



General Assembly

**Substitute Bill No. 502**

February Session, 2008

\* SB00502TRA 031008 \*

**AN ACT CONCERNING REVISIONS TO THE DRIVING UNDER THE INFLUENCE AND IGNITION INTERLOCK DEVICE STATUTES.**

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

1 Section 1. Section 14-36 of the 2008 supplement to the general  
2 statutes is amended by adding subsection (g) as follows (*Effective*  
3 *October 1, 2008*):

4 (NEW) (g) The commissioner may place a restriction on the motor  
5 vehicle operator's license of any person or on any special operator's  
6 permit issued to any person in accordance with the provisions of  
7 section 14-37a, as amended by this act, that restricts the holder of such  
8 license or permit to the operation of a motor vehicle that is equipped  
9 with an approved ignition interlock device, as defined in section 14-  
10 227j, for such time as the commissioner shall prescribe, if such person  
11 has been: (1) Convicted for a second time of a violation of subdivision  
12 (2) of subsection (a) of section 14-227a, and has served not less than  
13 one year of the prescribed period of suspension for such conviction, in  
14 accordance with the provisions of subsections (g) and (i) of section 14-  
15 227a; (2) ordered by the Superior Court not to operate any motor  
16 vehicle unless it is equipped with an approved ignition interlock  
17 device, in accordance with the provisions of section 14-227j; (3) granted  
18 a reversal or reduction of such person's license suspension or  
19 revocation, in accordance with the provisions of subsection (k) of

20 section 14-111, as amended by this act; (4) issued a motor vehicle  
21 operator's license upon the surrender of an operator's license issued by  
22 another state and such previously held license contains a restriction to  
23 the operation of a motor vehicle equipped with an ignition interlock  
24 device; (5) convicted of a violation of section 53a-56b, as amended by  
25 this act, or section 53a-60d, as amended by this act; or (6) permitted by  
26 the commissioner to be issued or to retain an operator's license subject  
27 to reporting requirements concerning such person's physical condition,  
28 in accordance with the provisions of subsection (e) of this section and  
29 sections 14-45a to 14-46g, inclusive.

30 Sec. 2. Section 14-37a of the general statutes is repealed and the  
31 following is substituted in lieu thereof (*Effective October 1, 2008*):

32 (a) Any person whose operator's license has been suspended  
33 pursuant to any provision of this chapter or chapter 248, except  
34 pursuant to section 14-215 of the 2008 supplement to the general  
35 statutes for operating under suspension or pursuant to section 14-140  
36 for failure to appear for [trial] any scheduled court appearance, and  
37 any person identified in subsection (g) of this section may make  
38 application to the Commissioner of Motor Vehicles for a special permit  
39 to operate a motor vehicle to and from such person's place of  
40 employment or, if such person is not employed at a fixed location, to  
41 operate a motor vehicle only in connection with, and to the extent  
42 necessary, to properly perform such person's business or profession.

43 (b) The commissioner may, in the commissioner's discretion upon a  
44 showing of significant hardship, grant each such application that is  
45 submitted in proper form and contains such information and  
46 attestation by the applicant as the commissioner may require. In  
47 determining whether to grant such application, the commissioner may  
48 also consider the driving record of the applicant and shall ascertain  
49 that the suspension is a final order that is not under appeal pursuant to  
50 section 4-183. A special operator's permit shall not be issued pursuant  
51 to this section to any person for the operation of a motor vehicle for  
52 which a public passenger transportation permit or commercial driver's

53 license is required or to any person whose operator's license has been  
54 suspended previously pursuant to section 14-227a, as amended by this  
55 act, or 14-227b. A special operator's permit shall not be issued pursuant  
56 to this section to any person whose operator's license has been  
57 suspended pursuant to subparagraph (C) of subdivision (1) of  
58 subsection (i) of section 14-227b for refusing to submit to a blood,  
59 breath or urine test or analysis until such operator's license has been  
60 under suspension for a period of not less than ninety days. A person  
61 shall not be ineligible to be issued a special operator's permit under  
62 this section solely on the basis of being convicted of two violations of  
63 section 14-227a, as amended by this act, unless such second conviction  
64 is for a violation committed after a prior conviction.

