



General Assembly

January Session, 2007

Committee Bill No. 409

LCO No. 5033

05033SB00409PS_

Referred to Committee on Public Safety and Security

Introduced by:
(PS)

AN ACT CONCERNING THE ENFORCEMENT OF DRUNK DRIVING LAWS.

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

1 Section 1. Section 14-227a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) No person shall operate a motor vehicle while under the
4 influence of intoxicating liquor or any drug or both. A person commits
5 the offense of operating a motor vehicle while under the influence of
6 intoxicating liquor or any drug or both if such person operates a motor
7 vehicle (1) while under the influence of intoxicating liquor or any drug
8 or both, or (2) while such person has an elevated blood alcohol content.
9 For the purposes of this section, "elevated blood alcohol content"
10 means (A) a ratio of alcohol in the blood of such person that is eight-
11 hundredths of one per cent or more of alcohol, by weight, (B) if such
12 person is operating a commercial motor vehicle, a ratio of alcohol in
13 the blood of such person that is four-hundredths of one per cent or
14 more of alcohol, by weight, or (C) if such person is under twenty-one
15 years of age, a ratio of alcohol in the blood of such person that is two-
16 hundredths of one per cent or more of alcohol, by weight, and "motor

17 vehicle" includes a snowmobile and all-terrain vehicle, as those terms
18 are defined in section 14-379.

19 (b) [Except as provided in subsection (c) of this section, in] In any
20 criminal prosecution for violation of subsection (a) of this section,
21 evidence respecting the amount of alcohol or drug in the defendant's
22 blood or urine at the time of the alleged offense, as shown by a
23 chemical analysis of the defendant's breath, blood or urine shall be
24 admissible and competent provided: (1) The defendant [was afforded a
25 reasonable opportunity to telephone an attorney prior to the
26 performance of the test and consented to the taking of] did not refuse
27 to take the test upon which such analysis is made; (2) a true copy of the
28 report of the test result was mailed to or personally delivered to the
29 defendant [within twenty-four hours or by the end of the next regular
30 business day,] not later than three business days after such result was
31 known; [, whichever is later;] (3) the test was performed by or at the
32 direction of a police officer according to methods and with equipment
33 approved by the Department of Public Safety and was performed in
34 accordance with the regulations adopted under subsection (d) of this
35 section; (4) the device used for such test was checked for accuracy in
36 accordance with the regulations adopted under subsection (d) of this
37 section; (5) an additional chemical test of the same type was performed
38 at least [thirty] ten minutes after the initial test was performed or, if
39 requested by the police officer for reasonable cause, an additional
40 chemical test of a different type was performed to detect the presence
41 of a drug or drugs other than or in addition to alcohol, provided the
42 results of the initial test shall not be inadmissible under this subsection
43 if reasonable efforts were made to have such additional test performed
44 in accordance with the conditions set forth in this subsection and such
45 additional test was not performed or was not performed within a
46 reasonable time, or the results of such additional test are not
47 admissible for failure to meet a condition set forth in this subsection;
48 and (6) evidence is presented that the test was commenced within two
49 hours of operation. In any prosecution under this section it shall be a
50 rebuttable presumption that the results of such chemical analysis

51 establish the ratio of alcohol in the blood of the defendant at the time
52 of the alleged offense. [, except that if the results of the additional test
53 indicate that the ratio of alcohol in the blood of such defendant is
54 twelve-hundredths of one per cent or less of alcohol, by weight, and is
55 higher than the results of the first test, evidence shall be presented that
56 demonstrates that the test results and the analysis thereof accurately
57 indicate the blood alcohol content at the time of the alleged offense.] In
58 any prosecution under this section, the court may admit the results of
59 the chemical analysis of the defendant's blood, breath or urine,
60 notwithstanding any failure or alleged failure to comply strictly with
61 the conditions set forth in subdivisions (3) to (6), inclusive, of this
62 subsection, for good cause shown including evidence that such failure
63 or alleged failure does not materially affect the validity of such results.

64 [(c) In any prosecution for a violation of subdivision (1) of
65 subsection (a) of this section, reliable evidence respecting the amount
66 of alcohol in the defendant's blood or urine at the time of the alleged
67 offense, as shown by a chemical analysis of the defendant's blood,
68 breath or urine, otherwise admissible under subsection (b) of this
69 section, shall be admissible only at the request of the defendant.]

70 [(d)] (c) The Commissioner of Public Safety shall ascertain the
71 reliability of each method and type of device offered for chemical
72 testing and analysis purposes of blood, of breath and of urine and
73 certify those methods and types which said commissioner finds
74 suitable for use in testing and analysis of blood, breath and urine,
75 respectively, in this state.

76 (d) The Commissioner of Public Safety shall adopt regulations, in
77 accordance with chapter 54, governing the conduct of chemical tests,
78 the operation and use of chemical test devices, the training and
79 certification of operators of such devices and the drawing or obtaining
80 of blood, breath or urine samples as said commissioner finds necessary
81 to protect the health and safety of persons who submit to chemical
82 tests and to insure reasonable accuracy in testing results. Such

83 regulations shall not require recertification of a police officer solely
84 because such officer terminates such officer's employment with the law
85 enforcement agency for which certification was originally issued and
86 commences employment with another such agency.

87 (e) In any criminal prosecution for a violation of subsection (a) of
88 this section, evidence that the defendant refused to submit to a blood,
89 breath or urine test requested in accordance with section 14-227b, as
90 amended by this act, shall be admissible provided the requirements of
91 subsection (b) of said section have been satisfied. If a case involving a
92 violation of subsection (a) of this section is tried to a jury, the court
93 shall instruct the jury as to any inference that may or may not be
94 drawn from the defendant's refusal to submit to a blood, breath or
95 urine test.

96 (f) If a person is charged with a violation of the provisions of
97 subsection (a) of this section, the charge may not be reduced, nolle or
98 dismissed unless the prosecuting authority states in open court such
99 prosecutor's reasons for the reduction, nolle or dismissal.

100 (g) Any person who violates any provision of subsection (a) of this
101 section shall: (1) For conviction of a first violation, (A) be fined not less
102 than [five hundred] one thousand dollars or more than [one] two
103 thousand five hundred dollars, and (B) be (i) imprisoned not more
104 than six months, forty-eight consecutive hours of which may not be
105 suspended or reduced in any manner, or (ii) imprisoned not more than
106 [six] nine months, with the execution of such sentence of imprisonment
107 suspended entirely and a period of probation imposed requiring as a
108 condition of such probation that such person perform one hundred
109 hours of community service, as defined in section 14-227e, and (C)
110 have such person's motor vehicle operator's license or nonresident
111 operating privilege suspended for one year; (2) for conviction of a
112 second violation, [within ten years after a prior conviction for the same
113 offense,] (A) be fined not less than [one] two thousand dollars or more
114 than [four] five thousand dollars, (B) be imprisoned not more than

115 [two] three years, one hundred [twenty] eighty consecutive days of
116 which may not be suspended or reduced in any manner, and
117 sentenced to a period of probation requiring as a condition of such
118 probation that such person perform [one] two hundred hours of
119 community service, as defined in section 14-227e, and (C) (i) have such
120 person's motor vehicle operator's license or nonresident operating
121 privilege suspended for three years or until the date of such person's
122 twenty-first birthday, whichever is longer, or (ii) [if such person has
123 been convicted of a violation of subdivision (1) of subsection (a) of this
124 section on account of being under the influence of intoxicating liquor
125 or of subdivision (2) of subsection (a) of this section,] have such
126 person's motor vehicle operator's license or nonresident operating
127 privilege suspended for one year and be prohibited for the two-year
128 period following completion of such period of suspension from
129 operating a motor vehicle unless such motor vehicle is equipped with
130 a functioning, approved ignition interlock device, as defined in section
131 14-227j, as amended by this act; and (3) for conviction of a third and
132 subsequent violation, [within ten years after a prior conviction for the
133 same offense,] (A) be fined not less than [two] five thousand dollars or
134 more than [eight] ten thousand dollars, (B) be imprisoned not more
135 than [three] five years, [one year] two years of which may not be
136 suspended or reduced in any manner, and sentenced to a period of
137 probation requiring as a condition of such probation that such person
138 perform [one] three hundred hours of community service, as defined
139 in section 14-227e, [and] (C) have such person's motor vehicle
140 operator's license or nonresident operating privilege permanently
141 revoked upon such third offense, and (D) forfeit to the state the motor
142 vehicle such person was operating at the time of the offense provided
143 such person held legal title to such motor vehicle at such time. For
144 purposes of the imposition of penalties for a second or third and
145 subsequent offense pursuant to this subsection, a conviction under the
146 provisions of subsection (a) of this section in effect on October 1, 1981,
147 or as amended thereafter, a conviction under the provisions of either
148 subdivision (1) or (2) of subsection (a) of this section, a conviction

149 under the provisions of section 53a-56b, as amended by this act, or
150 53a-60d, as amended by this act, or a conviction in any other state of
151 any offense the essential elements of which are determined by the
152 court to be substantially the same as subdivision (1) or (2) of subsection
153 (a) of this section or section 53a-56b, as amended by this act, or 53a-
154 60d, as amended by this act, shall constitute a prior conviction for the
155 same offense. The state shall sell any motor vehicle forfeited to the
156 state pursuant to subparagraph (D) of subdivision (3) of this
157 subsection at public auction and deposit the proceeds from such sale in
158 the Criminal Injuries Compensation Fund established pursuant to
159 section 54-215.

