



Senate

General Assembly

File No. 424

February Session, 2000

Substitute Senate Bill No. 544

Senate, April 5, 2000

The Committee on Judiciary reported through SEN. WILLIAMS of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

An Act Concerning Habitual Motor Vehicle Violators.

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

1 Section 1. (NEW) (a) The Commissioner of Motor Vehicles shall
2 suspend the motor vehicle operator's license or nonresident operating
3 privilege of any person who is a habitual violator for a period of two
4 years. For the purposes of this section and section 2 of this act, a person
5 shall be deemed a habitual violator if, according to such person's
6 driving history record as maintained by said commissioner, such
7 person has accumulated the convictions, for separate offenses, as
8 identified in the following provisions:

9 (1) Three or more convictions within a ten-year period, rising
10 singularly or in combination, out of separate acts of the following
11 offenses:

12 (A) A violation of section 53a-56b of the general statutes;

- 13 (B) A violation of section 53a-60d of the general statutes;
- 14 (C) A violation of section 53a-57 of the general statutes;
- 15 (D) A violation of section 14-222a of the general statutes;
- 16 (E) A violation of subsection (a) of section 14-227a of the general
17 statutes, as amended;
- 18 (F) A violation of section 14-215 of the general statutes;
- 19 (G) A violation of section 14-110 or 53a-157b of the general statutes;
- 20 (H) A violation of subsection (a), (b) or (c) of section 14-224 of the
21 general statutes.

- 22 (2) Two or more convictions within a ten-year period, arising out of
23 separate acts of the offense of reckless driving, in violation of section
24 14-222 of the general statutes, coupled with one or more of the
25 convictions identified in subparagraphs (A) to (H), inclusive, of
26 subdivision (1) of this subsection.

- 27 (3) (A) Ten or more convictions within a three-year period,
28 singularly or in combination, arising out of separate acts, of any
29 moving violation, as defined in subsection (a) of section 14-111g of the
30 general statutes; or (B) ten or more convictions within a ten-year
31 period, singularly or in combination, arising out of separate acts of any
32 moving violation, as defined in subsection (a) of section 14-111g of the
33 general statutes, coupled with two or more convictions identified in
34 subparagraphs (A) to (H), inclusive, of subdivision (1) of this
35 subsection.

- 36 (b) The suspension of the operator's license or nonresident operating
37 privilege to be imposed by the commissioner in accordance with the
38 provisions of subsection (a) of this section, in addition to any other
39 suspension required as a result of a conviction for any offense or

40 offenses, shall be identified in subsection (a) of this section. For the
41 purposes of this section, "conviction" shall have the same meaning as
42 in subdivision (16) of subsection (a) of section 14-1 of the general
43 statutes, as amended, provided the conviction occurred on or after July
44 1, 1998.

45 (c) Any person who is a habitual offender by reason of three
46 convictions of subsection (a) of section 14-227a of the general statutes,
47 as amended, notwithstanding the period of time stated in subsection
48 (a) of this section, shall have such person's motor vehicle operator's
49 license permanently revoked, as required by the provisions of
50 subsection (h) of section 14-227a of the general statutes, as amended.

51 (d) Notwithstanding the provisions of section 14-215 of the general
52 statutes, any person who is a habitual violator and whose license or
53 nonresident operating privilege has been suspended by the
54 commissioner, in accordance with the provisions of subsection (a) or
55 (c) of this section, and who thereafter operates a motor vehicle on a
56 public highway of this state or on any road of a district organized
57 under the provisions of chapter 105 of the general statutes, a purpose
58 of which is the construction and maintenance of roads and sidewalks,
59 or on any private road on which a speed limit has been established in
60 accordance with the provisions of section 14-218a of the general
61 statutes, or in any parking area for ten or more cars or on any school
62 property, shall be sentenced to imprisonment of not less than ninety
63 days nor more than one year and one day, and be fined not less than
64 two thousand dollars nor more than eight thousand dollars.

65 Sec. 2. (NEW) Any person who has been convicted of a violation of
66 section 53a-56b or 53a-60d of the general statutes shall not have such
67 conviction erased from such person's motor vehicle operator's record.