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

68 (d) Any person issued a special operator's permit pursuant to this  
69 section who operates a motor vehicle during the period of the permit  
70 for a purpose not authorized by the conditions of the permit shall,  
71 upon receipt of written report of a police officer, in such form as the  
72 commissioner may prescribe, of such unauthorized operation, be  
73 subject to a civil penalty of not more than five hundred dollars. Any  
74 person who makes improper use of a special operator's permit issued  
75 pursuant to this section or in any manner alters any such permit or  
76 who loans or sells such permit for use by another person shall be  
77 subject to the penalties provided by section 14-147.

78 (e) If a person issued a special operator's permit pursuant to this  
79 section has his operator's license suspended by the commissioner in  
80 connection with any motor vehicle violation or other offense for which  
81 suspension action is authorized, the special operator's permit shall be  
82 deemed revoked on the effective date of such suspension, and any  
83 such person with notice of the suspension who operates a motor  
84 vehicle shall be operating under suspension and shall be subject to  
85 double the penalties provided by the applicable provisions of

86 subsection (b) of section 14-111 of the 2008 supplement to the general  
87 statutes and section 14-215 of the 2008 supplement to the general  
88 statutes.

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

92 (g) Any person who is an applicant for a motor vehicle operator's  
93 license and whose license or privilege to operate a motor vehicle has  
94 been restricted by any other state in a manner that the commissioner  
95 deems to be substantially similar to the restrictions imposed by a  
96 special operator's permit issued in accordance with this section, may,  
97 in the discretion of the commissioner, be issued an operator's license  
98 together with a special operator's permit. The special operator's permit  
99 shall be required to be held by such person for such time as the  
100 commissioner prescribes.

101 [(g)] (h) The commissioner may adopt regulations in accordance  
102 with the provisions of chapter 54 to implement the provisions of this  
103 section.

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

107 (g) Any person who violates any provision of subsection (a) of this  
108 section shall: (1) For conviction of a first violation, (A) be fined not less  
109 than five hundred dollars or more than one thousand dollars, and (B)  
110 be (i) imprisoned not more than six months, forty-eight consecutive  
111 hours of which may not be suspended or reduced in any manner, or  
112 (ii) imprisoned not more than six months, with the execution of such  
113 sentence of imprisonment suspended entirely and a period of  
114 probation imposed requiring as a condition of such probation that  
115 such person perform one hundred hours of community service, as  
116 defined in section 14-227e, and (C) (i) have such person's motor vehicle  
117 operator's license or nonresident operating privilege suspended for

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

153 penalties for a second or third and subsequent offense pursuant to this  
154 subsection, a conviction under the provisions of subsection (a) of this  
155 section in effect on October 1, 1981, or as amended thereafter, a  
156 conviction under the provisions of either subdivision (1) or (2) of  
157 subsection (a) of this section, a conviction under the provisions of  
158 section 53a-56b, as amended by this act, or 53a-60d, as amended by this  
159 act, or a conviction in any other state of any offense the essential  
160 elements of which are determined by the court to be substantially the  
161 same as subdivision (1) or (2) of subsection (a) of this section or section  
162 53a-56b, as amended by this act, or 53a-60d, as amended by this act,  
163 shall constitute a prior conviction for the same offense.

164 Sec. 4. Subsection (i) of section 14-227a of the general statutes is  
165 repealed and the following is substituted in lieu thereof (*Effective*  
166 *October 1, 2008*):

167 (i) (1) The Commissioner of Motor Vehicles shall permit a person  
168 whose license has been suspended in accordance with the provisions  
169 of subparagraph (C)(ii) of subdivision (1) or subparagraph (C)(ii) of  
170 subdivision (2) of subsection (g) of this section to operate a motor  
171 vehicle if (A) such person has [served not less than one year of such]  
172 completed the required period of such suspension, and (B) such person  
173 has installed an approved ignition interlock device in each motor  
174 vehicle owned or to be operated by such person. No person whose  
175 license is suspended by the commissioner for any other reason shall be  
176 eligible to operate a motor vehicle equipped with an approved ignition  
177 interlock device. (2) All costs of installing and maintaining an ignition  
178 interlock device shall be borne by the person required to install such  
179 device. (3) The commissioner shall adopt regulations, in accordance  
180 with the provisions of chapter 54, to implement the provisions of this  
181 subsection. The regulations shall establish procedures for the approval  
182 of ignition interlock devices, for the proper calibration and  
183 maintenance of such devices and for the installation of such devices by  
184 any firm approved and authorized by the commissioner. (4) The  
185 provisions of this subsection shall not be construed to authorize the  
186 continued operation of a motor vehicle equipped with an ignition

187 interlock device by any person whose operator's license or nonresident  
188 operating privilege is withdrawn, suspended or revoked for any other  
189 reason. (5) The provisions of this subsection shall apply to any person  
190 whose license has been suspended in accordance with the provisions  
191 of subparagraph (C)(ii) of subdivision (2) of subsection (g) of this  
192 section on or after September 1, 2003.

