



Seufert Law Offices, PA

We'll Get You Through It



From the Captain's Log Damn It Is Hot

So my 83-year-old Mom decided it was time to have the other hip replaced, the left hip surgery having gone so well four years ago, it was time to do the right side. Mom calls up son over the winter from her home in Ft. Myers, FL and suggests some dates into the spring and early summer. Son doesn't pay close enough attention to it at the time, and a date is selected for July 9th, 2019. Son will fly in the day before and stay a week. Mom is a widow and at 83 has outlived most of her friends, and with no family members in FL, it is son who flies down whenever these things happen to make sure things go as planned.



Then it hit me, southern Florida, mid-summer. Eggs cook in the shopping cart while being wheeled from the grocery store to the car. A frantic return call is made to Mom. "Mom, can we schedule this thing for Jan, Feb, or March next year?" Mom's reply, "I'm 83-years-old, how long do you want me to wait?"

Getting off the plane in Ft. Myers I feel the sun scorching skin beneath my shirt. It's 100° in the morning when you wake up, its 100° at night when you go to sleep. Sleep, wake, repeat. The only saving grace is Woody's Pub. It is not that far of a drive from my Mom's house and she loves the place too. During mid-recovery when cleared to partial weight-bearing we take the short ride to neighboring St. James City, FL and there it is, my old oasis, and their mascot is not bad either. Mom, I love you. •



August 2019 News





Children and Motor Vehicle Accidents

According to the Centers for Disease Control and Prevention (CDC), nearly 150 children between ages 0 and 19 are treated **every hour** in emergency departments for injuries sustained in motor vehicle crashes and **more children ages 5 to 19 die from crash-related injuries than from any other type of injury.**

One of the best ways to help keep your children safe in vehicles is to know and understand the appropriate age, height and weight limits for car seats, booster seats and seat belt use:

Birth up to Age 2 – For the best possible protection, infants and children should be buckled in a rear-facing car seat, in the back seat, until age 2 or when they reach the upper weight or height limit of their seat. NH law requires all children under age 2 to be fastened in a car seat.

Age 2 up to at least Age 5 – When children outgrow their rear-facing seat they should be buckled in a forward-facing car seat, in the back seat, until at least age 5 or when they reach the upper weight or height limit of their seat.

Age 7 up until seat belts fit properly – Once children outgrow their forward-facing seat they should be buckled in a belt positioning booster seats until seat belts fit properly. Seat belts fit properly when the lap belt lays across the upper thighs (not the stomach) and the shoulder belt lays across the chest (not the neck). NH law requires all children under age 7, or 57 inches (whichever occurs first) to be fastened in a child safety seat.

Back Seat is Safest. All children aged 12 and under should be properly buckled in the back seat. Airbags can kill young children riding in the front seat. Never place a rear-facing car seat in front of an air bag. Buckle children in the middle of the back seat when possible, because it is the safest spot in the vehicle. NH law requires all children under age 18 to be buckled. ●

Happy Birthday, Social Security!

When the Social Security Act was signed into law in August 1935 by President Franklin Roosevelt, it wasn't a completely new idea. Following the Civil War, war veterans rendered disabled as a consequence of their service, war widows, and now-fatherless children numbered hundreds of thousands. A pension program was established to help them—a precursor to the Social Security Act.

(As of early 2019, a daughter of a Civil War veteran was still receiving Civil War benefits! For the record, her father was 83 years old when she was born and had married a woman over 50 years his junior.)

Significant factors besides the Great Depression led to the Social Security Act. Extended families, who all chipped in to care for elderly family members, began to wither. Many family members headed to the cities in the early 1900s to find work, weakening this social construct. Also, between 1900 and 1930, life expectancy improved by 10 years; those who needed assistance were requiring it for a longer span.

New Hampshire received the "001" numbers even though Maine was further east. That's because the administration wanted to give acknowledgment to John G. Winant, former governor of New Hampshire, and at the time the chairman of the Social Security Board, the forerunner to the Social Security Administration. The first three numbers run geographically down the eastern seaboard and then across the country.

