

HB 597-FN - AS INTRODUCED

2023 SESSION

23-0536

04/10

HOUSE BILL

***597-FN***

AN ACT                   relative to race and ethnicity data on driver's licenses, and race and ethnicity data collection.

SPONSORS:           Rep. Meuse, Rock. 37; Rep. DiLorenzo, Rock. 10; Rep. Hamblet, Rock. 26; Sen. Perkins Kwoka, Dist 21

COMMITTEE:       Transportation

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ANALYSIS

This bill adds race and ethnicity as optional information that may be included on a driver's license, commercial driver's license, and nondriver's picture identification card and requires law enforcement agencies to collect such data.

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Explanation:       Matter added to current law appears in ***bold italics***.  
                      Matter removed from current law appears ~~[in brackets and struckthrough]~~  
                      Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Twenty Three*

AN ACT                      relative to race and ethnicity data on driver's licenses, and race and ethnicity data collection.

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

1            1   New Paragraph; Motor Vehicles; Provision for Federal Identification Database Prohibited.  
2   Amend RSA 260:14-a by inserting after paragraph VII the following new paragraph:

3            VIII. A local law enforcement agency acting pursuant to RSA 594:14-b and the department  
4   may make available to the public aggregated statistical data containing information generated from  
5   motor vehicle records, provided that no such data shall contain personal information, as defined by  
6   RSA 260:14. The publicly available aggregated statistical data shall only contain information  
7   regarding a person's gender, race, ethnicity, residence zip code, and whether the event involved a  
8   motor vehicle accident, a fatality, and whether there was a motor vehicle stop and its disposition,  
9   such as a warning, citation, arrest, and the offense charged. The commissioner of the department of  
10   safety may adopt rules to implement this paragraph and any such rules shall be exempt from the  
11   provisions of RSA 541-A.

12           2   Motor Vehicles; Nondriver's Picture Identification Cards. Amend RSA 260:21, III to read as  
13   follows:

14           III. The identification card shall bear the name, address, date of birth, blood type (optional),  
15   gender indicated as "M" for "male," "F" for "female," or "X" for "other," veteran's status for the  
16   purposes of identification for receiving benefits and services under New Hampshire law (optional),  
17   **race (optional), ethnicity (optional)**, picture and signature of the applicant, and in the case of a  
18   card issued pursuant to RSA 260:21, I(c), said card shall bear the notation "Golden Granite State  
19   Discount Card." The identification card shall bear an approved security marking indicating that it  
20   was not issued in compliance with Public Law 109-13 and is therefore not acceptable for federal  
21   identification purposes.

22           3   Motor Vehicles; Nondriver's Picture Identification Card; Public Law 109-13 Compliant  
23   Identification Cards. Amend RSA 260:21-a, II to read as follows:

24           II. The identification card shall bear the name, address, date of birth, gender indicated as  
25   "M" for "male," "F" for "female," or "X" for "other," veteran's status for the purposes of identification  
26   for receiving benefits and services under New Hampshire law (optional), **race (optional), ethnicity**  
27   **(optional)**, organ donor status (optional), picture, and signature of the applicant.

28           4   Motor Vehicles; Nondriver's Picture Identification Card; Enhanced Identification Card.  
29   Amend RSA 260:21-b. II to read as follows:

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II. The identification card shall bear the name, address, date of birth, gender indicated as "M" for "male," "F" for "female," or "X" for "other," veteran's status for the purposes of identification for receiving benefits and services under New Hampshire law (optional), ***race (optional), ethnicity (optional)***, organ donor status (optional), picture, and signature of the applicant.

5 Drivers' Licenses; Application for License. Amend RSA 263:5, II(b) to read as follows:

(b) A physical description of the applicant, including gender indicated by checking either "M" for "male," "F" for female," or "X" for "other," height, weight, eye and hair color, ***race (optional), and ethnicity (optional)***;

6 Drivers' Licenses; Form of License. Amend RSA 263:40, II-III to read as follows:

II. Drivers' licenses compliant with Public Law 109-13 issued pursuant to RSA 263:14-b shall bear the name, address, date of birth, gender indicated as "M" for "male," "F" for "female," or "X" for "other," veteran's status for the purposes of identification for receiving benefits and services under New Hampshire law (optional), organ donor status (optional), ***race (optional), ethnicity (optional)***, picture, and signature of the applicant. The driver's license card shall bear an approved security marking indicating that it was issued in compliance with Public Law 109-13 and is therefore acceptable for federal identification purposes.

