

3 6 Effective Date.

4 I. Section 4 of this act shall take effect upon its passage.

5 II. The remainder of this act shall take effect 60 days after its passage.

HB 435-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the suspension of drivers' licenses and creating a committee to study the creation of a restricted driving license for participants in drug court.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Expenditures	\$0	\$0	\$0	\$0
Funding Source:	<input type="checkbox"/> General	<input type="checkbox"/> Education	<input checked="" type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill includes the following provisions:

- Removes language specific to moral impairment and turpitude when deeming an individual as incompetent to drive.
- Clarifies license suspension in relation to defaults, limiting suspensions to defaults for motor vehicle offenses only unless otherwise allowed under law. This would eliminate any driver license suspensions for a person who defaults on a court appearance or conviction, or failure to pay a fine or other penalty for all other offenses not motor vehicle related.
- Clarifies a suspension for unpaid child support is applicable under RSA 263:56.
- Eliminates the authority to report names of persons whose driver's license privileges are suspended for nonpayment to a consumer reporting agency.
- Establishes a study committee.

The Department of Safety states these changes would result in a decrease in the total number of suspended driver's licenses, which would decrease revenue from suspension reinstatement fees. The Department is unable to provide an estimate as to the decrease in the number of suspensions or corresponding impact to state revenue. The Department anticipates no impact to state expenditures.

It is assumed this bill will be effective July 1, 2021.

AGENCIES CONTACTED:

Department of Safety