193 Sec. 5. Section 14-227f of the general statutes is repealed and the  
194 following is substituted in lieu thereof (*Effective October 1, 2008*):

195 (a) Any person whose motor vehicle operator's license or  
196 nonresident operating privilege is suspended under subsection (g) of  
197 section 14-227a, as amended by this act, for a conviction of a violation  
198 of subsection (a) of said section or under section 14-227b for a second  
199 or subsequent time shall participate in a treatment program which  
200 includes an assessment of the degree of alcohol abuse and treatment,  
201 as appropriate, approved by the Commissioner of Motor Vehicles. The  
202 commissioner shall not reinstate the operator's license or nonresident  
203 operating privilege of any such person (1) whose license has been  
204 suspended in accordance with the provisions of subdivision (1) of  
205 subsection (g) of section 14-227a, as amended by this act, until such  
206 person submits evidence to the commissioner that such person is  
207 participating in the treatment program, or (2) whose license has been  
208 suspended in accordance with the provisions of subdivision (2) or (3)  
209 of subsection (g) of section 14-227a, as amended by this act, or under  
210 section 14-227b for a second or subsequent time until such person  
211 submits evidence to the commissioner that such person has  
212 satisfactorily completed the treatment program. Any person whose  
213 certificate is suspended or revoked pursuant to section 15-133, 15-140l  
214 or 15-140n shall participate in such treatment program.

215 (b) The treatment program shall be designed by the commissioner,  
216 with the advice and assistance of the Motor Vehicle Operator's License  
217 Medical Advisory Board established pursuant to section 14-46b, any  
218 state agency or any other public or private entity engaged in the  
219 provision of responsible services for the treatment of alcohol and drug

220 addiction as the commissioner may request. The program shall consist  
221 of intensive treatment and a phase of continuing aftercare supervision  
222 and monitoring on an individual basis. The program may be provided  
223 by one or more private organizations approved by the commissioner  
224 which meet qualifications established by him, provided the entire costs  
225 of the program shall be paid from fees charged to the participants, the  
226 amounts of which shall be subject to the approval of the commissioner.

227 (c) Upon receipt of notification from the commissioner of the  
228 requirement to participate in the program, such person may, within  
229 thirty days, petition the commissioner in writing for a waiver of such  
230 requirement on the following grounds: (1) The petitioner is presently  
231 undergoing a substantial treatment program for alcohol or drug  
232 addiction, or has completed such a program subsequent to his most  
233 recent arrest, either as a result of an order of the Superior Court or on a  
234 voluntary basis, and (2) the petitioner does not, in the opinion of a  
235 licensed physician based upon a personal examination, have a current  
236 addiction problem which affects his ability to operate a motor vehicle  
237 in a safe manner or pose a significant risk of having such a problem in  
238 the foreseeable future. In reviewing and determining whether to grant  
239 any such petition, the commissioner shall request and give due  
240 consideration to the advice of the Motor Vehicle Operator's License  
241 Medical Advisory Board. Any person aggrieved by the decision of the  
242 commissioner may appeal such decision in accordance with the  
243 provisions of chapter 54.

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

246 Sec. 6. Subdivision (2) of subsection (k) of section 14-111 of the 2008  
247 supplement to the general statutes is repealed and the following is  
248 substituted in lieu thereof (*Effective October 1, 2008*):

249 (2) Any person whose license has been revoked in accordance with  
250 subparagraph (C) of subdivision (3) of subsection (g) of section 14-  
251 227a, as amended by this act, on or after October 1, 1999, may, at any