III. Enhanced drivers' licenses issued pursuant to RSA 263:14-c shall bear the name, address, date of birth, gender indicated as "M" for "male," "F" for "female," or "X" for "other," veteran's status for the purposes of identification for receiving benefits and services under New Hampshire law (optional), organ donor status (optional), ***race (optional), ethnicity (optional)***, picture, and signature of the applicant. The driver's license card shall bear an approved security marking indicating that it is an enhanced driver's license.

7 Drivers' Licenses; Application for Commercial License. Amend RSA 263:90, I(b) to read as follows:

(b) A physical description of the applicant, including gender indicated by checking either "M" for "male," "F" for "female," or "X" for other,' height, weight, eye and hair color, ***race (optional), ethnicity (optional)***;

8 Drivers' Licenses; Commercial Driver License. Amend RSA 263:91, I(c) to read as follows:

(c) A physical description of the licensee including gender indicated as "M" for "male," "F" for "female," or "X" for "other," height, weight, eye, and hair color, ***race (optional), and ethnicity (optional)***;

9 New Section; Arrests in Criminal Cases; Race and Ethnicity Data Collection. Amend RSA 594 by inserting after section 14-a the following new section:

594:14-b Race and Ethnicity Data Collection.

I. A law enforcement agency shall, when possible, collect data from a driver's license or other state-issued identification card on gender, race, and ethnicity as may be available pursuant to RSA 260:21, RSA 260:21-a, RSA 260:21-b, RSA 263:40, RSA 263:90, and RSA 263:91 and the town of

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1 residence of persons who are arrested, cited, or subjected to a field stop or warning, including a  
2 motor vehicle stop that did not lead to a citation.

3 II. A law enforcement agency shall provide on an annual basis the aggregate data collected  
4 pursuant to paragraph I to the police standards and training council on March 31 for the preceding  
5 calendar year. This aggregate data shall, at a minimum, include an analysis showing the numbers  
6 of individuals for each race/ethnicity broken down by the following categories: persons arrests,  
7 persons cited, and persons subjected to a field stop or warning. The aggregate data shall also  
8 include an analysis of the percentage of the race and ethnicity of persons in each of the categories.  
9 Within 30 days of receipt, the police standards and training council shall make the data and analysis  
10 it receives from each law enforcement agency available on its public website in a manner that is  
11 accessible.

12 III. In this section, "law enforcement agency" shall have the same meaning as in RSA 105-  
13 D:1, V.

14 10 Effective Date. This act shall take effect 60 days after its passage.

LBA  
23-0536  
1/10/23

**HB 597-FN- FISCAL NOTE**  
**AS INTRODUCED**

AN ACT                      relative to race and ethnicity data on driver's licenses, and race and ethnicity data collection.

**FISCAL IMPACT:**    ☒ State                      ☐ County                      ☐ Local                      ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$108,000	\$0	\$0	\$0
<b>Funding Source:</b>	<input type="checkbox"/> General <input type="checkbox"/> Education <input checked="" type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Restricted - Cost of Collection/Administration*			

\*Pursuant to Part II, article 6-a of the New Hampshire constitution, any costs associated with the collection and administration of Highway Funds by the Department of Safety shall be deducted by the Department before such funds are credited to the Highway Fund as unrestricted revenue.

**METHODOLOGY:**

This bill adds race and ethnicity as optional information that may be included on a driver's license, commercial driver's license, and non-driver's picture identification card and requires law enforcement agencies to collect such data. The Department of Safety states it will incur a one-time cost of \$108,000 in FY 2023 to make necessary changes to the VISION transaction framework and a card design change with its current card vendor to implement the provisions in this bill.

**AGENCIES CONTACTED:**

Department of Safety