



General Assembly

Amendment

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LCO No. 8599

Offered by:

SEN. CIOTTO, 9th Dist.

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To: Senate Bill No. 1446

File No. 631

Cal. No. 414

**"AN ACT CONCERNING THE EXPENDITURES OF THE
DEPARTMENT OF MOTOR VEHICLES."**

1 Strike out everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 14-227a of the general statutes is repealed and
4 the following is substituted in lieu thereof:

5 (a) No person shall operate a motor vehicle while under the
6 influence of intoxicating liquor or any drug or both. A person commits
7 the offense of operating a motor vehicle while under the influence of
8 intoxicating liquor or any drug or both if such person operates a motor
9 vehicle on a public highway of this state or on any road of a district
10 organized under the provisions of chapter 105, a purpose of which is
11 the construction and maintenance of roads and sidewalks, or on any
12 private road on which a speed limit has been established in accordance

13 with the provisions of section 14-218a, or in any parking area for ten or
14 more cars or on any school property (1) while under the influence of
15 intoxicating liquor or any drug or both, or (2) while such person has an
16 elevated blood alcohol content. For the purposes of this section,
17 "elevated blood alcohol content" means (A) a ratio of alcohol in the
18 blood of such person that is [ten-hundredths] eight-hundredths of one
19 per cent or more of alcohol, by weight, or (B) if such person has been
20 convicted of a violation of this subsection, a ratio of alcohol in the
21 blood of such person that is seven-hundredths of one per cent or more
22 of alcohol, by weight.

23 (b) No person shall operate a motor vehicle on a public highway of
24 this state or on any road of a district organized under the provisions of
25 chapter 105, a purpose of which is the construction and maintenance of
26 roads and sidewalks, or on any private road on which a speed limit
27 has been established in accordance with the provisions of section
28 14-218a, or in any parking area for ten or more cars or on any school
29 property while such person's ability to operate such motor vehicle is
30 impaired by the consumption of intoxicating liquor. A person shall be
31 deemed impaired when at the time of the alleged offense the ratio of
32 alcohol in the blood of such person was more than seven-hundredths
33 of one per cent of alcohol, by weight, but less than [ten-hundredths]
34 eight-hundredths of one per cent of alcohol, by weight.

35 (c) Except as provided in subsection (d) of this section, in any
36 criminal prosecution for violation of subsection (a) or (b) of this
37 section, evidence respecting the amount of alcohol or drug in the
38 defendant's blood or urine at the time of the alleged offense, as shown
39 by a chemical analysis of the defendant's breath, blood or urine shall
40 be admissible and competent provided: (1) The defendant was
41 afforded a reasonable opportunity to telephone an attorney prior to the
42 performance of the test and consented to the taking of the test upon
43 which such analysis is made; (2) a true copy of the report of the test
44 result was mailed to or personally delivered to the defendant within
45 twenty-four hours or by the end of the next regular business day, after
46 such result was known, whichever is later; (3) the test was performed

47 by or at the direction of a police officer according to methods and with
48 equipment approved by the Department of Public Safety and was
49 performed in accordance with the regulations adopted under
50 subsection (e) of this section; (4) the device used for such test was
51 checked for accuracy in accordance with the regulations adopted
52 under subsection (e) of this section; (5) an additional chemical test of
53 the same type was performed at least thirty minutes after the initial
54 test was performed or, if requested by the police officer for reasonable
55 cause, an additional chemical test of a different type was performed to
56 detect the presence of a drug or drugs other than or in addition to
57 alcohol, provided the results of the initial test shall not be inadmissible
58 under this subsection if reasonable efforts were made to have such
59 additional test performed in accordance with the conditions set forth in
60 this subsection and such additional test was not performed or was not
61 performed within a reasonable time, or the results of such additional
62 test are not admissible for failure to meet a condition set forth in this
63 subsection; and (6) evidence is presented that the test was commenced
64 within two hours of operation. In any prosecution under this section it
65 shall be a rebuttable presumption that the results of such chemical
66 analysis establish the ratio of alcohol in the blood of the defendant at
67 the time of the alleged offense, except that if the results of the
68 additional test indicate that the ratio of alcohol in the blood of such
69 defendant is twelve-hundredths of one per cent or less of alcohol, by
70 weight, and is higher than the results of the first test, evidence shall be
71 presented that demonstrates that the test results and the analysis
72 thereof accurately indicate the blood alcohol content at the time of the
73 alleged offense.