Initially, minorities and women were denied Social Security benefits—a sign of the times—as were many who were employed in social service sectors. Through 1940, recipients received lump-sum payments; monthly payments began thereafter.

Since 1961, workers can choose to begin collecting early Social Security at age 62 at a permanently reduced monthly rate (instead of full retirement at age 65, 66, or 67). Permanently increased monthly benefits can be collected if you wait until age 70. But here's a little secret: No matter when you begin to draw Social Security, you'll be at roughly the same payout total at age 79, the age of average U.S. life expectancy. Something to consider when pondering your retirement decision. ●



What Happens When You Get a DUI in New Hampshire

Driving while under the influence is extremely dangerous, and comes with several serious consequences. In New Hampshire, you can be arrested for DUI if your blood alcohol concentration (BAC) is 0.08 or higher, or under the age of 21, .02 or more. You can also be arrested for DWI/DUI for being under the influence of intoxicating liquor or any controlled drug, prescription drug, over the counter drug, or any other chemical substance, natural or synthetic, which impairs a person's ability to drive or any combination of intoxicating liquor and controlled drugs, prescription drugs, over the counter drugs, or any other chemical substances, natural or synthetic, which impair your ability to drive. Navigating the legal process after being charged with a DUI/DWI can be complicated. The laws surrounding a DUI/DWI charge in New Hampshire are very strict, so it is important to know what steps to take immediately following your arrest.

DUI Offenses in New Hampshire

There are three types of misdemeanor DWI offenses in New Hampshire. If convicted, each offense determines the consequences you will incur.

- **DWI First Offense – Class B Misdemeanor** – Penalties include of a first offense include a minimum fine of \$500.00 up to \$1200, 9 months and up to 2 years license suspension, completion of an alcohol and drug abuse screening within 14 days of conviction, and if testing demonstrates the likelihood of a substance use disorder, to submit further to a full substance use disorder evaluation within 30 days of conviction, to be administered by a service provider indicated by the IDCMP and thereafter to follow the service plan developed from that substance use disorder evaluation by the IDCMP. You will also be responsible for a \$125.00 reinstatement fee at the time your license is restored as well as an SR 22 form, which is proof of insurance on your license. The court may suspend up to 6 months of the loss of license if you are screened within 14 days and, if required, completed the substance use disorder evaluation within 30 days with a service provider indicated by an IDCMP and are in compliance with the service plan produced thereafter, and has completed a department of health and human services approved impaired driver education program. The court may, in its discretion, require the installation of an interlock device in accordance with RSA 265-A:36 during the period of sentence reduction, and may reimpose the longer suspension period if the defendant becomes noncompliant with the treatment recommendations at any time during the suspension period.
- **Aggravated DWI** – penalties of an aggravated DWI include a minimum fine of \$750.00 and up to \$2,000, license loss for 18 months and extended for up to 2 years at the discretion of the court, upon confirmation from the IDCMP that the person is in full compliance with the service plan, the court may suspend up to 6 months of this sentence, with the condition that an interlock device be installed for the period of the suspended sentence, in addition to any period required in accordance with RSA 265-A:36 and provided that all fees have been paid; sentenced to 17 consecutive days in the county correctional facility, of which 12 days shall be suspended. The Court shall make a referral to the IDCMP to schedule a full substance use disorder evaluation; a condition of the suspension shall be that upon release from serving the 5 days in the county correctional facility, the person shall schedule a substance use disorder evaluation within 60 days of release, and comply with the service plan developed. The IDCMP shall administer the substance use disorder evaluation. Any portion of the suspended sentence to the county correctional facility may be imposed if the defendant does not comply with all of the requirements of the sentence or becomes noncompliant with the service plan during the suspension period; ordered to install an interlock device in accordance with RSA 265-A:36; followed by a substance abuse assessment and completion of your service plan as developed by the IDCMP. You will also be required to install an ignition interlock device upon restoration of your license.
- **DWI/DUI 2nd or subsequent** – Upon conviction of any offense DWI/DUI, based on a complaint which alleged that the person has had one or more prior convictions of DWI/DUI or Negligent Homicide, or under reasonably equivalent offenses in an out-of-state jurisdiction, within 10 years preceding the date of the second or subsequent offense, the person shall be subject to the following penalties in addition to those provided in paragraph 1:
For a second offense:
 - (1) The person shall be guilty of a class A misdemeanor;
 - (2) The person shall be fined not less than \$750;
 - (3) (A) If the complaint alleges that the prior conviction occurred within 2 years preceding the date of the second offense, the person shall be sentenced to a mandatory sentence of not less than 60 consecutive days in the county correctional facility, of which 30 days shall be suspended. The court shall refer the person to an IDCMP to schedule a full substance use disorder evaluation. A condition of the suspension shall be that upon release from serving the 30 days in the county correctional facility, the person shall schedule a substance use disorder evaluation within 30 days of release, complete the required substance use disorder evaluation within 60 days of release, and comply with the service plan developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the service plan from that substance use disorder evaluation. Any portion of the suspended sentence to the county correctional facility may be imposed if the defendant does not comply with all of the requirements of this subparagraph or becomes noncompliant with the service plan during the suspension period;
 - (B) If the complaint alleges that the prior conviction occurred more than 2 but not more than 10 years preceding the date of the second offense, the person shall be sentenced to a mandatory sentence of not less than 17 consecutive days in the county correctional facility, of which 12 days shall be suspended. The court shall refer the person to an IDCMP to schedule a full substance use disorder evaluation. A condition of the suspension shall be that upon release from serving the 5 days in the county correctional facility, the person shall schedule a substance use disorder evaluation within 30 days of release, complete the required substance use disorder evaluation within 60 days of release, and comply with the service plan developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the service plan from that substance use disorder evaluation. Any portion of the suspended sentence to the county correctional facility may be imposed if the defendant does not comply with all of the requirements of this subparagraph or becomes noncompliant with the service plan during the suspension period; and
 - (4) The person's driver's license or privilege to drive shall be revoked for not less than 3 years. The person's driver's license or privilege to drive shall not be restored by the department until the person shall have completed the service plan developed by the IDCMP, and paid all relevant fees. •

