



General Assembly

Substitute Bill No. 6160

January Session, 2009

* HB06160JUD 033109 *

**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2 repealed and the following is substituted in lieu thereof (*Effective*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, a conviction
51 under the provisions of section 15-140l or 15-140n or a conviction in
52 any other state of any offense the essential elements of which are
53 determined by the court to be substantially the same as subdivision (1)

54 or (2) of subsection (a) of this section, [or] section 53a-56b or 53a-60d,
55 subdivision (1) or (2) of subsection (d) of section 15-133 or section 15-
56 140l or 15-140n, shall constitute a prior conviction for the same offense.

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58 repealed and the following is substituted in lieu thereof (*Effective*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

60 (h) (1) Each court shall report each conviction under subsection (a)
61 of this section to the Commissioner of Motor Vehicles, in accordance
62 with the provisions of section 14-141. The commissioner shall suspend
63 the motor vehicle operator's license or nonresident operating privilege
64 of the person reported as convicted for the period of time required by
65 subsection (g) of this section. The commissioner shall determine the
66 period of time required by said subsection (g) based on the number of
67 convictions such person has had within the specified time period
68 according to such person's driving history record, notwithstanding the
69 sentence imposed by the court for such conviction. (2) The motor
70 vehicle operator's license or nonresident operating privilege of a
71 person found guilty under subsection (a) of this section who is under
72 eighteen years of age shall be suspended by the commissioner for the
73 period of time set forth in subsection (g) of this section, or until such
74 person attains the age of eighteen years, whichever period is longer. (3)
75 The motor vehicle operator's license or nonresident operating privilege
76 of a person found guilty under subsection (a) of this section who, at the
77 time of the offense, was operating a motor vehicle in accordance with a
78 special operator's permit issued pursuant to section 14-37a shall be
79 suspended by the commissioner for twice the period of time set forth
80 in subsection (g) of this section. (4) If an appeal of any conviction
81 under subsection (a) of this section is taken, the suspension of the
82 motor vehicle operator's license or nonresident operating privilege by
83 the commissioner, in accordance with this subsection, shall be stayed
84 during the pendency of such appeal. (5) Whenever the commissioner
85 suspends the motor vehicle operator's license or nonresident operating
86 privilege of a person in accordance with this subsection, the
87 commissioner shall mail or electronically transmit a copy of the

88 suspension notice, together with personal identifying information for
89 such person, to the Commissioner of Environmental Protection who
90 shall suspend the safe boating certificate, right to operate a vessel that
91 requires a safe boating certificate for operation or certificate of
92 personal watercraft operation, if any, of such person for the same
93 period of time.

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

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

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

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

152 (j) The commissioner shall suspend the operator's license or
153 nonresident operating privilege of a person under twenty-one years of
154 age who did not contact the department to schedule a hearing, who
155 failed to appear at a hearing or against whom, after a hearing the

156 commissioner held pursuant to subsection (h) of this section, as of the
157 effective date contained in the suspension notice or the date the
158 commissioner renders a decision whichever is later, for twice the
159 appropriate period of time specified in subsection (i) of this section,
160 except that, in the case of a person who is sixteen or seventeen years of
161 age at the time of the alleged offense, the period of suspension for a
162 first offense shall be one year if such person submitted to a test or
163 analysis and the results of such test or analysis indicated that such
164 person had an elevated blood alcohol content or eighteen months if
165 such person refused to submit to such test or analysis. Whenever the
166 commissioner suspends the motor vehicle operator's license or
167 nonresident operating privilege of a person under this subsection, the
168 commissioner shall mail or electronically transmit a copy of the
169 suspension notice, together with personal identifying information for
170 such person, to the Commissioner of Environmental Protection who
171 shall suspend the safe boating certificate, right to operate a vessel that
172 requires a safe boating certificate for operation or certificate of
173 personal watercraft operation, if any, of such person for the same
174 period of time.

