



# House of Representatives

General Assembly

**File No. 64**

February Session, 2002

House Bill No. 5087

*House of Representatives, March 19, 2002*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the 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2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2002*):

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

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

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

39 Sec. 2. (NEW) (*Effective October 1, 2002*) The court shall not accept a  
40 plea of guilty or nolo contendere from a person in a proceeding with  
41 respect to a violation of section 14-110, subsection (b) or (c) of section  
42 14-147, section 14-215, subsection (a) of section 14-222, subsection (a) or  
43 (b) of section 14-224 or section 53a-119b of the general statutes unless  
44 the court advises such person that conviction of the offense for which  
45 such person has been charged will have the consequence of the  
46 Commissioner of Motor Vehicles suspending such person's motor  
47 vehicle operator's license.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>

**JUD**      *Joint Favorable*

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:**

Fund-Type	Agency Affected	Current FY \$	FY 03 \$	FY 04 \$
TF - Cost	Motor Vehicle Dept.	None	26,000 - 53,000	None
GF	Judicial Dept.	None	None	None

Note: TF=Transportation Fund; GF=General Fund

**Municipal Impact:** None

**Explanation**

This bill eliminates the requirement for the Department of Motor Vehicles (DMV) to suspend the license of a person who has been convicted of driving with a suspended license for failure to appear in court in connection with a motor vehicle arrest. Currently, these offenders are subject to an additional suspension of not less than one year for the first violation and not less than five years for a subsequent violation.

Since the DMV's computer system does not have the capability of identifying the number of CGS Section 14-215 suspensions (operation of a motor vehicle with a suspended license) that result from failure to appear in court (Section 14-140), additional resources would be required. Except for slight modifications in its computer system, the DMV has not overhauled nor re-engineered its system in 15 years. Therefore, the department estimates that it could take from three (3) months to six (6) months, and three (3) people to complete the computer programming changes. The DMV will reallocate the resources of a Developer 3 and Developer 2 who be will analyzing the process, identify the changes and write the specifications. However,

the agency will need the consulting services of a Sr. Programmer to do the coding and perform program testing. The additional one-time cost to the Transportation Fund could range from \$26,400 (3 months) to \$52,880 (6 months).

The bill requires the Judicial Department to advise any person pleading guilty or no contest to certain offenses that conviction will result in the suspension of his motor vehicle operator’s license by the Commissioner of Motor Vehicles. The court would have to make this advisement over 5,000 times each year. (See the table below.) This figure includes all pleas and some convictions. It is anticipated that the amount of criminal fines collected will not change as a result of the bill.

Offenses Covered by Mandatory Court Disclosure							
	Offenses (FY 01)	Disposition					
		Jury Guilty	Non-Jury Conviction	Plea	CIB	Other	Nolle/ Dismiss
14-110	False Statement - Report to DMV	0	0	0	0	0	0
14-147(b)	Improper Use of License / Registration (Loan / Sell)	19	0	0	0	1	18
14-147(c)	Improper Use of License / Marker	17,089	0	763	391	2,862	13,073
14-215	Illegal Operation of MV Under Suspension	20,658	3	1,781	3,002	0	1,980
14-222	Reckless Driving	4,480	2	465	1,086	138	390
14-224(a)	Evading Responsibility - Death / Serious Injury	39	0	5	16	0	2
14-224(b)	Evading Responsibility - Property Damage / Injury	3,126	0	245	495	0	166
53a-119b	Use of Motor Vehicle Without Permission	1,038	0	187	327	0	2
<b>Total</b>		<b>46,449</b>	<b>5</b>	<b>3,446</b>	<b>5,317</b>	<b>138</b>	<b>5,403</b>

**OLR Bill Analysis**

HB 5087

**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 at any scheduled court appearance for violating any motor vehicles laws. Currently, these offenders are subject to this 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 that subjects the offender to a total of \$143, including various fees and costs, if paid by mail.

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

EFFECTIVE DATE: October 1, 2002

**OFFENSES COVERED BY MANDATORY COURT DISCLOSURE**

The bill requires courts to advise defendants that their licenses will be suspended if they are convicted of any of the following violations:

1. failing to comply with the commissioner's order to produce books, papers, and documents; refusing to answer any pertinent questions he asks; or swearing falsely about 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 a 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 following an accident; 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 for a motor vehicle violation. The law does not require the commissioner to suspend the licenses of people who are the subject of such a report. But the commissioner routinely suspends them. He does so under CGS § 14-111, which appears to give him the authority to suspend a license for any cause he deems sufficient.

Suspension under this provision appears to be for an indefinite period. Under current practice, the commissioner rescinds the suspension when the driver provides satisfactory evidence that he has appeared in court and resolved the matter. Also, under current practice, before the suspension goes into effect, the commissioner gives the driver notice that he has four weeks to appear in court and resolve the matter, and provide evidence to him that he has done so.

### ***Driving without a License***

By law, it is illegal to operate a motor vehicle without a motor vehicle operator's license. A violation is an infraction that carries a fine, and other fees, totaling \$143, if paid by mail. 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. The latter offense 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 he (1) puts any motor vehicle's engine into motion without the driver's permission while the motor vehicle is standing or (2) intentionally and without right to do so, damages any motor vehicle or damages or removes any of its parts or components.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Report

Yea 34    Nay 1