



General Assembly

February Session, 2010

Raised Bill No. 5385

LCO No. 1237

01237_____TRA

Referred to Committee on Transportation

Introduced by:
(TRA)

**AN ACT CONCERNING THE USE OF IGNITION INTERLOCK DEVICES
IN MOTOR VEHICLES.**

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 2010 supplement
2 to the general statutes is repealed and the following is substituted in
3 lieu thereof (*Effective October 1, 2010*):

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) (i) have such person's motor vehicle
14 operator's license or nonresident operating privilege suspended for
15 one year, or (ii) have such person's motor vehicle operator's license or
16 nonresident operating privilege suspended for six months and be

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

51 subsection (a) of this section in effect on October 1, 1981, or as
52 amended thereafter, a conviction under the provisions of either
53 subdivision (1) or (2) of subsection (a) of this section, a conviction
54 under the provisions of section 53a-56b or 53a-60d or a conviction in
55 any other state of any offense the essential elements of which are
56 determined by the court to be substantially the same as subdivision (1)
57 or (2) of subsection (a) of this section or section 53a-56b or 53a-60d,
58 shall constitute a prior conviction for the same offense.

59 Sec. 2. Subsection (i) of section 14-227a of the 2010 supplement to the
60 general statutes is repealed and the following is substituted in lieu
61 thereof (*Effective October 1, 2010*):

62 (i) (1) The Commissioner of Motor Vehicles shall permit a person
63 whose license has been suspended in accordance with the provisions
64 of subparagraph (C)(ii) of subdivision (1) or subparagraph (C)(ii) of
65 subdivision (2) of subsection (g) of this section, as amended by this act,
66 to operate a motor vehicle if (A) such person has [served not less than
67 one year of such] completed the required period of such suspension,
68 and (B) such person has installed an approved ignition interlock device
69 in each motor vehicle owned or to be operated by such person. Except
70 as provided in sections 53a-56b and 53a-60d, no person whose license
71 is suspended by the commissioner for any other reason shall be eligible
72 to operate a motor vehicle equipped with an approved ignition
73 interlock device. (2) All costs of installing and maintaining an ignition
74 interlock device and all processing and other administrative costs
75 related to such person's compliance with the provisions of this
76 subsection shall be borne by the person required to install such device.
77 (3) The commissioner shall adopt regulations, in accordance with the
78 provisions of chapter 54, to implement the provisions of this
79 subsection. The regulations shall establish procedures for the approval
80 of ignition interlock devices, for the proper calibration and
81 maintenance of such devices and for the installation of such devices by
82 any firm approved and authorized by the commissioner. (4) The
83 provisions of this subsection shall not be construed to authorize the

84 continued operation of a motor vehicle equipped with an ignition
85 interlock device by any person whose operator's license or nonresident
86 operating privilege is withdrawn, suspended or revoked for any other
87 reason. (5) The provisions of this subsection shall apply to any person
88 whose license has been suspended in accordance with the provisions
89 of subparagraph (C)(ii) of subdivision (2) of subsection (g) of this
90 section, as amended by this act, on or after September 1, 2003. (6)
91 Whenever a person is permitted by the commissioner under this
92 subsection to operate a motor vehicle if such person has installed an
93 approved ignition interlock device in each motor vehicle owned or to
94 be operated by such person, the commissioner shall indicate in the
95 electronic record maintained by the commissioner pertaining to such
96 person's operator's license or driving history that such person is
97 restricted to operating a motor vehicle that is equipped with an
98 ignition interlock device and the duration of such restriction, and shall
99 ensure that such electronic record is accessible by law enforcement
100 officers.

101 Sec. 3. Subsection (a) of section 14-227f of the 2010 supplement to
102 the general statutes is repealed and the following is substituted in lieu
103 thereof (*Effective October 1, 2010*):

104 (a) Any person whose motor vehicle operator's license or
105 nonresident operating privilege is suspended under subsection (g) of
106 section 14-227a, as amended by this act, for a conviction of a violation
107 of subsection (a) of said section 14-227a or under section 14-227b for a
108 second or subsequent time shall participate in a treatment program
109 which includes an assessment of the degree of alcohol abuse and
110 treatment, as appropriate, approved by the Commissioner of Motor
111 Vehicles. The commissioner shall not reinstate the operator's license or
112 nonresident operating privilege of any such person (1) whose license
113 has been suspended in accordance with the provisions of subdivision
114 (1) of subsection (g) of section 14-227a, as amended by this act, until
115 such person submits evidence to the commissioner that such person is
116 participating in the treatment program, or (2) whose license has been

117 suspended in accordance with the provisions of subdivision (2) or (3)
118 of subsection (g) of section 14-227a, as amended by this act, or under
119 section 14-227b for a second or subsequent time until such person
120 submits evidence to the commissioner that such person has complied
121 with the requirements of this section. Any person whose certificate is
122 suspended or revoked pursuant to section 15-132a, 15-133, 15-140l or
123 15-140n shall participate in such treatment program.

124 Sec. 4. Subdivision (2) of subsection (k) of section 14-111 of the 2010
125 supplement to the general statutes is repealed and the following is
126 substituted in lieu thereof (*Effective October 1, 2010*):

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	14-227a(g)
Sec. 2	<i>October 1, 2010</i>	14-227a(i)
Sec. 3	<i>October 1, 2010</i>	14-227f(a)
Sec. 4	<i>October 1, 2010</i>	14-111(k)(2)

Statement of Purpose:

To expand the use of ignition interlock devices in motor vehicles operated by persons convicted of driving under the influence of alcohol.

[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.]