



House of Representatives

General Assembly

File No. 224

February Session, 2000

Substitute House Bill No. 5706

House of Representatives, March 23, 2000

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

An Act Concerning Drug Tests For New Drivers.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (a) The following persons shall be required to
2 apply for and obtain a Drug and Alcohol Free Certificate (DAFC) from
3 the Department of Mental Health and Addiction Services or a provider
4 designated by said department:

5 (1) A person sixteen or seventeen years of age, prior to the issuance
6 of a learner's permit pursuant to subsection (c) of section 14-36 of the
7 general statutes, as amended by this act;

8 (2) A person who holds a Connecticut motor vehicle operator's
9 license which has lapsed for a period of more than two years, prior to
10 the reissuance of such license;

11 (3) A person who holds a motor vehicle operator's license issued by
12 a state, territory or possession of the United States or Germany which

13 has lapsed for a period of more than sixty days and is applying for a
14 Connecticut motor vehicle operator's license; or

15 (4) Any other person who has not previously held a Connecticut
16 motor vehicle operator's license and is applying for such a license.

17 (b) A person who applies for a DAFC shall submit to (1) a urinalysis
18 drug test, utilizing a reliable methodology, and (2) a breath test that
19 measures the ratio of alcohol in the blood of such person.

20 (c) A person shall be issued a DAFC if (1) the results of the
21 urinalysis drug test are negative, and (2) the results of the breath test
22 indicate that the ratio of alcohol in the blood of such person is two-
23 hundredths of one per cent or less of alcohol, by weight.

24 (d) If (1) the results of the urinalysis drug test are positive, or (2) the
25 results of the breath test indicate that the ratio of alcohol in the blood
26 of such person is more than two-hundredths of one per cent of alcohol,
27 by weight, such person shall not be issued a DAFC and shall be
28 ineligible to reapply for a DAFC until such person has successfully
29 completed the Drug and Alcohol Assessment Program established in
30 section 2 of this act. Such person shall also be required to produce two
31 negative urinalysis drug test results, at least thirty days apart, in tests
32 administered by the department, prior to reapplying for a DAFC and
33 submit to a breath test the results of which indicate the ratio of alcohol
34 in the blood of such person is two-hundredths of one per cent or less of
35 alcohol, by weight.

36 (e) If the results of the urinalysis drug test are positive, the person
37 may request a hearing for the purpose of bringing forth a claim of
38 medical necessity for use of a legal substance which causes a positive
39 drug test result or for an additional testing opportunity. Such request
40 shall be in writing addressed to the commissioner and shall be acted
41 upon as soon as possible.

42 (f) The results of a urinalysis drug test and breath test shall be
43 confidential and if the results of a person's urinalysis drug test are
44 positive or the results of a person's breath test indicate that the ratio of
45 alcohol in the blood of such person is more than two-hundredths of
46 one per cent of alcohol, by weight, such person shall receive a copy of
47 such test results. The Department of Motor Vehicles, the Department
48 of Mental Health and Addiction Services and any designated provider
49 may share such results for the purposes of implementing this section
50 and section 2 of this act.

51 (g) A person applying for a DAFC shall be charged a fee of thirty-
52 five dollars per test.

53 Sec. 2. (NEW) (a) The Commissioner of Mental Health and
54 Addiction Services shall establish a Drug and Alcohol Assessment
55 Program. Such program shall include an evaluation of and
56 intervention services for an applicant for a DAFC under section 1 of
57 this act whose (1) urinalysis drug test results were positive, or (2)
58 breath test results indicated that the ratio of alcohol in the blood of
59 such person was more than two-hundredths of one per cent of alcohol,
60 by weight. Such program may also include a referral for alcohol or
61 substance abuse treatment if deemed necessary by the commissioner,
62 prior to such person being eligible to reapply for a DAFC, pursuant to
63 subsection (d) of section 1 of this act.

