

DEPARTMENT OF SAFETY

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INTER-DEPARTMENT COMMUNICATION

TO: Virginia C. Beecher, Director of Motor Vehicles
Wesley Colby, Director of Administration
Curtis N. Duclos, Administrator of Hearings

DATE February 12, 2009

FROM: John J. Barthelmes, Commissioner

SUBJECT: Technical Advice Memorandum **BOH-09-01**

CC: Earl M. Sweeney, Assistant Commissioner

History

I have reviewed the present policy interpreting the meaning of "restoration" of a driver license, or driving privilege. The question at issue is as follows: Is a person being restored after having multiple suspensions or revocations required to pay a separate reinstatement fee for each suspension "act"? In this scenario Notices of Suspension or Revocation were separate notifications for justification calling for each "act" to be posted toward reinstatement. Presently, a person with a single "suspension" pays that same amount as the multiple offenders. I have determined that the language of RSA 263:42,V allows payment of a reinstatement fee for each Notice of Suspension issued by the Director of Motor Vehicles. Therefore, the Department shall consider each separate lawful suspension/revocation or denial as requiring a fee as required within RSA 263:42,V.

Restoration/Clearance Fee Structure RSA 263:42,V.

Whenever a driver's license has been suspended or revoked, or notwithstanding RSA 263:56-a, III, whenever the holder of a commercial driver license has been disqualified for a period of greater than 15 days, a fee of \$100 shall be paid by the licensee for the restoration of such license or commercial driver license; provided, however, that in the event of a license suspension under RSA 263:14, a fee of \$50 shall be paid by the licensee for the restoration of the original or youth operators' license. Under certain conditions the commissioner may waive the restoration fee for a default or suspension. The commissioner shall adopt rules, under RSA 541-A, relative to such waiver procedures.

This Technical Advice Memorandum is necessary is to clarify the obligations of the person seeking reinstatement to submit the requisite payment of each lawful Order of Suspension or Revocation issued under Title XXI.

Technical Advice Memorandum

Each separate Suspension or Revocation shall initiate the beginning of “a period of greater than 15 days” from the effective date of the Suspension/Revocation except for any Notice of Suspension/Revocation issued separately, subsequent to an existing Order currently in effect which shall be determined based upon the issued date of the Order. Each suspension shall require a separate reinstatement fee. RSA 263:42,V allows under certain conditions the commissioner to waive the restoration fee for a default or suspension, and rules under RSA 541-A, shall be adopted relative to such waiver procedures by a person to request a hearing.

This Technical Advice Memorandum (TAM) is issued pursuant to Saf-C 102.061, and is binding upon all members of the Department of Safety. Pursuant to RSA 541-A: 16 H (a), this Technical Advise Memorandum shall be made available to the public and , as applicable should be filed within the Bureau of Hearings Saf-C 200 series rules or in a separate file for reference.

Approved by:

[**Signed**]
John J. Barthelmes, Commissioner