



General Assembly

February Session, 2008

Raised Bill No. 296

LCO No. 1827

* SB00296TRA 030508 *

Referred to Committee on Transportation

Introduced by:
(TRA)

***AN ACT CONCERNING THE OFFENSE OF DRIVING UNDER THE
INFLUENCE AND IGNITION INTERLOCK DEVICES.***

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

1 Section 1. Subsection (g) of section 14-227a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2008*):

4 (g) Any person who violates any provision of subsection (a) of this
5 section shall: (1) For conviction of a first violation, (A) be fined not less
6 than five hundred dollars or more than one thousand dollars, and (B)
7 be (i) imprisoned not more than six months, forty-eight consecutive
8 hours of which may not be suspended or reduced in any manner, or
9 (ii) imprisoned not more than six months, with the execution of such
10 sentence of imprisonment suspended entirely and a period of
11 probation imposed requiring as a condition of such probation that
12 such person perform one hundred hours of community service, as
13 defined in section 14-227e, and (C) (i) have such person's motor vehicle
14 operator's license or nonresident operating privilege suspended for
15 [one year] eighteen months or (ii) have such person's motor vehicle
16 operator's license or nonresident operating privilege suspended for six

17 months and be prohibited for the one-year period following
18 completion of such period of suspension from operating a motor
19 vehicle unless such motor vehicle is equipped with a functioning,
20 approved ignition interlock device, as defined in section 14-227j; (2) for
21 conviction of a second violation within ten years after a prior
22 conviction for the same offense, (A) be fined not less than one
23 thousand dollars or more than four thousand dollars, (B) be
24 imprisoned not more than two years, one hundred twenty consecutive
25 days of which may not be suspended or reduced in any manner, and
26 sentenced to a period of probation requiring as a condition of such
27 probation that such person perform one hundred hours of community
28 service, as defined in section 14-227e, and (C) (i) have such person's
29 motor vehicle operator's license or nonresident operating privilege
30 suspended for three years or until the date of such person's twenty-
31 first birthday, whichever is longer, or (ii) if such person has been
32 convicted of a violation of subdivision (1) of subsection (a) of this
33 section on account of being under the influence of intoxicating liquor
34 or of subdivision (2) of subsection (a) of this section, have such
35 person's motor vehicle operator's license or nonresident operating
36 privilege suspended for one year and be prohibited for the two-year
37 period following completion of such period of suspension from
38 operating a motor vehicle unless such motor vehicle is equipped with
39 a functioning, approved ignition interlock device, as defined in section
40 14-227j; and (3) for conviction of a third and subsequent violation
41 within ten years after a prior conviction for the same offense, (A) be
42 fined not less than two thousand dollars or more than eight thousand
43 dollars, (B) be imprisoned not more than three years, one year of which
44 may not be suspended or reduced in any manner, and sentenced to a
45 period of probation requiring as a condition of such probation that
46 such person perform one hundred hours of community service, as
47 defined in section 14-227e, and (C) have such person's motor vehicle
48 operator's license or nonresident operating privilege permanently
49 revoked upon such third offense. For purposes of the imposition of
50 penalties for a second or third and subsequent offense pursuant to this
51 subsection, a conviction under the provisions of subsection (a) of this

52 section in effect on October 1, 1981, or as amended thereafter, a
53 conviction under the provisions of either subdivision (1) or (2) of
54 subsection (a) of this section, a conviction under the provisions of
55 section 53a-56b or 53a-60d or a conviction in any other state of any
56 offense the essential elements of which are determined by the court to
57 be substantially the same as subdivision (1) or (2) of subsection (a) of
58 this section or section 53a-56b or 53a-60d, shall constitute a prior
59 conviction for the same offense.

60 Sec. 2. Subsection (i) of section 14-227a of the general statutes is
61 repealed and the following is substituted in lieu thereof (*Effective*
62 *October 1, 2008*):

63 (i) (1) The Commissioner of Motor Vehicles shall permit a person
64 whose license has been suspended in accordance with the provisions
65 of subparagraph (C)(ii) of subdivision (1) or subparagraph (C)(ii) of
66 subdivision (2) of subsection (g) of this section to operate a motor
67 vehicle if (A) such person has [served not less than one year of such]
68 completed the required period of such suspension, and (B) such person
69 has installed an approved ignition interlock device in each motor
70 vehicle owned or to be operated by such person. No person whose
71 license is suspended by the commissioner for any other reason shall be
72 eligible to operate a motor vehicle equipped with an approved ignition
73 interlock device. (2) All costs of installing and maintaining an ignition
74 interlock device shall be borne by the person required to install such
75 device. (3) The commissioner shall adopt regulations, in accordance
76 with the provisions of chapter 54, to implement the provisions of this
77 subsection. The regulations shall establish procedures for the approval
78 of ignition interlock devices, for the proper calibration and
79 maintenance of such devices and for the installation of such devices by
80 any firm approved and authorized by the commissioner. (4) The
81 provisions of this subsection shall not be construed to authorize the
82 continued operation of a motor vehicle equipped with an ignition
83 interlock device by any person whose operator's license or nonresident
84 operating privilege is withdrawn, suspended or revoked for any other

85 reason. (5) The provisions of this subsection shall apply to any person
86 whose license has been suspended in accordance with the provisions
87 of subparagraph (C)(ii) of subdivision (2) of subsection (g) of this
88 section on or after September 1, 2003.

