



General Assembly

January Session, 2005

Raised Bill No. 6816

LCO No. 3767

03767_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING DRIVING WHILE UNDER THE INFLUENCE OF
INTOXICATING LIQUOR OR ANY DRUG.***

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2 repealed and the following is substituted in lieu thereof (*Effective*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. Subsection (d) of section 14-227b of the general statutes is
20 repealed and the following is substituted in lieu thereof (*Effective*
21 *October 1, 2005*):

22 (d) If the person arrested submits to a blood or urine test at the
23 request of the police officer, and the specimen requires laboratory
24 analysis in order to obtain the test results, the police officer shall not
25 take possession of the motor vehicle operator's license of such person
26 or, except as provided in this subsection, follow the procedures
27 subsequent to taking possession of the operator's license as set forth in
28 subsection (c) of this section. If the test results indicate that such
29 person has an elevated blood alcohol content or indicate the presence
30 of any drug in such person, the police officer, immediately upon
31 receipt of the test results, shall notify the Commissioner of Motor
32 Vehicles and submit to the commissioner the written report required
33 pursuant to subsection (c) of this section.

34 Sec. 3. Subsection (g) of section 14-227b of the general statutes is
35 repealed and the following is substituted in lieu thereof (*Effective*
36 *October 1, 2005*):

37 (g) If such person contacts the department to schedule a hearing, the
38 department shall assign a date, time and place for the hearing, which
39 date shall be prior to the effective date of the suspension, except that,
40 with respect to a person whose license or nonresident operating
41 privilege is suspended in accordance with subdivision (2) of subsection
42 (e) of this section, such hearing shall be scheduled not later than thirty
43 days after such person contacts the department. At the request of such
44 person or the hearing officer and upon a showing of good cause, the
45 commissioner may grant one continuance for a period not to exceed
46 fifteen days. The hearing shall be limited to a determination of the
47 following issues: (1) Did the police officer have probable cause to
48 arrest the person for operating a motor vehicle while under the

49 influence of intoxicating liquor or any drug or both; (2) was such
50 person placed under arrest; (3) did such person refuse to submit to
51 such test or analysis or did such person submit to such test or analysis,
52 commenced within two hours of the time of operation, and the results
53 of such test or analysis indicated that such person had an elevated
54 blood alcohol content or indicated the presence of any drug in such
55 person; and (4) was such person operating the motor vehicle. In the
56 hearing, the results of the test or analysis shall be sufficient to indicate
57 the ratio of alcohol in the blood of such person at the time of operation,
58 except that if the results of the additional test indicate that the ratio of
59 alcohol in the blood of such person is twelve-hundredths of one per
60 cent or less of alcohol, by weight, and is higher than the results of the
61 first test, evidence shall be presented that demonstrates that the test
62 results and analysis thereof accurately indicate the blood alcohol
63 content at the time of operation. The fees of any witness summoned to
64 appear at the hearing shall be the same as provided by the general
65 statutes for witnesses in criminal cases.

66 Sec. 4. Subsection (i) of section 14-227b of the general statutes is
67 repealed and the following is substituted in lieu thereof (*Effective*
68 *October 1, 2005*):

69 (i) The commissioner shall suspend the operator's license or
70 nonresident operating privilege of a person who did not contact the
71 department to schedule a hearing, who failed to appear at a hearing or
72 against whom, after a hearing, the commissioner held pursuant to
73 subsection (h) of this section, as of the effective date contained in the
74 suspension notice or the date the commissioner renders a decision,
75 whichever is later, for a period of: (1) (A) Except as provided in
76 subparagraph (B) of this subdivision, ninety days, if such person
77 submitted to a test or analysis and the results of such test or analysis
78 indicated that such person had an elevated blood alcohol content or
79 indicated the presence of any drug in such person, (B) one hundred
80 twenty days, if such person submitted to a test or analysis and the
81 results of such test or analysis indicated that the ratio of alcohol in the