160 (h) (1) Each court shall report each conviction under subsection (a)
161 of this section to the Commissioner of Motor Vehicles, in accordance
162 with the provisions of section 14-141. The commissioner shall
163 immediately suspend the motor vehicle operator's license or
164 nonresident operating privilege of the person reported as convicted for
165 the period of time required by subsection (g) of this section or in
166 accordance with the sentence imposed by the court for such conviction,
167 whichever is longer. The commissioner shall determine the period of
168 time required by [said] subsection (g) of this section based on the
169 number of convictions such person has had within the specified time
170 period according to such person's driving history record. [,
171 notwithstanding the sentence imposed by the court for such
172 conviction.] (2) The motor vehicle operator's license or nonresident
173 operating privilege of a person found guilty under subsection (a) of
174 this section who is under eighteen years of age shall be suspended by
175 the commissioner for the period of time set forth in subsection (g) of
176 this section, or until such person attains the age of eighteen years,
177 whichever period is longer. (3) The motor vehicle operator's license or
178 nonresident operating privilege of a person found guilty under
179 subsection (a) of this section who, at the time of the offense, was
180 operating a motor vehicle in accordance with a special operator's
181 permit issued pursuant to section 14-37a shall be suspended by the
182 commissioner for twice the period of time set forth in subsection (g) of

183 this section. [(4) If an appeal of any conviction under subsection (a) of
184 this section is taken, the suspension of the motor vehicle operator's
185 license or nonresident operating privilege by the commissioner, in
186 accordance with this subsection, shall be stayed during the pendency
187 of such appeal.]

188 (i) (1) The Commissioner of Motor Vehicles shall permit a person
189 whose license has been suspended in accordance with the provisions
190 of subparagraph (C)(ii) of subdivision (2) of subsection (g) of this
191 section to operate a motor vehicle if (A) such person has [served]
192 completed not less than one year of such suspension, [and] (B) such
193 person has installed an approved ignition interlock device in each
194 motor vehicle owned or to be operated by such person, and (C) such
195 person has agreed to operate such motor vehicle only by personally
196 using the installed approved ignition interlock device. No person
197 whose license is suspended by the commissioner for any other reason
198 shall be eligible to operate a motor vehicle equipped with an approved
199 ignition interlock device. (2) All costs of installing and maintaining an
200 ignition interlock device shall be borne by the person required to
201 install such device. (3) The commissioner shall adopt regulations, in
202 accordance with the provisions of chapter 54, to implement the
203 provisions of this subsection. The regulations shall establish
204 procedures for the approval of ignition interlock devices, for the
205 proper calibration and maintenance of such devices and for the
206 installation of such devices by any firm approved and authorized by
207 the commissioner. (4) The provisions of this subsection shall not be
208 construed to authorize the continued operation of a motor vehicle
209 equipped with an ignition interlock device by any person whose
210 operator's license or nonresident operating privilege is withdrawn,
211 suspended or revoked for any other reason. (5) The provisions of this
212 subsection shall apply to any person whose license has been
213 suspended in accordance with the provisions of subparagraph (C)(ii)
214 of subdivision (2) of subsection (g) of this section on or after September
215 1, 2003.

216 (j) In addition to any fine or sentence imposed pursuant to the
217 provisions of subsection (g) of this section, the court, for a first
218 conviction, may order such person to participate in and complete an
219 appropriate alcohol education and substance abuse treatment program
220 and, for a second and subsequent conviction, shall order such person
221 to participate in and complete an appropriate alcohol education and
222 substance abuse treatment program.

223 (k) Notwithstanding the provisions of subsection (b) of this section,
224 evidence respecting the amount of alcohol or drug in the blood or
225 urine of an operator of a motor vehicle involved in an accident who
226 has suffered or allegedly suffered physical injury in such accident or is
227 otherwise determined to require treatment or observation at a hospital,
228 which evidence is derived from a chemical analysis of a blood sample
229 taken from or a urine sample provided by such person [after such
230 accident] at the scene of the accident, while en route to a hospital or at
231 a hospital, shall be competent evidence to establish probable cause for
232 the arrest by warrant of such person for a violation of subsection (a) of
233 this section and shall be admissible and competent in any subsequent
234 prosecution thereof if: (1) The blood sample was taken or the urine
235 sample was provided for the purpose of diagnosis and treatment; [of
236 such injury;] (2) if a blood sample was taken, the blood sample was
237 taken in accordance with the regulations adopted under subsection (d)
238 of this section; (3) a police officer has demonstrated to the satisfaction
239 of a judge of the Superior Court that such officer has reason to believe
240 that such person was operating a motor vehicle while under the
241 influence of intoxicating liquor or drug_z or both_z and that the chemical
242 analysis of such blood or urine sample constitutes evidence of the
243 commission of the offense of operating a motor vehicle while under
244 the influence of intoxicating liquor or drug_z or both_z in violation of
245 subsection (a) of this section; and (4) such judge has issued a search
246 warrant in accordance with section 54-33a authorizing the seizure of
247 the chemical analysis of such blood or urine sample. Such search
248 warrant may also authorize the seizure of the medical records
249 prepared by the hospital in connection with [the] such diagnosis or

250 treatment. [of such injury.]

251 (l) If the court sentences a person convicted of a violation of
252 subsection (a) of this section to a period of probation, the court may
253 require as a condition of such probation that such person participate in
254 a victim impact panel program approved by the Court Support
255 Services Division of the Judicial Department. Such victim impact panel
256 program shall provide a nonconfrontational forum for the victims of
257 alcohol-related or drug-related offenses and offenders to share
258 experiences on the impact of alcohol-related or drug-related incidents
259 in their lives. Such victim impact panel program shall be conducted by
260 a nonprofit organization that advocates on behalf of victims of
261 accidents caused by persons who operated a motor vehicle while
262 under the influence of intoxicating liquor or any drug, or both. Such
263 organization may assess a participation fee of not more than [twenty-
264 five] one hundred dollars on any person required by the court to
265 participate in such program.

266 Sec. 2. Section 14-227b of the general statutes is repealed and the
267 following is substituted in lieu thereof (*Effective October 1, 2007*):

268 (a) Any person who operates a motor vehicle in this state shall be
269 deemed to have given such person's consent to a chemical analysis of
270 such person's blood, breath or urine and, if such person is a minor,
271 such person's parent or parents or guardian shall also be deemed to
272 have given their consent.

273 (b) If any such person, having been placed under arrest for
274 operating a motor vehicle while under the influence of intoxicating
275 liquor or any drug or both, [and thereafter, after being] having been
276 apprised of such person's constitutional rights incident to a lawful
277 arrest, and having thereafter been requested to submit to a blood,
278 breath or urine test at the option of the police officer, [having been
279 afforded a reasonable opportunity to telephone an attorney prior to the
280 performance of such test and having been informed that such person's
281 license or nonresident operating privilege may be suspended in

282 accordance with the provisions of this section] if such person refuses to
283 submit to such test or if such person submits to such test and the
284 results of such test indicate that such person has an elevated blood
285 alcohol content, and that evidence of any such refusal shall be
286 admissible in accordance with subsection (e) of section 14-227a, as
287 amended by this act, and may be used against such person in any
288 criminal prosecution, refuses to submit to the designated test, the test
289 shall not be given; provided, if the person refuses or is unable to
290 submit to a blood test, the police officer shall designate the breath or
291 urine test as the test to be taken. The police officer shall make a
292 notation upon the records of the police department [that such officer
293 informed the person that such person's license or nonresident
294 operating privilege may be suspended] if such person refused to
295 submit to such test or if such person submitted to such test and the
296 results of such test indicated that such person had an elevated blood
297 alcohol content.