68 Sec. 3. Section 14-219 of the general statutes is repealed and the
69 following is substituted in lieu thereof:

70 (a) No person shall operate any motor vehicle (1) upon any
71 highway, road or any parking area for ten cars or more, at such a rate
72 of speed as to endanger the life of any occupant of such motor vehicle,
73 but not the life of any other person than such an occupant; or (2) at a
74 rate of speed greater than fifty-five miles per hour upon any highway
75 other than a highway specified in subsection (b) of section 14-218a for
76 which a speed limit has been established in accordance with the
77 provisions of said subsection; or (3) at a rate of speed greater than
78 sixty-five miles per hour upon any highway specified in subsection (b)
79 of section 14-218a for which a speed limit has been established in
80 accordance with the provisions of said subsection.

81 (b) Any person who operates a motor vehicle (1) on a multiple lane,
82 limited access highway other than a highway specified in subsection
83 (b) of section 14-218a for which a speed limit has been established in
84 accordance with the provisions of said subsection at a rate of speed
85 greater than fifty-five miles per hour but not greater than seventy
86 miles per hour, or (2) on a multiple lane, limited access highway
87 specified in subsection (b) of section 14-218a for which a speed limit
88 has been established in accordance with the provisions of said
89 subsection at a rate of speed greater than sixty-five miles per hour but
90 not greater than [seventy] eighty miles per hour, or (3) on any other
91 highway at a rate of speed greater than fifty-five miles per hour but
92 not greater than sixty miles per hour, shall commit an infraction,
93 provided any such person operating a truck, as defined in section 14-
94 260n, shall have committed a violation and shall be fined not less than
95 one hundred dollars nor more than one hundred fifty dollars.

96 (c) Any person who violates any provision of subdivision (1) of
97 subsection (a) of this section or who operates a motor vehicle (1) on a
98 multiple lane, limited access highway, other than a highway for which
99 a speed limit of sixty-five miles per hour has been established in
100 accordance with the provisions of subsection (b) of section 14-218a, at a
101 rate of speed greater than seventy miles per hour but not greater than

102 eighty-five miles per hour, or (2) on a multiple lane, limited access
 103 highway for which a speed limit of sixty-five miles per hour has been
 104 established in accordance with the provisions of subsection (b) of
 105 section 14-218a, at a rate of speed greater than eighty miles per hour
 106 but not greater than eighty-five miles per hour, or [(2)] (3) on any other
 107 highway at a rate of speed greater than sixty miles per hour but not
 108 greater than eighty-five miles per hour shall be fined not less than one
 109 hundred dollars nor more than one hundred fifty dollars, provided
 110 any such person operating a truck, as defined in section 14-260n, shall
 111 be fined not less than one hundred fifty dollars nor more than two
 112 hundred dollars.

113 (d) No person shall be subject to prosecution for a violation of both
 114 subsection (a) of this section and subsection (a) of section 14-222
 115 because of the same offense.

116 (e) Notwithstanding any provision of the general statutes to the
 117 contrary, any person who violates subdivision (1) of subsection (a) of
 118 this section, subdivision (1) or (2) of subsection (b) of this section while
 119 operating a truck, as defined in section 14-260n, or subdivision (1) or
 120 (2) of subsection (c) of this section while operating a motor vehicle or a
 121 truck, as defined in section 14-260n, shall follow the procedures set
 122 forth in section 51-164n.

123 Sec. 4. This act shall take effect July 1, 2000.

TRA Committee Vote: Yea 24 Nay 0 JFS C/R JUD
JUD Committee Vote: Yea 37 Nay 1 JFS

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 Revenue Loss, Cost, Potential Revenue Gain

Affected Agencies: Department of Motor Vehicles, Various Criminal Justice Agencies

Municipal Impact: None

Explanation

State Impact:

The bill would result in a significant revenue loss to the state by reducing the amounts that must be paid for driving between 71 and 84 miles per hour (mph) on a limited access highway that is posted with a 65 mph speed limit. The bill essentially lowers the total payments per speeding offender in most of these cases by about 50%. The state collected a total of about \$14.5 million in revenue in 1999 from speeding offenses under CGS Sec. 14-219 (an additional \$7.3 million was collected under CGS Sec.14-218a which is not affected by the bill). The portion of this revenue that relates to speeding offenses on 65 mph posted highways rather than on other roadways is not known; therefore the revenue loss cannot be calculated.

The bill requires the Department of Motor Vehicles (DMV) Commissioner to suspend the driver's license or nonresident operating privilege for a period of two years for multiple motor vehicle

violations. The suspension requirement is retroactive to convictions occurring on or after July 1, 1998. It also states that any conviction for 2nd degree manslaughter with a motor vehicle or 2nd degree assault with a motor vehicle cannot be erased from the person's driving record.

