



## State of Connecticut

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### Testimony by Representative Tom Reynolds Transportation Committee March 4, 2009

#### **S.B. 152, AN ACT PROHIBITING OPEN ALCOHOLIC BEVERAGE CONTAINERS IN MOTOR VEHICLES**

#### **S.B. 153, AN ACT CONCERNING ADMINISTRATIVE PER SE VIOLATIONS AND PROCEDURES**

Senator DeFronzo, Representative Guerrero, and distinguished members of the Transportation Committee, I am pleased to testify in support of two drunk driving bills before you today.

#### **NATIONAL TRENDS**

For many years, there was much progress towards reducing drunk driving deaths in Connecticut and across the nation. From 1980 and into the 1990's alcohol-related automobile accidents declined considerably across the country, as a result of tougher drunk driving laws, more aggressive enforcement, and education, prevention and advocacy by Mothers Against Drunk Driving (MADD). Unfortunately, this progress has come to a screeching halt. Rates of drunk driving deaths have stagnated nationally and increased in Connecticut.

Alcohol-related traffic deaths in our nation are at their highest level ever since 1992. In 2006, an estimated 17,602 people died in alcohol-related traffic crashes in the U.S.—an average of one every 30 minutes. Impaired driving is the most frequently committed violent crime in our nation.

In 2002, surveys estimate that Americans took over 159 million alcohol-impaired driving trips, compared with only 116 million in 1997. Approximately 1.4 million drivers were arrested in 2004 for driving under the influence of alcohol or narcotics. This is an arrest

rate of 1 for every 139 licensed drivers in the United States. The estimated cost to society resulting from alcohol-related crashes is more than \$50B per year.

#### **STATE TRENDS**

The trend in Connecticut is even more disturbing. Connecticut is now one of only 15 states in which greater than one-third of all traffic fatalities are alcohol-related—placing the state among the so-called “Fatal 15.” In 2007, 37% of traffic fatalities were alcohol-related in Connecticut—only six states had a higher percentage.

#### **DUI REFORM WORKING GROUP**

In 2007 and 2008 I joined Senator DeFronzo in convening a 40-member DUI Reform Working Group to identify targeted legislative priorities to reverse the drunk driving trends in Connecticut. The group included many legislators, the Departments of Motor Vehicles, Transportation, and Public Safety, the offices of the Attorney General and Chief State’s Attorney, the State Police, MADD, and the Connecticut Police Chiefs’ Association.

This session the working group is proposing three bills. The first two, an open container ban and reform of administrative per se statutes, are before you today. The third bill regarding ignition interlock will come before you soon.

#### **OPEN CONTAINER**

S.B. 152 makes it illegal for anyone to possess an open alcoholic beverage container in the passenger area of a motor vehicle while the vehicle is on a Connecticut highway. With this bill we will end once and for all the last vestige of legally sanctioned alcohol consumption in motor vehicles. Connecticut is the only northeastern state and one of only seven states without an open container law.

Most state residents are shocked to learn that in Connecticut it is legal to party in your car with alcohol. They are also surprised to learn that Connecticut drivers can operate a motor vehicle with an open container of alcohol within arms reach.

Studies by the National Highway Traffic Safety Administration and the Stanford Institute for Economic Policy study found that states without open container laws experienced greater proportions of alcohol-related fatal motor vehicle crashes than states with one.

Federal law requires states to adopt an open container law because of growing evidence of the effectiveness of such laws. States that fail to do so are penalized with a diversion of a percentage of federal highway construction funds to their highway safety programs. As a result of Connecticut’s failure to comply with this law over \$30 million of federal highway dollars have been transferred, including an estimated \$5.8 million this year. The bill before you is not federally compliant; therefore, this funding diversion would continue following passage of the bill.

The bill contains reasonable exceptions, including passengers in recreational vehicles, taxis, limousines, and other vehicles for hire. This year’s bill subjects the driver only to an infraction for a violation.

## ADMINISTRATIVE PER SE

S.B. 153 makes several changes to strengthen Connecticut's criminal and administrative per se laws. A police officer who has arrested someone for DUI can request the person to submit to a blood, breath, or urine test. If the person refuses to take the test or takes the test and the results reveal an elevated blood alcohol content, the driver is subject to an administrative license suspension or "administrative *per se*." This suspension operates independently of the procedures for prosecuting the accused person on the criminal charge.

The bill makes various changes in the statutes, including redefining "elevated blood alcohol content" for commercial motor vehicle operators, changing the minimum time between chemical tests conducted by the police, and providing more flexibility on the part of the DMV Commissioner to grant continuances in per se hearings.

## CONCLUSION

We are experiencing a growing sense of complacency about drunk driving among public policy makers and the general public. This complacency carries deadly consequences for our state, yet this public health and safety crisis continues with no response.

These bills are reasonable and long overdue. They are strategically focused. They are models proven effective in other states, and there are no material fiscal impacts. Thank you for your consideration of these important bills. The adoption of these bills is the next major step Connecticut must take to enhance its arsenal of drunk driving laws.

Every drunk driving death is a preventable crime. The time for complacency is over. The time for legislative and gubernatorial leadership is now.

