



General Assembly

January Session, 2009

Committee Bill No. 6160

LCO No. 4726

04726HB06160JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING RECIPROCAL AND CONCURRENT
SANCTIONS FOR OPERATING A MOTOR VEHICLE OR A VESSEL
WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY
DRUG.**

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2 repealed and the following is substituted in lieu thereof (*Effective*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, 2009*):

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) have such person's motor vehicle
14 operator's license or nonresident operating privilege suspended for

15 one year; (2) for conviction of a second violation within ten years after
16 a prior conviction for the same offense, (A) be fined not less than one
17 thousand dollars or more than four thousand dollars, (B) be
18 imprisoned not more than two years, one hundred twenty consecutive
19 days of which may not be suspended or reduced in any manner, and
20 sentenced to a period of probation requiring as a condition of such
21 probation that such person perform one hundred hours of community
22 service, as defined in section 14-227e, and (C) (i) have such person's
23 motor vehicle operator's license or nonresident operating privilege
24 suspended for three years or until the date of such person's twenty-
25 first birthday, whichever is longer, or (ii) if such person has been
26 convicted of a violation of subdivision (1) of subsection (a) of this
27 section on account of being under the influence of intoxicating liquor
28 or of subdivision (2) of subsection (a) of this section, have such
29 person's motor vehicle operator's license or nonresident operating
30 privilege suspended for one year and be prohibited for the two-year
31 period following completion of such period of suspension from
32 operating a motor vehicle unless such motor vehicle is equipped with
33 a functioning, approved ignition interlock device, as defined in section
34 14-227j; and (3) for conviction of a third and subsequent violation
35 within ten years after a prior conviction for the same offense, (A) be
36 fined not less than two thousand dollars or more than eight thousand
37 dollars, (B) be imprisoned not more than three years, one year of which
38 may not be suspended or reduced in any manner, and sentenced to a
39 period of probation requiring as a condition of such probation that
40 such person perform one hundred hours of community service, as
41 defined in section 14-227e, and (C) have such person's motor vehicle
42 operator's license or nonresident operating privilege permanently
43 revoked upon such third offense. For purposes of the imposition of
44 penalties for a second or third and subsequent offense pursuant to this
45 subsection, a conviction under the provisions of subsection (a) of this
46 section in effect on October 1, 1981, or as amended thereafter, a
47 conviction under the provisions of [either] subdivision (1) or (2) of
48 subsection (a) of this section, a conviction under the provisions of

49 section 53a-56b or 53a-60d, a conviction under the provisions of
50 subdivision (1) or (2) of subsection (d) of section 15-133 or a conviction
51 in any other state of any offense the essential elements of which are
52 determined by the court to be substantially the same as subdivision (1)
53 or (2) of subsection (a) of this section, [or] section 53a-56b or 53a-60d or
54 subdivision (1) or (2) of subsection (d) of section 15-133, shall
55 constitute a prior conviction for the same offense.

56 Sec. 2. Subsection (h) of section 14-227a of the general statutes is
57 repealed and the following is substituted in lieu thereof (*Effective*
58 *October 1, 2009*):

59 (h) (1) Each court shall report each conviction under subsection (a)
60 of this section to the Commissioner of Motor Vehicles, in accordance
61 with the provisions of section 14-141. The commissioner shall suspend
62 the motor vehicle operator's license or nonresident operating privilege
63 of the person reported as convicted for the period of time required by
64 subsection (g) of this section. The commissioner shall determine the
65 period of time required by said subsection (g) based on the number of
66 convictions such person has had within the specified time period
67 according to such person's driving history record, notwithstanding the
68 sentence imposed by the court for such conviction. (2) The motor
69 vehicle operator's license or nonresident operating privilege of a
70 person found guilty under subsection (a) of this section who is under
71 eighteen years of age shall be suspended by the commissioner for the
72 period of time set forth in subsection (g) of this section, or until such
73 person attains the age of eighteen years, whichever period is longer. (3)
74 The motor vehicle operator's license or nonresident operating privilege
75 of a person found guilty under subsection (a) of this section who, at the
76 time of the offense, was operating a motor vehicle in accordance with a
77 special operator's permit issued pursuant to section 14-37a shall be
78 suspended by the commissioner for twice the period of time set forth
79 in subsection (g) of this section. (4) If an appeal of any conviction
80 under subsection (a) of this section is taken, the suspension of the
81 motor vehicle operator's license or nonresident operating privilege by

82 the commissioner, in accordance with this subsection, shall be stayed
83 during the pendency of such appeal. (5) Whenever the commissioner
84 suspends the motor vehicle operator's license or nonresident operating
85 privilege of a person under this subsection, the commissioner shall
86 mail or electronically transmit a copy of such suspension notice,
87 together with personal identifying information for such person, to the
88 Commissioner of Environmental Protection who shall suspend the safe
89 boating certificate, right to operate a vessel that requires a safe boating
90 certificate for operation or certificate of personal watercraft operation,
91 if any, of such person for the same period of time.