Since the circumstances for which the DMV Commissioner must suspend a driver's license are based on court convictions, the agency anticipates only a small number of hearings. These can be handled within existing budgetary resources. However, the DMV would need to establish a computer program that tracks the various convictions, the length of time they remain on the person's driving record and, when the two-year suspension is warranted, the posting and tracking of 2nd degree manslaughter with a motor vehicle (CGS Sec. 53a-56b) or 2nd degree assault with a motor vehicle (CGS Sec. 53a-60d). The one-time computer development cost is estimated at \$21,308. In addition, there would be on-going administrative costs for suspending and restoring licenses and for storing data for up to ten years. Since the DMV currently retains data for three to five years, no historical data is available to estimate the number of license suspensions and restorations based on multiple motor vehicle violations. Thus, the potential cost and revenue gain cannot presently be determined.

The bill could also result in a cost to the criminal justice system and revenue to the state by increasing the penalties for habitual motor vehicle violators who are convicted of driving while under license suspension under the bill's provisions. The extent to which this would occur is unknown. About \$800,000 per year is collected in fines for convictions of driving with a suspended license under current law.

OLR Bill Analysis

sSB 544

AN ACT CONCERNING HABITUAL MOTOR VEHICLE VIOLATORS.**SUMMARY:**

This bill (1) requires someone's driver's license or nonresident operating privilege to be suspended for two years if his driver history maintained by the Department of Motor Vehicles (DMV) shows convictions for 10 or more moving violations within a three-year period, three or more convictions for certain serious law violations involving a motor vehicle within a 10-year period, or certain other combinations of convictions and (2) reduces the amount someone must pay for driving between 71 and 84 miles per hour (mph) on a limited access highway posted with a 65 mph speed limit.

The habitual violator suspension requirements apply retroactively to qualifying convictions occurring on or after July 1, 1998.

The bill also requires any conviction for second-degree manslaughter with a motor vehicle or second-degree assault with a motor vehicle to be permanently maintained on the offender's driver history. These two criminal offenses result from causing a death or serious physical injury while operating a motor vehicle while under the influence of alcohol or drugs. The bill also establishes substantially higher criminal penalties for a suspended habitual violator found driving while the suspension is still In effect.

EFFECTIVE DATE: July 1, 2000

FURTHER EXPLANATION***License Suspensions for Habitual Traffic Offenders***

The bill requires the motor vehicles commissioner to suspend someone's license or nonresident operating privilege for two years as a

habitual violator if his driver history in DMV's records shows any of the following:

1. three or more convictions within a 10-year period, coming singularly or in combination from separate acts, for (a) manslaughter in the second degree with a motor vehicle, (b) assault in the second degree with a motor vehicle, (c) misconduct with a motor vehicle, (d) negligent homicide with a motor vehicle, (e) driving under the influence of alcohol or drugs, (f) driving while under license suspension or revocation, (g) making a false statement or report to the DMV or second-degree false statement, or (h) evading responsibility after an accident or racing a motor vehicle on a highway;
2. two or more convictions within 10 years for separate acts of reckless driving coupled with one or more convictions for one of the serious offenses indicated above;
3. 10 or more convictions within a three-year period, arising singularly or in combination arising out of separate acts, for acts the law designates as moving violations; or
4. 10 or more convictions for moving violations within a 10-year period coupled with two or more convictions for any of the serious violations designated above.

The requirements apply to any qualifying convictions occurring on or after July 1, 1998. A conviction, for purposes of implementing the bill, is an unvacated adjudication of guilt, determination of guilt by a court of original jurisdiction or an administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure court appearance, payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated.

The bill specifies that the permanent license revocation the law requires for a third drunk driving conviction within 10 years takes precedence over the two-year suspension that would otherwise result from this bill. It has no similar specification for evading responsibility after an accident, making false sworn statements or reports to the

DMV, and driving while a license is suspended or revoked, for which the law requires minimum five-year license suspension for a second or subsequent offense. It is not clear how the two-year suspension required under this bill should one of these offenses qualify the person as a habitual violator would interact with these existing longer suspension requirements.