August 2019 Notable Dates

August 2
National Coloring
Book Day

August 4
National Friendship Day

August 8
National Happiness
Happens Day

August 15
National Lemon
Meringue Pie Day

August 19
National Aviation Day

August 24
National Waffle Day

August 28
National Bow Tie Day

August 31
National Trail
Mix Day

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Protect Your Family, Protect Your Rights



Damn It Is Hot
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This publication is intended to educate the general public about personal injury, medical malpractice, and other issues. It is for information purposes only and is not intended to be legal advice. Prior to acting on any information contained here, you should seek and retain competent counsel. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

Focus and Patience Required in School Zones

Just after Labor Day school zones are once again bustling with activity: students walking/bicycling to school, parents picking up or dropping off their kids, and buses delivering or gathering their precious cargo. NH law requires that you must stop at least 25 feet away from school buses when the alternating red lights are flashing. Schools have posted lower speed limits on the roads surrounding them.

But despite lowered speed limits, marked crosswalks, signage, and warning lights to improve safety, some drivers don't pay attention or abide by the law. According to the Transportation Research Board, nationwide approximately 100 students are killed annually in school-zone accidents, and roughly 25,000 are injured.

Distracted driving and speeding are frequent culprits in school-zone accidents. Studies have shown that distracted driving is as dangerous as driving intoxicated. As for speed, traveling 10 mph over a school-zone speed limit of 25 mph increases stopping distance by nearly 40 feet in normal conditions. Additionally, parents who drop off or pick up their kids at non-designated areas often force them to navigate traffic.

School kids can make things dicey, too. Cell phone usage or listening to music can distract them while crossing the street. Students may cross at unmarked areas instead of designated crosswalks. Or, they cross where they're supposed to but mistakenly assume a distracted driver will stop.

Drivers shoulder the lion's share of responsibility for school-zone accidents. Student pedestrians will be held to a lower standard of conduct—in circumstances in which an adult pedestrian may be found partially responsible for an accident, a child pedestrian frequently will not be.

If your child is injured in a school-zone accident, contact a personal injury attorney to protect their rights. ●