298 (c) If the person arrested refuses to submit to such test or analysis or
299 submits to such test or analysis, commenced within two hours of the
300 time of operation, and the results of such test or analysis indicate that
301 such person has an elevated blood alcohol content, the police officer,
302 acting on behalf of the Commissioner of Motor Vehicles, shall
303 immediately revoke and take possession of the motor vehicle
304 operator's license or, if such person is a nonresident, suspend the
305 nonresident operating privilege of such person, for a
306 [twenty-four-hour] forty-eight-hour period. The police officer shall
307 prepare a [written] report of the incident and shall mail or otherwise
308 transmit in accordance with this subsection the report and a copy of
309 the results of any chemical test or analysis to the Department of Motor
310 Vehicles [within three] not later than five business days after such
311 results are obtained. The report shall [be made on a form approved]
312 provide such information as prescribed by the Commissioner of Motor
313 Vehicles and shall be subscribed and sworn to under penalty of false
314 statement as provided in section 53a-157b by the arresting officer. If
315 the person arrested refused to submit to such test or analysis, the

316 report shall be endorsed by a third person who witnessed such refusal.
317 The report shall set forth the grounds for the officer's belief that there
318 was probable cause to arrest such person for operating a motor vehicle
319 while under the influence of intoxicating liquor or any drug or both
320 and shall state that such person had refused to submit to such test or
321 analysis when requested by such police officer to do so or that such
322 person submitted to such test or analysis, commenced within two
323 hours of the time of operation, and the results of such test or analysis
324 indicated that such person had an elevated blood alcohol content. The
325 Commissioner of Motor Vehicles shall, not later than ten business days
326 after receipt of such report, notify the police officer submitting the
327 report of any error in form or in required documentation. The
328 Commissioner of Motor Vehicles may accept a police report under this
329 subsection that is prepared and transmitted as an electronic record,
330 including electronic signature or signatures, subject to such security
331 procedures as the commissioner may specify and in accordance with
332 the provisions of section 1-267.

333 (d) If the person arrested submits to a blood or urine test at the
334 request of the police officer, and the specimen requires laboratory
335 analysis in order to obtain the test results, the police officer shall not
336 take possession of the motor vehicle operator's license of such person
337 or, except as provided in this subsection, follow the procedures
338 subsequent to taking possession of the operator's license as set forth in
339 subsection (c) of this section. If the test results indicate that such
340 person has an elevated blood alcohol content, the police officer,
341 immediately upon receipt of the test results, shall notify the
342 Commissioner of Motor Vehicles and submit to the commissioner the
343 [written] report required pursuant to subsection (c) of this section.

344 (e) (1) Except as provided in subdivision (2) of this subsection, upon
345 receipt of such report, the Commissioner of Motor Vehicles may
346 suspend any operator's license or nonresident operating privilege of
347 such person effective as of a date certain, which date shall be not later
348 than thirty days after the date such person received notice of such

349 person's arrest by the police officer. Any person whose operator's
350 license or nonresident operating privilege has been suspended in
351 accordance with this subdivision shall automatically be entitled to a
352 hearing before the commissioner to be held in accordance with the
353 provisions of chapter 54 and prior to the effective date of the
354 suspension. The commissioner shall send a suspension notice to such
355 person informing such person that such person's operator's license or
356 nonresident operating privilege is suspended as of a date certain and
357 that such person is entitled to a hearing prior to the effective date of
358 the suspension and may schedule such hearing by contacting the
359 Department of Motor Vehicles not later than [seven] five days after the
360 date of mailing of such suspension notice.

361 (2) If the person arrested (A) is involved in an accident resulting in a
362 fatality, or (B) has previously had such person's operator's license or
363 nonresident operating privilege suspended under the provisions of
364 section 14-227a, as amended by this act, [during the ten-year period
365 preceding the present arrest,] upon receipt of such report, the
366 Commissioner of Motor Vehicles may suspend any operator's license
367 or nonresident operating privilege of such person effective as of the
368 date specified in a notice of such suspension to such person. Any
369 person whose operator's license or nonresident operating privilege has
370 been suspended in accordance with this subdivision shall
371 automatically be entitled to a hearing before the commissioner to be
372 held in accordance with the provisions of chapter 54. The
373 commissioner shall send a suspension notice to such person informing
374 such person that such person's operator's license or nonresident
375 operating privilege is suspended as of the date specified in such
376 suspension notice, and that such person is entitled to a hearing and
377 may schedule such hearing by contacting the Department of Motor
378 Vehicles not later than [seven] five days after the date of mailing of
379 such suspension notice. Any suspension issued under this subdivision
380 shall remain in effect until [such suspension is affirmed or] such
381 operator's license or nonresident operating privilege is reinstated in
382 accordance with subsections (f) and (h) of this section.

383 (f) If such person does not contact the department to schedule a
384 hearing, the commissioner shall affirm the suspension contained in the
385 suspension notice for the appropriate period specified in subsection (i)
386 or (j) of this section.

387 (g) If such person contacts the department to schedule a hearing, the
388 department shall assign a date, time and place for the hearing, which
389 date shall be prior to the effective date of the suspension, except that,
390 with respect to a person whose operator's license or nonresident
391 operating privilege is suspended in accordance with subdivision (2) of
392 subsection (e) of this section, such hearing shall be scheduled not later
393 than thirty days after such person contacts the department. [At the
394 request of such person or the hearing officer and upon] A hearing
395 officer shall conduct the hearing on behalf of the commissioner. Upon
396 a showing of good cause, the [commissioner] hearing officer may grant
397 one continuance for a period not to exceed [~~fifteen~~] ten days. The
398 hearing shall be based on documentary evidence submitted by the
399 arresting officer and shall be limited to a determination of the
400 following issues: (1) [Did the police officer have probable cause to
401 arrest the person] Was such person placed under arrest for operating a
402 motor vehicle while under the influence of intoxicating liquor or any
403 drug, or both; (2) [was such person placed under arrest; (3)] did such
404 person refuse to submit to such test or analysis or did such person
405 submit to such test or analysis, commenced within two hours of the
406 time of operation, and the results of such test or analysis indicated that
407 such person had an elevated blood alcohol content; and [(4)] (3) was
408 such person operating the motor vehicle. In the hearing, the results of
409 the test or analysis shall be sufficient and conclusive to indicate the
410 ratio of alcohol in the blood of such person at the time of operation,
411 [except that if the results of the additional test indicate that the ratio of
412 alcohol in the blood of such person is twelve-hundredths of one per
413 cent or less of alcohol, by weight, and is higher than the results of the
414 first test, evidence shall be presented that demonstrates that the test
415 results and analysis thereof accurately indicate the blood alcohol
416 content at the time of operation] provided the arresting officer presents

417 evidence that the test or analysis was commenced not later than two
418 hours after the time of operation. The fees of any witness summoned to
419 appear at the hearing shall be [the same as provided by the general
420 statutes for witnesses in criminal cases] paid by the party requesting
421 that the witness be summoned. The person whose operator's license or
422 nonresident operating privilege has been suspended shall have the
423 burden of showing why such license or operating privilege should be
424 reinstated. The hearing officer shall strictly limit the scope of the
425 hearing in conformance with the provisions of this subsection and
426 chapter 54.

427 (h) If, after such hearing, the commissioner finds on any one of the
428 said issues in the negative, the commissioner shall reinstate such
429 license or operating privilege. If, after such hearing, the commissioner
430 does not find on any one of the said issues in the negative or if such
431 person fails to appear at such hearing, [the commissioner shall affirm]
432 the suspension contained in the suspension notice for the appropriate
433 period specified in subsection (i) or (j) of this section shall remain in
434 force. The commissioner shall render a decision at the conclusion of
435 such hearing or send a notice of the decision by bulk certified mail to
436 such person not later than thirty days [or, if a continuance is granted,
437 not later than forty-five days] from the date such person received
438 notice of such person's arrest by the police officer. The notice of such
439 decision sent by certified mail to the address of such person as shown
440 by the records of the commissioner shall be sufficient notice to such
441 person that such person's operator's license or nonresident operating
442 privilege is reinstated or suspended, as the case may be. Unless a
443 continuance of the hearing is granted pursuant to subsection (g) of this
444 section, if the commissioner fails to render a decision within thirty
445 days from the date such person received notice of such person's arrest
446 by the police officer, the commissioner shall reinstate such person's
447 operator's license or nonresident operating privilege, provided
448 notwithstanding such reinstatement the commissioner may render a
449 decision not later than [two] seven business days thereafter
450 suspending such operator's license or nonresident operating privilege.