74 (d) In any prosecution for a violation of subdivision (1) of
75 subsection (a) of this section, reliable evidence respecting the amount
76 of alcohol in the defendant's blood or urine at the time of the alleged
77 offense, as shown by a chemical analysis of the defendant's blood,
78 breath or urine, otherwise admissible under subsection (c) of this
79 section, shall be admissible only at the request of the defendant.

80 (e) The Commissioner of Public Safety shall ascertain the reliability

81 of each method and type of device offered for chemical testing and
82 analysis purposes of blood, of breath and of urine and certify those
83 methods and types which said commissioner finds suitable for use in
84 testing and analysis of blood, breath and urine, respectively, in this
85 state. The Commissioner of Public Safety, in consultation with the
86 Commissioner of Public Health shall adopt regulations, in accordance
87 with chapter 54, governing the conduct of chemical tests, the operation
88 and use of chemical test devices, the training and certification of
89 operators of such devices and the drawing or obtaining of blood,
90 breath or urine samples as said commissioner finds necessary to
91 protect the health and safety of persons who submit to chemical tests
92 and to insure reasonable accuracy in testing results. Such regulations
93 shall not require recertification of a police officer solely because such
94 officer terminates such officer's employment with the law enforcement
95 agency for which certification was originally issued and commences
96 employment with another such agency.

97 (f) In any criminal prosecution for a violation of subsection (a) or (b)
98 of this section, evidence that the defendant refused to submit to a
99 blood, breath or urine test requested in accordance with section
100 14-227b, as amended by this act, shall be admissible provided the
101 requirements of subsection (b) of said section have been satisfied. If a
102 case involving a violation of subsection (a) of this section is tried to a
103 jury, the court shall instruct the jury as to any inference that may or
104 may not be drawn from the defendant's refusal to submit to a blood,
105 breath or urine test.

106 (g) If a person is charged with a violation of the provisions of
107 subsection (a) of this section, the charge may not be reduced, nolle or
108 dismissed unless the prosecuting authority states in open court such
109 prosecutor's reasons for the reduction, nolle or dismissal.

110 (h) Any person who violates any provision of subsection (a) of this
111 section shall: (1) For conviction of a first violation, (A) be fined not less
112 than five hundred dollars nor more than one thousand dollars and (B)
113 be (i) imprisoned not more than six months, forty-eight consecutive

114 hours of which may not be suspended or reduced in any manner or (ii)
115 imprisoned not more than six months, with the execution of such
116 sentence of imprisonment suspended entirely and a period of
117 probation imposed requiring as a condition of such probation that
118 such person perform one hundred hours of community service, as
119 defined in section 14-227e, and (C) have such person's motor vehicle
120 operator's license or nonresident operating privilege suspended for
121 one year; (2) for conviction of a second violation within ten years after
122 a prior conviction for the same offense, (A) be fined not less than one
123 thousand dollars nor more than four thousand dollars, (B) be
124 imprisoned not more than two years, one hundred twenty consecutive
125 days of which may not be suspended or reduced in any manner, and
126 sentenced to a period of probation requiring as a condition of such
127 probation that such person perform one hundred hours of community
128 service, as defined in section 14-227e, and (C) have such person's
129 motor vehicle operator's license or nonresident operating privilege
130 suspended for three years or until the date of such person's twenty-
131 first birthday, whichever is longer; and (3) for conviction of a third and
132 subsequent violation within ten years after a prior conviction for the
133 same offense, (A) be fined not less than two thousand dollars nor more
134 than eight thousand dollars, (B) be imprisoned not more than three
135 years, one year of which may not be suspended or reduced in any
136 manner, and sentenced to a period of probation requiring as a
137 condition of such probation that such person perform one hundred
138 hours of community service, as defined in section 14-227e, and (C)
139 have such person's motor vehicle operator's license or nonresident
140 operating privilege permanently revoked upon such third offense. For
141 purposes of the imposition of penalties for a second or third and
142 subsequent offense pursuant to this subsection, a conviction under the
143 provisions of subsection (a) of section 14-227a in effect on October 1,
144 1981, or as amended thereafter, a conviction under the provisions of
145 either subdivision (1) or (2) of subsection (a) of this section, a
146 conviction under the provisions of section 53a-56b or 53a-60d or a
147 conviction in any other state of any offense the essential elements of
148 which are determined by the court to be substantially the same as

