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Study: State middle of the road in DWI penalties

Granite State ranks high in prevention efforts

By BEA LEWIS

LACONIA – Drunk driving results in more than one million arrests, nearly 10,000 deaths and more than \$40 million in economic damages each year, according to an in-depth report posted Wednesday on the personal-finance website WalletHub.

To underscore the financial downside of drunk driving, the study analyzed the enforcement rules in each of the 50 states and the District of Columbia across 15 key metrics, ranging from cost of fines and mandatory minimum jail sentences, to ignition interlock device requirements that have been shown to drastically reduce repeat arrests of previously convicted drunk drivers.

The study ranked New Hampshire as being 34th in severity of the criminal penalties imposed for DWI. The good news is that Granite State ranks 11th out of 50 in its prevention efforts, according to the study authored by Alina Comoreanu, a research analyst at Evolution Finance, who compared the enforcement rules nationwide.

In 2014 in New Hampshire, there were 95 fatal motor vehicle accidents, 30 of which were attributed to alcohol-impaired driving. State police ranked Belknap County fifth out of 10 for the highest number of fatalities in 2014.

In addition, they reported that of the 126 drivers/riders involved in fatal collisions in the state, 103 of them, or 83 percent, had consumed alcohol. Of the 64 drivers that died in the collision, 64 of them had alcohol in their blood.

The study ranked Arizona as number one for having the harshest DWI penalties, including lengthy jail sentences. On the opposite end of the spectrum, South Dakota is the most lenient on drunk drivers, thanks to no mandatory jail time or license suspension.

In a bit of irony, the study found that the average fine for a first DWI, \$347, is higher than the Uber fare from Washington, D.C. to New York. You could get all the way to Ontario with the average DWI-second fine of \$757.

All but seven states can automatically suspend the license of someone arrested for DWI, before any court involvement. Some 92 percent of states require offenders to equip their vehicles with ignition interlock devices after a DWI. These devices analyze the driver's breath and won't allow the car to start if alcohol is detected. The federal government estimates that these devices have reduced re-arrest rates of DWI offenders by as much as 67 percent.

In 37 states, including New Hampshire, alcohol-abuse assessment and/or treatment is mandatory after conviction for DWI.

In New Hampshire, DWI first offense is punishable by a \$500 fine, plus a \$120 penalty assessment, and a mandatory minimum license loss of nine-months and up to two years. But motorists can petition the court for an earlier return of their license if they complete a 20-hour impaired driver education program at a cost of \$800. There is no minimum jail time for a first offense. If the driver is under age 21, the minimum license loss is a minimum of one year.

A conviction for DWI second offense will result in a \$750 fine, plus a \$170 penalty assessment and license revocation of 18 months, up to two years. A 17-day jail sentence is mandatory, but 12 days can be suspended at the judge's discretion. Five days behind bars must be served.

Additionally, an alcohol ignition interlock device must be maintained on their vehicle for a year following the restoration of their driving privileges. Those convicted of a subsequent offense are required to complete the Multiple Offender Program, which includes a substance abuse assessment and compliance with an after-care plan.

Based on the methodology used in the study, New Hampshire gained points for having an automatic administrative license suspension after arrest and before conviction of 180 days. Under the state's "implied consent" law, drivers who refuse to take a breathalyzer, or test above the legal limit, lose their license for 180 days before their cases go to court.

It also moved up in the rankings for having sobriety checkpoints and because insurance premiums rise by 79 percent following a DWI conviction.

It lost points because DWI is not automatically considered a felony until a 4th offense, and there is no mandatory jail sentence for first time offenders.

Recently, the legislature has approved a so-called Cinderella license provision allowing a motorist convicted of DWI to petition the court and prove a hardship. The court has the authority to grant a limited license, allowing someone to drive to and from work, school or medical appointments.

Enacted on Jan. 1, RSA 263:57-b comes with a list of restrictions, including installation of an alcohol ignition interlock, and provides for penalties for violating the restrictions of a minimum of a week in jail and a fine of up to \$1,000.

The highest scoring New England state was Connecticut, which ranked seventh. The Granite State was tied for 22nd with neighboring Massachusetts, as well as Alabama and Arkansas. Maine was ranked 36th, Rhode Island 37th and Vermont 46th.

Since states began to first toughen DWI enforcement in the 1980s, the rate of impaired driving and the number of accidents linked to drunk drivers has fallen. According to the National Highway Safety Administration, drunk driving fatalities declined by 57 percent from 1982 to 2014, thus removing motor vehicle crashes from the top 10 causes of death in the U.S. starting in 2009.

The study cites a combination of evolving social attitudes and harsher penalties for those caught driving under the influence as having a positive impact, especially in reducing the number of repeat violators.

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