



General Assembly

Substitute Bill No. 329

February Session, 2006

* SB00329JUD 032206 *

**AN ACT CONCERNING THE ADMINISTRATIVE PER SE LICENSE
SUSPENSION PROCESS.**

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

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2 supplement to the general statutes are repealed and the following is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

4 (c) If the person arrested refuses to submit to such test or analysis or
5 submits to such test or analysis, commenced within two hours of the
6 time of operation, and the results of such test or analysis indicate that
7 such person has an elevated blood alcohol content, the police officer,
8 acting on behalf of the Commissioner of Motor Vehicles, shall
9 immediately revoke and take possession of the motor vehicle
10 operator's license or, if such person is a nonresident, suspend the
11 nonresident operating privilege of such person, for a twenty-four-hour
12 period. The police officer shall prepare a written report of the incident
13 and, except as provided in subsection (d) of this section, shall mail the
14 report and a copy of the results of any chemical test or analysis to the
15 Department of Motor Vehicles [within three] not later than three
16 business days after the incident. The report shall be made on a form
17 approved by the Commissioner of Motor Vehicles and shall be
18 subscribed and sworn to under penalty of false statement as provided
19 in section 53a-157b by the arresting officer. If the person arrested

20 refused to submit to such test or analysis, the report shall be endorsed
21 by a third person who witnessed such refusal. The report shall set forth
22 the grounds for the officer's belief that there was probable cause to
23 arrest such person for operating a motor vehicle while under the
24 influence of intoxicating liquor or any drug or both and shall state that
25 such person had refused to submit to such test or analysis when
26 requested by such police officer to do so or that such person submitted
27 to such test or analysis, commenced within two hours of the time of
28 operation, and the results of such test or analysis indicated that such
29 person had an elevated blood alcohol content. If the report contains an
30 error in form or documentation, the Commissioner of Motor Vehicles
31 shall notify the police officer, in writing, of such error not later than
32 five business days after receipt of the report and the police officer may
33 resubmit the report in accordance with the provisions of this
34 subsection not later than five business days after receipt of such notice.

35 (d) If the person arrested submits to a blood or urine test at the
36 request of the police officer, and the specimen requires laboratory
37 analysis in order to obtain the test results, the police officer shall cause
38 the specimen to be transmitted not later than the next business day to
39 the Division of Scientific Services within the Department of Public
40 Safety for such laboratory analysis. The police officer shall not take
41 possession of the motor vehicle operator's license of such person or,
42 except as provided in this subsection, follow the procedures
43 subsequent to taking possession of the operator's license as set forth in
44 subsection (c) of this section. Not later than three business days after
45 receipt of such specimen, the division shall mail a copy of the test
46 results from the laboratory analysis of the specimen to the police
47 officer and to the Department of Motor Vehicles. If the test results
48 indicate that such person has an elevated blood alcohol content, the
49 police officer, [immediately upon] not later than three business days
50 after receipt of the test results, shall notify the Commissioner of Motor
51 Vehicles and submit to the commissioner the written report required
52 pursuant to subsection (c) of this section.

