

CHAPTER 287
SB 247 – FINAL VERSION

01/30/14 0093s
7May2014... 1388h

2014 SESSION

14-2668
03/10

SENATE BILL **247**

AN ACT relative to ignition interlock device violations and interlock device removal protocols.

SPONSORS: Sen. Gilmour, Dist 12; Sen. Rausch, Dist 19; Sen. Boutin, Dist 16; Sen. Watters, Dist 4; Sen. Carson, Dist 14; Sen. Bradley, Dist 3; Rep. J. Schmidt, Hills 28; Rep. Gale, Hills 28; Rep. Rhodes, Hills 30; Rep. M. O'Brien, Hills 36; Rep. T. Soucy, Hills 34

COMMITTEE: Transportation

AMENDED ANALYSIS

This bill establishes requirements for removing an ignition interlock device.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to ignition interlock device violations and interlock device removal protocols.

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

1 287:1 New Section; Ignition Interlock Device Removal Protocol. Amend RSA 265-A by inserting
2 after section 38 the following new section:

3 265-A:38-a Ignition Interlock Device Removal Protocol.

4 I. Prior to the removal of an ignition interlock device from a vehicle, the interlock service
5 provider shall obtain from the department's interlock coordinator a certificate of removal effective on
6 the expiration date of the interlock order provided the driver has not committed an interlock
7 violation within the preceding 120-day period. As used in this section "interlock violation" means:

8 (a) Operating a motor vehicle without an interlock device.

9 (b) Soliciting or allowing any other person to provide a breath sample to an interlock
10 device or to start an interlock equipped vehicle for the purpose of providing the person so restricted
11 with an operable motor vehicle.

12 (c) Using any means other than providing a breath sample directly from the operator's
13 mouth into the device in order to supply an air sample to the device.

14 (d) An attempt to tamper with or circumvent the interlock device.

15 (e) A failed rolling retest in which the operator's breath alcohol concentration registered
16 at or above 0.05.

17 (f) Two failed rolling retests within a single service period in which the operator's breath
18 alcohol concentration registered above 0.03.

19 (g) Two lockouts due to missed rolling retests.

20 (h) Two missed service visits.

21 II. If the restricted person has more than one interlock violation within the 120 days prior to
22 the request for removal of the interlock, the commissioner shall refuse to issue a removal certificate
23 and shall order that the person continue to have an interlock device or enhanced technology interlock
24 device in any vehicle registered to or used by that person for an additional period of 120 days or until
25 the individual has been violation-free for such extended period, whichever is the later.

26 III. An operator who is identified as having committed an ignition interlock violation may
27 request a hearing with the bureau of hearings to determine by a preponderance of the evidence

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1 whether such violation occurred. The department shall notify the operator of this right to a hearing,
2 however the interlock shall not be removed from the vehicle while such hearing is pending.

3 IV. If after a hearing the commissioner determines that the scope and nature of an
4 operator's violations of the provisions of this section are so significant or flagrant that the interests of
5 public safety are at risk, the commissioner may also revoke any vehicle registrations in the name of
6 the operator, as well as the registrations of vehicles equipped with an ignition interlock device the
7 operator has access to, and prevent further registrations from issuing.

8 287:2 Effective Date. This act shall take effect 60 days after its passage.

9 Approved: July 28, 2014

10 Effective Date: September 26, 2014