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

178 (h) Any person who violates the provisions of subsection (d) of this
179 section shall: (1) For conviction of a first violation, (A) be fined not less
180 than five hundred dollars or more than one thousand dollars, and (B)
181 be (i) imprisoned not more than six months, forty-eight consecutive
182 hours of which may not be suspended or reduced in any manner, or
183 (ii) imprisoned not more than six months, with the execution of such
184 sentence of imprisonment suspended entirely and a period of
185 probation imposed requiring as a condition of such probation that
186 such person perform one hundred hours of community service, as
187 defined in section 14-227e, and (C) have such person's safe boating
188 certificate or certificate of personal watercraft operation, if any, or right
189 to operate a vessel that requires a safe boating certificate for operation

190 suspended for one year; (2) for conviction of a second violation not
191 later than ten years after a prior conviction for the same offense, (A) be
192 fined not less than one thousand dollars or more than four thousand
193 dollars, (B) be imprisoned not more than two years, one hundred
194 twenty consecutive days of which may not be suspended or reduced in
195 any manner, and sentenced to a period of probation requiring as a
196 condition of such probation that such person perform one hundred
197 hours of community service, as defined in section 14-227e, and (C)
198 have such person's safe boating certificate or certificate of personal
199 watercraft operation, if any, or right to operate a vessel that requires a
200 safe boating certificate for operation suspended for three years or until
201 the date of such person's twenty-first birthday, whichever is longer;
202 and (3) for conviction of a third and subsequent violation not later than
203 ten years after a prior conviction for the same offense, (A) be fined not
204 less than two thousand dollars or more than eight thousand dollars,
205 (B) be imprisoned not more than three years, one year of which may
206 not be suspended or reduced in any manner, and sentenced to a period
207 of probation requiring as a condition of such probation that such
208 person perform one hundred hours of community service, as defined
209 in section 14-227e, and (C) have such person's safe boating certificate
210 or certificate of personal watercraft operation, if any, or right to
211 operate a vessel that requires a safe boating certificate for operation
212 permanently revoked upon such third offense. For purposes of the
213 imposition of penalties under subdivision (2) or (3) of this subsection, a
214 conviction under the provisions of subdivision (1) or (2) of subsection
215 (d) of this section or subdivision (1) or (2) of subsection (a) of section
216 14-227a shall constitute a prior conviction for the same offense.

217 Sec. 6. Subsection (k) of section 15-133 of the general statutes is
218 repealed and the following is substituted in lieu thereof (*Effective*
219 *October 1, 2009*):

220 (k) (1) A record shall be kept by the Superior Court of any
221 conviction relating to the operation of a vessel. A summary of such
222 record, with a statement of the number of the operator's safe boating
223 certificate or certificate of personal watercraft operation shall, not later

224 than five days after such conviction, forfeiture or any other disposition
225 or nolle, be transmitted to the commissioner by such court. Each court
226 shall report each conviction under subsection (d) of this section to the
227 commissioner. The commissioner shall suspend the safe boating
228 certificate or certificate of personal watercraft operation of the person
229 reported as convicted for the period of time required by subsection (h)
230 of this section.

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

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

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

250 (i) The commissioner shall suspend the operator's safe boating
251 certificate, right to operate a vessel that requires a safe boating
252 certificate for operation or certificate of personal watercraft operation
253 of a person who does not contact the department to schedule a hearing
254 under subsection (e) of this section, who fails to appear at such
255 hearing, or against whom, after a hearing, the commissioner holds

256 pursuant to subsection (g) of this section. Such suspension shall be as
257 of the effective date contained in the suspension notice or the date the
258 commissioner renders a decision, whichever is later, for a period of: (1)
259 (A) Except as provided in subparagraph (B) of this subdivision, ninety
260 days if such person submitted to a test or analysis and the results of
261 such test or analysis indicated that at the time of the alleged offense
262 that such person had an elevated blood alcohol content, or (B) one
263 hundred twenty days if such person submitted to a test or analysis and
264 the results of such test or analysis indicated that the ratio of alcohol in
265 the blood of such person was sixteen-hundredths of one per cent or
266 more of alcohol, by weight, or (C) six months if such person refused to
267 submit to such test or analysis; (2) if such person has previously had
268 such person's safe boating certificate, right to operate a vessel that
269 requires a safe boating certificate for operation or certificate of
270 personal watercraft operation suspended under this section, (A) except
271 as provided in subparagraph (B) of this subdivision, nine months if
272 such person submitted to a test or analysis and the results of such test
273 or analysis indicated that at the time of the alleged offense that such
274 person had an elevated blood alcohol content, (B) ten months if such
275 person submitted to a test or analysis and the results of such test or
276 analysis indicated that the ratio of alcohol in the blood of such person
277 was sixteen-hundredths of one per cent or more of alcohol, by weight,
278 and (C) one year if such person refused to submit to such test or
279 analysis; and (3) if such person has two or more times previously had
280 such person's safe boating certificate, right to operate a vessel that
281 requires a safe boating certificate for operation or certificate of
282 personal watercraft operation suspended under this section, (A) except
283 as provided in subparagraph (B) of this subdivision, two years if such
284 person submitted to a test or analysis and the results of such test or
285 analysis indicated that at the time of the alleged offense that such
286 person had an elevated blood alcohol content, (B) two and one-half
287 years if such person submitted to a test or analysis and the results of
288 such test or analysis indicated that the ratio of alcohol in the blood of
289 such person was sixteen-hundredths of one per cent or more of
290 alcohol, by weight, and (C) three years if such person refused to

