

CHAPTER 202
SB 29-FN – FINAL VERSION

03/12/2015 0754s
6May2015... 1469h
3June2015... 1889h
06/11/2015 2135EBA

2015 SESSION

15-0875
03/09

SENATE BILL ***29-FN***

AN ACT relative to fines for motor vehicle offenses.

SPONSORS: Sen. D'Allesandro, Dist 20

COMMITTEE: Transportation

ANALYSIS

This bill establishes and modifies fines for certain motor vehicle offenses.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 202
SB 29-FN – FINAL VERSION

03/12/2015 0754s
6May2015... 1469h
3June2015... 1889h
06/11/2015 2135EBA

15-0875
03/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT relative to fines for motor vehicle offenses.

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

1 202:1 General Penalty. Amend RSA 262:41 to read as follows:

2 262:41 General Penalty. Unless otherwise ~~[herein]~~ provided ***in statute***, any person convicted of
3 a violation of any provision of this title, or of any rule made under authority thereof, shall be ~~[guilty~~
4 ~~of a violation for the]~~ ***fined \$50 plus penalty assessment for a*** first offense. For any subsequent
5 offense committed during any calendar year ~~[he]~~ ***such person*** shall be ~~[guilty of a violation if a~~
6 ~~natural person, or guilty of a misdemeanor if any other person]~~ ***fined \$100 plus penalty***
7 ***assessment.***

8 202:2 Fine Added. Amend RSA 265:6-a, II to read as follows:

9 II. The driver of a vehicle shall yield the right-of-way to any authorized vehicle obviously
10 and actually engaged in work upon a highway whenever such vehicle displays emergency lights or
11 amber warning lights as authorized under RSA 266:78-a through RSA 266:78-q and shall give wide
12 berth, without endangering oncoming traffic, to highway workers and stationary or moving vehicles
13 owned by or contracted to state or local highway maintenance departments displaying amber
14 warning lights. Any person violating this paragraph shall be fined ~~[\$100]~~ ***\$150*** plus penalty
15 assessment for a first offense and ~~[\$200]~~ ***\$250*** plus penalty assessment for a subsequent offense in a
16 12-month period.

17 202:3 Fine Added. Amend RSA 265:37-a to read as follows:

18 265:37-a Motorist Duties When Approaching Highway Emergencies.

19 I. When in or approaching an incident involving a fire, collision, disaster, ***utility***
20 ***construction or maintenance***, or other emergency resulting in partial or complete blockage of a
21 highway, or a location where a police officer has made a traffic stop, every driver other than the
22 driver of an emergency response vehicle, shall:

23 (a) Maintain a reduced speed.

24 (b) Obey the directions of any authorized person directing traffic and of all applicable
25 emergency signals and traffic control devices.

26 (c) Vacate as soon as possible any lane wholly or partially blocked.

CHAPTER 202
SB 29-FN – FINAL VERSION
- Page 2 -

1 (d) Give a wide berth, without endangering oncoming traffic, to public safety personnel,
2 any persons in the roadway, and stationary vehicles displaying blue, red, or amber emergency or
3 warning lights.

4 II. Any person violating this section shall be fined [~~\$100~~] **\$75** plus penalty assessment for a
5 first offense and [~~\$200~~] **\$250** plus penalty assessment for a subsequent offense in a 12-month period.

6 202:4 Fine Added. Amend RSA 265:50-a to read as follows:

7 265:50-a Failure to Stop at Railroad Crossings; Fine. The fine for a violation of the provisions of
8 **RSA 265:48**, RSA 265:49, or RSA 265:50 shall be \$100 **plus penalty assessment for a first offense**
9 **and \$250 plus penalty assessment for a subsequent offense in a 12-month period.**

10 202:5 New Paragraph; Moving Heavy Equipment at Railroad Grade Crossing. Amend RSA
11 265:51 by inserting after paragraph IV the following new paragraph:

12 V. Any person violating this section shall be fined \$125 plus penalty assessment for a first
13 offense and \$250 plus penalty assessment for a subsequent offense in a 12-month period.

