

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



**PA 12-178**—sHB 5553  
*Judiciary Committee*  
*Transportation Committee*

**AN ACT CONCERNING SUBSTANCE ABUSE PROGRAMS**

**SUMMARY:** This act makes a number of changes to the driving under the influence (DUI) laws, including:

1. placing restrictions on the first year of driving with an ignition interlock device after a second DUI conviction;
2. allowing a DUI offender whose license is permanently revoked to request restoration sooner (after two years instead of six) but requiring lifetime instead of 10 years' use of an ignition interlock device after restoration, subject to a request for removal of the device for good cause after 15 years;
3. increasing, from \$25 to \$75, the maximum participation fee an organization conducting a victim impact panel program can charge a DUI offender who is ordered to attend the program by the court (the law already allowed them to charge a \$75 fee for panels in the pretrial alcohol education program);
4. requiring second or subsequent DUI offenders to submit to an alcohol or drug abuse assessment through the Judicial Branch's Court Support Services Division (CSSD) and undergo a treatment program if ordered to do so by the court; and
5. making technical and conforming changes.

**EFFECTIVE DATE:** July 1, 2012; except for the provisions on lifetime ignition interlock use after license reinstatement for third or subsequent DUI offenders, which is effective January 1, 2013.

**IGNITION INTERLOCK DEVICES**

After a second DUI conviction, the law requires an offender to operate a motor vehicle with an ignition interlock for three years after his or her license suspension period ends. The act additionally limits driving during the first year with the interlock after license restoration to driving to or from work or school, an alcohol or drug abuse treatment program, or ignition interlock service center. The commissioner must note this restriction on the driver's electronic records (license and registration), as she does for other ignition interlock requirements.

For a third or subsequent DUI conviction, the law requires an offender's license to be permanently revoked, but he or she can request a reversal or reduction. The act reduces the period the offender must wait before requesting a restoration hearing from six to two years. If his or her license is restored, the act

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requires use of an ignition interlock device as long as he or she drives a vehicle, instead of only for 10 years after license restoration. But the act allows the person to request a hearing on removing the ignition interlock after 15 years of use and allows the commissioner to authorize removal if she finds good cause after the hearing.

By law, the DMV commissioner can extend periods of required ignition interlock device use beyond those required in the statute under regulations she adopts.

For use of an ignition interlock device after a first or second DUI conviction, the act requires the offender to verify to the commissioner, in a way the commissioner requires, that the device is installed. Prior law specified that the commissioner was not required to verify installation.

The act makes related changes to apply provisions on ignition interlock use, such as the penalty for tampering with the device, to the act's new ignition interlock requirements.

### ASSESSMENT AND COURT-ORDERED TREATMENT

For second and subsequent DUI convictions, the act requires an offender to submit to an alcohol or drug abuse assessment through CSSD and undergo a treatment program if ordered to do so by the court. Existing law allows the court to order a DUI offender to participate in an alcohol education and treatment program.

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