

CHAPTER 118
SB 236-FN – FINAL VERSION

2015 SESSION

15-1000
03/06

SENATE BILL **236-FN**

AN ACT relative to alcohol ignition interlock requirements.

SPONSORS: Sen. Bradley, Dist 3; Rep. Packard, Rock 5

COMMITTEE: Transportation

ANALYSIS

This bill makes various changes relating to enforcement of alcohol ignition interlock requirements.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT relative to alcohol ignition interlock requirements.

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

1 118:1 Alcohol Ignition Interlock Circumvention. Amend RSA 265-A:37, II to read as follows:

2 II. No person who is subject to an interlock order of the court or of the commissioner and no
3 person who is conspiring with or attempting to permit a person subject to such an interlock order to
4 circumvent the order shall tamper with, or in any way attempt to circumvent the operation of an
5 ignition interlock device that has been installed in a motor vehicle, and no person who is subject to
6 an interlock order shall knowingly drive a vehicle in which the interlock device has been
7 circumvented or otherwise illegally tampered with. ***As a condition of having a vehicle equipped***
8 ***with an ignition interlock device, the vehicle owner assents to an inspection of the device by***
9 ***a representative of the director at reasonable times upon prior notice in order to determine***
10 ***that the interlock has not been subject to tampering or circumvention.***

11 118:2 Alcohol Ignition Interlock Circumvention. Amend RSA 265-A:37, III-a to read as follows:

12 III-a. Upon satisfactory proof that a person who is restricted by law to drive only a motor
13 vehicle equipped with an ignition interlock device has attempted to start a motor vehicle equipped
14 with an ignition interlock device while having an alcohol concentration of greater than ~~[-02]~~ **.025**, the
15 department, after a hearing, may impose for each occurrence an additional period of up to one year
16 following the expiration of the original interlock order during which the person shall be restricted to
17 driving only a vehicle equipped with an ignition interlock device.

18 118:3 Violating Order. Amend RSA 265-A:38 to read as follows:

19 265-A:38 Violating ~~[Court]~~ **Interlock** Order.

20 I. Upon written notice, by affidavit, that any person has violated an order of the court ***or the***
21 ***commissioner*** with regard to the installation of an ignition interlock device after the period of
22 revocation or suspension imposed in RSA 265-A:18, 265:79, or 630:3, a hearing shall be scheduled
23 within 14 business days of the notice. Pending the hearing and upon a finding of probable cause that
24 a violation has occurred based upon the affidavit, the ~~[court]~~ **commissioner** shall immediately
25 suspend the defendant's privilege to drive a motor vehicle. After the hearing and upon a finding of
26 violation by a preponderance of the evidence, the privilege to drive shall not be restored until the
27 ~~[court]~~ **commissioner** is satisfied that the person is in compliance with ~~[its]~~ **the** order.

28 II. If it is found that a person required to drive a motor vehicle equipped with an ignition
29 interlock device has failed ***without reasonable cause including, but not limited to, illness,***
30 ***hospitalization, or incarceration,*** to comply with any requirement for the maintenance or

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1 calibration of the device, or shows a consistent pattern of failures to pass the breath test provided by
2 the device, the *commissioner after a hearing may order a further license suspension or*
3 *revocation for a period of not more than 12 months. In addition, upon a complaint the*
4 *court may order a show cause hearing to determine if the person should be held in contempt of*
5 *court. Upon a finding of contempt, the court may sentence the defendant to up to 6 months in a*
6 *county department of corrections facility, and may make such other orders as necessary to bring*
7 *about compliance, and in the absence of a license suspension by the commissioner may order a*
8 *further license suspension or revocation for a period of not more than 12 months. The period of*
9 *suspension or revocation under this section shall be added to any previously ordered suspension or*
10 *revocation.*

11 118:4 New Subparagraph; Interlock Violations. Amend RSA 265-A:38-a, I by inserting after
12 subparagraph (h) the following new subparagraph:

13 (i) More than one attempt to start the vehicle with a breath alcohol concentration of 0.05
14 or above.

15 118:5 New Paragraph; Removal Protocol. Amend RSA 265:38-a, by inserting after paragraph IV
16 the following new paragraph:

17 V. If a person, who is required to have an ignition interlock device installed in any vehicle
18 registered to or used by that person on a regular basis, removes or has the interlock removed without
19 first obtaining a removal certificate, the commissioner may suspend that person's license or driving
20 privilege until such time as the ignition interlock device is reinstalled.

21 118:6 Effective Date. This act shall take effect January 1, 2016.

22
23 Approved: June 8, 2015

24 Effective Date: January 1, 2016