



***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