



# House of Representatives

General Assembly

**File No. 168**

*January Session, 2005*

House Bill No. 5463

*House of Representatives, April 5, 2005*

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

***AN ACT SUSPENDING THE OPERATOR'S LICENSE OF A PERSON CONVICTED OF PROVIDING ALCOHOL TO A MINOR.***

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

1 Section 1. Section 14-111e of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) The Commissioner of Motor Vehicles shall suspend, for a period  
4 of one hundred fifty days, the motor vehicle operator's license or  
5 nonresident operating privilege of any person under the age of twenty-  
6 one who has been convicted of a violation of section 30-88a involving  
7 the misuse of an operator's license or section 30-89 involving the  
8 purchase and possession of alcoholic liquor by a minor.

9 (b) Any person under the age of twenty-one who has not been  
10 issued a motor vehicle operator's license under section 14-36 and who  
11 has been convicted of a violation of section 30-88a involving the  
12 misuse of an operator's license, section 30-89 involving the purchase

13 and possession of alcoholic liquor by a minor or subsection (e) of  
14 section 1-1h involving the misuse of an identity card, shall not be  
15 issued a new operator's license by the commissioner under section 14-  
16 36 until a period of one hundred fifty days has elapsed from the date  
17 all applicable requirements for any such license have been satisfied by  
18 the applicant.

19 (c) The Commissioner of Motor Vehicles shall suspend the motor  
20 vehicle operator's license or nonresident operating privilege of any  
21 person convicted of a violation of subdivision (2) of subsection (b) of  
22 section 30-86, as amended by this act, for six months for a first  
23 conviction, one year for a second conviction and two years for a third  
24 or subsequent conviction.

25 Sec. 2. Subsection (b) of section 30-86 of the general statutes is  
26 repealed and the following is substituted in lieu thereof (*Effective*  
27 *October 1, 2005*):

28 (b) (1) Any permittee or any servant or agent of a permittee who  
29 sells or delivers alcoholic liquor to any minor [,] or [to] any intoxicated  
30 person, or to any habitual drunkard, knowing the person to be such an  
31 habitual drunkard, shall be subject to the penalties of section 30-113.

32 (2) Any person who sells, ships, delivers or gives any [such liquors  
33 to such] alcoholic liquor to any minor, by any means, including, but  
34 not limited to, the Internet or any other on-line computer network,  
35 except on the order of a practicing physician, shall be fined not more  
36 than one thousand five hundred dollars or imprisoned not more than  
37 eighteen months, or both. Each court shall report each conviction  
38 under this subdivision to the Commissioner of Motor Vehicles who  
39 shall suspend the motor vehicle operator's license or nonresident  
40 operating privilege of the person reported as convicted in accordance  
41 with subsection (c) of section 14-111e, as amended by this act.

42 (3) The provisions of this [section] subsection shall not apply [(1)]  
43 (A) to a sale, shipment or delivery made to a person over age eighteen  
44 who is an employee or permit holder under section 30-90a and where

45 such sale, shipment or delivery is made in the course of such person's  
 46 employment or business, [(2)] (B) to a sale, shipment or delivery made  
 47 in good faith to a minor who practices any deceit in the procurement of  
 48 an identity card issued in accordance with the provisions of section  
 49 1-1h, who uses or exhibits any such identity card belonging to any  
 50 other person or who uses or exhibits any such identity card that has  
 51 been altered or tampered with in any way, or [(3)] (C) to a shipment or  
 52 delivery made to a minor by a parent, guardian or spouse of the minor,  
 53 provided such parent, guardian or spouse has attained the age of  
 54 twenty-one and provided such minor possesses such alcoholic liquor  
 55 while accompanied by such parent, guardian or spouse.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	14-111e
Sec. 2	<i>October 1, 2005</i>	30-86(b)

**TRA**      *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:

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**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Motor Vehicles	TF - None	None	None
Judicial Dept.	GF - None	None	None

Note: TF=Transportation Fund; GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill provides for the mandatory suspension of any person’s motor vehicle operator’s license or nonresident operating privilege if that person is convicted of selling, shipping, delivering or giving alcoholic liquor to any minor under CGS Section 30-86. There are approximately fifty such convictions each year.

The Judicial Department must report each conviction to the Department of Motor Vehicles. The Judicial Department would not require additional resources or staffing to accommodate this mandate, consequently there is no fiscal impact to that agency.

The Department of Motor vehicles will be able to accommodate any additional administrative functions resulting from passage of the bill within its anticipated budgetary resources.

**OLR Bill Analysis**

HB 5463

***AN ACT SUSPENDING THE OPERATOR'S LICENSE OF A PERSON CONVICTED OF PROVIDING ALCOHOL TO A MINOR.*****SUMMARY:**

This bill requires the motor vehicle commissioner to suspend the driver's license or nonresident operating privilege of anyone convicted of selling, shipping, delivering, or giving alcoholic liquor to someone under age 21. The required term of suspension is six months for a first conviction, one year for a second conviction, and two years for a third or subsequent conviction. The bill requires each court to report any such conviction to the commissioner for his action.

EFFECTIVE DATE: October 1, 2005

**BACKGROUND*****Selling, Shipping, Delivering, or Giving Alcoholic Liquor to Someone Under Age 21***

By law, someone who sells, ships, delivers, or gives alcoholic liquor to someone under age 21, with certain exceptions, is subject to a maximum fine of \$1,500, imprisonment for up to 18 months, or both. The prohibition does not apply to (1) alcoholic liquor provided on the order of a practicing physician; (2) sale, shipment, or delivery to someone over age 18 who is a liquor permit holder, or his employee, when this is done in the normal course of employment or business; (2) sale, shipment, or delivery made in good faith to a minor who uses deceit to procure a nondriver photo identification card, uses such an identity card belonging to someone else, or uses one that has been altered or tampered with; or (4) shipment or delivery to a minor by their parent, guardian, or spouse who is age 21 or older and who is accompanying the minor.

Under the law, a liquor permit holder prosecuted for selling alcoholic liquor to a minor has as an affirmative defense that (1) the person attempting to purchase or receive the alcohol presented a driver's license or identity card, (2) a transaction scan of the license or identity

card indicated that it was valid, and (3) the alcoholic liquor was sold in reasonable reliance upon the identification presented and the transaction scan. (A transaction scan involves the use of an electronic device at the point of sale that checks information on a magnetic strip or barcode.) The law provides no similar defense for a private individual who gives alcoholic liquor to a minor based on presentation of a driver's license.

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable Report  
Yea 17    Nay 11