92 Sec. 3. Subsection (i) of section 14-227b of the general statutes is
93 repealed and the following is substituted in lieu thereof (*Effective*
94 *October 1, 2009*):

95 (i) Except as provided in subsection (j) of this section, the
96 commissioner shall suspend the operator's license or nonresident
97 operating privilege of a person who did not contact the department to
98 schedule a hearing, who failed to appear at a hearing or against whom,
99 after a hearing, the commissioner held pursuant to subsection (h) of
100 this section, as of the effective date contained in the suspension notice
101 or the date the commissioner renders a decision, whichever is later, for
102 a period of: (1) (A) Except as provided in subparagraph (B) of this
103 subdivision, ninety days, if such person submitted to a test or analysis
104 and the results of such test or analysis indicated that such person had
105 an elevated blood alcohol content, (B) one hundred twenty days, if
106 such person submitted to a test or analysis and the results of such test
107 or analysis indicated that the ratio of alcohol in the blood of such
108 person was sixteen-hundredths of one per cent or more of alcohol, by
109 weight, or (C) six months if such person refused to submit to such test
110 or analysis, (2) if such person has previously had such person's
111 operator's license or nonresident operating privilege suspended under
112 this section, (A) except as provided in subparagraph (B) of this
113 subdivision, nine months if such person submitted to a test or analysis
114 and the results of such test or analysis indicated that such person had

115 an elevated blood alcohol content, (B) ten months if such person
116 submitted to a test or analysis and the results of such test or analysis
117 indicated that the ratio of alcohol in the blood of such person was
118 sixteen-hundredths of one per cent or more of alcohol, by weight, and
119 (C) one year if such person refused to submit to such test or analysis,
120 and (3) if such person has two or more times previously had such
121 person's operator's license or nonresident operating privilege
122 suspended under this section, (A) except as provided in subparagraph
123 (B) of this subdivision, two years if such person submitted to a test or
124 analysis and the results of such test or analysis indicated that such
125 person had an elevated blood alcohol content, (B) two and one-half
126 years if such person submitted to a test or analysis and the results of
127 such test or analysis indicated that the ratio of alcohol in the blood of
128 such person was sixteen-hundredths of one per cent or more of
129 alcohol, by weight, and (C) three years if such person refused to
130 submit to such test or analysis. For purposes of the suspension of the
131 motor vehicle operator's license or nonresident operating privilege of a
132 person under subdivision (2) or (3) of this subsection, the suspension
133 under subsection (i) of section 15-140q, as amended by this act, of the
134 safe boating certificate, right to operate a vessel that requires a safe
135 boating certificate for operation or certificate of personal watercraft
136 operation, if any, of such person shall constitute a previous suspension
137 under this subsection. Whenever the commissioner suspends the
138 motor vehicle operator's license or nonresident operating privilege of a
139 person under this subsection, the commissioner shall mail or
140 electronically transmit a copy of such suspension notice, together with
141 personal identifying information for such person, to the Commissioner
142 of Environmental Protection who shall suspend the safe boating
143 certificate, right to operate a vessel that requires a safe boating
144 certificate for operation or certificate of personal watercraft operation,
145 if any, of such person for the same period of time.

146 Sec. 4. Subsection (j) of section 14-227b of the general statutes is
147 repealed and the following is substituted in lieu thereof (*Effective*
148 *October 1, 2009*):

149 (j) The commissioner shall suspend the operator's license or
150 nonresident operating privilege of a person under twenty-one years of
151 age who did not contact the department to schedule a hearing, who
152 failed to appear at a hearing or against whom, after a hearing the
153 commissioner held pursuant to subsection (h) of this section, as of the
154 effective date contained in the suspension notice or the date the
155 commissioner renders a decision whichever is later, for twice the
156 appropriate period of time specified in subsection (i) of this section,
157 except that, in the case of a person who is sixteen or seventeen years of
158 age at the time of the alleged offense, the period of suspension for a
159 first offense shall be one year if such person submitted to a test or
160 analysis and the results of such test or analysis indicated that such
161 person had an elevated blood alcohol content or eighteen months if
162 such person refused to submit to such test or analysis. Whenever the
163 commissioner suspends the motor vehicle operator's license or
164 nonresident operating privilege of a person under this subsection, the
165 commissioner shall deliver by mail or electronic means a copy of such
166 suspension notice, together with personal identifying information for
167 such person, to the Commissioner of Environmental Protection who
168 shall suspend the safe boating certificate, right to operate a vessel that
169 requires a safe boating certificate for operation or certificate of
170 personal watercraft operation, if any, of such person for the same
171 period of time.

