



General Assembly

**Amendment**

February Session, 2012

LCO No. 5014

**\*HB0555305014HDO\***

Offered by:

REP. FOX, 146<sup>th</sup> Dist.

REP. REYNOLDS, 42<sup>nd</sup> Dist.

To: Subst. House Bill No. 5553

File No. 551

Cal. No. 406

**"AN ACT CONCERNING SUBSTANCE ABUSE PROGRAMS."**

1 Strike lines 4 to 38, inclusive, in their entirety and substitute the  
2 following in lieu thereof:

3 "(i) (1) Whenever any person has been convicted of any violation of  
4 section 14-110, 14-147, 14-215, as amended by this act, 14-222 or 14-224  
5 and such person's license has been suspended by the commissioner,  
6 such person may make application to the commissioner for the  
7 reversal or reduction of the term of such suspension. Such application  
8 shall be in writing and shall state specifically the reasons why such  
9 applicant believes that the applicant is entitled to such reversal or  
10 reduction. The commissioner shall consider each such application and  
11 the applicant's driver control record, as defined in section 14-111h, and  
12 may grant a hearing to the applicant in accordance with the provisions  
13 of chapter 54 and section 14-4a.

14 (2) Any person whose license has been revoked in accordance with  
15 subparagraph (C) of subdivision (3) of subsection (g) of section 14-

16 227a, as amended by this act, may, at any time after [six] two years  
17 from the date of such revocation, request a hearing before the  
18 commissioner, conducted in accordance with the provisions of chapter  
19 54, and the provisions of subdivision (1) of this subsection for reversal  
20 or reduction of such revocation. The commissioner shall require such  
21 person to provide evidence that any reversal or reduction of such  
22 revocation shall not endanger the public safety or welfare. Such  
23 evidence shall include, but not be limited to, proof that such person  
24 has successfully completed an alcohol education and treatment  
25 program, and proof that such person has not been convicted of any  
26 offense related to alcohol, controlled substances or drugs during the  
27 preceding [six] two years. The commissioner shall require any person,  
28 as a condition of granting such reversal or reduction, to install and  
29 maintain an approved ignition interlock device, in accordance with the  
30 provisions of subsection (i) of section 14-227a, as amended by this act.  
31 The approved ignition interlock device shall be installed and  
32 maintained for [a period of ten years after the date of the granting of  
33 such reversal or reduction] any period during the lifetime of such  
34 person in which such person owns or operates a motor vehicle, except  
35 that such person may, at any time after fifteen years from the date the  
36 commissioner grants such reversal or reduction, request a hearing  
37 before the commissioner, conducted in accordance with the provisions  
38 of chapter 54, to remove such ignition interlock device. The  
39 commissioner may authorize the removal of such ignition interlock  
40 device, for good cause shown, after such fifteen-year period and such  
41 hearing. The commissioner may adopt regulations, in accordance with  
42 the provisions of chapter 54, to establish standards to implement the  
43 provisions of this section."

44 In line 82, after "program" strike ", an"

45 In line 83, strike "appointment with a probation officer"

46 In line 96, strike ", an appointment with a probation officer"

47 In line 110, strike "suspension" and substitute "revocation" in lieu

48 thereof

49 In line 145, strike ", an appointment with a probation"

50 In line 146, strike "officer"

51 In line 193, strike ", an appointment with a probation officer"

52 Strike lines 332 to 378, inclusive, in their entirety and substitute the  
53 following in lieu thereof:

54 "Sec. 7. (NEW) (*Effective January 1, 2013*) (a) (1) Any person whose  
55 motor vehicle operator's license or nonresident operating privilege is  
56 suspended under subsection (g) of section 14-227a of the general  
57 statutes, as amended by this act, for a conviction of a violation of  
58 subsection (a) of said section or under section 14-227b of the general  
59 statutes for a second or subsequent violation shall, if required by the  
60 Commissioner of Motor Vehicles, participate in a treatment program  
61 which includes an assessment of the degree of alcohol abuse and  
62 treatment, as appropriate, approved by the Commissioner of Motor  
63 Vehicles.

64 (2) The commissioner shall not reinstate the operator's license or  
65 nonresident operating privilege of any such person unless such person  
66 is otherwise eligible for reinstatement and submits evidence to the  
67 commissioner that such person has enrolled in the treatment program.  
68 Any person whose operator's license or nonresident operating  
69 privilege has been reinstated under this subdivision who fails to  
70 participate in such program shall have such person's license or  
71 operating privilege suspended until such person participates in such  
72 program.

73 (3) Any person whose certificate is suspended or revoked pursuant  
74 to section 15-132a, 15-133, 15-140l or 15-140n of the general statutes  
75 shall participate in such treatment program.

76 (b) The treatment program shall be designed by the commissioner,  
77 with the advice and assistance of the Motor Vehicle Operator's License

78 Medical Advisory Board established pursuant to section 14-46b of the  
79 general statutes, any state agency or any other public or private entity  
80 engaged in the provision of responsible services for the treatment of  
81 alcohol and drug addiction as the commissioner may request. The  
82 program shall consist of intensive treatment and a phase of continuing  
83 aftercare supervision and monitoring on an individual basis. The  
84 program may be provided by one or more private organizations  
85 approved by the commissioner which meet qualifications established  
86 by the commissioner, provided the entire cost of the program shall be  
87 paid from fees charged to the participants, the amounts of which shall  
88 be subject to the approval of the commissioner. The commissioner may  
89 limit the number of qualified organizations that provide the program  
90 based on criteria the commissioner deems appropriate, including the  
91 projected total number of participants in the program.

92 (c) Upon receipt of notification from the commissioner of the  
93 requirement to participate in the program, such person may petition  
94 the commissioner in writing for a waiver of such requirement on the  
95 following grounds: (1) The petitioner is presently undergoing a  
96 substance abuse treatment program for alcohol or drug addiction, or  
97 has completed such a program subsequent to the petitioner's most  
98 recent arrest, either as a result of an order of the Superior Court or on a  
99 voluntary basis, and (2) the petitioner does not, in the opinion of a  
100 licensed physician based upon a personal examination, have a current  
101 addiction problem that affects the petitioner's ability to operate a  
102 motor vehicle in a safe manner. In reviewing and determining whether  
103 to grant any such petition, the commissioner shall request and give  
104 due consideration to the advice of the Motor Vehicle Operator's  
105 License Medical Advisory Board. Any person aggrieved by the  
106 decision of the commissioner may appeal such decision in accordance  
107 with the provisions of chapter 54 of the general statutes."

108 In line 394, strike "2012" and substitute "2013" in lieu thereof

109 In line 397, strike "2014" and substitute "2015" in lieu thereof