252 time after six years from the date of such revocation, request a hearing  
253 before the commissioner, conducted in accordance with the provisions  
254 of chapter 54, and the provisions of subdivision (1) of this subsection  
255 for reversal or reduction of such revocation. The commissioner shall  
256 require such person to provide evidence that any reversal or reduction  
257 of such revocation shall not endanger the public safety or welfare.  
258 Such evidence shall include, but not be limited to, proof that such  
259 person has successfully completed an alcohol education and treatment  
260 program, and proof that such person has not been convicted of any  
261 offense related to alcohol, controlled substances or drugs during the  
262 preceding six years. The commissioner shall require any person, as a  
263 condition of granting such reversal or reduction, to install and  
264 maintain an approved ignition interlock device, in accordance with the  
265 provisions of subsection (i) of section 14-227a, as amended by this act.  
266 The approved ignition interlock device shall be installed and  
267 maintained from the date such reversal or reduction is granted until  
268 [ten] four years has passed since the date of such [revocation] reversal  
269 or reduction. The commissioner may adopt regulations, in accordance  
270 with the provisions of chapter 54, to establish standards to implement  
271 the provisions of this section.

272 Sec. 7. Subdivision (74) of subsection (a) of section 14-1 of the 2008  
273 supplement to the general statutes is repealed and the following is  
274 substituted in lieu thereof (*Effective October 1, 2008*):

275 (74) "Second" violation or "subsequent" violation means an offense  
276 committed not more than three years after the date of an arrest which  
277 resulted in a previous conviction for a violation of the same statutory  
278 provision, except in the case of a violation of section 14-215 of the 2008  
279 supplement to the general statutes or 14-224, [or subsection (a) of  
280 section 14-227a,] "second" violation or "subsequent" violation means an  
281 offense committed not more than ten years after the date of an arrest  
282 which resulted in a previous conviction for a violation of the same  
283 statutory provision, and in the case of a violation of subsection (a) of  
284 section 14-227a, as amended by this act, "second" violation or  
285 "subsequent" violation means an offense committed not more than

286 twenty years after the date of an arrest which resulted in a previous  
287 conviction for a violation of the same statutory provision.

288 Sec. 8. (NEW) (*Effective October 1, 2008*) The Commissioner of Motor  
289 Vehicles shall maintain a record for a period of twenty years of each  
290 conviction of any person for a violation of section 14-227a of the  
291 general statutes, as amended by this act, as part of such person's  
292 driving record. Such record shall include any such conviction that has  
293 occurred within a period of ten years preceding October 1, 2008.

294 Sec. 9. Subsection (b) of section 53a-56b of the general statutes is  
295 repealed and the following is substituted in lieu thereof (*Effective*  
296 *October 1, 2008*):

297 (b) Manslaughter in the second degree with a motor vehicle is a  
298 class C felony and the court shall suspend the motor vehicle operator's  
299 license or nonresident operating privilege of any person found guilty  
300 under this section for one year. The court shall also order such person  
301 not to operate any motor vehicle that is not equipped with an  
302 approved ignition interlock device, as defined in section 14-227j, for a  
303 period of two years after such person's operator's license or  
304 nonresident operating privilege is restored by the Commissioner of  
305 Motor Vehicles.

306 Sec. 10. Subsection (b) of section 53a-60d of the general statutes is  
307 repealed and the following is substituted in lieu thereof (*Effective*  
308 *October 1, 2008*):

309 (b) Assault in the second degree with a motor vehicle is a class D  
310 felony and the court shall suspend the motor vehicle operator's license  
311 or nonresident operating privilege of any person found guilty under  
312 this section for one year. The court shall also order such person not to  
313 operate any motor vehicle that is not equipped with an approved  
314 ignition interlock device, as defined in section 14-227j, for a period of  
315 two years after such person's operator's license or nonresident  
316 operating privilege is restored by the Commissioner of Motor Vehicles.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2008	14-36
Sec. 2	October 1, 2008	14-37a
Sec. 3	October 1, 2008	14-227a(g)
Sec. 4	October 1, 2008	14-227a(i)
Sec. 5	October 1, 2008	14-227f
Sec. 6	October 1, 2008	14-111(k)(2)
Sec. 7	October 1, 2008	14-1(a)(74)
Sec. 8	October 1, 2008	New section
Sec. 9	October 1, 2008	53a-56b(b)
Sec. 10	October 1, 2008	53a-60d(b)

**Statement of Legislative Commissioners:**

In sections 1, 9 and 10, after the words "ignition interlock device", the phrase "as defined in section 14-227j" was added for clarity.

**TRA**      *Joint Favorable Subst.*