



General Assembly

January Session, 2009

Committee Bill No. 660

LCO No. 4721

04721SB00660JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT REQUIRING DRUNKEN DRIVERS TO MAINTAIN A PERIOD OF CONTINUOUS SOBRIETY.

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2 repealed and the following is substituted in lieu thereof (*Effective*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 (i)
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, or (ii) imprisoned not more than
23 two years, sixty consecutive days of which may not be suspended or
24 reduced in any manner, and sentenced to a period of probation
25 requiring as a condition of such probation that such person maintain at
26 least one hundred twenty days of continuous sobriety as demonstrated
27 through continuous alcohol monitoring and perform one hundred
28 hours of community service, as defined in section 14-227e, and (C) (i)
29 have such person's motor vehicle operator's license or nonresident
30 operating privilege suspended for three years or until the date of such
31 person's twenty-first birthday, whichever is longer, or (ii) if such
32 person has been convicted of a violation of subdivision (1) of
33 subsection (a) of this section on account of being under the influence of
34 intoxicating liquor or of subdivision (2) of subsection (a) of this section,
35 have such person's motor vehicle operator's license or nonresident
36 operating privilege suspended for one year and be prohibited for the
37 two-year period following completion of such period of suspension
38 from operating a motor vehicle unless such motor vehicle is equipped
39 with a functioning, approved ignition interlock device, as defined in
40 section 14-227j; and (3) for conviction of a third and subsequent
41 violation within ten years after a prior conviction for the same offense,
42 (A) be fined not less than two thousand dollars or more than eight
43 thousand dollars, (B) be (i) imprisoned not more than three years, one
44 year of which may not be suspended or reduced in any manner, and
45 sentenced to a period of probation requiring as a condition of such
46 probation that such person perform one hundred hours of community
47 service, as defined in section 14-227e, or (ii) imprisoned not more than
48 three years, ninety consecutive days of which may not be suspended or
49 reduced in any manner, and sentenced to a period of probation
50 requiring as a condition of such probation that such person maintain at

51 least one year of continuous sobriety as demonstrated through
52 continuous alcohol monitoring and perform one hundred hours of
53 community service, as defined in section 14-227e, and (C) have such
54 person's motor vehicle operator's license or nonresident operating
55 privilege permanently revoked upon such third offense. For purposes
56 of the imposition of penalties for a second or third and subsequent
57 offense pursuant to this subsection, a conviction under the provisions
58 of subsection (a) of this section in effect on October 1, 1981, or as
59 amended thereafter, a conviction under the provisions of either
60 subdivision (1) or (2) of subsection (a) of this section, a conviction
61 under the provisions of section 53a-56b or 53a-60d or a conviction in
62 any other state of any offense the essential elements of which are
63 determined by the court to be substantially the same as subdivision (1)
64 or (2) of subsection (a) of this section or section 53a-56b or 53a-60d,
65 shall constitute a prior conviction for the same offense.

66 Sec. 2. Subsection (i) of section 14-227a of the general statutes is
67 repealed and the following is substituted in lieu thereof (*Effective*
68 *October 1, 2009*):

69 (i) (1) The Commissioner of Motor Vehicles shall permit a person
70 whose license has been suspended in accordance with the provisions
71 of subparagraph (C)(ii) of subdivision (2) of subsection (g) of this
72 section to operate a motor vehicle if (A) such person has served not
73 less than one year of such suspension, (B) maintained ninety
74 consecutive days of sobriety as demonstrated through continuous
75 alcohol monitoring, and [(B)] (C) such person has installed an
76 approved ignition interlock device in each motor vehicle owned or to
77 be operated by such person. No person whose license is suspended by
78 the commissioner for any other reason shall be eligible to operate a
79 motor vehicle equipped with an approved ignition interlock device. (2)
80 All costs of continuous alcohol monitoring and installing and
81 maintaining an ignition interlock device shall be borne by the person
82 required to install such device. (3) The commissioner shall adopt
83 regulations, in accordance with the provisions of chapter 54, to

84 implement the provisions of this subsection. The regulations shall
85 establish procedures for the approval of ignition interlock devices, for
86 the proper calibration and maintenance of such devices and for the
87 installation of such devices by any firm approved and authorized by
88 the commissioner. (4) The provisions of this subsection shall not be
89 construed to authorize the continued operation of a motor vehicle
90 equipped with an ignition interlock device by any person whose
91 operator's license or nonresident operating privilege is withdrawn,
92 suspended or revoked for any other reason. (5) The provisions of this
93 subsection shall apply to any person whose license has been
94 suspended in accordance with the provisions of subparagraph (C)(ii)
95 of subdivision (2) of subsection (g) of this section on or after September
96 1, 2003.

97 Sec. 3. Subsection (a) of section 14-227f of the general statutes is
98 repealed and the following is substituted in lieu thereof (*Effective*
99 *October 1, 2009*):

100 (a) Any person whose motor vehicle operator's license or
101 nonresident operating privilege is suspended under subsection (g) of
102 section 14-227a, as amended by this act, for a conviction of a violation
103 of subsection (a) of said section or under section 14-227b for a second
104 or subsequent time shall participate in a treatment program which
105 includes an assessment of the degree of alcohol abuse and treatment,
106 as appropriate, approved by the Commissioner of Motor Vehicles. The
107 commissioner shall not reinstate the operator's license or nonresident
108 operating privilege of any such person until such person submits
109 evidence to the commissioner that such person has satisfactorily
110 completed the treatment program and has not consumed alcohol for
111 ninety consecutive days as demonstrated by continuous alcohol
112 monitoring. Any person whose certificate is suspended or revoked
113 pursuant to section 15-133, 15-140l or 15-140n shall participate in such
114 treatment program.

