



STATE OF CONNECTICUT

DEPARTMENT OF MOTOR VEHICLES

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Testimony of Department of Motor Vehicles

Commissioner Melody A. Currey

Judiciary Committee Public Hearing

April 15, 2013

HB 1166 - AN ACT CONCERNING INSTALLATION, USE AND ENFORCEMENT REGARDING IGNITION INTERLOCK DEVICES

Good morning Senator Coleman, Representative Fox, Senator Kissel and Representative Rebimbas and other members of the Judiciary Committee. Thank you for the opportunity to submit testimony on this proposal.

The Department of Motor Vehicles (DMV) would like to offer comment related to the fiscal and procedural impact of certain sections of this proposal.

SECTION 2

Section 2 has the effect of requiring an Ignition Interlock Device (IID) for all persons who are eligible for and elect to enter the Alcohol Education Program under 54-56g. This means that nearly all first offenders would be required to have IIDs. Moreover, the legislation affords a judge the discretion to determine, for each arrestee, the duration of the IID requirement and any conditions for its use.

- **DMV will require significant additional resources.**
This legislation will add approximately 7500 people per year to the number of people that must maintain IIDs. Because DMV is responsible for processing all applications for IIDs, and for monitoring all IID violations, this legislation will require significant additional resources for DMV to administer the program.
- **Lack of uniformity for the duration of IIDs requires manual processing by DMV.**
Under this proposed legislation, the duration of the IID restriction is not uniform. The DMV will be required to monitor the court order for every first offender's IID, and manually create notices that are tailored to that persons IID requirement. It does not allow us to program our system to automatically generate notices, and places an added burden on agency resources. This runs contrary to the goal of lean government.
- **The legislation does not address the interaction between the IID requirement and mandated administrative suspensions that are imposed under section 14-227b of the Connecticut General Statutes.**
The DMV imposes an administrative license suspension under section 14-227b following an arrest for operating under the influence. For a first offender, the suspension is ninety (90) days, one-hundred twenty (120) days for a BAC that is greater than .16 or six (6) months for a refusal to submit to a chemical alcohol test. Administrative suspensions typically go into effect thirty (30) to forty-five

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(45) days following a person's arrest. There is no attempt in this legislation to coordinate the IID requirement with the administrative license suspension. It is unclear whether the IID requirement is meant to replace the license suspension or whether both the suspension and IID restriction will be required. If it is the latter, there is no language that reconciles the timing of the two requirements.

SECTION 3

Section 3 requires that anyone subject to an IID restriction be required to obtain a new license showing the restriction. Presently, IID restrictions appear on the COLLECT system so that law enforcement is alerted to the operator's status.

- **DMV will incur significant vendor costs for the addition of a new license type.**
The programming for DMV credentials is done through a vendor. Each change that is made to the system is at an additional cost. An IID-restricted license is a new type of credential for which programming costs will be incurred. Additionally under section 14-227a, IIDs for those with two convictions for operating under the influence carry additional restrictions from those that would be issued to first offenders, necessitating yet another version of the IID-restricted license.
- **The legislation adds two new DMV customer visits per offender.**
This legislation will require an individual with an IID restriction to personally appear at the DMV to turn in a regular license and secure a restricted license. When the IID restriction terminates, the process will be reversed, and DMV will be required to issue another unrestricted license to the individual. This adds two separate customer visits per offender that would not otherwise occur, with a corresponding increase in DMV's costs and wait times.

SECTION 4

Section 4 sets forth procedures and requirements for the seizure and subsequent forfeiture of a motor vehicle that is being operated in violation of an IID restriction imposed under section 14-227a. However, there are also IID restrictions that are imposed under section 14-111(i) of the Connecticut General Statutes. These are for persons with third and subsequent convictions who have been permanently revoked, and are being reinstated as the result of an administrative hearing. Similarly, in section 2 of this bill, IID restrictions would be required for first offenders who are eligible for the alcohol education program. These are imposed under section 14-227j. As drafted, these offenders would be exempt from the seizure and forfeiture requirements.

SECTION 7

Section 7 gives DMV or CSSD the discretion to require a program of twice daily electronic sobriety monitoring (morning and evening chemical analysis of an offender's breath) for any person who is subject to an IID restriction and claims that he or she does not have a vehicle.

- **The function of monitoring sobriety is not within the purview or budget of the DMV.** It does not have the equipment or personnel to perform this testing. The DMV would be required to contract with an outside vendor to perform these

services. The legislation states that the person being monitored must pay for the monitoring in an amount not to exceed \$1000.00 per year unless they are indigent, a finding that DMV would presumably have to make. It is questionable whether the maximum amount, even for the non-indigent person being monitored, would be adequate to cover a vendor's expenses for doing 730 breath tests per offender per year. The DMV is not in a position to absorb any of the costs of this monitoring.

- **DMV's responsibilities under this section are not clear.**

The legislation does not specify a consequence if alcohol is detected during a breath test, and does not contain any criteria for determining when a person should be subject to such monitoring. In reality, there are large numbers of offenders who would be subject to IID restrictions but have simply never sought reinstatement of their license. It is unclear whether this legislation requires DMV to continuously review its records to determine who these people are, and notify them that they are either required to have an IID or be subject to alcohol monitoring. If they fail to respond, would DMV and CSSD report them for enforcement action? Under this legislation, they would be subject to prosecution for a class C misdemeanor.

- **This legislation does not encompass offenders who have more than two convictions for operating under the influence and does not account for first offenders (AEP eligible).**

This legislation is for persons who are subject to IID restrictions under 14-227a. This includes persons with either one or two convictions for operating under the influence. Persons who have three or more convictions are under IID restrictions contained in section 14-111(i)(2) that are imposed for a period of at least fifteen years after an administrative hearing. Similarly, section 2 of this bill imposes IID restrictions under section 14-227j on first offenders who are eligible for the Alcohol Education Program. Neither of these groups appears to be included in section 7 of this proposed legislation.

Thank you again for opportunity to provide comments on this proposed legislation.