451 (i) (1) Except as provided in subsection (j) of this section, the
452 commissioner shall suspend the operator's license or nonresident
453 operating privilege of a person who did not contact the department to
454 schedule a hearing, who failed to appear at a hearing or against whom,
455 after a hearing, the commissioner held pursuant to subsection (h) of
456 this section, as of the effective date contained in the suspension notice,
457 [or the date the commissioner renders a decision, whichever is later,]
458 for a period of: [(1)] (A) (i) Except as provided in [subparagraph (B)]
459 clause (ii) of this [subdivision, ninety] subparagraph, one hundred
460 twenty days, if such person submitted to a test or analysis and the
461 results of such test or analysis indicated that such person had an
462 elevated blood alcohol content, [(B)] (ii) one hundred [twenty] eighty
463 days, if such person submitted to a test or analysis and the results of
464 such test or analysis indicated that the ratio of alcohol in the blood of
465 such person was sixteen-hundredths of one per cent or more of
466 alcohol, by weight, or [(C) six months] (iii) two hundred forty days if
467 such person refused to submit to such test or analysis, [(2)] (B) if such
468 person has previously had such person's operator's license or
469 nonresident operating privilege suspended under this section, [(A)] (i)
470 except as provided in [subparagraph (B)] clause (ii) of this
471 [subdivision, nine months] subparagraph, one year if such person
472 submitted to a test or analysis and the results of such test or analysis
473 indicated that such person had an elevated blood alcohol content, [(B)
474 ten] (ii) sixteen months if such person submitted to a test or analysis
475 and the results of such test or analysis indicated that the ratio of
476 alcohol in the blood of such person was sixteen-hundredths of one per
477 cent or more of alcohol, by weight, [and (C) one year] or (iii) two years
478 if such person refused to submit to such test or analysis, and [(3)] (C) if
479 such person has two or more times previously had such person's
480 operator's license or nonresident operating privilege suspended under
481 this section, [(A)] (i) except as provided in [subparagraph (B)] clause
482 (ii) of this [subdivision] subparagraph, two and one-half years if such
483 person submitted to a test or analysis and the results of such test or
484 analysis indicated that such person had an elevated blood alcohol

485 content, [(B) two and one-half] (ii) three years if such person submitted
486 to a test or analysis and the results of such test or analysis indicated
487 that the ratio of alcohol in the blood of such person was sixteen-
488 hundredths of one per cent or more of alcohol, [and (C)] or
489 (iii) three and one-half years if such person refused to submit to such
490 test or analysis.

491 (2) If such person has two or more times previously had such
492 person's operator's license or nonresident operating privilege
493 suspended under this section, the commissioner, in addition to the
494 period of suspension imposed under subdivision (1) of this subsection,
495 (A) may order forfeiture to the state of the motor vehicle such person
496 was operating at the time of the arrest if such person submitted to a
497 test or analysis and the results of such test or analysis indicated that
498 such person had an elevated blood alcohol content, provided such
499 person held legal title to such motor vehicle at such time, (B) shall
500 order forfeiture to the state of the motor vehicle such person was
501 operating at the time of the arrest if such person submitted to a test or
502 analysis and the results of such test or analysis indicated that the ratio
503 of alcohol in the blood of such person was sixteen-hundredths of one
504 per cent or more of alcohol, by weight, provided such person held
505 legal title to such motor vehicle at such time, and (C) shall order
506 forfeiture to the state of the motor vehicle such person was operating
507 at the time of the arrest if such person refused to submit to such test or
508 analysis, provided such person was in lawful possession of such motor
509 vehicle at such time. The state shall sell any motor vehicle forfeited
510 under this subdivision at public auction and deposit the proceeds of
511 such sale in the Criminal Injuries Compensation Fund established
512 pursuant to section 54-215.

513 (j) The commissioner shall suspend the operator's license or
514 nonresident operating privilege of a person under twenty-one years of
515 age who did not contact the department to schedule a hearing, who
516 failed to appear at a hearing or against whom, after a hearing, the
517 commissioner held pursuant to subsection (h) of this section, as of the

518 effective date contained in the suspension notice or the date the
519 commissioner renders a decision, whichever is later, for twice the
520 appropriate period of time specified in subsection (i) of this section.

521 (k) Notwithstanding the provisions of subsections (b) to (j),
522 inclusive, of this section, any police officer who obtains the results of a
523 chemical analysis of a blood sample taken from an operator of a motor
524 vehicle involved in an accident who suffered or allegedly suffered
525 physical injury in such accident or is otherwise determined to require
526 treatment or observation at a hospital shall notify the Commissioner of
527 Motor Vehicles and submit to the commissioner a written report if
528 such results indicate that such person had an elevated blood alcohol
529 content, and if such person was arrested for violation of section
530 14-227a, as amended by this act, in connection with such accident. The
531 report shall be made on a form approved by the commissioner
532 containing such information as the commissioner prescribes, and shall
533 be subscribed and sworn to under penalty of false statement, as
534 provided in section 53a-157b, by the police officer. The commissioner
535 may, after notice and an opportunity for a hearing, [which shall be]
536 conducted by a hearing officer on behalf of the commissioner in
537 accordance with chapter 54, suspend the motor vehicle operator's
538 license or nonresident operating privilege of such person for [a period
539 of up to ninety days, or, if such person has previously had such
540 person's operator's license or nonresident operating privilege
541 suspended under this section for a period of up to one year] the
542 appropriate period specified in subsection (i) of this section. Each
543 hearing conducted under this subsection shall be based on the
544 documentary evidence submitted by the arresting officer and shall be
545 limited to a determination of the following issues: (1) [Whether the
546 police officer had probable cause to arrest the person for operating a
547 motor vehicle while under the influence of intoxicating liquor or drug
548 or both; (2) whether] Was such person [was] placed under arrest [; (3)
549 whether such person was] for a violation of section 14-227a, as
550 amended by this act; (2) was such person operating the motor vehicle;
551 [(4) whether] (3) did the results of the analysis of the blood of such

552 person indicate that such person had an elevated blood alcohol
553 content; and [(5) whether] (4) was the blood sample [was] obtained in
554 accordance with [conditions for admissibility and competence as
555 evidence as set forth in] subsection (j) of section 14-227a, as amended
556 by this act. If, after such hearing, the commissioner finds on any one of
557 the said issues in the negative, the commissioner shall not impose a
558 suspension. The fees of any witness summoned to appear at the
559 hearing shall be [the same as provided by the general statutes for
560 witnesses in criminal cases, as provided in section 52-260] paid by the
561 party requesting that the witness be summoned. The hearing officer
562 shall strictly limit the scope of the hearing in conformance with the
563 provisions of this subsection and chapter 54.

564 (l) The provisions of this section shall apply with the same effect to
565 the refusal by any person to submit to an additional chemical test as
566 provided in subdivision (5) of subsection (b) of section 14-227a, as
567 amended by this act.

568 (m) The provisions of this section shall not apply to any person
569 whose physical condition is such that, according to competent medical
570 advice, such test would be inadvisable.

571 (n) The state shall pay the reasonable charges of any physician who,
572 at the request of a municipal police department, takes a blood sample
573 for purposes of a test under the provisions of this section.

574 (o) For the purposes of this section, "elevated blood alcohol content"
575 means (1) a ratio of alcohol in the blood of such person that is eight-
576 hundredths of one per cent or more of alcohol, by weight, (2) if such
577 person is operating a commercial motor vehicle, a ratio of alcohol in
578 the blood of such person that is four-hundredths of one per cent or
579 more of alcohol, by weight, or [(2)] (3) if such person is under twenty-
580 one years of age, a ratio of alcohol in the blood of such person that is
581 two-hundredths of one per cent or more of alcohol, by weight.

582 (p) The Commissioner of Motor Vehicles shall adopt regulations, in

583 accordance with chapter 54, to implement the provisions of this
584 section.

