

**Statement of Michael J. Riley**  
**President**  
**Motor Transport Association of Connecticut**  
**Before**  
**The Joint Committee on Judiciary**  
**April 15, 2013**

Re: House Bill No. 6697 AN ACT CONCERNING FORFEITURE OF A MOTOR VEHICLE OPERATED WHILE CONSUMING OR UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS.

I am Michael J. Riley, President of Motor Transport Association of Connecticut (MTAC), a statewide trade association, which represents around 800 companies that operate commercial motor vehicles in and through the state of Connecticut. Our membership includes freight haulers, movers of household goods, construction companies, distributors, tank truck operators and hundreds of companies that use trucks in their business and firms that provide goods and services to truck owners.

**MTAC OPPOSES THIS BILL**

This bill allows the confiscation of motor vehicles used in the violation of four Connecticut Statutes:

- Sec. 14-227a. Operation while under the influence of liquor or drug or while having an elevated blood alcohol content.
- Sec. 53a-56b. Manslaughter in the second degree with a motor vehicle: Class C felony.
- Sec. 53a-60d. Assault in the second degree with a motor vehicle: Class D felony.
- Sec. 53a-213. Drinking while operating motor vehicle: Class C misdemeanor.

Under this bill, if a driver of a vehicle violates any of these statutes, the enforcement authorities can take custody of the motor vehicle being operated.

The vehicle may be held for up to 10 days before the owner is given notice that it is in the custody of enforcement. It may take up to 20 days before a hearing is held to ascertain whether the owner “knew or should have known” that the driver was operating the vehicle in violation of the specific statutes. After the hearing the vehicle may be continue to be held pending the outcome of the driver’s trial or, it could be released after the owner posts a bond for its value.

If the driver is convicted of the subject statutes, the court would order forfeiture of the vehicle. The vehicle would then be sold at auction. Any outstanding liens, leases or security interest would be settled out of the proceeds of the sale and the remainder would be deposited in the General Fund of the municipality where the arrest, which led to the conviction occurred.

We oppose the bill because it penalizes the owner of a motor vehicle for a violation committed by the driver.

Under the proposal, a vehicle may be immediately taken into custody and remain unavailable to the owner for up to twenty days. Many small businesses in this state use trucks as an integral part of their businesses. Removing one from a small fleet, or a one truck operation, could cause great hardship to the company. If the vehicle is in good working order, there is not reason why it should not continue to be operated by a driver, other than the one alleged to have committed an offense.

A hearing is held, under this bill, where a vehicle owner must defend himself against a claim that he” knew, or should have know” that the driver was violating the statutes enumerated. There could be many “opinions” about what the owner should have known but it is illogical to suggest that the owner of a commercial motor vehicle would knowingly allow his vehicle to be operated in a blatantly dangerous and illegal manner.

Alcohol and drug use in commercial motor vehicles is a serious matter. Drugs and alcohol have not place in trucks. Extraordinary efforts have been undertaken to ensure that our trucks are operated by sober, mature and responsible adults.

- The “impaired” level for truck drivers is .04 which is half the level for passenger cars.
- Truckers are required to conduct pre-employment, post accident and random drug testing. These tests are for tolerances and not impairment.

- Supervisors are trained to recognize evidence of substance abuse.
- All Commercial Drivers License holders are subject to annual physicals where evidence of substance abuse may be detected by a physician specially trained in the requirements of the Federal Motor Carrier Safety Regulations.
- CDL drivers who lose their personal drivers license because of a DUI conviction also lose their commercial drivers license.
- Owners of commercial motor vehicles are well aware of current liability law, and requirements for vehicle inspection and maintenance standards.
- Truckers are serious about maintaining exemplary public safety records. They are proud and committed to safe operation and violations such as those contemplated in this bill would never be condoned or tolerated.

Nevertheless, the nature of the trucking business is that it is done away from the place of business and without supervision. Our record in detecting and eliminating drivers with alcohol or drug abuse problems is exemplary. It is unlikely, but possible, that a driver could be found in violation of the four statutes in this bill. It is however ludicrous to insinuate that the owner of a commercial motor vehicle would knowingly condone his vehicles operation in any way that would jeopardize the public or his business.

Creating a cumbersome process, which could confiscate good safe trucks, disadvantage Connecticut businesses, subject vehicle owners to inquisitions as to their “knowledge” of the activities of others and result in the sale of one person’s assets because of the actions of another person, is unacceptable.

Please reject this bill. Thank you