

CHAPTER 219  
SB 20 – FINAL VERSION

02/14/13 0128s  
29May2013... 1508h  
06/12/13 2042EBA

2013 SESSION

13-0372  
03/10

SENATE BILL **20**

AN ACT making modifications to the DWI ignition interlock program.

SPONSORS: Sen. Rausch, Dist 19; Sen. Gilmour, Dist 12; Sen. Boutin, Dist 16; Rep. Bouchard,  
Merr 18

COMMITTEE: Transportation

---

ANALYSIS

This bill makes various modifications to the DWI ignition interlock program.

This bill was requested by the department of safety.

-----

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 219  
SB 20 – FINAL VERSION

02/14/13 0128s  
29May2013... 1508h  
06/12/13 2042EBA

13-0372  
03/10

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT making modifications to the DWI ignition interlock program.

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

1 219:1 Words and Phrases Defined; Ignition Interlock Device. Amend RSA 259:43-a to read as  
2 follows:

3 259:43-a Ignition Interlock Device. "Ignition interlock device" shall mean breath alcohol ignition  
4 interlock device **or enhanced technology ignition interlock device**, which is a system or device  
5 that connects a breath analyzer to a motor vehicle's ignition system. The analyzer measures the  
6 concentration of alcohol in the breath of any person who attempts to start the motor vehicle by using  
7 the ignition system. The device prevents the vehicle from starting unless the person provides a  
8 breath sample with a concentration of alcohol that is below a preset level. The device contains a  
9 data-logger which retains records of failures to take or pass the test during the period between  
10 recalibrations.

11 219:2 Interlock Requirements. Amend RSA 265-A:36, IV to read as follows:

12 IV. ***It shall be a violation for*** an ignition interlock device ~~[may not]~~ ***to*** be sold or  
13 distributed in this state without the device being approved by the commissioner or the department of  
14 safety.

15 219:3 Interlock Program Rules. Amend RSA 265-A:36, VI(b)-(f) to read as follows:

16 (b) Maintain at least that number of locations across the state for the installation,  
17 service, calibration, ~~[and]~~ monitoring, ***and removal*** of an ignition interlock device as might be  
18 required from time to time by the program operating protocol developed by the commissioner;

19 (c) Provide periodic reports as determined by the court or in department rules, to the  
20 ~~[probation office and treatment provider, if applicable; if the offender is not placed on probation, to~~  
21 ~~the arresting agency]~~ ***director of the division of motor vehicles, the department's interlock***  
22 ***coordinator***, and the court of jurisdiction;

23 (d) Retain all data-logger records for ~~[42]~~ ***36*** months after the end of the period to which  
24 the offender is sentenced;

25 (e) ***Maintain a reserve account with a balance at least equal to 2 percent of the***  
26 ***provider's revenue from interlock device service and installation in this state, excluding***  
27 ***the purchase or rental costs of devices, during the previous calendar year. Funds in the***

CHAPTER 219  
SB 20 – FINAL VERSION  
- Page 2 -

1 **account shall be used to** ~~[provide]~~ **assist with the cost of the** installation and service to those  
2 offenders determined by the court **or the department** to be unable to pay the full cost of an  
3 interlock program ~~[by reserving for this purpose a hardship credit equal to 2 percent of the service~~  
4 ~~provider's gross receipts, excluding the purchase or rental cost of the interlock device, which credit~~  
5 ~~and free service]~~. **Offenders determined by the court or the department to be unable to pay**  
6 **the full cost of an interlock program shall, at a minimum, pay 25 percent of the cost for the**  
7 **installation and service. Reserve account balances and costs to the provider for assisting**  
8 **with the cost of installation and service** shall be reported annually to the department;

9 (f) Provide a certificate of installation to the vehicle's owner **and to the department's**  
10 **interlock coordinator** upon installation of the device in a form to be determined by the  
11 department's interlock rules; and

12 219:4 Ignition Interlock Violations. Amend RSA 265-A:37 to read as follows:

13 265-A:37 Alcohol Ignition Interlock Circumvention.