585 Sec. 3. Section 14-227f of the general statutes is repealed and the
586 following is substituted in lieu thereof (*Effective October 1, 2007*):

587 (a) Any person whose motor vehicle operator's license or
588 nonresident operating privilege is suspended under subsection (g) of
589 section 14-227a, as amended by this act, for a conviction of a violation
590 of subsection (a) of said section or under section 14-227b, as amended
591 by this act, for a second or subsequent time shall participate in a
592 treatment program which includes an assessment of the degree of
593 alcohol abuse and treatment, as appropriate, approved by the
594 Commissioner of Motor Vehicles. The commissioner shall not reinstate
595 the operator's license or nonresident operating privilege of any such
596 person until such person submits evidence to the commissioner that
597 such person has satisfactorily completed the treatment program. Any
598 person whose certificate is suspended or revoked pursuant to section
599 15-133, 15-140l or 15-140n shall participate in such treatment program.

600 (b) The content of the treatment program shall be [designed]
601 determined by the commissioner, in consultation with the
602 Commissioner of Mental Health and Addiction Services and with the
603 advice and assistance of the Motor Vehicle Operator's License Medical
604 Advisory Board established pursuant to section 14-46b [, any state
605 agency] or any other public or private entity engaged in the [provision
606 of responsible services for the] treatment of alcohol and drug
607 addiction. [as the commissioner may request.] The program shall
608 consist of intensive treatment by a qualified mental health care
609 professional and a phase of continuing aftercare supervision and
610 monitoring on an individual basis. The program may be provided by
611 one or more private organizations approved by the [commissioner]
612 Commissioner of Motor Vehicles which meet qualifications established
613 by [him] said commissioner in consultation with the Commissioner of
614 Mental Health and Addiction Services, provided the entire costs of the

615 program shall be paid from fees charged to the participants, the
616 amounts of which shall be subject to the approval of the commissioner.

617 (c) Upon receipt of notification from the commissioner of the
618 requirement to participate in the program, such person may, within
619 thirty days, petition the commissioner in writing for a waiver of such
620 requirement on the following grounds: (1) The petitioner is presently
621 undergoing a substantial treatment program for alcohol or drug
622 addiction, or has completed such a program subsequent to [his] the
623 petitioner's most recent arrest, either as a result of an order of the
624 Superior Court or on a voluntary basis, and (2) the petitioner does not,
625 in the opinion of a [licensed physician] a qualified mental health care
626 professional based upon a personal examination, have a current
627 addiction problem which affects [his] the petitioners ability to operate
628 a motor vehicle in a safe manner or pose a significant risk of having
629 such a problem in the foreseeable future. In reviewing and
630 determining whether to grant any such petition, the commissioner
631 shall request and give due consideration to the advice of the Motor
632 Vehicle Operator's License Medical Advisory Board. [Any person
633 aggrieved by the decision of the commissioner may appeal such
634 decision in accordance with the provisions of chapter 54.]

635 (d) The commissioner shall adopt regulations in accordance with
636 chapter 54 to implement the provisions of this section.

637 Sec. 4. Section 14-227g of the general statutes is repealed and the
638 following is substituted in lieu thereof (*Effective October 1, 2007*):

639 (a) No person under twenty-one years of age shall operate a motor
640 vehicle [on a public highway of this state or on any road of a district
641 organized under the provisions of chapter 105, a purpose of which is
642 the construction and maintenance of roads and sidewalks, or on any
643 private road on which a speed limit has been established in accordance
644 with the provisions of section 14-218a, or in any parking area for ten or
645 more cars or on any school property] while the ratio of alcohol in the
646 blood of such person is two-hundredths of one per cent or more of

647 alcohol, by weight.

648 (b) The fact that the operator of a motor vehicle appears to be
649 sixteen years of age or over but under twenty-one years of age shall
650 not constitute a reasonable and articulable suspicion that an offense
651 has been or is being committed so as to justify an investigatory stop of
652 such motor vehicle by a police officer.

653 (c) The provisions of subsections (b), ~~(c)~~, (d), (f), (g), (h), (i), (j), and
654 (k) of section 14-227a, as amended by this act, adapted accordingly,
655 shall be applicable to a violation of subsection (a) of this section.

656 Sec. 5. Section 14-227h of the general statutes is repealed and the
657 following is substituted in lieu thereof (*Effective October 1, 2007*):

658 Any police officer who arrests a person for a violation of subsection
659 (a) of section 14-227a, as amended by this act, during the period such
660 person's operator's license or right to operate a motor vehicle in this
661 state is under suspension or revocation shall cause the motor vehicle
662 such person was operating at the time of the offense to be impounded
663 for a period of [forty-eight] not less than seventy-two hours after such
664 arrest. The owner of such motor vehicle may reclaim such motor
665 vehicle after the expiration of such [forty-eight-hour] seventy-two-
666 hour period upon payment of all towing and storage costs.

667 Sec. 6. Section 14-227j of the general statutes is repealed and the
668 following is substituted in lieu thereof (*Effective October 1, 2007*):

669 (a) For the purposes of this section and section 14-227k, as amended
670 by this act: "Ignition interlock device" means a device installed in a
671 motor vehicle that measures the blood alcohol content of the operator
672 and disallows the mechanical operation of such motor vehicle until the
673 blood alcohol content of such operator is less than twenty-five
674 thousandths of one per cent.

675 (b) Any person who has been arrested for a violation of subsection
676 (a) of section 14-227a, as amended by this act, section 53a-56b, as

677 amended by this act, or section 53a-60d, as amended by this act, may
678 be ordered by the court not to operate any motor vehicle unless (1)
679 such motor vehicle is equipped with an ignition interlock device, and
680 (2) such person uses the device to operate such motor vehicle. Any
681 such order may be made as a condition of such person's release on bail,
682 as a condition of probation or as a condition of granting such person's
683 application for participation in the pretrial alcohol education system
684 under section 54-56g and may include any other terms and conditions
685 as to duration, use, proof of installation or any other matter that the
686 court determines to be appropriate or necessary.

687 (c) All costs of installing and maintaining an ignition interlock
688 device shall be borne by the person who is the subject of an order
689 made pursuant to subsection (b) of this section.

690 (d) No ignition interlock device shall be installed pursuant to an
691 order of the court under subsection (b) of this section unless such
692 device has been approved under [the] regulations adopted by the
693 Commissioner of Motor Vehicles. [pursuant to subsection (i) of section
694 14-227a.]

695 (e) No provision of this section shall be construed to authorize the
696 operation of a motor vehicle by any person whose motor vehicle
697 operator's license has been refused, suspended or revoked, or who
698 does not hold a valid motor vehicle operator's license. A court shall
699 inform the Commissioner of Motor Vehicles of each order made by it
700 pursuant to subsection (b) of this section. If any person who has been
701 ordered not to operate a motor vehicle unless such motor vehicle is
702 equipped with an ignition interlock device is the holder of a special
703 permit to operate a motor vehicle for employment purposes, issued by
704 the commissioner under the provisions of section 14-37a, strict
705 compliance with the terms of the order shall be deemed a condition to
706 hold such permit, and any failure to comply with such order shall be
707 sufficient cause for immediate revocation of the permit by the
708 commissioner.

709 Sec. 7. Section 14-227k of the general statutes is repealed and the
710 following is substituted in lieu thereof (*Effective October 1, 2007*):

711 (a) No person whose right to operate a motor vehicle has been
712 restricted pursuant to an order of the court under subsection (b) of
713 section 14-227j, as amended by this act, or by the Commissioner of
714 Motor Vehicles pursuant to subsection (i) of section 14-227a, as
715 amended by this act, shall (1) request or solicit another person to blow
716 into an ignition interlock device or to start a motor vehicle equipped
717 with an ignition interlock device for the purpose of providing such
718 person with an operable motor vehicle, or (2) operate any motor
719 vehicle not equipped with a functioning ignition interlock device or
720 any motor vehicle that a court has ordered such person not to operate.

721 (b) No person shall tamper with, alter or bypass the operation of an
722 ignition interlock device for the purpose of providing an operable
723 motor vehicle to a person whose right to operate a motor vehicle has
724 been restricted pursuant to an order of the court under subsection (b)
725 of section 14-227j, as amended by this act, or by the Commissioner of
726 Motor Vehicles pursuant to subsection (i) of section 14-227a.

727 (c) Any person who violates any provision of subsection (a) or (b) of
728 this section shall be guilty of a class [C misdemeanor] B felony.

