



House of Representatives

General Assembly

File No. 523

January Session, 2001

Substitute House Bill No. 7021

House of Representatives, April 30, 2001

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 THE SUSPENSION OF MOTOR VEHICLE OPERATORS' LICENSES.

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

1 Section 1. Subsection (b) of section 14-111 of the general statutes is
2 repealed and the following is substituted in lieu thereof:

3 (b) (1) Whenever the holder of any motor vehicle operator's license
4 has been convicted or has forfeited any bond taken or has received a
5 suspended judgment or sentence for any of the following violations,
6 the commissioner shall, without hearing, suspend [his] such person's
7 operator's license as follows: For a first violation of subsection (a) of
8 section 14-224 or section 14-110 [, 14-215] or 53a-119b, for a period of
9 not less than one year and, for a subsequent violation thereof, for a
10 period of not less than five years; for a first violation of section 14-215,
11 for a period of not less than one year and, for a subsequent violation
12 thereof, for a period of not less than five years, except that the
13 commissioner shall not suspend such person's operator's license if the

14 basis for such violation was that such person operated a motor vehicle
15 during the period such person's operator's license or right to operate a
16 motor vehicle in this state was under suspension on account of such
17 person failing to appear for a scheduled court appearance and the
18 commissioner had suspended such license for such failure after
19 receiving a report of such failure pursuant to subsection (b) of section
20 14-140; for a violation of subsection (a) of section 14-222, for a period of
21 not less than thirty days nor more than ninety days and, for a
22 subsequent violation thereof, for a period of not less than ninety days;
23 for a first violation of section 14-145, for a period of not less than six
24 months and, for a subsequent violation thereof, for a period of not less
25 than five years; for a violation of subsection (b) of section 14-224, for a
26 period of not less than ninety days; for a first violation of subsection
27 (b) of section 14-147, for a period of not less than ninety days and, for a
28 subsequent violation thereof, for a period of not less than five years;
29 for a first violation of subsection (c) of section 14-147, for a period of
30 not less than thirty days and, for a subsequent violation thereof, for a
31 period of not less than one year.

32 (2) The commissioner may suspend the motor vehicle operator's
33 license of any person (A) who was arrested for a felony, and (B) for
34 whom there is an outstanding warrant for rearrest for failing to appear
35 when legally called with regard to such felony. The suspension shall
36 terminate no later than the date on which such person appears before
37 the court with regard to such felony or such failure to appear.

38 Sec. 2. (NEW) The court shall not accept a plea of guilty or nolo
39 contendere from a person in a proceeding with respect to a violation of
40 section 14-110, subsection (b) or (c) of section 14-147, section 14-215,
41 subsection (a) of section 14-222, subsection (a) or (b) of section 14-224
42 or section 53a-119b of the general statutes unless the court advises such
43 person that conviction of the offense for which such person has been
44 charged will have the consequence of the Commissioner of Motor
45 Vehicles suspending such person's motor vehicle operator's license.

JUD *Joint Favorable Subst.*

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: Minimal Revenue Impact, Uncertain

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

Municipal Impact: None

Explanation

State Impact:

The bill exempts any person whose driver's license has been suspended for failure to appear in court from having their driver's license re-suspended. The Department of Motor Vehicles anticipates very few cases under this category. Therefore, a minimal revenue loss from the \$100 restoration fee is anticipated.

The bill could also result in a change in revenue to the state from court fines and fees, but the extent, if it were to occur, cannot be determined. The bill does not appear to result in a change in revenue related to the fine for driving with a suspended license. However, when an individual fails to appear for a court appearance, a \$40 fee¹ must be paid to reopen the case. The bill could affect the total amount of these fees, but the amount of impact is anticipated to be minimal.

¹ CGS Section 14-140

In addition, Section 2 of the bill disallows a court from accepting a plea of guilty or nolo contendere from certain violators unless the court advises of the violator of a consequential driver's license suspension. It is uncertain if this could result in less pleas, lengthier adjudications and a revenue impact from a change in the collection of fines in these cases. Statistics on the cases in which this would appear in the following Table.

