

HB 1437 – AS INTRODUCED

2014 SESSION

14-2428
03/01

HOUSE BILL **1437**

AN ACT relative to license revocation for drugs or alcohol involvement.

SPONSORS: Rep. C. McGuire, Merr 29; Rep. Warden, Hills 39

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill limits the authority to revoke the driver's license of a person under 21 years of age for drugs or alcohol involvement to those offenses involving operation of a motor vehicle. This bill also authorizes a court to impose operating restrictions on a license in lieu of a suspension for drugs or alcohol involvement.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to license revocation for drugs or alcohol involvement.

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

1 1 Revocation or Denial for Drugs or Alcohol Involvement. Amend RSA 263:56-b to read as
2 follows:

3 263:56-b Revocation or Denial for Drugs or Alcohol Involvement.

4 I. Any person who is not yet 21 years of age on the date of the incident, who is convicted,
5 found to be delinquent under RSA 169-B, or found to be in need of services under RSA 169-D, for any
6 offense involving the sale, possession, use, or abuse of alcohol or of controlled drugs as defined in
7 RSA 318-B:1, VI, or of a controlled drug analog as defined under RSA 318-B:1, VI-a, **while**
8 **operating a motor vehicle** may at the discretion of the court be subject to the revocation or denial
9 of a driver’s license or privilege to drive for not less than 90 days but not more than one year on the
10 first finding or conviction under this paragraph, and not less than 6 months but not more than 2
11 years for a subsequent finding or conviction. Nothing in this section shall prevent the court from
12 requiring any person subject to its provisions from successfully completing any alcohol or substance
13 abuse education program in lieu of a loss or denial of driving license or privilege. The director, upon
14 receipt of a notification from the court that the court has ordered the suspension of a person’s license
15 or driving privilege pursuant to this paragraph, shall forthwith issue a formal order of suspension
16 and, in the case of denial of an application for a license, the period imposed shall begin on the date
17 the person is eligible by age for the issuance of a license. Notwithstanding RSA 169-B:35 or any
18 other law regarding confidentiality, any court which convicts or makes a finding that an offense
19 described in this section has occurred involving a person who meets the age limits specified in this
20 section, and which orders the revocation or denial of a driver’s license or privilege to drive, shall
21 forward a notice of such conviction or finding to the director. The director shall maintain the
22 confidentiality of notices received.

23 II. The director shall, when ordered by the court, revoke the driver’s license or privilege to
24 drive or deny an application for a license for not less than 90 days but not more than one year on the
25 first finding or conviction under paragraph I, and not less than 6 months but not more than 2 years
26 for a subsequent finding or conviction; provided, however, that the director shall not revoke or deny a
27 license or privilege to drive under this paragraph without first giving the person an opportunity for a
28 hearing to determine that the person is the individual who was convicted of the offense and against
29 whom the court order applies. In the case of denial of an application for a license, the period imposed
30 shall begin on the date the person is eligible by age for the issuance of a license.

31 III. Any person who is not yet 18 years of age on the date of the incident, and who is

1 convicted, found to be delinquent under RSA 169-B, or found to be in need of services under
2 RSA 169-D, for the offense of sale or possession with intent to sell controlled drugs as defined in
3 RSA 318-B:1, VI or a controlled drug analog as defined under RSA 318-B:1, VI-a, **while operating a**
4 **motor vehicle** shall be subject to revocation or denial of a driver's license or privilege to drive for a
5 mandatory period of at least one year and a maximum period of up to 5 years. In the case of denial
6 of an application for a license under this section, the period imposed shall begin on the date the
7 person is eligible by age for the issuance of a license.

8 IV. The driver's license of any person who is 18 years of age or older on the date of the
9 incident, and who is convicted of the offense of sale or possession with intent to sell controlled drugs
10 as defined in RSA 318-B:1, VI or a controlled drug analog as defined under RSA 318-B:1, VI-a, **while**
11 **operating a motor vehicle** may be revoked, at the discretion of the court, for any period of time,
12 including for life. The court of relevant jurisdiction shall have the discretion to determine when the
13 revocation shall begin.

14 V. **For any license revocation authorized by this section, the court may order**
15 **operating restrictions on the person's license in lieu of revocation. The operating**
16 **restrictions shall limit the person's driving privileges to the hours or places, or both,**
17 **designated in the court's order and may be imposed for any period for which revocation is**
18 **authorized.**

19 2 Effective Date. This act shall take effect January 1, 2015.