



General Assembly

**Substitute Bill No. 5839**

February Session, 2006

\*        HB05839PS        041806        \*

**AN ACT CONCERNING BLOOD OR BREATH TESTS OF SURVIVING OPERATORS INVOLVED IN MOTOR VEHICLE ACCIDENTS AND PROHIBITING PERSONS FACILITATING ILLEGAL STREET 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2       repealed and the following is substituted in lieu thereof (*Effective*  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)

**JUD**      *Joint Favorable Subst.-LCO*

**PS**        *Joint Favorable*