14 I. Any person required by the court **or by the commissioner of safety after a hearing**  
15 **pursuant to RSA 265-A:36-a** to install an ignition interlock device shall not drive any motor vehicle  
16 not equipped with this device.

17 II. [A] **No person who is subject to an interlock order of the court or of the**  
18 **commissioner and no person who is conspiring with or attempting to permit a person**  
19 **subject to such an interlock order to circumvent the order** shall ~~not~~ tamper with, or in any  
20 way attempt to circumvent the operation of an ignition interlock device that has been installed in a  
21 motor vehicle, **and no person who is subject to an interlock order shall knowingly drive a**  
22 **vehicle in which the interlock device has been circumvented or otherwise illegally**  
23 **tampered with.**

24 III. A person shall not start or attempt to start a motor vehicle equipped with an ignition  
25 interlock device for the purpose of providing an operable motor vehicle to a person who **he or she**  
26 **knows** is restricted by law to drive only a motor vehicle so equipped. The provisions of this section  
27 do not apply if the starting of a motor vehicle, or the request to start a motor vehicle equipped with  
28 an ignition interlock device, is done for the purpose of safety or mechanical repair of the device or the  
29 vehicle, and the person subject to the court order **or order of the commissioner** does not drive the  
30 vehicle.

31 **III-a. Upon satisfactory proof that a person who is restricted by law to drive only a**  
32 **motor vehicle equipped with an ignition interlock device has attempted to start a motor**  
33 **vehicle equipped with an ignition interlock device while having an alcohol concentration**  
34 **of greater than .02, the department, after a hearing, may impose for each occurrence an**  
35 **additional period of up to one year following the expiration of the original interlock order**  
36 **during which the person shall be restricted to driving only a vehicle equipped with an**

CHAPTER 219  
SB 20 – FINAL VERSION  
- Page 3 -

1 *ignition interlock device.*

2 IV. A person shall not knowingly provide a motor vehicle not equipped with a functioning  
3 ignition interlock device to another person whom the provider of the vehicle knows was sentenced **or**  
4 **subject to a valid order** to drive only a motor vehicle equipped with an ignition interlock device.

5 V. Any person who violates the provisions of this section shall be guilty of a class A  
6 misdemeanor, be fined not less than \$500, **and if he or she is the person subject to the interlock**  
7 **order**, be ordered to install an enhanced technology ignition interlock device, and have the period of  
8 required ignition interlock device installation extended for 2 years.

9 219:5 New Paragraph; Impaired Driver Care Management Programs; Out-of-State Residents.  
10 Amend RSA 265-A:40 by inserting after paragraph VIII the following new paragraph:

11 IX. Notwithstanding other provisions in RSA 265-A, out-of-state residents may elect to  
12 obtain required screening, evaluation, treatment, and education services in their legal state of  
13 residence provided that they register with a New Hampshire IDCMP and that the New Hampshire  
14 IDCMP:

15 (a) Ensures that screening, evaluation, and treatment services are provided by  
16 individuals possessing an International Certification & Reciprocity Consortium/Alcohol and Other  
17 Drug Abuse (IC&RC) sanctioned license, or, if the client resides in a non-IC&RC state, by  
18 individuals who are approved by that state for the purpose of license reinstatement subsequent to an  
19 alcohol or drug DWI conviction;

20 (b) Ensures that impaired driver education programs are provided by programs which  
21 are approved by that state for the purpose of license reinstatement subsequent to an alcohol or drug  
22 DWI conviction;

23 (c) Develops the service plan;

24 (d) Monitors compliance with the service plan and reports noncompliance to the division  
25 of motor vehicles and the sentencing court; and

26 (e) Determines whether the service plan has been completed and, if so, reports  
27 completion to the sentencing court, the division of motor vehicles, and the department of health and  
28 human services.

29 219:6 Effective Date. This act shall take effect upon its passage.

30

31 Approved: July 11, 2013

32 Effective Date: July 11, 2013