89 Sec. 3. Section 14-227f of the general statutes is repealed and the
90 following is substituted in lieu thereof (*Effective October 1, 2008*):

91 (a) Any person whose motor vehicle operator's license or
92 nonresident operating privilege is suspended under subsection (g) of
93 section 14-227a, as amended by this act, for a conviction of a violation
94 of subsection (a) of said section or under section 14-227b for a second
95 or subsequent time shall participate in a treatment program which
96 includes an assessment of the degree of alcohol abuse and treatment,
97 as appropriate, approved by the Commissioner of Motor Vehicles. The
98 commissioner shall not reinstate the operator's license or nonresident
99 operating privilege of any such person (1) whose license has been
100 suspended in accordance with the provisions of subdivision (1) of
101 subsection (g) of section 14-227a, as amended by this act, until such
102 person submits evidence to the commissioner that such person is
103 participating in the treatment program, or (2) whose license has been
104 suspended in accordance with the provisions of subdivision (2) or (3)
105 of subsection (g) of section 14-227a, as amended by this act, or under
106 section 14-227b for a second or subsequent time until such person
107 submits evidence to the commissioner that such person has
108 satisfactorily completed the treatment program. Any person whose
109 certificate is suspended or revoked pursuant to section 15-133, 15-140l
110 or 15-140n shall participate in such treatment program.

111 (b) The treatment program shall be designed by the commissioner,
112 with the advice and assistance of the Motor Vehicle Operator's License
113 Medical Advisory Board established pursuant to section 14-46b, any
114 state agency or any other public or private entity engaged in the
115 provision of responsible services for the treatment of alcohol and drug
116 addiction as the commissioner may request. The program shall consist
117 of intensive treatment and a phase of continuing aftercare supervision

118 and monitoring on an individual basis. The program may be provided
119 by one or more private organizations approved by the commissioner
120 which meet qualifications established by him, provided the entire costs
121 of the program shall be paid from fees charged to the participants, the
122 amounts of which shall be subject to the approval of the commissioner.

123 (c) Upon receipt of notification from the commissioner of the
124 requirement to participate in the program, such person may, within
125 thirty days, petition the commissioner in writing for a waiver of such
126 requirement on the following grounds: (1) The petitioner is presently
127 undergoing a substantial treatment program for alcohol or drug
128 addiction, or has completed such a program subsequent to his most
129 recent arrest, either as a result of an order of the Superior Court or on a
130 voluntary basis, and (2) the petitioner does not, in the opinion of a
131 licensed physician based upon a personal examination, have a current
132 addiction problem which affects his ability to operate a motor vehicle
133 in a safe manner or pose a significant risk of having such a problem in
134 the foreseeable future. In reviewing and determining whether to grant
135 any such petition, the commissioner shall request and give due
136 consideration to the advice of the Motor Vehicle Operator's License
137 Medical Advisory Board. Any person aggrieved by the decision of the
138 commissioner may appeal such decision in accordance with the
139 provisions of chapter 54.

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

142 Sec. 4. Subdivision (2) of subsection (k) of section 14-111 of the 2008
143 supplement to the general statutes is repealed and the following is
144 substituted in lieu thereof (*Effective October 1, 2008*):

145 (2) Any person whose license has been revoked in accordance with
146 subparagraph (C) of subdivision (3) of subsection (g) of section 14-
147 227a, as amended by this act, on or after October 1, 1999, may, at any
148 time after six years from the date of such revocation, request a hearing
149 before the commissioner, conducted in accordance with the provisions

150 of chapter 54, and the provisions of subdivision (1) of this subsection
151 for reversal or reduction of such revocation. The commissioner shall
152 require such person to provide evidence that any reversal or reduction
153 of such revocation shall not endanger the public safety or welfare.
154 Such evidence shall include, but not be limited to, proof that such
155 person has successfully completed an alcohol education and treatment
156 program, and proof that such person has not been convicted of any
157 offense related to alcohol, controlled substances or drugs during the
158 preceding six years. The commissioner shall require any person, as a
159 condition of granting such reversal or reduction, to install and
160 maintain an approved ignition interlock device, in accordance with the
161 provisions of subsection (i) of section 14-227a, as amended by this act.
162 The approved ignition interlock device shall be installed and
163 maintained from the date such reversal or reduction is granted until
164 [ten] four years has passed since the date of such [revocation] reversal
165 or reduction. The commissioner may adopt regulations, in accordance
166 with the provisions of chapter 54, to establish standards to implement
167 the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	14-227a(g)
Sec. 2	<i>October 1, 2008</i>	14-227a(i)
Sec. 3	<i>October 1, 2008</i>	14-227f
Sec. 4	<i>October 1, 2008</i>	14-111(k)(2)

TRA *Joint Favorable*