



General Assembly

February Session, 2006

Raised Bill No. 5839

LCO No. 3395

03395_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING BLOOD OR BREATH TESTS OF SURVIVING OPERATORS INVOLVED IN MOTOR VEHICLE ACCIDENTS AND PROHIBITING PERSONS FACILITATING DRAG RACING.

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

1 Section 1. Subsection (b) of section 14-227c of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2006*):

4 (b) A blood or breath sample shall be obtained from any surviving
5 operator whose motor vehicle is involved in an accident resulting in
6 the serious physical injury, as defined in section 53a-3, or death of
7 another person, if (1) a police officer has probable cause to believe that
8 such operator operated such motor vehicle while under the influence
9 of intoxicating liquor or any drug, or both, or (2) such operator has
10 been charged with a motor vehicle violation in connection with such
11 accident and a police officer has a reasonable and articulable suspicion
12 that such operator operated such motor vehicle while under the
13 influence of intoxicating liquor or any drug, or both. The test shall be
14 performed by or at the direction of a police officer according to
15 methods and with equipment approved by the Department of Public

16 Safety and shall be performed by a person certified or recertified for
17 such purpose by said department or recertified by persons certified as
18 instructors by the Commissioner of Public Safety. The equipment used
19 for such test shall be checked for accuracy by a person certified by the
20 Department of Public Safety immediately before and after such test is
21 performed. If a blood test is performed, it shall be on a blood sample
22 taken by a person licensed to practice medicine and surgery in this
23 state, a qualified laboratory technician, an emergency medical
24 technician II, a registered nurse, a physician assistant or a
25 phlebotomist. The blood samples obtained from an operator pursuant
26 to this subsection shall be examined for the presence and concentration
27 of alcohol and any drug by the Division of Scientific Services within
28 the Department of Public Safety.

29 Sec. 2. Subsection (c) of section 14-224 of the general statutes is
30 repealed and the following is substituted in lieu thereof (*Effective*
31 *October 1, 2006*):

32 (c) (1) No person shall operate a motor vehicle upon any public
33 highway for a wager or for any race or for the purpose of making a
34 speed record.

35 (2) No person shall (A) possess a motor vehicle under circumstances
36 manifesting an intent that it be used in a race or event prohibited
37 under subdivision (1) of this subsection, (B) act as a starter, timekeeper,
38 judge or spectator at a race or event prohibited under subdivision (1)
39 of this subsection, or (C) wager on the outcome of a race or event
40 prohibited under subdivision (1) of this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	14-227c(b)
Sec. 2	<i>October 1, 2006</i>	14-224(c)

Statement of Purpose:

To require a blood or breath sample be obtained from a surviving operator of a motor vehicle involved in an accident resulting in the serious physical injury or death of another person if the operator has been charged with a violation and a police officer has a reasonable suspicion that the operator was under the influence of alcohol or drugs, and to prohibit persons aiding or abetting illegal drag racing.

[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.]