



General Assembly

Amendment

January Session, 2013

LCO No. 8474

HB0670108474HDO

Offered by:
REP. FOX, 146th Dist.

To: Subst. House Bill No. 6701 File No. 743 Cal. No. 522

"AN ACT CONCERNING CHILD ENDANGERMENT WHILE OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 53-21 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2013*):

5 (a) Any person who (1) wilfully or unlawfully causes or permits any
6 child under the age of sixteen years to be placed in such a situation
7 that the life or limb of such child is endangered, the health of such
8 child is likely to be injured or the morals of such child are likely to be
9 impaired, or does any act likely to impair the health or morals of any
10 such child, or (2) has contact with the intimate parts, as defined in
11 section 53a-65, of a child under the age of sixteen years or subjects a
12 child under sixteen years of age to contact with the intimate parts of
13 such person, in a sexual and indecent manner likely to impair the
14 health or morals of such child, or (3) permanently transfers the legal or

15 physical custody of a child under the age of sixteen years to another
16 person for money or other valuable consideration or acquires or
17 receives the legal or physical custody of a child under the age of
18 sixteen years from another person upon payment of money or other
19 valuable consideration to such other person or a third person, except in
20 connection with an adoption proceeding that complies with the
21 provisions of chapter 803, or (4) violates any provision of subsection (a)
22 of section 14-227a while a child under sixteen years of age is a
23 passenger in the motor vehicle, shall be guilty of (A) a class D felony
24 for a violation of subdivision (4) of this subsection, (B) a class C felony
25 for a violation of subdivision (1) or (3) of this subsection, and (C) a
26 class B felony for a violation of subdivision (2) of this subsection,
27 except that, if the violation is of subdivision (2) of this subsection and
28 the victim of the offense is under thirteen years of age, such person
29 shall be sentenced to a term of imprisonment of which five years of the
30 sentence imposed may not be suspended or reduced by the court.

31 (b) The act of a parent or agent leaving an infant thirty days or
32 younger with a designated employee pursuant to section 17a-58 shall
33 not constitute a violation of this section.

34 Sec. 2. Subsection (g) of section 14-36 of the general statutes is
35 repealed and the following is substituted in lieu thereof (*Effective July*
36 *1, 2014*):

37 (g) The commissioner may place a restriction on the motor vehicle
38 operator's license of any person or on any special operator's permit
39 issued to any person in accordance with the provisions of section 14-
40 37a, as amended by this act, that restricts the holder of such license or
41 permit to the operation of a motor vehicle that is equipped with an
42 approved ignition interlock device, as defined in section 14-227j, for
43 such time as the commissioner shall prescribe, if such person has:
44 [been: (1) Convicted] (1) Been convicted for a first or second time of a
45 violation of subdivision (2) of subsection (a) of section 14-227a, and has
46 served not less than forty-five days of the prescribed period of
47 suspension for such conviction, in accordance with the provisions of

48 subsections (g) and (i) of section 14-227a, as amended by this act; (2)
49 been ordered by the Superior Court not to operate any motor vehicle
50 unless it is equipped with an approved ignition interlock device, in
51 accordance with the provisions of section 14-227j; (3) been granted a
52 reversal or reduction of such person's license suspension or revocation,
53 in accordance with the provisions of subsection (i) of section 14-111; (4)
54 been issued a motor vehicle operator's license upon the surrender of an
55 operator's license issued by another state and such previously held
56 license contains a restriction to the operation of a motor vehicle
57 equipped with an ignition interlock device; (5) been convicted of a
58 violation of section 53a-56b or 53a-60d; [or] (6) been permitted by the
59 commissioner to be issued or to retain an operator's license subject to
60 reporting requirements concerning such person's physical condition, in
61 accordance with the provisions of subsection (e) of this section and
62 sections 14-45a to 14-46g, inclusive; or (7) had such person's operator's
63 license suspended under subsection (i) of section 14-227b, as amended
64 by this act, and has served not less than forty-five days of the
65 prescribed period of such suspension.

66 Sec. 3. Subsection (b) of section 14-37a of the general statutes is
67 repealed and the following is substituted in lieu thereof (*Effective July*
68 *1, 2014*):

69 (b) The commissioner may, in the commissioner's discretion upon a
70 showing of significant hardship, grant each such application that is
71 submitted in proper form and contains such information and
72 attestation by the applicant as the commissioner may require. With
73 respect to an application for an education permit, an applicant shall
74 also be required to submit a schedule of the time and location of all
75 classes or other required educational activities attended by such
76 applicant. Such schedule shall be attested to by the registrar of such
77 educational institution. In determining whether to grant such
78 application, the commissioner may also consider the driving record of
79 the applicant and shall ascertain that the suspension is a final order
80 that is not under appeal pursuant to section 4-183. A special operator's

81 permit shall not be issued pursuant to this section to any person for the
82 operation of a motor vehicle for which a public passenger
83 transportation permit or commercial driver's license is required or to
84 any person whose operator's license has been suspended previously
85 pursuant to section 14-227a, as amended by this act, or 14-227b, as
86 amended by this act. [A special operator's permit shall not be issued
87 pursuant to this section to any person whose operator's license has
88 been suspended pursuant to subparagraph (C) of subdivision (1) of
89 subsection (i) of section 14-227b for refusing to submit to a blood,
90 breath or urine test or analysis until such operator's license has been
91 under suspension for a period of not less than ninety days.] A person
92 shall not be ineligible to be issued a special operator's permit under
93 this section solely on the basis of being convicted of two violations of
94 section 14-227a, as amended by this act, unless such second conviction
95 is for a violation committed after a prior conviction.

