

INTRA DEPARTMENT MEMORANDUM  
NH DEPARTMENT OF SAFETY-BUREAU OF HEARINGS

TO: CURTIS N. DUCLOS, JR. JUNE 17, 1998  
AND  
ALL BUREAU EMPLOYEES

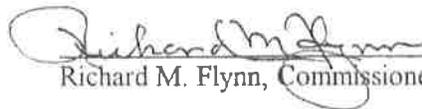
FROM: JOHN A. STEPHEN  
ASSISTANT COMMISSIONER

SUBJECT: TECHNICAL ADVICE MEMORANDUM (TAM)  
BOH-98-3 CLARIFICATION OF Saf-C 206.06 (f) (2)

This TAM is pursuant to Saf-C 102.061 and shall be binding upon all members of the bureau of hearings. Pursuant to RSA 541-A:16 II (a), it shall be made available to the public and should be filed within your Saf-C 200 series rules or in a separate binder.

In a habitual offender decertification hearing, Saf-C 206.06 (f) (2) clearly requires a review of the record to determine whether the habitual offender drove a motor vehicle in New Hampshire during the period of revocation. However, it does not mandate denial of decertification if the habitual offender has so driven a motor vehicle, as the prior rules indicated. The present rule does not address what weight, if any, shall be given to the fact that the habitual offender did drive during the period of certification. Thus, the hearings examiner may consider such a finding in deciding, in his/her discretion, whether to decertify the habitual offender.

Approved June 17, 1998 by:

  
Richard M. Flynn, Commissioner