If someone suspended as a habitual violator under the bill is convicted of driving while under the suspension, the bill requires him to be penalized with a fine of \$2,000 to \$8,000 and a term of imprisonment of 90 days to one year and one day instead of the lesser criminal penalties specific to the law on driving while under suspension. (The lesser criminal penalties that would otherwise apply are (1) \$150 to \$200 fine, to 90 days for a first offense, or both and \$200 to \$600, up to one year for a subsequent offense, or both for most occasions of operating while under suspension or revocation and (2) \$500 to \$1,000 and up one year imprisonment, with, in the absence of any mitigating circumstance, at least 30 consecutive days mandatory time served.)

The bill requires the suspension imposed for being a habitual violator, in addition to any other suspension required as a result of a conviction for any offense to be “identified in subsection (a) of this section”, but it is unclear what this requirement means.

Monetary Penalties for Violating 65-mph Speed Limit

The bill makes driving from 71 to 80 mph on a limited access highway with a 65-mph speed limit an infraction instead of a violation punishable by a \$100 to \$150 fine. Speed-related law violations, like virtually all other motor vehicle violations, are by law subject to a surcharge for the Special Transportation Fund, an assessment for police training, and other special fees and charges that make the actual amount violators must pay higher than the fine. Under the bill, the total amount due for driving 71 to 74 mph on a 65-mph posted limited access highway decreases from \$198 to \$93 and to \$100 for going 75 mph. Amounts decrease from \$239 to: \$107 for going 76 mph, \$113 for going 77 mph, \$120 for going 78 mph, \$126 for going 79 mph, and \$133 for going 80 mph.

Amounts due for driving 85 mph on a 65-mph posted highway would

likely remain at \$279, but amounts for driving from 81 to 84 mph could decrease, depending on what the courts decide. Currently, the fine range of \$100 to \$150 for driving from 71 to 85 mph increases by \$25 for each increment of five mph. Thus, amounts due are \$198 for 71 to 75 mph, \$239 for 76 to 80 mph, and \$279 for 81 to 85 mph. Since under the bill only speeds of 81 to 85 mph on a 65-mph posted highway will be subject to the fine range for a speeding violation, the courts could decide to use only one fine within the range, split the range incrementally for each one mph, or determine the fine on a case-by-case basis. Speeds above 70 mph on limited access highways posted with a speed limit other than 65 mph remain subject to the \$100 to \$150 fine range.

BACKGROUND

Moving Violations

The law the bill references for its definition of moving violations that count toward determination of habitual violator status includes the following:

1. speeding, traveling at unreasonable speed, and traveling too fast for conditions;
2. reckless driving;
3. failure to stop when signaled by a police officer or increasing speed to escape or elude a police officer;
4. driving while impaired by alcohol consumption;
5. failure to drive to the right;
6. if a commercial vehicle, bus or, vehicle with a trailer, using the restricted left lane on a limited access highway;
7. failure to grant use of one-half of the highway;
8. improper passing and increasing speed while being passed by another vehicle;

9. passing on the right except when permitted by law;
10. passing in a no passing zone;
11. failure to keep to the right on a curve, hill, or at a railroad grade crossing;
12. failure to drive in the proper lane on a limited access highway;
13. driving the wrong way on a divided highway or crossing over a median or except at an officially designated point;
14. entering or exiting a controlled access highway at other than an established entrance or exit;
15. entering a limited access highway at other than an intersection or designated point;
16. driving the wrong way on a one-way highway and moving around a rotary in an improper manner;
17. failure to maintain reasonable following distance and, if a commercial vehicle, tailgating to intimidate or harass the preceding vehicle operator;
18. improper turning;
19. making unsafe turns, turning without signaling, and stopping or suddenly slowing down without properly signaling following vehicles;
20. unsafe movement of a stopped, standing, or parked vehicle and unsafe backing;
21. improper signaling while turning or stopping;
22. failure to grant the right of way at an intersection when required or a highway junction;

- 23. failure to grant the right of way to vehicles on the highway when entering or crossing from a private road or driveway;
- 24. failure to grant the right of way to a pedestrian or traffic when emerging from an alley, driveway, or building;
- 25. failure to slow or stop at a marked cattle crossing;
- 26. failure to stop and remain at a railroad grade crossing when warning signals are active;
- 27. passing a stopped school bus with signal lights flashing;
- 28. violating motorcycle operating rules;
- 29. failure to obey a traffic control signal or stop at a stop sign;
- 30. disregarding a "yield" sign; and
- 31. driving the wrong way on a one-way street.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute Change of Reference

Yea 24 Nay 0

Judiciary Committee

Joint Favorable Substitute Report

Yea 37 Nay 1