96 Sec. 4. Subsection (j) of section 14-111 of the general statutes is
97 repealed and the following is substituted in lieu thereof (*Effective July*
98 *1, 2014*):

99 (j) Any person whose motor vehicle operator's license is suspended
100 by the commissioner and whose license is subsequently restricted to
101 the operation of a motor vehicle that is equipped with an approved,
102 ignition interlock device who fails to comply with the requirements for
103 the installation and use of such device in a motor vehicle [owned or] to
104 be operated by such person, as set forth in regulations adopted by the
105 commissioner in accordance with the provisions of subsection (i) of
106 section 14-227a, as amended by this act, shall be subject to the
107 [resuspension] reinstatement of such suspension of the person's
108 operator's license [for such period of time, not to exceed the period of
109 the original suspension, as the commissioner may prescribe] until such
110 person demonstrates to the commissioner's satisfaction that such
111 person intends to install and maintain the ignition interlock device for
112 the prescribed period.

113 Sec. 5. Subsection (d) of section 14-111n of the general statutes is

114 repealed and the following is substituted in lieu thereof (*Effective July*
115 *1, 2014*):

116 (d) If the commissioner is notified by a member jurisdiction that a
117 person who is the holder of a motor vehicle operator's license has been
118 convicted of driving under the influence of alcohol or drugs, in
119 accordance with subdivision (2) of subsection (b) of this section, the
120 commissioner may consider the conviction as a second or subsequent
121 violation of section 14-227a, as amended by this act, if such person has
122 been convicted previously of a violation of section 14-227a, as
123 amended by this act, or has been convicted previously of a
124 substantially similar offense in a member jurisdiction, as shown by
125 such person's driver control record, within the past ten years, and the
126 commissioner may impose the suspension and require the person to
127 install an ignition interlock device on each motor vehicle to be
128 operated by such person for the period of time required for a second or
129 subsequent offense by the provisions of [subsection] subsections (g)
130 and (h) of section 14-227a, as amended by this act. It shall not be a
131 defense to a suspension imposed pursuant to this subsection, or
132 subdivision (2) of subsection (b) of this section, that the blood alcohol
133 concentration of the person convicted in a member jurisdiction, or the
134 blood alcohol concentration required for conviction of a per se offense
135 in the member jurisdiction in which the person was convicted, is less
136 than the blood alcohol concentration required for conviction of a per se
137 offense in this state.

138 Sec. 6. Subsections (g) to (i), inclusive, of section 14-227a of the
139 general statutes are repealed and the following is substituted in lieu
140 thereof (*Effective July 1, 2014*):

141 (g) Any person who violates any provision of subsection (a) of this
142 section shall: (1) For conviction of a first violation, (A) be fined not less
143 than five hundred dollars or more than one thousand dollars, and (B)
144 be (i) imprisoned not more than six months, forty-eight consecutive
145 hours of which may not be suspended or reduced in any manner, or
146 (ii) imprisoned not more than six months, with the execution of such

147 sentence of imprisonment suspended entirely and a period of
148 probation imposed requiring as a condition of such probation that
149 such person perform one hundred hours of community service, as
150 defined in section 14-227e, and (C) have such person's motor vehicle
151 operator's license or nonresident operating privilege suspended for
152 forty-five days and, as a condition for the restoration of such license,
153 be required to install an ignition interlock device on each motor vehicle
154 [owned or] to be operated by such person and, upon such restoration,
155 be prohibited for either the one-year period following such restoration
156 or the period prescribed in subsection (i) of section 14-227b, as
157 amended by this act, whichever period is longer, from operating a
158 motor vehicle unless such motor vehicle is equipped with a
159 functioning, approved ignition interlock device, as defined in section
160 14-227j; (2) for conviction of a second violation within ten years after a
161 prior conviction for the same offense, (A) be fined not less than one
162 thousand dollars or more than four thousand dollars, (B) be
163 imprisoned not more than two years, one hundred twenty consecutive
164 days of which may not be suspended or reduced in any manner, and
165 sentenced to a period of probation requiring as a condition of such
166 probation that such person: (i) Perform one hundred hours of
167 community service, as defined in section 14-227e, (ii) submit to an
168 assessment through the Court Support Services Division of the Judicial
169 Branch of the degree of such person's alcohol or drug abuse, and (iii)
170 undergo a treatment program if so ordered, and (C) [(i) if such person
171 is under twenty-one years of age at the time of the offense, have such
172 person's motor vehicle operator's license or nonresident operating
173 privilege suspended for forty-five days or until the date of such
174 person's twenty-first birthday, whichever is longer, and, as a condition
175 for the restoration of such license, be required to install an ignition
176 interlock device on each motor vehicle owned or operated by such
177 person and, upon such restoration, be prohibited for the three-year
178 period following such restoration from operating a motor vehicle
179 unless such motor vehicle is equipped with a functioning, approved
180 ignition interlock device, as defined in section 14-227j, except that for
181 the first year of such three-year period, such person's operation of a