64 (b) The provisions of subsection (a) of this section shall apply to a
65 person who becomes eighteen years of age and is an applicant for a
66 learners permit, pursuant to subsection (c) of section 14-36 of the
67 general statutes, as amended by this act, while in treatment.

68 (c) A person required to enroll in a treatment program pursuant to
69 subsection (a) of this section shall be charged a fee of two hundred
70 seventy-five dollars.

71 (d) The commissioner shall adopt regulations, in accordance with

72 chapter 54 of the general statutes, to implement the provisions of this
73 section.

74 Sec. 3. Subsection (c) of section 14-36 of the general statutes is
75 repealed and the following is substituted in lieu thereof:

76 (c) (1) On or after January 1, 1997, a person who is sixteen or
77 seventeen years of age and who has not had a motor vehicle operator's
78 license or right to operate a motor vehicle in this state suspended or
79 revoked may apply to the Commissioner of Motor Vehicles for a
80 learner's permit. The commissioner may issue a learner's permit to an
81 applicant after the applicant has passed a vision screening, [and]
82 passed a test as to knowledge of the laws concerning motor vehicles
83 and the rules of the road, produced a DAFC pursuant to section 1 of
84 this act, has paid the fee required by subsection (v) of section 14-49 and
85 has filed a certificate, in such form as the commissioner prescribes,
86 requesting or consenting to the issuance of the learner's permit and the
87 motor vehicle operator's license, signed by (A) one or both parents or
88 foster parents of the applicant, as the commissioner requires, (B) the
89 legal guardian of the applicant, (C) the applicant's spouse, if the
90 spouse is eighteen years of age or older, or (D) if the applicant has no
91 qualified spouse and his parent or foster parent or legal guardian is
92 deceased, incapable, domiciled without the state or otherwise
93 unavailable or unable to sign or file the certificate, the applicant's
94 stepparent, or uncle or aunt by blood or marriage, provided such
95 person is eighteen years of age or older. The commissioner may, for
96 the more efficient administration of his duties, appoint any drivers'
97 school licensed in accordance with the provisions of section 14-69 or
98 any secondary school providing instruction in motor vehicle operation
99 and highway safety in accordance with section 14-36e to issue a
100 learner's permit, subject to such standards and requirements as the
101 commissioner may prescribe in regulations adopted in accordance
102 with chapter 54. Each learner's permit shall expire on the date the
103 holder of the permit is issued a motor vehicle operator's license or on

104 the date the holder attains the age of eighteen years, whichever is
105 earlier. (2) The learner's permit shall entitle the holder, while he has the
106 permit in his immediate possession, to operate a motor vehicle on the
107 public highways, except as provided in this subdivision, provided he
108 is under the instruction of, and accompanied by, a person who holds
109 an instructor's license issued under the provisions of section 14-73 or a
110 person twenty years of age or older who has been licensed to operate,
111 for at least four years preceding the instruction, a motor vehicle of the
112 same class as the motor vehicle being operated and who has not had
113 his motor vehicle operator's license suspended by the commissioner
114 during the four-year period preceding the instruction. The learner's
115 permit shall entitle the holder to operate a motor vehicle on a multiple-
116 lane limited access highway sixty days from the date of issuance,
117 except that if the holder is under the instruction of a person who holds
118 an instructor's license issued under the provisions of section 14-73, the
119 learner's permit shall entitle such holder to operate a motor vehicle on
120 such a highway thirty days from the date of issuance. The holder of a
121 learner's permit who (A) is an active member of a certified ambulance
122 service, as defined in section 19a-175, (B) has commenced an
123 emergency vehicle operator's course that conforms to the national
124 standard curriculum developed by the United States Department of
125 Transportation and (C) has had state and national criminal history
126 records checks conducted by the certified ambulance service or by the
127 municipality in which such ambulance service is provided, shall be
128 exempt from the provisions of this subdivision only when such holder
129 is en route to or from the location of the ambulance for purposes of
130 responding to an emergency call. (3) The commissioner may revoke
131 any learner's permit used in violation of the limitations imposed by
132 subdivision (2) of this subsection.