729 (d) Each court shall report each conviction under subsection (a) or
730 (b) of this section to the Commissioner of Motor Vehicles, in
731 accordance with the provisions of section 14-141. The commissioner
732 shall suspend the motor vehicle operator's license or nonresident
733 operating privilege of the person reported as convicted for a period of
734 [one year] two years.

735 Sec. 8. Section 54-56g of the general statutes is repealed and the
736 following is substituted in lieu thereof (*Effective October 1, 2007*):

737 (a) There shall be a pretrial alcohol education system for persons
738 charged with a violation of section 14-227a, as amended by this act, 14-

739 227g, as amended by this act, 15-133, 15-140l or 15-140n. Upon
740 application by any such person for participation in such system and
741 payment to the court of an application fee of fifty dollars and a
742 nonrefundable evaluation fee of one hundred dollars, the court shall,
743 but only as to the public, order the court file sealed, provided such
744 person states under oath, in open court or before any person
745 designated by the clerk and duly authorized to administer oaths,
746 under penalties of perjury that: (1) If such person is charged with a
747 violation of section 14-227a, as amended by this act, such person has
748 not had such system invoked in such person's behalf within the
749 preceding ten years for a violation of section 14-227a, as amended by
750 this act, (2) if such person is charged with a violation of section 14-
751 227g, as amended by this act, such person has never had such system
752 invoked in such person's behalf for a violation of section 14-227a, as
753 amended by this act, or 14-227g, as amended by this act, (3) such
754 person has not been convicted of a violation of section 53a-56b, as
755 amended by this act, or 53a-60d, as amended by this act, a violation of
756 subsection (a) of section 14-227a, as amended by this act. [before or
757 after October 1, 1981,] or a violation of subdivision (1) or (2) of
758 subsection (a) of section 14-227a, as amended by this act, on or after
759 October 1, 1985, and (4) such person has not been convicted in any
760 other state at any time of an offense the essential elements of which are
761 substantially the same as section 53a-56b, as amended by this act, or
762 53a-60d, as amended by this act, or subdivision (1) or (2) of subsection
763 (a) of section 14-227a, as amended by this act. Unless good cause is
764 shown, a person shall be ineligible for participation in such pretrial
765 alcohol education system if such person's alleged violation of section
766 14-227a, as amended by this act, or 14-227g, as amended by this act,
767 caused the serious physical injury, as defined in section 53a-3, of
768 another person. The application fee imposed by this subsection shall be
769 credited to the Criminal Injuries Compensation Fund established by
770 section 54-215.

771 (b) The court, after consideration of the recommendation of the
772 state's attorney, assistant state's attorney or deputy assistant state's

773 attorney in charge of the case, may, in its discretion, grant such
774 application. If the court grants such application, it shall refer such
775 person to the Court Support Services Division for assessment and
776 confirmation of the eligibility of the applicant and to the Department
777 of Mental Health and Addiction Services for evaluation. The Court
778 Support Services Division, in making its assessment and confirmation,
779 may rely on the representations made by the applicant under oath in
780 open court with respect to convictions in other states of offenses
781 specified in subsection (a) of this section. Upon confirmation of
782 eligibility and receipt of the evaluation report, the defendant shall be
783 referred to the Department of Mental Health and Addiction Services
784 by the Court Support Services Division for placement in an
785 appropriate alcohol intervention program for one year, or be placed in
786 a state-licensed substance abuse treatment program. Any person who
787 enters the system shall agree: (1) To the tolling of the statute of
788 limitations with respect to such crime, (2) to a waiver of such person's
789 right to a speedy trial, (3) to complete ten or fifteen counseling sessions
790 in an alcohol intervention program or successfully complete a
791 substance abuse treatment program of not less than twelve sessions
792 pursuant to this section dependent upon the evaluation report and the
793 court order, (4) upon completion of participation in the alcohol
794 intervention program, to accept placement in a treatment program
795 upon recommendation of a provider under contract with the
796 Department of Mental Health and Addiction Services pursuant to
797 subsection (d) of this section or placement in a state-licensed treatment
798 program which meets standards established by the Department of
799 Mental Health and Addiction Services, if the Court Support Services
800 Division deems it appropriate, and (5) if ordered by the court, to
801 participate in at least one victim impact panel. The suspension of the
802 motor vehicle operator's license of any such person pursuant to section
803 14-227b, as amended by this act, shall be effective during the period
804 such person is participating in such program. [provided such person
805 shall have the option of not commencing the participation in such
806 program until the period of such suspension is completed.] If the

807 Court Support Services Division informs the court that the defendant
808 is ineligible for the system and the court makes a determination of
809 ineligibility or if the program provider certifies to the court that the
810 defendant did not successfully complete the assigned program or is no
811 longer amenable to treatment, the court shall order the court file to be
812 unsealed, enter a plea of not guilty for such defendant and
813 immediately place the case on the trial list. If such defendant
814 satisfactorily completes the assigned program, such defendant may
815 apply for dismissal of the charges against such defendant and the
816 court, on reviewing the record of the defendant's participation in such
817 program submitted by the Court Support Services Division and on
818 finding such satisfactory completion, shall dismiss the charges. If the
819 defendant does not apply for dismissal of the charges against such
820 defendant after satisfactorily completing the assigned program the
821 court, upon receipt of the record of the defendant's participation in
822 such program submitted by the Court Support Services Division, may
823 on its own motion make a finding of such satisfactory completion and
824 dismiss the charges. [Upon motion of the defendant and a showing of
825 good cause, the court may extend the one-year placement period for a
826 reasonable period for the defendant to complete the assigned
827 program.] A record of participation in such program shall be retained
828 by the Court Support Services Division for a period of not less than
829 seven years from the date of application. The Court Support Services
830 Division shall transmit to the Department of Motor Vehicles a record
831 of participation in such program for each person who satisfactorily
832 completes such program. The Department of Motor Vehicles shall
833 maintain for a period of not less than seven years the record of a
834 person's participation in such program as part of such person's driving
835 record. The Court Support Services Division shall transmit to the
836 Department of Environmental Protection the record of participation of
837 any person who satisfactorily completes such program who has been
838 charged with a violation of the provisions of section 15-133, 15-140l or
839 15-140n. The Department of Environmental Protection shall maintain
840 for a period of not less than seven years the record of a person's

841 participation in such program as a part of such person's boater
842 certification record.

843 (c) At the time the court grants the application for participation in
844 the alcohol intervention program, such person shall also pay to the
845 court a nonrefundable program fee of three hundred twenty-five
846 dollars if such person is ordered to participate in the ten-session
847 program and a nonrefundable program fee of five hundred dollars if
848 such person is ordered to participate in the fifteen-session program. If
849 the court grants participation in a treatment program, such person
850 shall be responsible for the costs associated with participation in such
851 program. No person may be excluded from either program for
852 inability to pay such fee or cost, provided (1) such person files with the
853 court an affidavit of indigency or inability to pay, (2) such indigency or
854 inability to pay is confirmed by the Court Support Services Division,
855 and (3) the court enters a finding thereof. If the court finds that a
856 person is indigent or unable to pay for a treatment program, the costs
857 of such program shall be paid for from the pretrial account established
858 under section 54-56k. If the court denies the application, such person
859 shall not be required to pay the program fee. If the court grants the
860 application, and such person is later determined to be ineligible for
861 participation in such pretrial alcohol education system or fails to
862 complete the assigned program, the program fee shall not be refunded.
863 All such evaluation and program fees shall be credited to the pretrial
864 account established under section 54-56k.

865 (d) The Department of Mental Health and Addiction Services shall
866 contract with service providers, develop standards and oversee
867 appropriate alcohol programs to meet the requirements of this section.
868 Said department shall adopt regulations in accordance with chapter 54
869 to establish standards for such alcohol programs. Any person ordered
870 to participate in a treatment program shall do so at a state-licensed
871 treatment program which meets the standards established by said
872 department. Any defendant whose employment or residence makes it
873 unreasonable to attend an alcohol intervention program or a treatment

874 program in this state may attend a program in another state which has
875 standards substantially similar to, or higher than, those of this state,
876 subject to the approval of the court and payment of the application,
877 evaluation and program fees, as appropriate, as provided in this
878 section.