182 motor vehicle shall be limited to such person's transportation to or
183 from work or school, an alcohol or drug abuse treatment program or
184 an ignition interlock device service center, or (ii) if such person is
185 twenty-one years of age or older at the time of the offense,] have such
186 person's motor vehicle operator's license or nonresident operating
187 privilege suspended for forty-five days and, as a condition for the
188 restoration of such license, be required to install an ignition interlock
189 device on each motor vehicle [owned or] to be operated by such
190 person and, upon such restoration, be prohibited for the three-year
191 period following such restoration from operating a motor vehicle
192 unless such motor vehicle is equipped with a functioning, approved
193 ignition interlock device, as defined in section 14-227j, except that for
194 the first year of such three-year period, such person's operation of a
195 motor vehicle shall be limited to such person's transportation to or
196 from work or school, an alcohol or drug abuse treatment program or
197 an ignition interlock device service center; and (3) for conviction of a
198 third and subsequent violation within ten years after a prior conviction
199 for the same offense, (A) be fined not less than two thousand dollars or
200 more than eight thousand dollars, (B) be imprisoned not more than
201 three years, one year of which may not be suspended or reduced in
202 any manner, and sentenced to a period of probation requiring as a
203 condition of such probation that such person: (i) Perform one hundred
204 hours of community service, as defined in section 14-227e, (ii) submit
205 to an assessment through the Court Support Services Division of the
206 Judicial Branch of the degree of such person's alcohol or drug abuse,
207 and (iii) undergo a treatment program if so ordered, and (C) have such
208 person's motor vehicle operator's license or nonresident operating
209 privilege permanently revoked upon such third offense, except that if
210 such person's revocation is reversed or reduced pursuant to subsection
211 (i) of section 14-111, as amended by this act, such person shall be
212 prohibited from operating a motor vehicle unless such motor vehicle is
213 equipped with a functioning, approved ignition interlock device, as
214 defined in section 14-227j, for the time period prescribed in subdivision
215 (2) of subsection (i) of section 14-111, as amended by this act. For
216 purposes of the imposition of penalties for a second or third and

217 subsequent offense pursuant to this subsection, a conviction under the
218 provisions of subsection (a) of this section in effect on October 1, 1981,
219 or as amended thereafter, a conviction under the provisions of either
220 subdivision (1) or (2) of subsection (a) of this section, a conviction
221 under the provisions of section 53a-56b or 53a-60d or a conviction in
222 any other state of any offense the essential elements of which are
223 determined by the court to be substantially the same as subdivision (1)
224 or (2) of subsection (a) of this section or section 53a-56b or 53a-60d,
225 shall constitute a prior conviction for the same offense.

226 (h) (1) Each court shall report each conviction under subsection (a)
227 of this section to the Commissioner of Motor Vehicles, in accordance
228 with the provisions of section 14-141. The commissioner shall suspend
229 the motor vehicle operator's license or nonresident operating privilege
230 of the person reported as convicted for the period of time required by
231 subsection (g) of this section. The commissioner shall determine the
232 period of time required by said subsection (g) based on the number of
233 convictions such person has had within the specified time period
234 according to such person's driving history record, notwithstanding the
235 sentence imposed by the court for such conviction. [(2) The motor
236 vehicle operator's license or nonresident operating privilege of a
237 person found guilty under subsection (a) of this section who is under
238 eighteen years of age shall be suspended by the commissioner for the
239 period of time set forth in subsection (g) of this section, or until such
240 person attains the age of eighteen years, whichever period is longer.
241 (3)] (2) The motor vehicle operator's license or nonresident operating
242 privilege of a person found guilty under subsection (a) of this section
243 who, at the time of the offense, was operating a motor vehicle in
244 accordance with a special operator's permit issued pursuant to section
245 14-37a, as amended by this act, shall be suspended by the
246 commissioner for twice the period of time set forth in subsection (g) of
247 this section. [(4)] (3) If an appeal of any conviction under subsection (a)
248 of this section is taken, the suspension of the motor vehicle operator's
249 license or nonresident operating privilege by the commissioner, in
250 accordance with this subsection, shall be stayed during the pendency

251 of such appeal.