149 subdivision (1) or (2) of subsection (a) of this section or section 53a-56b
150 or 53a-60d, shall constitute a prior conviction for the same offense.

151 (i) Any person who violates subsection (b) of this section shall be
152 fined not more than two hundred dollars.

153 (j) (1) Each court shall report each conviction under subsection (a) of
154 this section to the Commissioner of Motor Vehicles, in accordance with
155 the provisions of section 14-141. The commissioner shall suspend the
156 motor vehicle operator's license or nonresident operating privilege of
157 the person reported as convicted for the period of time required by
158 subsection (h) of this section. The commissioner shall determine the
159 period of time required by said subsection (h) based on the number of
160 convictions such person has had within the specified time period
161 according to such person's driving history record, notwithstanding the
162 sentence imposed by the court for such conviction. (2) The motor
163 vehicle operator's license or nonresident operating privilege of a
164 person found guilty under subsection (a) of this section who is under
165 eighteen years of age shall be suspended by the commissioner for the
166 period of time set forth in subsection (h) of this section, or until such
167 person attains the age of eighteen years, whichever period is longer. (3)
168 The motor vehicle operator's license or nonresident operating privilege
169 of a person found guilty under subsection (a) of this section who, at the
170 time of the offense, was operating a motor vehicle in accordance with a
171 special operator's permit issued pursuant to section 14-37a shall be
172 suspended by the commissioner for twice the period of time set forth
173 in subsection (h) of this section. [(4) Whenever the motor vehicle
174 operator's license of a person is suspended under subsection (h) of this
175 section for conviction of a violation of subsection (a) of this section, the
176 operator's license that is returned or reissued to such person by the
177 Commissioner of Motor Vehicles upon completion of the period of
178 suspension shall indicate on its reverse side that such person is an at-
179 risk operator. For purposes of this subdivision, an "at-risk operator" is
180 a person who has been convicted of a violation of subsection (a) of this
181 section. (5)] (4) If an appeal of any conviction under subsection (a) of
182 this section is taken, the suspension of the motor vehicle operator's

183 license or nonresident operating privilege by the commissioner, in
184 accordance with this subsection, shall be stayed during the pendency
185 of such appeal.

186 (k) In addition to any fine or sentence imposed pursuant to the
187 provisions of subsection (h) of this section, the court may order such
188 person to participate in an alcohol education and treatment program.

189 (l) Notwithstanding the provisions of subsection (c) of this section,
190 evidence respecting the amount of alcohol or drug in the blood or
191 urine of an operator of a motor vehicle involved in an accident who
192 has suffered or allegedly suffered physical injury in such accident,
193 which evidence is derived from a chemical analysis of a blood sample
194 taken from or a urine sample provided by such person after such
195 accident at the scene of the accident, while en route to a hospital or at a
196 hospital, shall be competent evidence to establish probable cause for
197 the arrest by warrant of such person for a violation of subsection (a) of
198 this section and shall be admissible and competent in any subsequent
199 prosecution thereof if: (1) The blood sample was taken or the urine
200 sample was provided for the diagnosis and treatment of such injury;
201 (2) if a blood sample was taken, the blood sample was taken [in
202 accordance with the regulations adopted under subsection (e) of this
203 section] by a person licensed to practice medicine in the state where
204 the blood sample was taken, a resident physician or intern in a hospital
205 in the state where the blood sample was taken or a phlebotomist,
206 qualified laboratory technician, emergency medical technician or
207 registered nurse licensed or certified in the state where the blood
208 sample was taken; (3) a police officer has demonstrated to the
209 satisfaction of a judge of the Superior Court that such officer has
210 reason to believe that such person was operating a motor vehicle while
211 under the influence of intoxicating liquor or drug or both and that the
212 chemical analysis of such blood or urine sample constitutes evidence
213 of the commission of the offense of operating a motor vehicle while
214 under the influence of intoxicating liquor or drug or both in violation
215 of subsection (a) of this section; and (4) such judge has issued a search
216 warrant in accordance with section 54-33a authorizing the seizure of