82 blood of such person was sixteen-hundredths of one per cent or more
83 of alcohol, by weight, or (C) six months if such person refused to
84 submit to such test or analysis, (2) if such person has previously had
85 such person's operator's license or nonresident operating privilege
86 suspended under this section, (A) except as provided in subparagraph
87 (B) of this subdivision, nine months if such person submitted to a test
88 or analysis and the results of such test or analysis indicated that such
89 person had an elevated blood alcohol content or indicated the presence
90 of any drug in such person, (B) ten months if such person submitted to
91 a test or analysis and the results of such test or analysis indicated that
92 the ratio of alcohol in the blood of such person was sixteen-hundredths
93 of one per cent or more of alcohol, by weight, and (C) one year if such
94 person refused to submit to such test or analysis, and (3) if such person
95 has two or more times previously had such person's operator's license
96 or nonresident operating privilege suspended under this section, (A)
97 except as provided in subparagraph (B) of this subdivision, two years
98 if such person submitted to a test or analysis and the results of such
99 test or analysis indicated that such person had an elevated blood
100 alcohol content or indicated the presence of any drug in such person,
101 (B) two and one-half years if such person submitted to a test or
102 analysis and the results of such test or analysis indicated that the ratio
103 of alcohol in the blood of such person was sixteen-hundredths of one
104 per cent or more of alcohol, by weight, and (C) three years if such
105 person refused to submit to such test or analysis.

106 Sec. 5. Subsection (j) of section 14-227b of the general statutes is
107 repealed and the following is substituted in lieu thereof (*Effective*
108 *October 1, 2005*):

109 (j) Notwithstanding the provisions of subsections (b) to (i),
110 inclusive, of this section, any police officer who obtains the results of a
111 chemical analysis of a blood sample taken from an operator of a motor
112 vehicle involved in an accident who suffered or allegedly suffered
113 physical injury in such accident shall notify the Commissioner of
114 Motor Vehicles and submit to the commissioner a written report if

115 such results indicate that such person had an elevated blood alcohol
116 content or indicate the presence of any drug in such person, and if
117 such person was arrested for violation of section 14-227a in connection
118 with such accident. The report shall be made on a form approved by
119 the commissioner containing such information as the commissioner
120 prescribes, and shall be subscribed and sworn to under penalty of false
121 statement, as provided in section 53a-157b, by the police officer. The
122 commissioner may, after notice and an opportunity for hearing, which
123 shall be conducted in accordance with chapter 54, suspend the motor
124 vehicle operator's license or nonresident operating privilege of such
125 person for a period of up to ninety days, or, if such person has
126 previously had such person's operator's license or nonresident
127 operating privilege suspended under this section for a period of up to
128 one year. Each hearing conducted under this subsection shall be
129 limited to a determination of the following issues: (1) Whether the
130 police officer had probable cause to arrest the person for operating a
131 motor vehicle while under the influence of intoxicating liquor or drug
132 or both; (2) whether such person was placed under arrest; (3) whether
133 such person was operating the motor vehicle; (4) whether the results of
134 the analysis of the blood of such person [indicate] indicated that such
135 person had an elevated blood alcohol content or indicated the presence
136 of any drug in such person; and (5) whether the blood sample was
137 obtained in accordance with conditions for admissibility and
138 competence as evidence as set forth in subsection (j) of section 14-227a.
139 If, after such hearing, the commissioner finds on any one of the said
140 issues in the negative, the commissioner shall not impose a suspension.
141 The fees of any witness summoned to appear at the hearing shall be
142 the same as provided by the general statutes for witnesses in criminal
143 cases, as provided in section 52-260.

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>	14-227b(d)

Sec. 3	<i>October 1, 2005</i>	14-227b(g)
Sec. 4	<i>October 1, 2005</i>	14-227b(i)
Sec. 5	<i>October 1, 2005</i>	14-227b(j)

Statement of Purpose:

To allow enforcement of drunken driving laws on private roads that are open to motor vehicle traffic and to make the administrative license suspension procedure apply to drivers when a test administered to the arrested driver indicates the presence of any drug.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]