



STATE OF CONNECTICUT DEPARTMENT OF MOTORVEHICLES



Rowland State Government Center, 55 West Main Street, Waterbury, CT 06702-2004
<http://dmvct.org>

*Testimony of John Yacavone, Bureau Chief
Department of Motor Vehicles
Judiciary Committee Public Hearing
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Raised Bill No. 600 AN ACT CONCERNING THE ADMINISTRATIVE PER SE LICENSE SUSPENSION PROCESS

On behalf of the Department of Motor Vehicles (DMV) and Commissioner Ralph J. Carpenter, I am here to testify on Raised Senate Bill 600. With certain modifications, DMV supports this bill. DMV also strongly supports Raised Senate Bill 329, *An Act Concerning the Administrative Per Se License Suspension Program*, which will likely be reported out of the Transportation Committee today.

Both of these bills concern improvements to the Administrative Per Se Drunk Driving (DUI) Program administered by DMV and state and local police agencies. Each year DMV processes approximately 12,000 DUI arrest reports, imposes approximately 9,000 suspensions and conducts over 5,000 administrative hearings under this program. The risks and the tragic consequences caused by drivers who are impaired by excessive consumption of alcohol are well known. I need not repeat such information here, since I know that the members of this Committee are very cognizant of the devastating effects of drinking and driving.

Senate Bill 600 is intended primarily to require DMV to work more closely with police agencies concerning the A-44 arrest reports that must be filed. Recent news media reports have claimed that faulty paperwork or similar problems have led to an inability to impose license suspensions in many cases.

Let me assure you, on behalf of the Commissioner, that DMV already is actively working with all police departments and troops. We have substantially increased our training sessions with law enforcement, which are being held on a frequent basis throughout the state. DMV also has established a feedback loop for police officers and troopers, for all cases where our DMV hearing officers decide that the evidence is insufficient to impose a license suspension. DMV will continue these proactive efforts whether or not we are mandated to do so by the General Assembly. However, in the event that you wish to enact the mandate included in this bill, to require defective reports to be resubmitted, DMV is respectfully submitting the following substitute language for lines 30-32:

Seat Belts Do Save Lives

If the report as submitted contains an error in form or documentation, as determined by the Commissioner of Motor Vehicles, the commissioner shall notify the police officer of such error in a timely manner, prior to the commencement of the hearing that may be scheduled in accordance with the provisions of subsection (e) of this section. Notwithstanding the time prescribed by the provisions of this subsection for the initial submittal of the report, the report may, thereafter, be resubmitted by the police officer to the commissioner.

We believe that this substitute language will better protect the legal position of DMV and the State.

As mentioned, DMV also strongly supports SB 329. The fact of the matter is that Connecticut's Implied Consent statute is still among the most complicated and difficult to administer of any of the approximately forty (40) such laws in the United States. Section 14-227b still contains many needless complications that frustrate the efforts of law enforcement personnel and DMV to administer the statute effectively. These complications have little to do with fairness or Due Process of Law, but more to do with confusions between the standards for criminal DUI prosecutions, under Section 14-227a, and the standards for administrative license suspension hearings, under Section 14-227b and the Uniform Administrative Procedure Act. By working together on both of these bills, DMV believes that Connecticut can have a statute that is fair and workable, and that has the full confidence of the public.

We would be pleased to answer any questions from Committee members or discuss any and all details of these proposals at your convenience.