14 202:6 Overtaking and Passing School Bus. Amend RSA 265:54, I-b to read as follows:

15 I-b. Except as provided in paragraph IV, a person who violates the provisions of
16 paragraph I shall be guilty of a violation and shall be fined [~~not less than \$100 nor more than~~
17 ~~\$750~~] **\$150 plus penalty assessment** for a first offense, and shall be fined not less than \$250
18 nor more than \$1,000 for a subsequent offense. In addition, the director may suspend the
19 person's license to drive or nonresident driving privilege for a period of 30 days for a second or
20 subsequent offense.

21 202:7 Overtaking and Passing School Bus. Amend RSA 265:54, IV to read as follows:

22 IV. Except as provided in paragraph III, no driver of a vehicle who is required to stop his or
23 her vehicle in accordance with paragraph I shall overtake and pass a school bus on the right. A
24 person who violates the provisions of this paragraph shall be guilty of a violation and shall be fined
25 [~~not less than~~] \$500 [~~nor more than \$1,200~~] **plus penalty assessment**. In addition, the director
26 shall suspend the person's license to drive or nonresident driving privilege for a period of up to 30
27 days for a first offense. **For a second or subsequent offense, the person must appear before the**
28 **court and shall be fined not less than \$500 nor more than \$1,200 plus penalty assessment.**
29 The director shall suspend the person's license to drive or nonresident driving privilege for a period
30 of 30 days for a second offense, and for a period of not less than 30 days nor more than 120 days for a
31 third or subsequent offense.

32 202:8 Speed Limit Fines. Amend RSA 265:60, V-VI to read as follows:

33 V. The fines for violation of subparagraphs II(a)-(d) shall be as follows:

34 Miles per hour above the limit specified:

35 1-10 \$50

36 11-15 75

CHAPTER 202
SB 29-FN – FINAL VERSION
- Page 3 -

1 16-20 100

2 21-25 200

3 26+ ~~[Must appear~~

4 ~~(Minimum \$350)]~~ **\$350**

5 ***The fines listed in this paragraph shall be plus penalty assessment.***

6 VI. The fines for violations of subparagraph II(e) shall be as follows:

7 Miles above the 65 mph limit:

8 1-5 \$65

9 6-10 100

10 11-15 150

11 16-20 250

12 ~~[21-25 350~~

13 ~~26+ — Must appear]~~

14 ***21+ 350***

15 ***Miles above the 70 mph limit:***

16 ***1-5 \$65***

17 ***6-10 100***

18 ***11-15 200***

19 ***16-20 300***

20 ***21+ 400***

21 ***The fines listed in this paragraph shall be plus penalty assessment.***

22 202:9 Fine. Amend RSA 265:74 to read as follows:

23 265:74 Parking Privileges for Persons With Walking Disability. Any motor vehicle carrying the
24 special plates or hanging windshield placard issued to a person with a walking disability under
25 RSA 261:88, or a similar license plate displaying the international accessibility symbol shall be
26 allowed free parking in any city or town, including any state or municipal parking facility where a
27 fee is charged. Each city or town shall have the discretion to set the time periods using guidelines
28 which shall be provided by the governor’s commission on disability. The free parking shall only be
29 allowed if the person who qualifies for the special plates or hanging placard is being transported in
30 the vehicle to or from the parking place. Parking places designated for persons with walking
31 disabilities shall be utilized only if a person with a walking disability is being transported in the
32 vehicle to or from the parking place. Notwithstanding the provisions of any local ordinance which
33 has been adopted to regulate parking in places designated for persons with walking disabilities, any
34 person who is convicted under this section shall be guilty of a violation and fined ~~[not less than]~~ \$250
35 ***plus penalty assessment.***

CHAPTER 202
SB 29-FN – FINAL VERSION
- Page 4 -

1 202:10 Transporting Hazardous Materials and Explosives. Amend RSA 265:118 to read as
2 follows:

3 265:118 Penalty. The driver, owner, and custodian of any vehicle which is driven in violation of
4 the provisions of this subdivision or any rule adopted under this subdivision shall be guilty of a
5 violation for a first offense and, notwithstanding the provisions of title LXII, shall be fined not more
6 than [~~\$500~~] **\$250 plus penalty assessment** if a natural person or not more than [~~\$1,000~~] **\$500 plus**
7 **penalty assessment** if any other person. Any person convicted of an offense under this subdivision
8 who was convicted of an offense relating to the transportation of explosives or hazardous materials or
9 wastes within the 5 years preceding the commission of the offense under this subdivision shall be
10 guilty of a misdemeanor. Any person convicted of an offense under this subdivision who was
11 convicted of 2 or more offenses relating to the transportation of explosives[;] **or** hazardous materials
12 or wastes within 5 years preceding the commission of the offense under this subdivision shall be
13 guilty of a class B felony if a natural person or of a felony if any other person.

