



House of Representatives

File No. 751

General Assembly

January Session, 2003

(Reprint of File No. 564)

House Bill No. 5352
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
May 22, 2003

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. (NEW) (*Effective October 1, 2003*) (a) No person whose
2 operator's license or right to operate a motor vehicle in this state has
3 been suspended pursuant to section 14-140 of the general statutes for
4 failure to appear for any scheduled court appearance shall operate any
5 motor vehicle during the period of such suspension.

6 (b) Any person who violates the provisions of subsection (a) of this
7 section shall, for a first offense, be fined not less than one hundred fifty
8 dollars nor more than two hundred dollars or imprisoned not more
9 than ninety days, or both, and, for any subsequent offense, be fined not
10 less than two hundred dollars nor more than six hundred dollars or
11 imprisoned not more than one year, or both.

12 Sec. 2. Subsection (a) of section 14-215 of the general statutes is
13 repealed and the following is substituted in lieu thereof (*Effective*
14 *October 1, 2003*):

15 (a) No person to whom an operator's license has been refused, or,
 16 except as provided in section 1 of this act, whose operator's license or
 17 right to operate a motor vehicle in this state has been suspended or
 18 revoked, shall operate any motor vehicle during the period of such
 19 refusal, suspension or revocation. No person shall operate or cause to
 20 be operated any motor vehicle, the registration of which has been
 21 refused, suspended or revoked, or any motor vehicle, the right to
 22 operate which has been suspended or revoked.

23 Sec. 3. (NEW) (*Effective October 1, 2003*) The court shall not accept a
 24 plea of guilty or nolo contendere from a person in a proceeding with
 25 respect to a violation of section 14-110, subsection (b) or (c) of section
 26 14-147, section 14-215, subsection (a) of section 14-222, subsection (a) or
 27 (b) of section 14-224 or section 53a-119b of the general statutes unless
 28 the court advises such person that conviction of the offense for which
 29 such person has been charged may have the consequence of the
 30 Commissioner of Motor Vehicles suspending such person's motor
 31 vehicle operator's license.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>

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:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Motor Vehicle Dept.	TF - None	None	None
Judicial Dept.	GF - 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 bill establishes a separate offense, it would have no fiscal impact on the Department of Motor Vehicles (DMV) as long as the Judicial Department reports the new violation under a new statutory designation.

Also, 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 8,000 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 (FY 02)				
CGS #	Title	Offenses	Convictions	Not Guilty, Dismiss, Other
14-110	False Statement - Report to DMV			
14-147(b)	Improper Use of License/Registration	21		21
14-147(c)	Improper Use of License/Marker	18,356	952	7,402
14-215	Illegal Operation of MV Under Suspension	22,724	5,152	17,572
14-222	Reckless Driving	4,810	1,535	3,275
14-224(a)	Evading Responsibility - Death/Serious Injury	43	23	20
14-224(b)	Evading Responsibility - Property Damage/Injury	3,787	927	2,860
53a-119b	Use of MV Without Permission	3		3
	Total	49,744	8,589	31,153

House "A" establishes a separate offense thereby eliminating the one-time cost of \$25,000 to \$50,000 by not requiring the DMV to modify its computer system in order to identify CGS Section 14-215 suspensions that result from failure to appear in court.

OLR Bill Analysis

HB 5352 (as amended by House "A")*

AN ACT CONCERNING THE SUSPENSION OF MOTOR VEHICLE OPERATOR'S 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 a motor vehicle law. 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.

The bill establishes a fine of between \$150 and \$200, or imprisonment for up to 90 days, or both for a first offense, and a fine of between \$200 and \$600, or imprisonment for up to one year, or both for a subsequent offense.

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 the commissioner suspending his driver's license.

*House Amendment "A" establishes the fine, and imprisonment penalty for the offense.

EFFECTIVE DATE: October 1, 2003

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;
6. reckless driving; and
7. using a motor vehicle without the owner's permission or interfering or tampering with a motor vehicle.

BACKGROUND

Suspension of Driver's 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 does so. 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 reopen the matter, and provide evidence to him that he has done so.

Driving Without a License

It is illegal to operate a motor vehicle without a 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 (which the bill eliminates).

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 the right to do so, damages any motor vehicle or damages or removes any of its parts or components.

Legislative History

On May 6, the House referred the bill to the Transportation Committee, which reported it favorably unchanged on May 13.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report
Yea 39 Nay 0

Transportation Committee

Joint Favorable Report
Yea 23 Nay 0