Table: Year 2000 Statistics on Offenses Referenced in Bill

CGS #	CGS Name	Convictions				# Incarc. ²
		Offenses		Nolles	Revenue	
14-147(b)	LOAN/SELL MARKER/LICENSE/REG- GSTR	15	2	13	217	-
14-147(c)	IMPROPER USE- MARKER/LIC/RGSTR	16,588	1,020	15,568	86,842	1
14-215	ILL OPN MV UNDER SUSPENSION	22,835	6,123	16,712	712,664	93
14-222	RECKLESS DRIVING	4,502	1,510	2,992	337,661	4
14-224 (a) & (b)	EVADING RESPONSIBILITY	2,961	703	2,258	49,037	18
53a-119b	USING MV W/O PERMISSION	1,073	473	600	10,265	34
	TOTAL	47,974	9,831	38,143	1,196,686	150

² Represents the average number incarcerated at any point during the year.

OLR BILL ANALYSIS

sHB 7021

AN ACT CONCERNING THE SUSPENSION OF MOTOR VEHICLE OPERATORS' LICENSES.

SUMMARY:

This bill eliminates the motor vehicle commissioner's duty to suspend the driver's license of someone convicted for driving with a license suspended for willfully failing to appear for any scheduled court appearance in connection with an arrest for violating any law related to motor vehicles. Currently, these offenders are subject to an additional suspension of at least one year for a first violation and at least five years for a subsequent violation.

Operating a motor vehicle with a license suspended for failing to appear in court would apparently continue to be an infraction which subjects the offender to a total amount due of \$143 including various fees and costs.

The bill prohibits courts from accepting a guilty or no contest plea in connection with certain motor vehicle violations unless the court advises the defendant that a conviction will result in a suspension of his driver's license by the motor vehicle commissioner.

EFFECTIVE DATE: October 1, 2001

OFFENSES COVERED BY MANDATORY COURT DISCLOSURE

The bill requires courts to advise defendants their licenses will be suspended if they are convicted of the following violations: (1) failing to comply with the motor vehicle commissioner's order to produce books, papers, and documents, refusing to answer any pertinent questions he asks, or swearing falsely regarding any matter where the motor vehicle laws require an oath or affirmation; (2) lending or selling a driver's license or any registration certificate or license plates issued

by the commissioner for use on car; (3) using a motor vehicle registration or driver's license other than the one issued by the commissioner or using a registration on any vehicle other than the one for which it was issued; (4) operating a motor vehicle while its registration or the operator's license has been suspended or revoked; (5) evading responsibility in the operation of a motor vehicle, or (6) using a motor vehicle without the owner's permission, or interfering or tampering with a motor vehicle.

BACKGROUND

Suspension of Drivers License

By law, courts must send a report to the motor vehicle commissioner whenever someone willfully fails to appear for any scheduled court appearance in connection with a motor vehicle violation. The law does not require the commissioner to suspend the license of people who are the subject of such a report. The commissioner routinely suspends the licenses of those whose names appear on these reports. He does so under CGS § 14-111 which appears to give him the authority to suspend a license for any cause he deems sufficient.

Driving without a License

By law, no one may operate a motor vehicle until he has obtained a motor vehicle operator's license. Violating this law is an infraction which carries a fine, and other fees, totaling \$143. Apparently under current practice, some prosecutors charge those who drive a motor vehicle after their license was suspended for failing to appear in court with this offense rather than with driving with a license suspended for willfully failing to appear for any scheduled court appearance for a motor vehicle violation which carries the mandatory license suspension penalty.

Interfering or Tampering with a Motor Vehicle

Someone is guilty of interfering or tampering with a motor vehicle when (1) he puts any motor vehicle's engine into motion without the driver's permission while it is standing or (2) with intent and without right to do so, he damages any motor vehicle or damages or removes

any of its parts or components.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 38 Nay 0