



General Assembly

February Session, 2000

Raised Bill No. 5706

LCO No. 1933

Referred to Committee on Judiciary

Introduced by:
(JUD)

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

42 (f) The results of a urinalysis drug test and breath test shall be
43 confidential and a person producing a positive urinalysis drug test
44 result or a breath test that indicates the ratio of alcohol in the blood of
45 such person is more than two-hundredths of one per cent of alcohol,
46 by weight, shall receive a copy of such test result. The Department of

47 Motor Vehicles, the Department of Mental Health and Addiction
48 Services and any designated provider may share such results for the
49 purposes of implementing sections 1 and 2 of this act.

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

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

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

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

70 (d) The commissioner shall adopt regulations, in accordance with
71 chapter 54 of the general statutes, to implement the provisions of this
72 section.

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

75 (c) (1) On or after January 1, 1997, a person who is sixteen or
76 seventeen years of age and who has not had a motor vehicle operator's

77 license or right to operate a motor vehicle in this state suspended or
78 revoked may apply to the Commissioner of Motor Vehicles for a
79 learner's permit. The commissioner may issue a learner's permit to an
80 applicant after the applicant has passed a vision screening, [and]
81 passed a test as to knowledge of the laws concerning motor vehicles
82 and the rules of the road, produced a DAFC pursuant to section 1 of
83 this act, has paid the fee required by subsection (v) of section 14-49 and
84 has filed a certificate, in such form as the commissioner prescribes,
85 requesting or consenting to the issuance of the learner's permit and the
86 motor vehicle operator's license, signed by (A) one or both parents or
87 foster parents of the applicant, as the commissioner requires, (B) the
88 legal guardian of the applicant, (C) the applicant's spouse, if the
89 spouse is eighteen years of age or older, or (D) if the applicant has no
90 qualified spouse and his parent or foster parent or legal guardian is
91 deceased, incapable, domiciled without the state or otherwise
92 unavailable or unable to sign or file the certificate, the applicant's
93 stepparent, or uncle or aunt by blood or marriage, provided such
94 person is eighteen years of age or older. The commissioner may, for
95 the more efficient administration of his duties, appoint any drivers'
96 school licensed in accordance with the provisions of section 14-69 or
97 any secondary school providing instruction in motor vehicle operation
98 and highway safety in accordance with section 14-36e to issue a
99 learner's permit, subject to such standards and requirements as the
100 commissioner may prescribe in regulations adopted in accordance
101 with chapter 54. Each learner's permit shall expire on the date the
102 holder of the permit is issued a motor vehicle operator's license or on
103 the date the holder attains the age of eighteen years, whichever is
104 earlier. (2) The learner's permit shall entitle the holder, while he has the
105 permit in his immediate possession, to operate a motor vehicle on the
106 public highways, except as provided in this subdivision, provided he
107 is under the instruction of, and accompanied by, a person who holds
108 an instructor's license issued under the provisions of section 14-73 or a
109 person twenty years of age or older who has been licensed to operate,
110 for at least four years preceding the instruction, a motor vehicle of the

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

Statement of Purpose:

To require new drivers and persons whose driver's licenses have lapsed to pass drug and alcohol tests before being issued a driver's license.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]