Statement of Legislative Commissioners:

In subsection (f) of section 1, "sections 1 and 2" was changed to "this section and section 2" for consistency with the style of the general

statutes and in sections 1 and 2 language concerning test results was made consistent.

JUD Committee Vote: Yea 33 Nay 6 JFS-LCO

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Significant Cost, Significant Revenue

Affected Agencies: Departments of Mental Health and Addiction Services, Motor Vehicles

Municipal Impact: None

Explanation

State Impact:

This bill establishes a new drug and alcohol testing program for certain individuals who are applying for a new Connecticut driver’s license. The provisions of the bill result in a total annual cost to the state of approximately \$1.7 million, and generate approximately \$3.85 million in revenue annually through new fees. These costs and revenues are summarized in a table at the end of this note. There is also a potential one-time cost of \$52,500 for the purchase of equipment.

Drug and Alcohol Free Certificate

Section 1 of the bill requires certain new driver’s to obtain a Drug and Alcohol Free Certificate (DAFC) from the Department of Mental Health and Addiction Services (DMHAS) prior to the issuance of a new driver’s license. This requirement applies to 1) sixteen and seventeen year-olds who are applying for a learner’s permit; 2) a person whose Connecticut driver’s license has lapsed more than two years; 3) a person with a non-Connecticut license that has lapsed more

than sixty days; and 4) any other person who is applying for a Connecticut driver's license for the first time.

The bill requires DMHAS to perform both a urinalysis drug test and a breath alcohol test in order to certify the person for a DAFC. According to the Department of Motor Vehicles (DMV) approximately 43,200 learner's permits are issued to 16 and 17 year olds each year. The DMV does not keep statistics for the other groups affected by the bill, but DMHAS has estimated that an additional 15,100 would require certification in the other three categories, resulting in a total of 58,300 tests per year. At a cost per drug test of \$8, this would result in annual cost for the initial drug testing of \$466,400. The bill is not clear as to which department would be responsible for performing the Breathalyzer tests. If a Breathalyzer machine (approximately \$2,500) had to be purchased for each of the 21 DMV field offices, this would result in a one-time cost of \$52,500.

Based on past drug test experiences, DMHAS estimates that 9% (5,247) of those tested will fail the initial drug test. These individuals would be referred to the Drug and Alcohol Assessment program established in section 2 of this bill and would also be required to pass two additional urinalyses before becoming eligible to re-apply for the DAFC. These additional drug tests would cost approximately \$117,000.

Therefore, the total annual cost of section 1 of this bill is approximately \$583,000. The section also requires a \$35 test fee for all eligible individuals. Based on the estimated 58,300 people initially required to take the test and the 5,247 required to have two re-tests, this would result in annual revenue of \$2,407,790.

Drug and Alcohol Assessment Program

Section 2 of the bill requires DMHAS to establish the Drug and Alcohol Assessment Program for those individuals who fail their

DAFC alcohol and drug tests. The department would be required to provide evaluation and intervention services to these individuals. Assuming the same 9% fail rate used above, 5,247 individuals would be referred to this program annually. Based on the department's existing Pre-Trial Alcohol Education System (PAES), the per-person cost of these services would be \$178, resulting in an annual cost of \$933,966. The bill also requires a fee of \$275 for participation in the Drug and Alcohol Assessment Program, resulting in annual revenue of \$1,442,945.

The provisions of this bill will also result in administrative costs of approximately \$200,000 annually for DMHAS. These costs are due to two additional full time positions to process the billing of laboratory claims and the administration of hearing costs arising out of test appeals. The DMV will be able to comply with the requirements of the bill within their anticipated resources.