217 the chemical analysis of such blood or urine sample. Such search
218 warrant may also authorize the seizure of the medical records
219 prepared by the hospital in connection with the diagnosis or treatment
220 of such injury.

221 Sec. 2. Section 14-227b of the general statutes is repealed and the
222 following is substituted in lieu thereof:

223 (a) Any person who operates a motor vehicle in this state shall be
224 deemed to have given such person's consent to a chemical analysis of
225 such person's blood, breath or urine and, if such person is a minor,
226 such person's parent or parents or guardian shall also be deemed to
227 have given their consent.

228 (b) If any such person, having been placed under arrest for
229 operating a motor vehicle while under the influence of intoxicating
230 liquor or any drug or both or while such person's ability to operate
231 such motor vehicle is impaired by the consumption of intoxicating
232 liquor, and thereafter, after being apprised of such person's
233 constitutional rights, having been requested to submit to a blood,
234 breath or urine test at the option of the police officer, having been
235 afforded a reasonable opportunity to telephone an attorney prior to the
236 performance of such test and having been informed that such person's
237 license or nonresident operating privilege may be suspended in
238 accordance with the provisions of this section if such person refuses to
239 submit to such test or if such person submits to such test and the
240 results of such test indicate that such person has an elevated blood
241 alcohol content, and that evidence of any such refusal shall be
242 admissible in accordance with subsection (f) of section 14-227a, as
243 amended by this act, and may be used against such person in any
244 criminal prosecution, refuses to submit to the designated test, the test
245 shall not be given; provided, if the person refuses or is unable to
246 submit to a blood test, the police officer shall designate the breath or
247 urine test as the test to be taken. The police officer shall make a
248 notation upon the records of the police department that such officer
249 informed the person that such person's license or nonresident

250 operating privilege may be suspended if such person refused to submit
251 to such test or if such person submitted to such test and the results of
252 such test indicated that such person had an elevated blood alcohol
253 content.

254 (c) If the person arrested refuses to submit to such test or analysis or
255 submits to such test or analysis, commenced within two hours of the
256 time of operation, and the results of such test or analysis indicate that
257 such person has an elevated blood alcohol content, the police officer,
258 acting on behalf of the Commissioner of Motor Vehicles, shall
259 immediately revoke and take possession of the motor vehicle
260 operator's license or, if such person is a nonresident, suspend the
261 nonresident operating privilege of such person, for a twenty-four-hour
262 period and shall issue a temporary operator's license or nonresident
263 operating privilege to such person valid for the period commencing
264 twenty-four hours after issuance and ending thirty days after the date
265 such person received notice of such person's arrest by the police
266 officer. The police officer shall prepare a written report of the incident
267 and shall mail the report together with a copy of the completed
268 temporary license form, any operator's license taken into possession
269 and a copy of the results of any chemical test or analysis to the
270 Department of Motor Vehicles within three business days. The report
271 shall be made on a form approved by the Commissioner of Motor
272 Vehicles and shall be subscribed and sworn to under penalty of false
273 statement as provided in section 53a-157b by the arresting officer. If
274 the person arrested refused to submit to such test or analysis, the
275 report shall be endorsed by a third person who witnessed such refusal.
276 The report shall set forth the grounds for the officer's belief that there
277 was probable cause to arrest such person for operating a motor vehicle
278 while under the influence of intoxicating liquor or any drug or both or
279 while such person's ability to operate such motor vehicle is impaired
280 by the consumption of intoxicating liquor, and shall state that such
281 person had refused to submit to such test or analysis when requested
282 by such police officer to do so or that such person submitted to such
283 test or analysis, commenced within two hours of the time of operation,

284 and the results of such test or analysis indicated that such person had
285 an elevated blood alcohol content.