252 (i) (1) The Commissioner of Motor Vehicles shall permit a person
253 whose license has been suspended in accordance with the provisions
254 of subparagraph (C) of subdivision (1) or subparagraph [(C)(i) or
255 (C)(ii)] (C) of subdivision (2) of subsection (g) of this section to operate
256 a motor vehicle if (A) such person has served either the suspension
257 required under said subparagraph [, notwithstanding that such person
258 has not completed serving any] or the suspension required under
259 subsection (i) of section 14-227b, as amended by this act, and (B) such
260 person has installed an approved ignition interlock device in each
261 motor vehicle [owned or] to be operated by such person, and verifies
262 to the commissioner, in such manner as the commissioner prescribes,
263 that such device has been installed. For a period of one year after the
264 installation of an ignition interlock device by a person who is subject to
265 subparagraph [(C)(i) or (C)(ii)] (C) of subdivision (2) of subsection (g)
266 of this section, such person's operation of a motor vehicle shall be
267 limited to such person's transportation to or from work or school, an
268 alcohol or drug abuse treatment program or an ignition interlock
269 device service center. Except as provided in sections 53a-56b and 53a-
270 60d, no person whose license is suspended by the commissioner for
271 any other reason shall be eligible to operate a motor vehicle equipped
272 with an approved ignition interlock device.

273 (2) All costs of installing and maintaining an ignition interlock
274 device shall be borne by the person required to install such device. No
275 court sentencing a person convicted of a violation of subsection (a) of
276 this section may waive any fees or costs associated with the installation
277 and maintenance of an ignition interlock device.

278 (3) The commissioner shall adopt regulations, in accordance with
279 the provisions of chapter 54, to implement the provisions of this
280 subsection. The regulations shall establish procedures for the approval
281 of ignition interlock devices, for the proper calibration and
282 maintenance of such devices and for the installation of such devices by
283 any firm approved and authorized by the commissioner and shall

284 specify acts by persons required to install and use such devices that
285 constitute a failure to comply with the requirements for the installation
286 and use of such devices, the conditions under which such
287 noncompliance will result in an extension of the period during which
288 such persons are restricted to the operation of motor vehicles equipped
289 with such devices and the duration of any such extension. The
290 commissioner shall ensure that such firm provide notice to both the
291 commissioner and the Court Support Services Division of the Judicial
292 Branch whenever a person required to install such device commits a
293 violation with respect to the installation, maintenance or use of such
294 device.

295 (4) The provisions of this subsection shall not be construed to
296 authorize the continued operation of a motor vehicle equipped with an
297 ignition interlock device by any person whose operator's license or
298 nonresident operating privilege is withdrawn, suspended or revoked
299 for any other reason.

300 (5) The provisions of this subsection shall apply to any person
301 whose license has been suspended in accordance with the provisions
302 of subparagraph (C) of subdivision (1) or subparagraph [(C)(i) or
303 (C)(ii)] (C) of subdivision (2) of subsection (g) of this section on or after
304 January 1, 2012.

305 (6) Whenever a person is permitted by the commissioner under this
306 subsection to operate a motor vehicle if such person has installed an
307 approved ignition interlock device in each motor vehicle [owned or] to
308 be operated by such person, the commissioner shall indicate in the
309 electronic record maintained by the commissioner pertaining to such
310 person's operator's license or driving history that such person is
311 restricted to operating a motor vehicle that is equipped with an
312 ignition interlock device and, if applicable, that such person's
313 operation of a motor vehicle is limited to such person's transportation
314 to or from work or school, an alcohol or drug abuse treatment program
315 or an ignition interlock device service center, and the duration of such
316 restriction or limitation, and shall ensure that such electronic record is

317 accessible by law enforcement officers. Any such person shall pay the
318 commissioner a fee of one hundred dollars prior to the installation of
319 such device.

320 (7) There is established the ignition interlock administration account
321 which shall be a separate, nonlapsing account in the General Fund. The
322 commissioner shall deposit all fees paid pursuant to subdivision (6) of
323 this subsection in the account. Funds in the account may be used by
324 the commissioner for the administration of this subsection.

325 (8) Notwithstanding any provision of the general statutes to the
326 contrary, upon request of any person convicted of a violation of
327 subsection (a) of this section whose operator's license is under
328 suspension on January 1, 2012, the Commissioner of Motor Vehicles
329 may reduce the term of suspension prescribed in subsection (g) of this
330 section and place a restriction on the operator's license of such person
331 that restricts the holder of such license to the operation of a motor
332 vehicle that is equipped with an approved ignition interlock device, as
333 defined in section 14-227j, for the remainder of such prescribed period
334 of suspension.

335 (9) Any person required to install an ignition interlock device under
336 this section shall be supervised by personnel of the Court Support
337 Services Division of the Judicial Branch while such person is subject to
338 probation supervision or by personnel of the Department of Motor
339 Vehicles if such person is not subject to probation supervision, and
340 such person shall be subject to any other terms and conditions as the
341 commissioner may prescribe and any provision of the general statutes
342 or the regulations adopted pursuant to subdivision (3) of this
343 subsection not inconsistent herewith.

344 (10) Notwithstanding the periods prescribed in subsection (g) of this
345 section and subdivision (2) of subsection (i) of section 14-111 during
346 which a person is prohibited from operating a motor vehicle unless
347 such motor vehicle is equipped with a functioning, approved ignition
348 interlock device, such periods may be extended in accordance with the

349 regulations adopted pursuant to subdivision (3) of this subsection.