879 (e) The court may, as a condition of granting such application,
880 require that such person participate in a victim impact panel program
881 approved by the Court Support Services Division of the Judicial
882 Department. Such victim impact panel program shall provide a
883 nonconfrontational forum for the victims of alcohol-related or drug-
884 related offenses and offenders to share experiences on the impact of
885 alcohol-related or drug-related incidents in their lives. Such victim
886 impact panel program shall be conducted by a nonprofit organization
887 that advocates on behalf of victims of accidents caused by persons who
888 operated a motor vehicle while under the influence of intoxicating
889 liquor or any drug, or both. Such organization may assess a
890 participation fee of not more than [twenty-five] one hundred dollars
891 on any person required by the court to participate in such program.

892 (f) The provisions of this section shall not be applicable in the case of
893 any person charged with a violation of section 14-227a, as amended by
894 this act, while operating a commercial motor vehicle, as defined in
895 section 14-1, or who is the holder of a commercial driver's license, as
896 defined in section 14-1.

897 Sec. 9. Section 53a-40f of the general statutes is repealed and the
898 following is substituted in lieu thereof (*Effective October 1, 2007*):

899 (a) A persistent operating while under the influence felony offender
900 is a person who (1) stands convicted of a violation of section 53a-56b,
901 as amended by this act, or 53a-60d, as amended by this act, and (2) has,
902 prior to the commission of the present crime and within the preceding
903 ten years, been convicted of a violation of section 53a-56b, as amended
904 by this act, or 53a-60d, as amended by this act, or subsection (a) of
905 section 14-227a, as amended by this act, or been convicted in any other

906 state of an offense the essential elements of which are substantially the
907 same as section 53a-56b, as amended by this act, or 53a-60d, as
908 amended by this act, or subsection (a) of section 14-227a, as amended
909 by this act.

910 (b) When any person has been found to be a persistent operating
911 while under the influence felony offender, and the court is of the
912 opinion that [his] such person's history and character and the nature
913 and circumstances of [his] such person's criminal conduct indicate that
914 extended incarceration will best serve the public interest, the court, in
915 lieu of imposing the sentence authorized by section 53a-35a for the
916 crime of which such person presently stands convicted, may impose
917 the sentence of imprisonment authorized by said section for the next
918 more serious degree of felony and may order the forfeiture to the state
919 of the motor vehicle being operated by such person at the time of the
920 offense provided such person held legal title to the motor vehicle at
921 such time. The state shall sell any motor vehicle forfeited to the state
922 pursuant to this section at public auction and deposit the proceeds
923 from such sale in the Criminal Injuries Compensation Fund established
924 pursuant to section 54-215.

925 Sec. 10. Section 53a-56b of the general statutes is repealed and the
926 following is substituted in lieu thereof (*Effective October 1, 2007*):

927 (a) A person is guilty of manslaughter in the second degree with a
928 motor vehicle when, while operating a motor vehicle under the
929 influence of intoxicating liquor or any drug or both, he causes the
930 death of another person as a consequence of the effect of such liquor or
931 drug.

932 (b) Manslaughter in the second degree with a motor vehicle is a
933 class [C] B felony and the court shall suspend the motor vehicle
934 operator's license or nonresident operating privilege of any person
935 found guilty under this section [for one year] permanently and shall
936 order the forfeiture to the state of the motor vehicle being operated by
937 such person at the time of the offense provided such person held legal

938 title to the motor vehicle at such time.

939 (c) The state shall sell any motor vehicle forfeited to the state
940 pursuant to this section at public auction and deposit the proceeds
941 from such sale in the Criminal Injuries Compensation Fund established
942 pursuant to section 54-215.

943 Sec. 11. Section 53a-60d of the general statutes is repealed and the
944 following is substituted in lieu thereof (*Effective October 1, 2007*):

945 (a) A person is guilty of assault in the second degree with a motor
946 vehicle when, while operating a motor vehicle under the influence of
947 intoxicating liquor or any drug or both, he causes serious physical
948 injury to another person as a consequence of the effect of such liquor or
949 drug.

950 (b) Assault in the second degree with a motor vehicle is a class [D] C
951 felony and the court shall suspend the motor vehicle operator's license
952 or nonresident operating privilege of any person found guilty under
953 this section for one year and may order the forfeiture to the state of the
954 motor vehicle being operated by such person at the time of the offense
955 provided such person held legal title to such motor vehicle at such
956 time.

957 (c) The state shall sell any motor vehicle forfeited to the state
958 pursuant to this section at public auction and deposit the proceeds
959 from such sale in the Criminal Injuries Compensation Fund established
960 pursuant to section 54-215.

961 Sec. 12. Section 53a-213 of the general statutes is repealed and the
962 following is substituted in lieu thereof (*Effective October 1, 2007*):

963 (a) A person is guilty of drinking while operating a motor vehicle
964 when [he] such person drinks any alcoholic liquor while operating a
965 motor vehicle or there is evidence of the presence of an open alcoholic
966 liquor container in the interior of the motor vehicle. [upon a public
967 highway of this state or upon any road of any specially chartered

968 municipal association or of any district organized under the provisions
969 of chapter 105, a purpose of which is the construction and maintenance
970 of roads and sidewalks, or in any parking area for ten cars or more, or
971 upon any private road on which a speed limit has been established in
972 accordance with the provisions of section 14-218a or upon any school
973 property.] As used in this section, "alcoholic liquor" shall have the
974 same meaning as in section 30-1.

975 (b) Drinking while operating a motor vehicle is a class [C] B
976 misdemeanor.

977 Sec. 13. Section 14-141 of the general statutes is repealed and the
978 following is substituted in lieu thereof (*Effective October 1, 2007*):

979 A record shall be kept by each court of original jurisdiction of any
980 violation of the laws relating to the registration, equipment and
981 operation of motor vehicles, the licensing of operators or the
982 establishment, maintenance or conduct of a pump or station for the
983 sale of any product to be used in the propelling of motor vehicles using
984 combustion type engines, or to the sale of such product, and of any
985 violation of the provisions of sections 53a-55 to 53a-57, inclusive, when
986 such violation has been caused by the use of a motor vehicle, of any
987 violation of sections 53a-70 to 53a-80, inclusive, or of a violation of the
988 provisions of any other criminal statute in which the use of a motor
989 vehicle is a principal part, of all cases in which any person arrested for
990 such violation forfeits [his] such person's bail or has [his] such person's
991 case nolle or judgment or execution suspended, and of all cases in
992 which the court ordered a psychiatric examination under section 53-22;
993 and a summary of such record, with a statement of the number of the
994 operator's license and the registration number of the motor vehicle
995 operated, shall, [within five days] not later than forty-eight hours after
996 such conviction, forfeiture or any other disposition or nolle, be
997 transmitted to the commissioner by such court. Each court shall
998 furnish to the commissioner the details of all such cases heard before it
999 and, [shall] in addition to any other penalties imposed, may order the

1000 suspension or revocation of the licenses of the defendants or make
1001 such recommendations as to the suspension or revocation of the
1002 licenses of the [parties defendant] defendants as it deems advisable.

1003 Sec. 14. Section 14-111n of the general statutes is repealed and the
1004 following is substituted in lieu thereof (*Effective October 1, 2007*):

1005 (a) If the Commissioner of Motor Vehicles receives a report from
1006 any member jurisdiction of the conviction in such jurisdiction of any
1007 person licensed to operate a motor vehicle in this state, for acts or
1008 conduct of the nature described in subsection (b) of this section, the
1009 commissioner shall suspend the operator's license of such person for
1010 the period of time required for a conviction of the equivalent offense
1011 under the provisions of the general statutes, as listed in subsection (b)
1012 of this section, for the same acts or conduct occurring in this state.

1013 (b) For the purpose of the action required to be taken by the
1014 commissioner in accordance with subsection (a) of this section, the
1015 conviction in another member jurisdiction for an offense involving the
1016 following acts or conduct shall be treated as a conviction under the
1017 following subdivisions:

1018 (1) Manslaughter or assault with a motor vehicle or negligent
1019 homicide with a motor vehicle shall be deemed a conviction of a
1020 violation of section 53a-56b, as amended by this act, 53a-60d, as
1021 amended by this act, or 14-222a;

1022 (2) Operation of a motor vehicle while under the influence of
1023 alcohol or drugs, or any combination thereof, shall be deemed a
1024 conviction of a violation of subsection (a) of section 14-227a, as
1025 amended by this act;

1026 (3) Leaving the scene of an accident or failure to stop and render aid
1027 in the event of an accident or collision resulting in the death or
1028 personal injury of another shall be deemed a conviction of a violation
1029 of either subsection (a) or (b) of section 14-224, depending on the acts

1030 or conduct reported and the circumstances as determined by the
1031 commissioner; or

1032 (4) Unsafe, dangerous or reckless operation of a motor vehicle shall
1033 be deemed a conviction of a violation of section 14-222.