286 (d) If the person arrested submits to a blood or urine test at the
287 request of the police officer, and the specimen requires laboratory
288 analysis in order to obtain the test results, the police officer shall not
289 take possession of the motor vehicle operator's license of such person
290 or, except as provided in this subsection, follow the procedures
291 subsequent to taking possession of the operator's license as set forth in
292 subsection (c) of this section. If the test results indicate that such
293 person has an elevated blood alcohol content, the police officer,
294 immediately upon receipt of the test results, shall notify the
295 Commissioner of Motor Vehicles and submit to the commissioner the
296 written report required pursuant to subsection (c) of this section.

297 (e) Upon receipt of such report, the Commissioner of Motor Vehicles
298 may suspend any license or nonresident operating privilege of such
299 person effective as of a date certain, which date shall be not later than
300 thirty days after the date such person received notice of such person's
301 arrest by the police officer. Any person whose license or operating
302 privilege has been suspended in accordance with this subsection shall
303 automatically be entitled to a hearing before the commissioner to be
304 held prior to the effective date of the suspension. The commissioner
305 shall send a suspension notice to such person informing such person
306 that such person's operator's license or nonresident operating privilege
307 is suspended as of a date certain and that such person is entitled to a
308 hearing prior to the effective date of the suspension and may schedule
309 such hearing by contacting the Department of Motor Vehicles not later
310 than seven days after the date of mailing of such suspension notice.

311 (f) If such person does not contact the department to schedule a
312 hearing, the commissioner shall affirm the suspension contained in the
313 suspension notice for the appropriate period specified in subsection (i)
314 of this section.

315 (g) If such person contacts the department to schedule a hearing, the

316 department shall assign a date, time and place for the hearing, which
317 date shall be prior to the effective date of the suspension. At the
318 request of such person or the hearing officer and upon a showing of
319 good cause, the commissioner may grant one continuance for a period
320 not to exceed fifteen days. If a continuance is granted, the
321 commissioner shall extend the validity of the temporary operator's
322 license or nonresident operating privilege issued pursuant to
323 subsection (c) of this section. [for a period not to exceed the period of
324 such continuance.] The hearing shall be limited to a determination of
325 the following issues: (1) Did the police officer have probable cause to
326 arrest the person for operating a motor vehicle while under the
327 influence of intoxicating liquor or drug or both or while such person's
328 ability to operate such motor vehicle was impaired by the
329 consumption of intoxicating liquor; (2) was such person placed under
330 arrest; (3) did such person refuse to submit to such test or analysis or
331 did such person submit to such test or analysis, commenced within
332 two hours of the time of operation, and the results of such test or
333 analysis indicated that such person had an elevated blood alcohol
334 content; and (4) was such person operating the motor vehicle. In the
335 hearing, the results of the test or analysis shall be sufficient to indicate
336 the ratio of alcohol in the blood of such person at the time of operation,
337 except that if the results of the additional test indicate that the ratio of
338 alcohol in the blood of such person is twelve-hundredths of one per
339 cent or less of alcohol, by weight, and is higher than the results of the
340 first test, evidence shall be presented that demonstrates that the test
341 results and analysis thereof accurately indicate the blood alcohol
342 content at the time of operation. The fees of any witness summoned to
343 appear at the hearing shall be the same as provided by the general
344 statutes for witnesses in criminal cases.