TOTAL ANNUAL IMPACT	
Section 1	
Eligible 16 & 17 year olds	43,200
Estimate of other eligible individuals	15,100
Total Applicable Individuals	58,300
Total initial costs @ \$8 per test	\$ 466,400
Assumed 9% fail rate	5,247
First retest @ \$8	\$ 41,976
Confirmation @ \$6.30	\$ 33,056
Re-application and test @ \$8	\$ 41,976
Total retest costs	\$ 117,008
TOTAL SECTION 1 COSTS	\$ 583,408
Section 2	
Eligible Individuals	58,300
Est. Referrals (9% fail rate)	5,247
Cost @ \$178 per individual	\$ 933,966
TOTAL ADMINISTRATIVE COSTS	\$ 200,000
TOTAL BILL COSTS	\$ 1,717,374
Revenue	
Total Applications	63,547
Revenue at \$35 per app.	\$ 2,407,790
Drug and Alcohol Assessment Referrals	5,247
Revenue at \$275 per	\$ 1,442,925
TOTAL BILL REVENUE	\$ 3,850,715

OLR Bill Analysis

sHB 5706

AN ACT CONCERNING DRUG TESTS FOR NEW DRIVERS

SUMMARY:

This bill requires state learner's permit applicants to get a drug and alcohol free certificate (DAFC) before the Department of Motor Vehicles (DMV) can issue the permit. It also requires certain drivers' license applicants to get the certificate but does not prohibit DMV from issuing a license if they do not (see COMMENT).

It requires the Department of Mental Health and Addiction Services (DMHAS) to issue DAFCs to people who apply, pay a \$35 fee, and test negative on required drug and alcohol tests.

Lastly, it requires DMHAS to establish a drug and alcohol assessment program for DACF applicants who test positive for drugs or alcohol.

EFFECTIVE DATE: October 1, 2000

DACF CERTIFICATES

The bill requires the following people to get a DAFC: (1) first-time applicants for state driving licenses or learner's permits; (2) holders of expired state licenses who apply for reissuance after more than two years; and (3) state license applicants who have a license that expired more than 60 days previously from another state, a U.S. territory or possession, or Germany.

DACF applicants must have a urinalysis drug test and a breath test. The drug test must use a reliable method for detecting drug use. The breath test must measure the ratio of alcohol in the blood. DMHAS cannot issue a DAFC to anyone who (1) tests positive for drugs or (2) has a blood-alcohol ratio of more than 0.02%. Applicants who are denied a DAFC cannot reapply until they (1) successfully complete the drug and alcohol assessment program the bill requires that the

DMHAS commissioner establish, (2) test negative on two DMHAS-administered drug tests taken at least 30 days apart, and (3) take a breath test that produces a blood-alcohol ratio of less than .02%.

Applicants who test positive for drugs may ask for a second test or a hearing to show that the positive results were produced by their use of a legal substance taken for medical reasons. The request must be in writing and addressed to the DMHAS commissioner. The commissioner must act on it as soon as possible. (The action the commissioner must take is unclear. The bill does not authorize him to issue a certificate to someone who tests positive but who is able to demonstrate that legal drug use produced the result.)

The test results are confidential but the subject must receive a copy if he is denied a DAFC certificate because of them. Additionally, DMHAS, DMV, and any designated provider may share test results to effectively determine individuals eligible to have a state license or permit.

DRUG AND ALCOHOL ASSESSMENT PROGRAM

The DMHAS commissioner must establish a drug and alcohol assessment program to evaluate, and provide intervention services to, individuals denied a DAFC and learner's permit applicants who turn 18 while in treatment (see COMMENT). The commissioner must also provide them with intervention services. He may refer program participants for alcohol or substance abuse treatment before they are eligible to reapply for a DAFC. The fee for participating in a treatment program is \$275.

COMMENT

License Applicants' Duty To Get DAFC

The bill establishes new requirements for issuing driving licenses but does not amend or reference CGS Sec. 14-36(e), which contains existing requirements.

Learner's Permit Applicants

The drug and alcohol assessment program must evaluate learner's permit applicants who turn 18 while in treatment to get a DAFC but the law does not require 18-year-olds to get a learner's permit. They, like other first-time adult drivers, would be licensed to drive after completing legal requirements.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 33 Nay 6