



General Assembly

Substitute Bill No. 629

February Session, 2002

AN ACT CONCERNING MANDATORY TESTING OF DRIVERS.

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

1 Section 1. Section 14-227c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 As part of the investigation of any motor vehicle accident resulting
4 in a fatality, the Chief Medical Examiner, Deputy Chief Medical
5 Examiner, an associate medical examiner, a pathologist as specified in
6 section 19a-405, or an authorized assistant medical examiner, as the
7 case may be, shall order that a blood sample be taken from the body of
8 any operator or pedestrian who dies as a result of such accident. Such
9 blood samples shall be examined for the presence and concentration of
10 alcohol by the Division of Scientific Services within the Department of
11 Public Safety or by the Office of the Chief Medical Examiner. [To the
12 extent provided by law, a] A blood or breath sample [may also] shall
13 be obtained from any surviving operator whose motor vehicle is
14 involved in [such] an accident resulting in a serious physical injury, as
15 defined in section 53a-3, as amended, or a fatality, if a police officer has
16 probable cause to believe that such operator operated such motor
17 vehicle while under the influence of intoxicating liquor or drugs or
18 both. The test shall be performed by or at the direction of a police
19 officer according to methods and with equipment approved by the
20 Department of Public Safety and shall be performed by a person
21 certified or recertified for such purpose by said department or

22 recertified by persons certified as instructors by the Commissioner of
23 Public Safety. The equipment used for such test shall be checked for
24 accuracy by a person certified by the Department of Public Safety
25 immediately before and after such test is performed. If a blood test is
26 performed, it shall be on a blood sample taken by a person licensed to
27 practice medicine and surgery in this state, a qualified laboratory
28 technician, an emergency medical technician II, a registered nurse or a
29 phlebotomist, [as defined in subsection (m) of section 14-227a.] The
30 blood samples obtained from the surviving operator shall be examined
31 for the presence and concentration of alcohol by the Division of
32 Scientific Services within the Department of Public Safety. Nothing in
33 this section or section 19a-406 shall be construed as requiring such
34 medical examiner to perform an autopsy in connection with obtaining
35 such blood samples.

36 Sec. 2. Subsection (e) of section 14-227a of the general statutes is
37 repealed and the following is substituted in lieu thereof (*Effective*
38 *October 1, 2002*):

39 (e) The Commissioner of Public Safety or the Commissioner of
40 Public Health shall ascertain the reliability of each method and type of
41 device offered for chemical testing and analysis purposes of blood, of
42 breath and of urine and certify those methods and types which said
43 commissioner finds suitable for use in testing and analysis of blood,
44 breath and urine, respectively, in this state. The Commissioner of
45 Public Safety, in consultation with the Commissioner of Public Health,
46 shall adopt regulations, in accordance with chapter 54, governing the
47 conduct of chemical tests, the operation and use of chemical test
48 devices, the training and certification of operators of such devices and
49 the drawing or obtaining of blood, breath or urine samples as said
50 commissioner finds necessary to protect the health and safety of
51 persons who submit to chemical tests and to insure reasonable
52 accuracy in testing results. Such regulations shall not require
53 recertification of a police officer solely because such officer terminates
54 such officer's employment with the law enforcement agency for which
55 certification was originally issued and commences employment with

56 another such agency.

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

Statement of Legislative Commissioners:

In section 1, an obsolete reference was deleted.

JUD *Joint Favorable Subst.*