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TESTIMONY

JUDICIARY COMMITTEE

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**SB 600 – AN ACT CONCERNING THE ADMINISTRATIVE
PER SE LICENSE SUSPENSION PROCESS**

Senator McDonald, Representative Lawlor and members of the Judiciary Committee, I am very encouraged that you have raised Senate Bill No. 600 to help strengthen effective enforcement of Connecticut's drunk driving laws. As the National Safety Council reports, Connecticut is one of the "fatal fifteen" states for the second year in a row -- with 41% of all traffic fatalities involving drunk driving. Last week, the "murder" of 12-year old Natalia Mrowka in New Britain by a drunk driver is a sad but timely reminder.

And it's not that our penalties aren't tough. It's that there are simply too many bureaucratic burdens on enforcement. Yes, the culture of drinking remains a major problem, but there is also clear evidence of real problems in enforcement. A recent newspaper report indicates that 800 drunk drivers were put back on the road after multiple offenses. Some of this was the result of appointing at least one administrative hearing officer who believed that it was still his job to defend drunk drivers as he had in his own law practice. But far more of the thousands of other cases that left drunk drivers on the road and all of us at risk, the fault is in the system.

We do not give clear direction or helpful guidance to our police. Paperwork errors and processing unnecessarily burden. The Department of Motor Vehicles often fails to timely and clear assistance in the process of enforcement. And the lack of adequate annual reporting on the disposition of all cases undercuts accountability. Similar to SB 513 in the Transportation Committee, SB 600 here today would strengthen the enforcement of administrative per se license suspension law.

Small changes can make a big difference:

- The proposed 5 days for DMV to notify an arresting officer or errors in form or documentation may be too short. But experience tells us that some specific time limit of 10 to 15 days is needed -- as well as allowing the arresting officer an additional 2 to 5 days to resubmit even if the original deadline has passed. Too often, good cases are lost because DMV waits until the last minute to reject the officer's report for error or insufficiency while giving no helpful guidance as to the correction or documentation needed.
- Similarly, the new deadlines in subsection (d) are needed but may also be too short as proposed.
- Additionally, SB 600 should be amended to require that the Commissioner of Motor Vehicles annually (1) provide all sworn police officers with a plain-language manual for enforcement and (2) report to Governor and State Legislature on the final disposition of all administrative per se enforcement cases filed -- including those returned for insufficiency or otherwise not enforced -- for the prior 12 months.
- And while you are at it, SB 600 should also be similarly amended to require that Chief State's Attorney should annually (1) provide a plain-language manual on criminal DUI enforcement to all sworn police officers and (2) a 12-month report on the final disposition of all DUI arrests.

My staff has additional draft language if that would be helpful with respect to the issues addressed in my testimony.

Thank you and please help make our drunk-driving laws more enforceable and enforcement more accountable. More prevention is also needed, but we must also send a much clearer message that we mean it when we say that we are getting tough on drunk driving.