115 Sec. 4. Subdivision (2) of subsection (k) of section 14-111 of the

116 general statutes is repealed and the following is substituted in lieu
117 thereof (*Effective October 1, 2009*):

118 (2) Any person whose license has been revoked in accordance with
119 subparagraph (C) of subdivision (3) of subsection (g) of section 14-
120 227a, as amended by this act, on or after October 1, 1999, may, at any
121 time after [six years] one year from the date of such revocation, request
122 a hearing before the commissioner, conducted in accordance with the
123 provisions of chapter 54, and the provisions of subdivision (1) of this
124 subsection for reversal or reduction of such revocation. The
125 commissioner shall require such person to provide evidence that any
126 reversal or reduction of such revocation shall not endanger the public
127 safety or welfare. Such evidence shall include, but not be limited to,
128 proof that such person has successfully completed an alcohol
129 education and treatment program, [and] proof that such person has
130 not been convicted of any offense related to alcohol, controlled
131 substances or drugs during the preceding [six years] year, and proof
132 that such person has not consumed any alcohol for six consecutive
133 months as demonstrated by continuous alcohol monitoring. The
134 commissioner shall require any person, as a condition of granting such
135 reversal or reduction, to install and maintain an approved ignition
136 interlock device, in accordance with the provisions of subsection (i) of
137 section 14-227a, as amended by this act. The approved ignition
138 interlock device shall be installed and maintained from the date such
139 reversal or reduction is granted until [ten] five years has passed since
140 the date of such [revocation] reversal or reduction. The commissioner
141 may adopt regulations, in accordance with the provisions of chapter
142 54, to establish standards to implement the provisions of this section.

143 Sec. 5. Section 14-212 of the general statutes is repealed and the
144 following is substituted in lieu thereof (*Effective October 1, 2009*):

145 Terms used in this chapter shall be construed as follows, unless
146 another construction is clearly apparent from the language or context
147 in which the term is used or unless the construction is inconsistent

148 with the manifest intention of the General Assembly:

149 (1) The following terms shall be construed as they are defined in
150 section 14-1: "Authorized emergency vehicle", "commissioner",
151 "driver", "fuels", "gross weight", "head lamp", "high-mileage vehicle",
152 "highway", "light weight", "limited access highway", "maintenance
153 vehicle", "motor bus", "motorcycle", "motor vehicle registration",
154 "nonresident", "nonskid device", "number plate", "officer", "operator",
155 "owner", "passenger motor vehicle", "passenger and commercial motor
156 vehicle", "person", "pneumatic tires", "pole trailer", "registration",
157 "registration number", "second offense", "semitrailer", "shoulder",
158 "solid tires", "stop", "subsequent offense", "tail lamp", "tractor", "tractor-
159 trailer unit", "trailer", "truck" and "vanpool vehicle";

160 (2) "Carrier" means (A) any local or regional school district, any
161 educational institution providing elementary or secondary education
162 or any person, firm or corporation under contract to such district or
163 institution engaged in the business of transporting school children; (B)
164 any person, firm or corporation providing transportation for
165 compensation exclusively to persons under the age of twenty-one
166 years; or (C) any corporation, institution or nonprofit organization
167 providing transportation as an ancillary service primarily to persons
168 under the age of eighteen years;

169 (3) "Continuous alcohol monitoring" means automatically testing
170 breath, blood or transdermal alcohol concentration levels and tamper
171 attempts at least once every hour, regardless of location of the person
172 who is being monitored, and regularly transmitting the data.

173 [(3)] (4) "Curb" includes the boundary of the traveled portion of any
174 highway, whether or not the boundary is marked by a curbstone;

175 [(4)] (5) "Intersection" means the area embraced within the
176 prolongation of the lateral curb lines of two or more highways which
177 join one another at an angle, whether or not one of the highways
178 crosses the other;

179 [(5)] (6) "Motor vehicle" includes all vehicles used on the public
 180 highways;

181 [(6)] (7) "Parking area" means lots, areas or other accommodations
 182 for the parking of motor vehicles off the street or highway and open to
 183 public use with or without charge;

184 [(7)] (8) "Rotary" or "roundabout" means a physical barrier legally
 185 placed or constructed at an intersection to cause traffic to move in a
 186 circuitous course;

187 [(8)] (9) "Student" means any person under the age of twenty-one
 188 years who is attending a preprimary, primary or secondary school
 189 program of education;

190 [(9)] (10) "Student transportation vehicle" means any motor vehicle
 191 other than a registered school bus used by a carrier for the
 192 transportation of students, including children requiring special
 193 education; and

194 [(10)] (11) "Vehicle" is synonymous with "motor vehicle".

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(i)
Sec. 3	<i>October 1, 2009</i>	14-227f(a)
Sec. 4	<i>October 1, 2009</i>	14-111(k)(2)
Sec. 5	<i>October 1, 2009</i>	14-212

Statement of Purpose:

To require a person convicted of drunken driving to maintain a period of continuous sobriety as demonstrated through continuous alcohol monitoring.

[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. HARP, 10th Dist.; SEN. PRAGUE, 19th Dist.

S.B. 660