STATE OF CONNECTICUT

DEPARTMENT OF MOTOR VEHICLES

60 State Street, Wethersfield, CT 06161
http://ct.gov/dmv

SAFETY SECURITY SERVICE DMV

Testimony of Department of Motor Vehicles
Commissioner Melody A. Currey
Judiciary Committee Public Hearing
March 29, 2012

HB 5553 (RAISED) AN ACT CONCERNING SUBSTANCE ABUSE PROGRAMS

Good morning Senator Coleman, Representative Fox, Senator Kissel, Representative Hetherington and members of the Judiciary Committee:

I am submitting this testimony on **H.B. 5553**, AN ACT CONCERNING SUBSTANCE ABUSE PROGRAMS. There are two areas of concern regarding this proposed legislation.

(1) Substance Abuse Treatment Program- During the 2011 session, the legislature repealed a statute that required persons with one conviction of operating under the influence (OUI) or two administrative license suspension sanctions to undergo a Substance Abuse Treatment Program (SATP). The rationale for its repeal was that these offenders were being evaluated by the Court Support Services Division (CSSD) and were required to undergo treatment if prescribed by CSSD, thereby making the SATP redundant. As a result of the repeal of SATP, the Department of Motor Vehicles (DMV) changed its requirements for license restoration of the offender, along with its notices and procedures. This legislation attempts to revive the SATP, but on a voluntary basis. It is unclear what the incentive is for voluntarily completing this program and this proposal does not address the overlap in programs administered under the direction of CSSD. It also is unclear what DMV's obligations are for persons who complete the program. Moreover, this legislation does not address the absence of express language in our statute requiring the assessment of the degree of alcohol abuse of persons with *two* DUI convictions, a deficiency that takes Connecticut out of compliance with the federal law for repeat DUI offenders, and threatens the transfer of funds from highway and bridge maintenance programs to safety programs. While CSSD uniformly conducts such assessments, the language reflecting this is non-existent. This is the deficiency that the legislature should be addressing.

(2) License Suspension and Ignition Interlock Device (IID) Use For Persons With Three Or More DUI Convictions. In 1999, legislation was enacted that imposed a permanent license revocation upon any person convicted of OUI for a third or subsequent time. In 2005, the legislature enacted subdivision (2) of section 14-111(k), which enabled a person with such a permanent revocation, after a period of ten years, to request a hearing at the DMV for restoration if the person met certain criteria. In 2007, the legislature changed that subdivision to allow a person to request a hearing after six years. In this proposed legislation, a person will be able to request a hearing after two years. However, it also increases the IID period to "lifetime" use of an IID after the two year suspension. For all the same reasons that a "permanent" license suspension was recognized to be unrealistic, the legislature should consider whether a "lifetime" IID is unrealistic. As Commissioner of DMV, I am proud of

the Department's efforts over the years at making our roads safer in conjunction with law enforcement and the courts through the implementation of tougher laws against individuals who operate a motor vehicle under the influence. The concern, however, is that it will only be a matter of time, perhaps a brief amount of time, before persons subject to this requirement and other interested entities will be contacting legislators and policy makers with reasons why they should not be required to use an IID for life, in the same manner as those persons did who were subject to a permanent license revocation in 1999. Circumstances are not permanent, and strong consideration should be given as to whether these requirements should be made permanent.

If the legislature intends to adopt this position, it should repeal section 14-111(k)(2) (actually renumbered as 14-111(i)(2) in Public Act 11-213) and amend the language of section 14-227a(g) to remove any reference to a "permanent" revocation. For a third or subsequent offense, section 14-227a(g)(3)(C) should simply call for a two year suspension with restoration of the license to be conditioned upon the installation and lifetime use of an IID. This makes the intention of the legislature clear, provides clarity and transparency and does not involve a hearing. The lifetime IID requirement would obviate the need for any type of intervention by DMV in the process. Furthermore, it is very likely that in a few years, DMV will be required to have hearings to evaluate whether someone with a "lifetime" IID may be a candidate to have such IID removed.