

CHAPTER 69  
HB 1239-FN - FINAL VERSION

10Mar2022... 0508h

2022 SESSION

22-2555  
12/05

HOUSE BILL

***1239-FN***

AN ACT           relative to habitual offender hearings.

SPONSORS:       Rep. Walsh, Merr. 24; Rep. Gagne, Hills. 13

COMMITTEE:      Transportation

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ANALYSIS

This bill makes changes to the motor vehicle laws regarding habitual offenders by requiring the department of safety to send notice of a show cause hearing by first class mail and deems any person who fails to appear as a habitual offender.

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                      Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT                    relative to habitual offender hearings.

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

1            69:1 Habitual Offender Certification. Amend RSA 262:19, I to read as follows:

2            I. When the director determines that any person is an habitual offender within the meaning of  
3            RSA 259:39, [he] ***the director*** shall issue an order requiring that person to appear for a hearing to show  
4            cause why he ***or she*** should not be barred from driving a motor vehicle upon the ways of this state. The  
5            show cause [order] ***hearing*** shall incorporate a certified transcript or abstract of the person's conviction  
6            record, which shall be prima facie evidence that the person named therein was duly convicted, by the  
7            court in which such conviction or holding was made, of each offense shown by such transcript or abstract.  
8            If any person shall deny any of the facts stated in the transcript or abstract, he ***or she*** shall have the  
9            burden of proving that such is untrue. For the purposes of this chapter, a plea of nolo contendere shown  
10           on such transcript or abstract shall not make the same inadmissible. ***The department shall send notice for***  
11           ***the show cause hearing by first class mail to the address of record with the division of motor vehicles. A***  
12           ***person who fails to appear for the show cause hearing shall be defaulted and certified as an habitual***  
13           ***offender, effective 30 days from the date of the hearing. The default order shall be served in-hand.***

14           69:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 20, 2022  
Effective Date: July 19, 2022