14 202:11 Penalty for Overload. Amend RSA 266:25 to read as follows:

15 266:25 Penalty for Overload.

16 I. Except as provided in paragraph II, any person who shall drive or cause to be driven on
17 the ways of this state a vehicle whose weight is in excess of that prescribed in this subdivision shall
18 be guilty of a violation, and notwithstanding the provisions of RSA 625:9, V, shall be fined [~~not more~~
19 ~~than~~] \$100 **plus penalty assessment** for a first offense [~~not more than~~] **and \$250 plus penalty**
20 **assessment** for a subsequent offense within a [~~registration year~~] **12-month period**.

21 II. Any person who shall drive or cause to be driven on the ways of this state a vehicle whose
22 weight is in excess of that prescribed in RSA 266:18-a, or RSA 266:18-b shall be fined \$100 or \$.02 for
23 each pound in excess of the prescribed weight, whichever is the greater, for a first offense; \$250 or
24 \$.02 per pound in excess of the prescribed weight, whichever is greater, for a second offense; for a
25 third and subsequent offense of the same vehicle in violation of this section, \$250 or \$.02 per pound
26 in excess of the prescribed weight, whichever is greater, up to an excess of 15,000 pounds; when the
27 excess is more than 15,000 pounds and less than 30,000 pounds, \$.03 per pound; and when the
28 excess is more than 30,000 pounds, \$.04 per pound. **The fines in this paragraph shall be plus**
29 **penalty assessment**.

30 III. Any person who shall drive or cause to be driven on any interstate and defense highway
31 of this state a vehicle whose weight is in excess of that prescribed in RSA 266:18 shall be subject to
32 the fine in paragraph I.

33 IV. Any person who shall drive or cause to be driven on a bridge of this state a vehicle whose
34 weight is in excess of the posted or annually published caution crossing limit for that particular
35 bridge [~~may~~] **shall** be fined [~~up to~~] \$200 **plus penalty assessment**.

36 V. Any person who shall drive or cause to be driven on a bridge of this state a vehicle whose

CHAPTER 202
SB 29-FN – FINAL VERSION
- Page 5 -

1 weight exceeds the limit of an excluded bridge (or bridge posted for no trucks) may be fined [~~up to~~
2 \$400 **plus penalty assessment**.

3 VI. All fines and certification fees collected pursuant to this section, RSA 260:42,
4 RSA 260:52, RSA 260:55, RSA 265:118, RSA 266:16, RSA 266:26, RSA 266:59-c, and RSA 266:63
5 through [~~72-a~~] **266:72-a** shall accrue to the highway fund.

6 202:12 Emergency Lights and Warning Lights. Amend RSA 266:78-q to read as follows:

7 266:78-q Penalties. Any person convicted of a violation of this subdivision shall,
8 notwithstanding the provisions of title LXII, be guilty of a violation and fined [~~not less than~~] \$250
9 [~~nor more than \$500~~] plus penalty assessment for a first offense and not less than \$500 nor more
10 than \$1,000 plus penalty assessment for a second offense, and any person knowingly or purposely
11 using blue lights to commit a crime punishable as a misdemeanor shall be guilty of a misdemeanor,
12 and any person knowingly or purposely using blue lights to commit a crime punishable as a felony
13 shall be guilty of a class B felony. The director or the court may suspend or revoke for a period of not
14 less than 30 days the license or driving privilege of any person convicted of violating this subdivision.

15 202:13 Effective Date. This act shall take effect January 1, 2016.

16

17 Approved: July 6, 2015

18 Effective Date: January 1, 2016