172 Sec. 5. Subsection (h) of section 15-133 of the general statutes is
173 repealed and the following is substituted in lieu thereof (*Effective*
174 *October 1, 2009*):

175 (h) Any person who violates the provisions of subsection (d) of this
176 section shall: (1) For conviction of a first violation, (A) be fined not less
177 than five hundred dollars or more than one thousand dollars, and (B)
178 be (i) imprisoned not more than six months, forty-eight consecutive
179 hours of which may not be suspended or reduced in any manner, or
180 (ii) imprisoned not more than six months, with the execution of such
181 sentence of imprisonment suspended entirely and a period of

182 probation imposed requiring as a condition of such probation that
183 such person perform one hundred hours of community service, as
184 defined in section 14-227e, and (C) have such person's safe boating
185 certificate or certificate of personal watercraft operation, if any, or right
186 to operate a vessel that requires a safe boating certificate for operation
187 suspended for one year; (2) for conviction of a second violation not
188 later than ten years after a prior conviction for the same offense, (A) be
189 fined not less than one thousand dollars or more than four thousand
190 dollars, (B) be imprisoned not more than two years, one hundred
191 twenty consecutive days of which may not be suspended or reduced in
192 any manner, and sentenced to a period of probation requiring as a
193 condition of such probation that such person perform one hundred
194 hours of community service, as defined in section 14-227e, and (C)
195 have such person's safe boating certificate or certificate of personal
196 watercraft operation, if any, or right to operate a vessel that requires a
197 safe boating certificate for operation suspended for three years or until
198 the date of such person's twenty-first birthday, whichever is longer;
199 and (3) for conviction of a third and subsequent violation not later than
200 ten years after a prior conviction for the same offense, (A) be fined not
201 less than two thousand dollars or more than eight thousand dollars,
202 (B) be imprisoned not more than three years, one year of which may
203 not be suspended or reduced in any manner, and sentenced to a period
204 of probation requiring as a condition of such probation that such
205 person perform one hundred hours of community service, as defined
206 in section 14-227e, and (C) have such person's safe boating certificate
207 or certificate of personal watercraft operation, if any, or right to
208 operate a vessel that requires a safe boating certificate for operation
209 permanently revoked upon such third offense. For purposes of the
210 imposition of penalties under subdivision (2) or (3) of this subsection, a
211 conviction under the provisions of subdivision (1) or (2) of subsection
212 (d) of this section or subdivision (1) or (2) of subsection (a) of section
213 14-227a shall constitute a prior conviction for the same offense.

214 Sec. 6. Subsection (k) of section 15-133 of the general statutes is
215 repealed and the following is substituted in lieu thereof (*Effective*

216 *October 1, 2009*):

217 (k) (1) A record shall be kept by the Superior Court of any
218 conviction relating to the operation of a vessel. A summary of such
219 record, with a statement of the number of the operator's safe boating
220 certificate or certificate of personal watercraft operation shall, not later
221 than five days after such conviction, forfeiture or any other disposition
222 or nolle, be transmitted to the commissioner by such court. Each court
223 shall report each conviction under subsection (d) of this section to the
224 commissioner. The commissioner shall suspend the safe boating
225 certificate or certificate of personal watercraft operation of the person
226 reported as convicted for the period of time required by subsection (h)
227 of this section.

228 (2) The safe boating certificate, right to operate a vessel that requires
229 a safe boating certificate for operation or certificate of personal
230 watercraft operation of a person found guilty under subsection (d) of
231 this section who is under eighteen years of age shall be suspended by
232 the commissioner for the period of time set forth in subsection (h) of
233 this section, or until such person attains the age of eighteen years,
234 whichever period is longer.