1034 (c) If the commissioner is notified by a member jurisdiction that a
1035 person who is the holder of a motor vehicle operator's license issued in
1036 this state has been convicted of a felony, in the commission of which a
1037 motor vehicle was used, the commissioner shall, if such person's acts
1038 or conduct would constitute an offense classified as a felony under
1039 section 53a-25, suspend such person's operator's license for such
1040 period of time as may be determined by the commissioner.

1041 (d) If the commissioner is notified by a member jurisdiction that a
1042 person who is the holder of a motor vehicle operator's license has been
1043 convicted of driving under the influence of alcohol or drugs, in
1044 accordance with subdivision (2) of subsection (b) of this section, the
1045 commissioner may consider the conviction as a second or subsequent
1046 violation of section 14-227a, as amended by this act, if such person has
1047 been convicted previously of a violation of section 14-227a, as
1048 amended by this act, or has been convicted previously of a
1049 substantially similar offense in a member jurisdiction, as shown by
1050 such person's driver control record, [within the past ten years,] and the
1051 commissioner may impose the suspension for the period of time
1052 required for a second or subsequent offense by the provisions of
1053 subsection (h) of section 14-227a, as amended by this act. It shall not be
1054 a defense to a suspension imposed pursuant to this subsection, or
1055 subdivision (2) of subsection (b) of this section, that the blood alcohol
1056 concentration of the person convicted in a member jurisdiction, or the
1057 blood alcohol concentration required for conviction of a per se offense
1058 in the member jurisdiction in which the person was convicted, is less
1059 than the blood alcohol concentration required for conviction of a per se
1060 offense in this state.

1061 Sec. 15. Section 14-37a of the general statutes is repealed and the

1062 following is substituted in lieu thereof (*Effective October 1, 2007*):

1063 (a) Any person whose operator's license has been suspended
1064 pursuant to any provision of this chapter or chapter 248, except
1065 pursuant to section 14-215 for operating under suspension, subdivision
1066 (3) of subsection (g) of section 14-227a, as amended by this act,
1067 subdivision (2) of subsection (e) of section 14-227b, as amended by this
1068 act, section 14-227k, as amended by this act, or [pursuant to] section
1069 14-140 for failure to appear for trial, may make application to the
1070 Commissioner of Motor Vehicles for a special permit to operate a
1071 motor vehicle to and from such person's place of employment or, if
1072 such person is not employed at a fixed location, to operate a motor
1073 vehicle only in connection with, and to the extent necessary, to
1074 properly perform such person's business or profession.

1075 (b) The commissioner may, in the commissioner's discretion upon a
1076 showing of significant hardship, grant each such application that is
1077 submitted in proper form and contains such information and
1078 attestation by the applicant as the commissioner may require. In
1079 determining whether to grant such application, the commissioner may
1080 also consider the driving record of the applicant and shall ascertain
1081 that the suspension is a final order that is not under appeal pursuant to
1082 section 4-183. A special operator's permit shall not be issued pursuant
1083 to this section to any person for the operation of a motor vehicle for
1084 which a public passenger transportation permit or commercial driver's
1085 license is required or to any person whose operator's license has been
1086 suspended previously pursuant to section 14-227a, as amended by this
1087 act, or 14-227b, as amended by this act. A special operator's permit
1088 shall not be issued pursuant to this section to any person whose
1089 operator's license has been suspended pursuant to subparagraph (C)
1090 (iii) of subdivision (1) of subsection (i) of section 14-227b, as amended
1091 by this act, for refusing to submit to a blood, breath or urine test or
1092 analysis until such operator's license has been under suspension for a
1093 period of not less than ninety days. A person shall not be ineligible to
1094 be issued a special operator's permit under this section solely on the

1095 basis of being convicted of two violations of section 14-227a, as
1096 amended by this act, unless such second conviction is for a violation
1097 committed after a prior conviction.

1098 (c) A special operator's permit issued pursuant to this section shall
1099 be of a distinctive format and shall include the expiration date and the
1100 legend "work only".

1101 (d) Any person issued a special operator's permit pursuant to this
1102 section who operates a motor vehicle during the period of the permit
1103 for a purpose not authorized by the conditions of the permit shall,
1104 upon receipt of written report of a police officer, in such form as the
1105 commissioner may prescribe, of such unauthorized operation, be
1106 subject to the immediate revocation of the permit by the commissioner
1107 and a civil penalty of not more than five hundred dollars. Any person
1108 who makes improper use of a special operator's permit issued
1109 pursuant to this section or in any manner alters any such permit or
1110 who loans or sells such permit for use by another person shall be
1111 subject to the penalties provided by section 14-147.

1112 (e) If a person issued a special operator's permit pursuant to this
1113 section has [his] operator's license suspended by the commissioner in
1114 connection with any motor vehicle violation or other offense for which
1115 suspension action is authorized, the special operator's permit shall be
1116 deemed revoked on the effective date of such suspension, and any
1117 such person with notice of the suspension who operates a motor
1118 vehicle shall be operating under suspension and shall be subject to
1119 double the penalties provided by the applicable provisions of
1120 subsection (b) of section 14-111 and section 14-215.

1121 (f) Any decision made by the commissioner under this section shall
1122 not be subject to appeal pursuant to the provisions of chapter 54 or any
1123 other provisions of the general statutes.

1124 (g) The commissioner may adopt regulations in accordance with the
1125 provisions of chapter 54 to implement the provisions of this section.

1126 Sec. 16. Section 54-1q of the general statutes is repealed and the
 1127 following is substituted in lieu thereof (*Effective October 1, 2007*):

1128 The court shall not accept a plea of guilty or nolo contendere from a
 1129 person in a proceeding with respect to a violation of section 14-110,
 1130 subsection (b) or (c) of section 14-147, section 14-215, subsection (a) of
 1131 section 14-222, subsection (a) or (b) of section 14-224 or section 53a-
 1132 119b. [unless the court advises such person that conviction of the
 1133 offense for which such person has been charged may have the
 1134 consequence of the Commissioner of Motor Vehicles suspending such
 1135 person's motor vehicle operator's license.]

1136 Sec. 17. Subdivision (74) of subsection (a) of section 14-1 of the
 1137 general statutes is repealed and the following is substituted in lieu
 1138 thereof (*Effective October 1, 2007*):

1139 (74) "Second" violation or "subsequent" violation means an offense
 1140 committed not more than three years after the date of an arrest which
 1141 resulted in a previous conviction for a violation of the same statutory
 1142 provision, except in the case of a violation of section 14-215 or 14-224,
 1143 [or subsection (a) of section 14-227a,] "second" violation or
 1144 "subsequent" violation means an offense committed not more than ten
 1145 years after the date of an arrest which resulted in a previous conviction
 1146 for a violation of the same statutory provision and in the case of a
 1147 violation of subsection (a) of section 14-227a, as amended by this act,
 1148 "second" violation or "subsequent" violation means an offense
 1149 committed at anytime after the date of an arrest which resulted in a
 1150 previous conviction for a violation of the same statutory provision.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	14-227a
Sec. 2	<i>October 1, 2007</i>	14-227b
Sec. 3	<i>October 1, 2007</i>	14-227f
Sec. 4	<i>October 1, 2007</i>	14-227g
Sec. 5	<i>October 1, 2007</i>	14-227h

Sec. 6	October 1, 2007	14-227j
Sec. 7	October 1, 2007	14-227k
Sec. 8	October 1, 2007	54-56g
Sec. 9	October 1, 2007	53a-40f
Sec. 10	October 1, 2007	53a-56b
Sec. 11	October 1, 2007	53a-60d
Sec. 12	October 1, 2007	53a-213
Sec. 13	October 1, 2007	14-141
Sec. 14	October 1, 2007	14-111n
Sec. 15	October 1, 2007	14-37a
Sec. 16	October 1, 2007	54-1q
Sec. 17	October 1, 2007	14-1(a)(74)

Statement of Purpose:

To adopt the recommendations of a working group convened by the former Lieutenant Governor concerning the criminal and administrative enforcement of Connecticut's drunk driving laws.

[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.]

Co-Sponsors: SEN. STILLMAN, 20th Dist.; REP. DARGAN, 115th Dist.
REP. REYNOLDS, 42nd Dist.; REP. FREY, 111th Dist.

S.B. 409