345 (h) If, after such hearing, the commissioner finds on any one of the
346 said issues in the negative, the commissioner shall reinstate such
347 license or operating privilege. If, after such hearing, the commissioner
348 does not find on any one of the said issues in the negative or if such
349 person fails to appear at such hearing, the commissioner shall affirm

350 the suspension contained in the suspension notice for the appropriate
351 period specified in subsection (i) of this section. The commissioner
352 shall render a decision at the conclusion of such hearing or send a
353 notice of the decision by bulk certified mail to such person not later
354 than thirty days or, if a continuance is granted, not later than forty-five
355 days from the date such person received notice of such person's arrest
356 by the police officer. The notice of such decision sent by bulk certified
357 mail to the address of such person as shown by the records of the
358 commissioner shall be sufficient notice to such person that such
359 person's operator's license or nonresident operating privilege is
360 reinstated or suspended, as the case may be. Unless a continuance of
361 the hearing is granted pursuant to subsection (g) of this section, if the
362 commissioner fails to render a decision within thirty days from the
363 date such person received notice of such person's arrest by the police
364 officer, the commissioner shall reinstate such person's operator's
365 license or nonresident operating privilege, provided notwithstanding
366 such reinstatement the commissioner may render a decision not later
367 than two days thereafter suspending such operator's license or
368 nonresident operating privilege.

369 (i) The commissioner shall suspend the operator's license or
370 nonresident operating privilege, and revoke the temporary operator's
371 license or nonresident operating privilege issued pursuant to
372 subsection (c) of this section, of a person who did not contact the
373 department to schedule a hearing, who failed to appear at a hearing or
374 against whom, after a hearing, the commissioner held pursuant to
375 subsection (h) of this section, as of the effective date contained in the
376 suspension notice or the date the commissioner renders a decision,
377 whichever is later, for a period of: (1) (A) Except as provided in
378 subparagraph (B) of this subdivision, ninety days, if such person
379 submitted to a test or analysis and the results of such test or analysis
380 indicated that such person had an elevated blood alcohol content, (B)
381 one hundred twenty days, if such person submitted to a test or
382 analysis and the results of such test or analysis indicated that the ratio
383 of alcohol in the blood of such person was sixteen-hundredths of one

384 per cent or more of alcohol, by weight, or (C) six months if such person
385 refused to submit to such test or analysis, (2) if such person has
386 previously had such person's operator's license or nonresident
387 operating privilege suspended under this section, (A) except as
388 provided in subparagraph (B) of this subdivision, nine months if such
389 person submitted to a test or analysis and the results of such test or
390 analysis indicated that such person had an elevated blood alcohol
391 content, (B) ten months if such person submitted to a test or analysis
392 and the results of such test or analysis indicated that the ratio of
393 alcohol in the blood of such person was sixteen-hundredths of one per
394 cent or more of alcohol, by weight, and (C) ~~[one year]~~ two years if such
395 person refused to submit to such test or analysis, and (3) if such person
396 has two or more times previously had such person's operator's license
397 or nonresident operating privilege suspended under this section, (A)
398 except as provided in subparagraph (B) of this subdivision, two years
399 if such person submitted to a test or analysis and the results of such
400 test or analysis indicated that such person had an elevated blood
401 alcohol content, (B) two and one-half years if such person submitted to
402 a test or analysis and the results of such test or analysis indicated that
403 the ratio of alcohol in the blood of such person was sixteen-hundredths
404 of one per cent or more of alcohol, by weight, and (C) ~~[three years]~~
405 permanent revocation if such person refused to submit to such test or
406 analysis.

407 (j) Notwithstanding the provisions of subsections (b) to (i),
408 inclusive, of this section, any police officer who obtains the results of a
409 chemical analysis of a blood sample taken from an operator of a motor
410 vehicle involved in an accident who suffered or allegedly suffered
411 physical injury in such accident shall notify the Commissioner of
412 Motor Vehicles and submit to the commissioner a written report if
413 such results indicate that such person had an elevated blood alcohol
414 content, and if such person was arrested for violation of section
415 14-227a, as amended by this act, in connection with such accident. The
416 report shall be made on a form approved by the commissioner
417 containing such information as the commissioner prescribes, and shall