350 Sec. 7. Section 14-227b of the general statutes is repealed and the
351 following is substituted in lieu thereof (*Effective July 1, 2014*):

352 (a) Any person who operates a motor vehicle in this state shall be
353 deemed to have given such person's consent to a chemical analysis of
354 such person's blood, breath or urine and, if such person is a minor,
355 such person's parent or parents or guardian shall also be deemed to
356 have given their consent.

357 (b) If any such person, having been placed under arrest for
358 operating a motor vehicle while under the influence of intoxicating
359 liquor or any drug or both, and thereafter, after being apprised of such
360 person's constitutional rights, having been requested to submit to a
361 blood, breath or urine test at the option of the police officer, having
362 been afforded a reasonable opportunity to telephone an attorney prior
363 to the performance of such test and having been informed that such
364 person's license or nonresident operating privilege may be suspended
365 in accordance with the provisions of this section if such person refuses
366 to submit to such test, or if such person submits to such test and the
367 results of such test indicate that such person has an elevated blood
368 alcohol content, and that evidence of any such refusal shall be
369 admissible in accordance with subsection (e) of section 14-227a and
370 may be used against such person in any criminal prosecution, refuses
371 to submit to the designated test, the test shall not be given; provided, if
372 the person refuses or is unable to submit to a blood test, the police
373 officer shall designate the breath or urine test as the test to be taken.
374 The police officer shall make a notation upon the records of the police
375 department that such officer informed the person that such person's
376 license or nonresident operating privilege may be suspended if such
377 person refused to submit to such test or if such person submitted to
378 such test and the results of such test indicated that such person had an
379 elevated blood alcohol content.

380 (c) If the person arrested refuses to submit to such test or analysis or

381 submits to such test or analysis, commenced within two hours of the
382 time of operation, and the results of such test or analysis indicate that
383 such person has an elevated blood alcohol content, the police officer,
384 acting on behalf of the Commissioner of Motor Vehicles, shall
385 immediately revoke and take possession of the motor vehicle
386 operator's license or, if such person is a nonresident, suspend the
387 nonresident operating privilege of such person, for a twenty-four-hour
388 period. The police officer shall prepare a report of the incident and
389 shall mail or otherwise transmit in accordance with this subsection the
390 report and a copy of the results of any chemical test or analysis to the
391 Department of Motor Vehicles within three business days. The report
392 shall contain such information as prescribed by the Commissioner of
393 Motor Vehicles and shall be subscribed and sworn to under penalty of
394 false statement as provided in section 53a-157b by the arresting officer.
395 If the person arrested refused to submit to such test or analysis, the
396 report shall be endorsed by a third person who witnessed such refusal.
397 The report shall set forth the grounds for the officer's belief that there
398 was probable cause to arrest such person for a violation of subsection
399 (a) of section 14-227a and shall state that such person had refused to
400 submit to such test or analysis when requested by such police officer to
401 do so or that such person submitted to such test or analysis,
402 commenced within two hours of the time of operation, and the results
403 of such test or analysis indicated that such person had an elevated
404 blood alcohol content. The Commissioner of Motor Vehicles may
405 accept a police report under this subsection that is prepared and
406 transmitted as an electronic record, including electronic signature or
407 signatures, subject to such security procedures as the commissioner
408 may specify and in accordance with the provisions of sections 1-266 to
409 1-286, inclusive. In any hearing conducted pursuant to the provisions
410 of subsection (g) of this section, it shall not be a ground for objection to
411 the admissibility of a police report that it is an electronic record
412 prepared by electronic means.

413 (d) If the person arrested submits to a blood or urine test at the
414 request of the police officer, and the specimen requires laboratory

415 analysis in order to obtain the test results, the police officer shall not
416 take possession of the motor vehicle operator's license of such person
417 or, except as provided in this subsection, follow the procedures
418 subsequent to taking possession of the operator's license as set forth in
419 subsection (c) of this section. If the test results indicate that such
420 person has an elevated blood alcohol content, the police officer,
421 immediately upon receipt of the test results, shall notify the
422 Commissioner of Motor Vehicles and submit to the commissioner the
423 written report required pursuant to subsection (c) of this section.

424 (e) (1) Except as provided in subdivision (2) of this subsection, upon
425 receipt of such report, the Commissioner of Motor Vehicles may
426 suspend any operator's license or nonresident operating privilege of
427 such person effective as of a date certain, which date shall be not later
428 than thirty days after the date such person received notice of such
429 person's arrest by the police officer. Any person whose operator's
430 license or nonresident operating privilege has been suspended in
431 accordance with this subdivision shall automatically be entitled to a
432 hearing before the commissioner to be held in accordance with the
433 provisions of chapter 54 and prior to the effective date of the
434 suspension. The commissioner shall send a suspension notice to such
435 person informing such person that such person's operator's license or
436 nonresident operating privilege is suspended as of a date certain and
437 that such person is entitled to a hearing prior to the effective date of
438 the suspension and may schedule such hearing by contacting the
439 Department of Motor Vehicles not later than seven days after the date
440 of mailing of such suspension notice.