235 (3) Whenever the commissioner suspends the safe boating
236 certificate, right to operate a vessel that requires a safe boating
237 certificate for operation or certificate of personal watercraft operation
238 of a person under this subsection, the commissioner shall mail or
239 electronically transmit a copy of such suspension notice, together with
240 personal identifying information for such person, to the Commissioner
241 of Motor Vehicles who shall suspend such person's motor vehicle
242 operator's license or nonresident operating privilege, if any, for the
243 same period of time.

244 Sec. 7. Subsection (i) of section 15-140q of the general statutes is
245 repealed and the following is substituted in lieu thereof (*Effective*
246 *October 1, 2009*):

247 (i) The commissioner shall suspend the operator's safe boating
248 certificate, right to operate a vessel that requires a safe boating
249 certificate for operation or certificate of personal watercraft operation
250 of a person who does not contact the department to schedule a hearing
251 under subsection (e) of this section, who fails to appear at such
252 hearing, or against whom, after a hearing, the commissioner holds
253 pursuant to subsection (g) of this section. Such suspension shall be as
254 of the effective date contained in the suspension notice or the date the
255 commissioner renders a decision, whichever is later, for a period of: (1)
256 (A) Except as provided in subparagraph (B) of this subdivision, ninety
257 days if such person submitted to a test or analysis and the results of
258 such test or analysis indicated that at the time of the alleged offense
259 that such person had an elevated blood alcohol content, or (B) one
260 hundred twenty days if such person submitted to a test or analysis and
261 the results of such test or analysis indicated that the ratio of alcohol in
262 the blood of such person was sixteen-hundredths of one per cent or
263 more of alcohol, by weight, or (C) six months if such person refused to
264 submit to such test or analysis; (2) if such person has previously had
265 such person's safe boating certificate, right to operate a vessel that
266 requires a safe boating certificate for operation or certificate of
267 personal watercraft operation suspended under this section, (A) except
268 as provided in subparagraph (B) of this subdivision, nine months if
269 such person submitted to a test or analysis and the results of such test
270 or analysis indicated that at the time of the alleged offense that such
271 person had an elevated blood alcohol content, (B) ten months if such
272 person submitted to a test or analysis and the results of such test or
273 analysis indicated that the ratio of alcohol in the blood of such person
274 was sixteen-hundredths of one per cent or more of alcohol, by weight,
275 and (C) one year if such person refused to submit to such test or
276 analysis; and (3) if such person has two or more times previously had
277 such person's safe boating certificate, right to operate a vessel that
278 requires a safe boating certificate for operation or certificate of
279 personal watercraft operation suspended under this section, (A) except
280 as provided in subparagraph (B) of this subdivision, two years if such

281 person submitted to a test or analysis and the results of such test or
 282 analysis indicated that at the time of the alleged offense that such
 283 person had an elevated blood alcohol content, (B) two and one-half
 284 years if such person submitted to a test or analysis and the results of
 285 such test or analysis indicated that the ratio of alcohol in the blood of
 286 such person was sixteen-hundredths of one per cent or more of
 287 alcohol, by weight, and (C) three years if such person refused to
 288 submit to such test or analysis. For purposes of the suspension of the
 289 safe boating certificate, right to operate a vessel that requires a safe
 290 boating certificate for operation or certificate of personal watercraft
 291 operation of a person under subdivision (2) or (3) of this subsection,
 292 the suspension under subsection (i) or (j) of section 14-227b, as
 293 amended by this act, of the motor vehicle operator's license or
 294 nonresident operating privilege, if any, of such person shall constitute
 295 a previous suspension under this subsection. Whenever the
 296 commissioner suspends the safe boating certificate, right to operate a
 297 vessel that requires a safe boating certificate for operation or certificate
 298 of personal watercraft operation of a person under this subsection, the
 299 commissioner shall mail or electronically transmit a copy of such
 300 suspension notice, together with personal identifying information for
 301 such person, to the Commissioner of Motor Vehicles who shall
 302 suspend the motor vehicle operator's license or nonresident operating
 303 privilege, if any, of such person for the same period of time.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	14-227a(g)
Sec. 2	<i>October 1, 2009</i>	14-227a(h)
Sec. 3	<i>October 1, 2009</i>	14-227b(i)
Sec. 4	<i>October 1, 2009</i>	14-227b(j)
Sec. 5	<i>October 1, 2009</i>	15-133(h)
Sec. 6	<i>October 1, 2009</i>	15-133(k)
Sec. 7	<i>October 1, 2009</i>	15-140q(i)

Statement of Purpose:

To provide reciprocal and concurrent penalties for driving under the influence and boating under the influence.

[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: REP. SPALLONE, 36th Dist.

H.B. 6160