418 be subscribed and sworn to under penalty of false statement, as
419 provided in section 53a-157b, by the police officer. The commissioner
420 may, after notice and an opportunity for hearing, which shall be
421 conducted in accordance with chapter 54, suspend the motor vehicle
422 operator's license or nonresident operating privilege of such person for
423 a period of up to ninety days, or, if such person has previously had
424 such person's operator's license or nonresident operating privilege
425 suspended under this section for a period of up to one year. Each
426 hearing conducted under this subsection shall be limited to a
427 determination of the following issues: (1) Whether the police officer
428 had probable cause to arrest the person for operating a motor vehicle
429 while under the influence of intoxicating liquor or drug or both or
430 while the person's ability to operate the motor vehicle was impaired by
431 the consumption of intoxicating liquor; (2) whether such person was
432 placed under arrest; (3) whether such person was operating the motor
433 vehicle; (4) whether the results of the analysis of the blood of such
434 person indicate that such person had an elevated blood alcohol
435 content; and (5) whether the blood sample was obtained in accordance
436 with conditions for admissibility and competence as evidence as set
437 forth in subsection (l) of section 14-227a, as amended by this act. If,
438 after such hearing, the commissioner finds on any one of the said
439 issues in the negative, the commissioner shall not impose a suspension.
440 The fees of any witness summoned to appear at the hearing shall be
441 the same as provided by the general statutes for witnesses in criminal
442 cases, as provided in section 52-260.

443 (k) The provisions of this section shall apply with the same effect to
444 the refusal by any person to submit to an additional chemical test as
445 provided in subdivision (5) of subsection (c) of section 14-227a, as
446 amended by this act.

447 (l) The provisions of this section shall not apply to any person
448 whose physical condition is such that, according to competent medical
449 advice, such test would be inadvisable.

450 (m) The state shall pay the reasonable charges of any physician who,

451 at the request of a municipal police department, takes a blood sample
452 for purposes of a test under the provisions of this section.

453 (n) For the purposes of this section, "elevated blood alcohol content"
454 means (1) a ratio of alcohol in the blood of such person that is [ten-
455 hundredths] eight-hundredths of one per cent or more of alcohol, by
456 weight, (2) if such person has been convicted of a violation of
457 subsection (a) of section 14-227a, a ratio of alcohol in the blood of such
458 person that is seven-hundredths of one per cent or more of alcohol, by
459 weight, or (3) if such person is under twenty-one years of age, a ratio
460 of alcohol in the blood of such person that is two-hundredths of one
461 per cent or more of alcohol, by weight.

462 (o) The Commissioner of Motor Vehicles shall adopt regulations in
463 accordance with chapter 54 to implement the provisions of this section.

464 Sec. 3. Subsection (a) of section 54-56g of the general statutes is
465 repealed and the following is substituted in lieu thereof:

466 (a) There shall be a pretrial alcohol education system for persons
467 charged with a violation of section 14-227a or 14-227g. Upon
468 application by any such person for participation in such system and
469 payment to the court of an application fee of fifty dollars, the court
470 shall, but only as to the public, order the court file sealed, provided
471 such person states under oath, in open court or before any person
472 designated by the clerk and duly authorized to administer oaths,
473 under penalties of perjury that: (1) If such person is charged with a
474 violation of section 14-227a, such person has never had such system
475 invoked in such person's behalf [and that] for a violation of section 14-
476 227a or 14-227g, (2) if such person is charged with a violation of section
477 14-227g, such person has never had such system invoked in such
478 person's behalf for a violation of section 14-227a or 14-227g, (3) such
479 person has not been convicted of a violation of section 53a-56b or
480 53a-60d, a violation of subsection (a) of section 14-227a before or after
481 October 1, 1981, or a violation of subdivision (1) or (2) of subsection (a)
482 of section 14-227a on or after October 1, 1985, and [that] (4) such

483 person has not been convicted in any other state at any time of an
484 offense the essential elements of which are substantially the same as
485 section 53a-56b or 53a-60d or subdivision (1) or (2) of subsection (a) of
486 section 14-227a. Unless good cause is shown, a person shall be
487 ineligible for participation in such pretrial alcohol education system if
488 such person's alleged violation of section 14-227a or 14-227g caused the
489 serious physical injury, as defined in section 53a-3, of another person.
490 The fee imposed by this subsection shall be credited to the Criminal
491 Injuries Compensation Fund established by section 54-215."