

Testimony in support of
New Hampshire House Bill 1135-FN
As Amended by the House

Hearing Scheduled for Thursday March 6, 2014, 10:00 AM
NH State Legislative Office Building
33 N State St, Concord, NH 03301
(603) 271-3321

HOUSE BILL 1135-FN | 2014 SESSION

AN ACT relative to penalties for driving without a license.

SPONSORS: Rep. Cushing, Rock 21; Rep. Muns, Rock 21; Rep. Shurtleff, Merr 11; Rep. Andrews-Ahearn, Rock 37; Rep. F. Rice, Rock 21; Rep. Emerick, Rock 21; Rep. Charron, Rock 4; Sen. Stiles, Dist 24

COMMITTEE: Transportation

AMENDED ANALYSIS

This bill modifies the penalties for driving a motor vehicle without a valid driver's license or a license that is not appropriate for the vehicle being driven.

Full version of House Bill 1135 - NH General Court website
<http://www.gencourt.state.nh.us/legislation/2014/HB1135.html>

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Good Morning, my name is Tom Rogers. I drove up here today from Hamilton Massachusetts with my friend Davis Keniston, who owns property in New Hampshire, and my two children who attend Hamilton Wenham Regional High School.

My son Alex is 18 and has applied to a number of colleges with the intention of starting this fall. My daughter Elise is a junior, and at the age of 16 has decided quite emphatically that she will be a doctor.

I am here today to testify in support of House Bill 1135 which seeks to change the rules to make it so that if one is found to be driving without a valid license that it will be considered a misdemeanor.

You might ask why a Massachusetts resident is here today in support of this bill?

Back in September, there was a terrible accident in Hampton New Hampshire.

At around 8:30 AM, Saturday September 21st, a 19-year-old girl by the name of Darriean Hess was driving south over the Neal Underwood Memorial Bridge when she crossed into the northbound lane striking a group of four bicyclists who were participating in the Granite State Wheelmen's Seacoast Century. This is a 100-mile charity ride that follows the coast from Hampton Beach State Park, south to Newburyport, then back north again up into Maine, and finally back to Hampton Beach State Park.

The victims were Pam Wells, my wife of 19 years, her friend Margo Heigh and Elise Bouchard of Danvers MA, and Uwe Umeyer of Essex MA.

Margo was in the lead, and it appears that she was the only one that had any warning of the impending crash, perhaps a split second. She was badly beat up but will be OK. We believe the other three didn't know what hit them. Uwe Umeyer was severely injured, but has made a solid recovery, and is quite happy to be alive. Elise Bouchard and my wife were both killed.

As if the accident were not enough, we soon learned that Darriean Hess had been pulled over by the Hampton Police for speeding at 12:45 AM that same morning. She was going 59 in a 30-mile per hour zone, on the same stretch of road as the accident.

Police learned that she did not have a license; she never bothered to get one. She was alone, driving her boyfriend's car.

As I understand it, the Police were only able to give her a summons to appear in court for speeding and for driving without a license. Also, there was the issue of what to do with the car. The way it worked out is that they allowed Hess to call a friend to come and take her away in the boyfriend's car.

The person she called was Cindy Sheppard, who had recently been arrested and was awaiting trial for drug related charges. Sheppard took Hess back to her home, where police allege she sold her Fentanyl, which is a powerful narcotic, similar to heroin.

Drug reports indicate that when Hess left in the morning, she was under the influence of Fentanyl, Klonopin, and Percocet. A little before 8:30, she got back in the same car, and headed south again on the same stretch of road, sped over the bridge, and crashed into my wife's group.

Had this been a misdemeanor back in September, the officer who pulled her over would have had the right to arrest her if she seemed to be a risk to public safety.

The officer would have looked up Hess's records and found a long trail of problems and hopefully would have concluded that she should be brought to the police station for booking. Likewise, I believe the car would have been towed and kept until the owner showed up to pay the fees.

I have spoken with the police chief in my town to see how this would work in Massachusetts. It would be a misdemeanor, but he said that the officer in charge has a certain amount of latitude. Perhaps the officer knows the person, or when he or she checks, they find the person has a clean record, is generally a law-abiding citizen, pays his taxes, etc. That would have a direct impact on how they are treated. Of course, they might find a record a mile long, in which case they might be inclined to arrest the driver.

In reading through the text of the Bill, I see that it addresses a number of circumstances including people that have had a license that has been suspended for various reasons. I think there should be a distinction between those that have had a license and those that never bothered.

I would like to suggest that you insert language that makes it clear that if one is found to be operating a vehicle without a license (having never had one), that it should be a MANDATORY IN CUSTODY ARREST.

This would make it so there is no judgment call by the police officer. They would be forced to take the driver to the police station for booking, and I believe the car would have to be towed away, unless of course the owner of the car is present.

My wife was a remarkable woman who is sorely missed by her family, her friends, and her colleagues at the Boston Symphony Orchestra. I invite anyone interested to learn more about Pam by visiting www.pamwells.org.

If there were one good thing that could come out of this tragedy, it would be to change the law to make it safer for people in New Hampshire as well as for people who visit the State.

I would like to believe that if this law were in place last September, my wife, and Elise Bouchard would be alive today, and would be in training for their next century ride.

Thank you for allowing me to testify today on behalf of House Bill 1135.