441 (2) If the person arrested (A) is involved in an accident resulting in a
442 fatality, or (B) has previously had such person's operator's license or
443 nonresident operating privilege suspended under the provisions of
444 section 14-227a, as amended by this act, during the ten-year period
445 preceding the present arrest, upon receipt of such report, the
446 Commissioner of Motor Vehicles may suspend any operator's license
447 or nonresident operating privilege of such person effective as of the

448 date specified in a notice of such suspension to such person. Any
449 person whose operator's license or nonresident operating privilege has
450 been suspended in accordance with this subdivision shall
451 automatically be entitled to a hearing before the commissioner, to be
452 held in accordance with the provisions of chapter 54. The
453 commissioner shall send a suspension notice to such person informing
454 such person that such person's operator's license or nonresident
455 operating privilege is suspended as of the date specified in such
456 suspension notice, and that such person is entitled to a hearing and
457 may schedule such hearing by contacting the Department of Motor
458 Vehicles not later than seven days after the date of mailing of such
459 suspension notice. Any suspension issued under this subdivision shall
460 remain in effect until such suspension is affirmed or such operator's
461 license or nonresident operating privilege is reinstated in accordance
462 with subsections (f) and (h) of this section.

463 (f) If such person does not contact the department to schedule a
464 hearing, the commissioner shall affirm the suspension contained in the
465 suspension notice for the appropriate period specified in subsection (i)
466 [or (j)] of this section.

467 (g) If such person contacts the department to schedule a hearing, the
468 department shall assign a date, time and place for the hearing, which
469 date shall be prior to the effective date of the suspension, except that,
470 with respect to a person whose operator's license or nonresident
471 operating privilege is suspended in accordance with subdivision (2) of
472 subsection (e) of this section, such hearing shall be scheduled not later
473 than thirty days after such person contacts the department. At the
474 request of such person or the hearing officer and upon a showing of
475 good cause, the commissioner may grant one or more continuances.
476 The hearing shall be limited to a determination of the following issues:
477 (1) Did the police officer have probable cause to arrest the person for
478 operating a motor vehicle while under the influence of intoxicating
479 liquor or any drug or both; (2) was such person placed under arrest; (3)
480 did such person refuse to submit to such test or analysis or did such

481 person submit to such test or analysis, commenced within two hours of
482 the time of operation, and the results of such test or analysis indicated
483 that such person had an elevated blood alcohol content; and (4) was
484 such person operating the motor vehicle. In the hearing, the results of
485 the test or analysis shall be sufficient to indicate the ratio of alcohol in
486 the blood of such person at the time of operation, provided such test
487 was commenced within two hours of the time of operation. The fees of
488 any witness summoned to appear at the hearing shall be the same as
489 provided by the general statutes for witnesses in criminal cases.
490 Notwithstanding the provisions of subsection (a) of section 52-143, any
491 subpoena summoning a police officer as a witness shall be served not
492 less than seventy-two hours prior to the designated time of the
493 hearing.

494 (h) If, after such hearing, the commissioner finds on any one of the
495 said issues in the negative, the commissioner shall reinstate such
496 license or operating privilege. If, after such hearing, the commissioner
497 does not find on any one of the said issues in the negative or if such
498 person fails to appear at such hearing, the commissioner shall affirm
499 the suspension contained in the suspension notice for the appropriate
500 period specified in subsection (i) [or (j)] of this section. The
501 commissioner shall render a decision at the conclusion of such hearing
502 and send a notice of the decision by bulk certified mail to such person.
503 The notice of such decision sent by bulk certified mail to the address of
504 such person as shown by the records of the commissioner shall be
505 sufficient notice to such person that such person's operator's license or
506 nonresident operating privilege is reinstated or suspended, as the case
507 may be.

508 (i) [Except as provided in subsection (j) of this section, the] (1) The
509 commissioner shall suspend the operator's license or nonresident
510 operating privilege of a person who did not contact the department to
511 schedule a hearing, who failed to appear at a hearing, or against
512 whom, as the result of a hearing held by the commissioner pursuant to
513 subsection (h) of this section, as of the effective date contained in the