291 submit to such test or analysis. For purposes of the suspension of the
292 safe boating certificate, right to operate a vessel that requires a safe
293 boating certificate for operation or certificate of personal watercraft
294 operation of a person under subdivision (2) or (3) of this subsection,
295 the suspension under subsection (i) or (j) of section 14-227b, as
296 amended by this act, of the motor vehicle operator's license or
297 nonresident operating privilege, if any, of such person shall constitute
298 a previous suspension under this section. Whenever the commissioner
299 suspends the safe boating certificate, right to operate a vessel that
300 requires a safe boating certificate for operation or certificate of
301 personal watercraft operation of a person under this subsection, the
302 commissioner shall mail or electronically transmit a copy of the
303 suspension notice, together with personal identifying information for
304 such person, to the Commissioner of Motor Vehicles who shall
305 suspend the motor vehicle operator's license or nonresident operating
306 privilege, if any, of such person for the same period of time.

307 Sec. 8. Subsection (a) of section 54-56g of the general statutes is
308 repealed and the following is substituted in lieu thereof (*Effective*
309 *October 1, 2009*):

310 (a) There shall be a pretrial alcohol education system for persons
311 charged with a violation of section 14-227a [,] or 14-227g, subsection
312 (d) of section 15-133, section 15-140l or 15-140n. Upon application by
313 any such person for participation in such system and payment to the
314 court of an application fee of fifty dollars and a nonrefundable
315 evaluation fee of one hundred dollars, the court shall, but only as to
316 the public, order the court file sealed, provided such person states
317 under oath, in open court or before any person designated by the clerk
318 and duly authorized to administer oaths, under penalties of perjury
319 that: (1) If such person is charged with a violation of section 14-227a,
320 subsection (d) of section 15-133 or section 15-140l or 15-140n, such
321 person has not had such system invoked in such person's behalf within
322 the preceding ten years for a violation of section 14-227a, subsection
323 (d) of section 15-133 or section 15-140l or 15-140n, (2) if such person is
324 charged with a violation of section 14-227g, such person has never had

325 such system invoked in such person's behalf for a violation of section
 326 14-227a or 14-227g, subsection (d) of section 15-133 or section 15-140l or
 327 15-140n, (3) such person has not been convicted of a violation of
 328 section 53a-56b or 53a-60d, a violation of subsection (a) of section 14-
 329 227a before or after October 1, 1981, [or] a violation of subdivision (1)
 330 or (2) of subsection (a) of section 14-227a on or after October 1, 1985, a
 331 violation of subdivision (1) or (2) of subsection (d) of section 15-133 or
 332 a violation of section 15-140l or 15-140n, and (4) such person has not
 333 been convicted in any other state at any time of an offense the essential
 334 elements of which are substantially the same as section 53a-56b or 53a-
 335 60d, [or] subdivision (1) or (2) of subsection (a) of section 14-227a,
 336 subdivision (1) or (2) of subsection (d) of section 15-133 or section 15-
 337 140l or 15-140n. Unless good cause is shown, a person shall be
 338 ineligible for participation in such pretrial alcohol education system if
 339 such person's alleged violation of section 14-227a or 14-227g,
 340 subdivision (1) or (2) of subsection (d) of section 15-133 or section 15-
 341 140l or 15-140n, caused the serious physical injury, as defined in
 342 section 53a-3, of another person. The application fee imposed by this
 343 subsection shall be credited to the Criminal Injuries Compensation
 344 Fund established by section 54-215.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	14-227a(g)
Sec. 2	October 1, 2009	14-227a(h)
Sec. 3	October 1, 2009	14-227b(i)
Sec. 4	October 1, 2009	14-227b(j)
Sec. 5	October 1, 2009	15-133(h)
Sec. 6	October 1, 2009	15-133(k)
Sec. 7	October 1, 2009	15-140q(i)
Sec. 8	October 1, 2009	54-56g(a)

JUD Joint Favorable Subst.