



House of Representatives

General Assembly

File No. 583

January Session, 2005

Substitute House Bill No. 6816

House of Representatives, April 28, 2005

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG AND SUSPENDING THE DRIVER'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. Subsection (a) of section 14-227a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2005*):

4 (a) No person shall operate a motor vehicle while under the
5 influence of intoxicating liquor or any drug or both. A person commits
6 the offense of operating a motor vehicle while under the influence of
7 intoxicating liquor or any drug or both if such person operates a motor
8 vehicle on a public highway of this state or on any road of a district
9 organized under the provisions of chapter 105, a purpose of which is
10 the construction and maintenance of roads and sidewalks, or on any
11 private road [on which a speed limit has been established in
12 accordance with the provisions of section 14-218a] open to motor

13 vehicle traffic, or in any parking area for ten or more cars or on any
14 school property (1) while under the influence of intoxicating liquor or
15 any drug or both, or (2) while such person has an elevated blood
16 alcohol content. For the purposes of this section, "elevated blood
17 alcohol content" means a ratio of alcohol in the blood of such person
18 that is eight-hundredths of one per cent or more of alcohol, by weight.

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 Section 14-111e of the general statutes is repealed and the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

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

27 (b) Any person under the age of twenty-one who has not been
28 issued a motor vehicle operator's license under section 14-36 and who
29 has been convicted of a violation of section 30-88a involving the
30 misuse of an operator's license, section 30-89 involving the purchase
31 and possession of alcoholic liquor by a minor or subsection (e) of
32 section 1-1h involving the misuse of an identity card, shall not be
33 issued a new operator's license by the commissioner under section 14-
34 36 until a period of one hundred fifty days has elapsed from the date
35 all applicable requirements for any such license have been satisfied by
36 the applicant.

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

43 Sec. 3. Subsection (b) of section 30-86 of the general statutes is
44 repealed and the following is substituted in lieu thereof (*Effective*

45 *October 1, 2005*):

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

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

60 (3) The provisions of this [section] subsection shall not apply [(1)]
 61 (A) to a sale, shipment or delivery made to a person over age eighteen
 62 who is an employee or permit holder under section 30-90a and where
 63 such sale, shipment or delivery is made in the course of such person's
 64 employment or business, [(2)] (B) to a sale, shipment or delivery made
 65 in good faith to a minor who practices any deceit in the procurement of
 66 an identity card issued in accordance with the provisions of section
 67 1-1h, who uses or exhibits any such identity card belonging to any
 68 other person or who uses or exhibits any such identity card that has
 69 been altered or tampered with in any way, or [(3)] (C) to a shipment or
 70 delivery made to a minor by a parent, guardian or spouse of the minor,
 71 provided such parent, guardian or spouse has attained the age of
 72 twenty-one and provided such minor possesses such alcoholic liquor
 73 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>	14-227a(a)

Sec. 2	<i>October 1, 2005</i>	14-111e
Sec. 3	<i>October 1, 2005</i>	30-86(b)

JUD *Joint Favorable Subst.*

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-Effect	FY 06 \$	FY 07 \$
Department of Motor Vehicles	TF - None	None	None
Judicial Dept.	GF - Revenue Gain	Less than 37,500	Less than 50,000
Judicial Department (Probation); Correction, Dept.	GF - Cost	Potential Significant	Potential Significant

Note: TF=Transportation Fund; GF=General Fund

Municipal Impact: None

Explanation

The bill extends the prohibition against driving under the influence to include private roads which have not had a speed limit established by the municipal traffic authority and approved by the State Traffic Commission. It is unknown how many additional convictions would occur annually as a result of this change. However, even a relatively small increase (for example, two per cent) from current levels would yield over one hundred additional convictions annually since there are over five thousand convictions each year under current law. Such an increase would result in an annual cost of about \$275,000 to incarcerate individuals for second violations, which carry a mandatory minimum sentence of 120 days.

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

sHB 6816

AN ACT CONCERNING DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG AND SUSPENDING THE DRIVER'S LICENSE OF A PERSON CONVICTED OF PROVIDING ALCOHOL TO A MINOR**SUMMARY:**

This bill makes the driving under the influence laws apply to any private road open to vehicle traffic instead of to private roads on which a speed limit has been established by the municipal traffic authority and approved by the State Traffic Commission.

The bill also establishes motor vehicle license suspensions for people who are convicted of providing liquor to a minor. The bill requires the Department of Motor Vehicles commissioner to suspend their licenses for six months for a first conviction, one year for a second conviction, and two years for a third or subsequent conviction. Under current law, the offender is subject to a criminal penalty of imprisonment for up to 18 months, a fine of up to \$1,500, or both. The bill requires the court to report each conviction to the commissioner.

EFFECTIVE DATE: October 1, 2005

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0