514 suspension notice, for a period of [:(1) (A) Except as provided in
515 subparagraph (B) of this subdivision, ninety days, if such person
516 submitted to a test or analysis and the results of such test or analysis
517 indicated that such person had an elevated blood alcohol content, (B)
518 one hundred twenty days, if such person submitted to a test or
519 analysis and the results of such test or analysis indicated that the ratio
520 of alcohol in the blood of such person was sixteen-hundredths of one
521 per cent or more of alcohol, by weight, or (C) six months if such person
522 refused to submit to such test or analysis, (2) if such person has
523 previously had such person's operator's license or nonresident
524 operating privilege suspended under this section, (A) except as
525 provided in subparagraph (B) of this subdivision, nine months if such
526 person submitted to a test or analysis and the results of such test or
527 analysis indicated that such person had an elevated blood alcohol
528 content, (B) ten months if such person submitted to a test or analysis
529 and the results of such test or analysis indicated that the ratio of
530 alcohol in the blood of such person was sixteen-hundredths of one per
531 cent or more of alcohol, by weight, and (C) one year if such person
532 refused to submit to such test or analysis, and (3) if such person has
533 two or more times previously had such person's operator's license or
534 nonresident operating privilege suspended under this section, (A)
535 except as provided in subparagraph (B) of this subdivision, two years
536 if such person submitted to a test or analysis and the results of such
537 test or analysis indicated that such person had an elevated blood
538 alcohol content, (B) two and one-half years if such person submitted to
539 a test or analysis and the results of such test or analysis indicated that
540 the ratio of alcohol in the blood of such person was sixteen-hundredths
541 of one per cent or more of alcohol, by weight, and (C) three years if
542 such person refused to submit to such test or analysis] forty-five days.
543 As a condition for the restoration of such operator's license or
544 nonresident operating privilege, such person shall be required to
545 install an ignition interlock device on each motor vehicle owned or
546 operated by such person and, upon such restoration, be prohibited for
547 either the period of time prescribed in subdivision (2) of this
548 subsection or for the period prescribed in subsection (g) of section 14-

549 227a, as amended by this act, whichever is longer, from operating a
550 motor vehicle unless such motor vehicle is equipped with a
551 functioning, approved ignition interlock device, as defined in section
552 14-227j.

553 (2) (A) A person twenty-one years of age or older at the time of the
554 offense who submitted to a test or analysis and the results of such test
555 or analysis indicated that such person had an elevated blood alcohol
556 content shall install and maintain an ignition interlock device for the
557 following periods: (i) For a first offense under this section, six months;
558 (ii) for a second offense under this section, one year; and (iii) for a third
559 or subsequent offense under this section, two years; (B) a person under
560 twenty-one years of age at the time of the offense who submitted to a
561 test or analysis and the results of such test or analysis indicated that
562 such person had an elevated blood alcohol content shall maintain an
563 ignition interlock device for the following periods: (i) For a first offense
564 under this section, one year; (ii) for a second offense under this section,
565 two years; and (iii) for a third or subsequent offense under this section,
566 three years; and (C) a person, regardless of age, who refused to submit
567 to a test or analysis shall maintain an ignition interlock device for the
568 following periods: (i) For a first offense under this section, one year; (ii)
569 for a second offense under this section, two years; and (iii) for a third
570 or subsequent offense, under this section, three years.

571 (3) Notwithstanding the provisions of subdivisions (1) and (2) of
572 this subsection, a person whose motor vehicle operator's license or
573 nonresident operating privilege has been permanently revoked upon a
574 third offense pursuant to subsection (g) of section 14-227a, as amended
575 by this act, shall be subject to the penalties prescribed in subdivision
576 (2) of subsection (i) of section 14-111, as amended by this act.

577 [(j) The commissioner shall suspend the operator's license or
578 nonresident operating privilege of a person under twenty-one years of
579 age who did not contact the department to schedule a hearing, who
580 failed to appear at a hearing or against whom, after a hearing the
581 commissioner held pursuant to subsection (h) of this section, as of the

582 effective date contained in the suspension notice or the date the
583 commissioner renders a decision whichever is later, for twice the
584 appropriate period of time specified in subsection (i) of this section,
585 except that, in the case of a person who is sixteen or seventeen years of
586 age at the time of the alleged offense, the period of suspension for a
587 first offense shall be one year if such person submitted to a test or
588 analysis and the results of such test or analysis indicated that such
589 person had an elevated blood alcohol content or eighteen months if
590 such person refused to submit to such test or analysis.]

591 [(k)] (j) Notwithstanding the provisions of subsections (b) to [(j)] (i),
592 inclusive, of this section, any police officer who obtains the results of a
593 chemical analysis of a blood sample taken from or a urine sample
594 provided by an operator of a motor vehicle involved in an accident
595 who suffered or allegedly suffered physical injury in such accident, or
596 is otherwise deemed by a police officer to require treatment or
597 observation at a hospital, shall notify the Commissioner of Motor
598 Vehicles and submit to the commissioner a written report if such
599 results indicate that such person had an elevated blood alcohol
600 content, and if such person was arrested for violation of section 14-
601 227a, as amended by this act, in connection with such accident. The
602 report shall be made on a form approved by the commissioner
603 containing such information as the commissioner prescribes, and shall
604 be subscribed and sworn to under penalty of false statement, as
605 provided in section 53a-157b, by the police officer. The commissioner
606 may, after notice and an opportunity for hearing, which shall be
607 conducted by a hearing officer on behalf of the commissioner in
608 accordance with chapter 54, suspend the motor vehicle operator's
609 license or nonresident operating privilege of such person for the
610 appropriate period of time specified in subsection (i) [or (j)] of this
611 section. Each hearing conducted under this subsection shall be limited
612 to a determination of the following issues: (1) Whether the police
613 officer had probable cause to arrest the person for operating a motor
614 vehicle while under the influence of intoxicating liquor or drug or
615 both; (2) whether such person was placed under arrest; (3) whether

616 such person was operating the motor vehicle; (4) whether the results of
617 the analysis of the blood or urine of such person indicate that such
618 person had an elevated blood alcohol content; and (5) in the event that
619 a blood sample was taken, whether the blood sample was obtained in
620 accordance with conditions for admissibility and competence as
621 evidence as set forth in subsection (k) of section 14-227a. If, after such
622 hearing, the commissioner finds on any one of the said issues in the
623 negative, the commissioner shall not impose a suspension. The fees of
624 any witness summoned to appear at the hearing shall be the same as
625 provided by the general statutes for witnesses in criminal cases, as
626 provided in section 52-260.

627 [(l)] (k) The provisions of this section shall apply with the same
628 effect to the refusal by any person to submit to an additional chemical
629 test as provided in subdivision (5) of subsection (b) of section 14-227a.

630 [(m)] (l) The provisions of this section shall not apply to any person
631 whose physical condition is such that, according to competent medical
632 advice, such test would be inadvisable.

633 [(n)] (m) The state shall pay the reasonable charges of any physician
634 who, at the request of a municipal police department, takes a blood
635 sample for the purposes of a test under the provisions of this section.

636 [(o)] (n) For the purposes of this section, "elevated blood alcohol
637 content" means (1) a ratio of alcohol in the blood of such person that is
638 eight-hundredths of one per cent or more of alcohol, by weight, (2) if
639 such person is operating a commercial motor vehicle, a ratio of alcohol
640 in the blood of such person that is four-hundredths of one per cent or
641 more of alcohol, by weight, or (3) if such person is less than twenty-one
642 years of age, a ratio of alcohol in the blood of such person that is two-
643 hundredths of one per cent or more of alcohol, by weight.

644 [(p)] (o) The Commissioner of Motor Vehicles shall adopt
645 regulations, in accordance with chapter 54, to implement the
646 provisions of this section.

647 Sec. 8. Subsection (i) of section 14-111 of the general statutes is
648 repealed and the following is substituted in lieu thereof (*Effective July*
649 *1, 2014*):

650 (i) (1) Whenever any person has been convicted of any violation of
651 section 14-110, 14-147, 14-215, 14-222 or 14-224 and such person's
652 license has been suspended by the commissioner, such person may
653 make application to the commissioner for the reversal or reduction of
654 the term of such suspension. Such application shall be in writing and
655 shall state specifically the reasons why such applicant believes that the
656 applicant is entitled to such reversal or reduction. The commissioner
657 shall consider each such application and the applicant's driver control
658 record, as defined in section 14-111h, and may grant a hearing to the
659 applicant in accordance with the provisions of chapter 54 and section
660 14-4a.

661 (2) Any person whose license has been revoked in accordance with
662 subparagraph (C) of subdivision (3) of subsection (g) of section 14-227a
663 may, at any time after two years from the date of such revocation,
664 request a hearing before the commissioner, conducted in accordance
665 with the provisions of chapter 54, and the provisions of subdivision (1)
666 of this subsection for reversal or reduction of such revocation. The
667 commissioner shall require such person to provide evidence that any
668 reversal or reduction of such revocation shall not endanger the public
669 safety or welfare. Such evidence shall include, but not be limited to,
670 proof that such person has successfully completed an alcohol
671 education and treatment program, and proof that such person has not
672 been convicted of any offense related to alcohol, controlled substances
673 or drugs during the preceding two years. The commissioner shall
674 require any person, as a condition of granting such reversal or
675 reduction, to install and maintain an approved ignition interlock
676 device, in accordance with the provisions of subsection (i) of section
677 14-227a. The approved ignition interlock device shall be installed and
678 maintained for any period during the lifetime of such person in which
679 such person [owns or] operates a motor vehicle, except that such

680 person may, at any time after fifteen years from the date the
 681 commissioner grants such reversal or reduction, request a hearing
 682 before the commissioner, conducted in accordance with the provisions
 683 of chapter 54, to remove such ignition interlock device. The
 684 commissioner may authorize the removal of such ignition interlock
 685 device, for good cause shown, after such fifteen-year period and such
 686 hearing. The commissioner may adopt regulations, in accordance with
 687 the provisions of chapter 54, to establish standards to implement the
 688 provisions of this section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	53-21
Sec. 2	<i>July 1, 2014</i>	14-36(g)
Sec. 3	<i>July 1, 2014</i>	14-37a(b)
Sec. 4	<i>July 1, 2014</i>	14-111(j)
Sec. 5	<i>July 1, 2014</i>	14-111n(d)
Sec. 6	<i>July 1, 2014</i>	14-227a(g) to (i)
Sec. 7	<i>July 1, 2014</i>	14-227b
Sec. 8	<i>July 1, 2014</i>	14-111(i)