



# OLR RESEARCH REPORT

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## **DRIVING UNDER THE INFLUENCE AND HIT AND RUN LAWS**

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You asked us to compare Connecticut's hit and run and driving under the influence (DUI) laws with those of Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. You also asked how many people were killed in Connecticut accidents involving (1) alcohol impairment and (2) hit and run drivers. We provide this information for 2011, the most recent year for which the data is readily available.

### **SUMMARY**

Connecticut, as do the other states in our sample, requires motorists involved in accidents in which an injury occurs to immediately stop at or close to the scene, and provide others involved in the accident, and police, with certain information, such as the driver's name and address and his or her license, registration, and insurance information. Some states, including Connecticut, require the driver to render reasonable necessary assistance to anyone injured in the crash.

Connecticut and Rhode Island have the stiffest maximum monetary penalty for a hit and run violation, a \$10,000 fine, which may be imposed when a death or serious injury (Connecticut) or death (Vermont) occurs. Rhode Island and Vermont impose the longest prison term, 15 years, in the event of a hit and run crash causing a death.

In Connecticut, as in all other states, it is a crime to drive with a blood alcohol content level (BAC) at or above 0.08%. The penalties for violating this law in the eight states include fines, jail or prison terms, and license suspensions. Massachusetts's law has both the highest possible fine for first offenders (\$5,000) and the longest possible prison term (2 ½ years).

According to the National Highway Traffic Safety Administration's (NHTSA) *Traffic Safety Facts, Connecticut, 2007-2011*, ([http://www-nrd.nhtsa.dot.gov/departments/nrd-30/ncsa/STSI/9\\_CT/2011/9\\_CT\\_2011.PDF](http://www-nrd.nhtsa.dot.gov/departments/nrd-30/ncsa/STSI/9_CT/2011/9_CT_2011.PDF)) there were 220 traffic fatalities in Connecticut in 2011. Of these, NHTSA classified 92, (about 41%) as alcohol-impaired fatalities. NHTSA considers an alcohol-impaired fatality one occurring in a crash involving a driver with a BAC of at least 0.08%.

The NHTSA report does not specify which of the 220 deaths were caused by hit and run drivers. However, according to the state Department of Transportation, there were 10 hit and run deaths in Connecticut in 2011, six of whom were pedestrians. That means that just under one-quarter of the 26 pedestrian deaths in 2011 occurred in hit and run accidents.

## **HIT AND RUN LAWS**

Below we summarize the hit and run penalties for crashes causing serious injury or death in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

### ***Connecticut***

Under Connecticut's "evading responsibility" law, a driver knowingly involved in an accident which causes serious physical injury or the death of another must immediately stop, render necessary aid, and provide his or her name, address, and driver's license and registration information to the injured person, a police officer, or a person who witnessed the death or serious injury. If unable to do so for any reason, the driver must immediately report the death or injury and provide the required information to police or a motor vehicle inspector (CGS § [14-224 \(a\)](#)).

A person who fails to do so where serious injury or death occurred faces a fine of up to \$10,000, between one and 10 years in prison, or both (CGS § [14-224 \(f\)](#)). By law, a serious physical injury is one that

creates a substantial risk of death or causes serious (1) disfigurement, (2) impairment of health, or (3) loss or impairment of the function of a bodily organ (CGS § [53a-3 \(4\)](#)). There is a lesser penalty for accidents causing less serious injury.

### ***Maine***

A driver involved in an accident resulting in a person's injury or death must immediately stop at the scene or as close to it as possible and provide help and certain information to the injured person. Failure to do so is punishable by up to one year in prison. The prison term can be for up to five years if the driver intentionally, knowingly, or recklessly failed to comply with the law (Maine Rev. Stat. Title 29-A, § 2252 and 17-A § 1252).

### ***Massachusetts***

A driver who leaves the scene of an accident after knowingly colliding with or injuring another person faces, in the event of a person's death, a (1) fine of between \$1,000 and \$5,000 and a state prison term of between 2 ½ and 10 years or (2) fine of between \$1,000 and \$5,000 and a county jail term of between one and 2 ½ years. In either case there is a mandatory minimum sentence of one year. In the case of an injury, the driver faces imprisonment for between six months and two years and a fine of between \$500 and \$1,000 (Mass. Rev. Stat. Chapter 90, § 24 (a1/2)).

### ***New Hampshire***

A driver found guilty of failing to immediately stop and provide the required information at the scene of an accident in New Hampshire that resulted in death or personal injury faces up to seven years in prison (N.H. Stat. Title XXI Ch. 264:25, 264: 29 and Title LXII, Ch. 651:2).

### ***New Jersey***

Under New Jersey law, a driver knowingly involved in an accident resulting in injury or death must stop and provide information and assistance to the victim, including bringing an injured person for medical treatment. A driver who fails to do so faces a fine of between \$2,500 and \$5,000, imprisonment for up to 180 days, or both. The driver also loses his right to drive for one year for a first offense. A subsequent offense results in permanent loss of the driver's license (N.J. Stat. § 39:4-129).

## ***New York***

A driver who leaves the scene of an accident in New York that resulted in serious physical injury faces a fine of between \$1,000 and \$5,000 and up to four years in prison. A driver who leaves the scene of a crash where a death occurred faces a fine of between \$2,000 and \$5,000 and up to seven years in prison. There is a lesser penalty if the only violation a driver committed is failing to provide the required information (N.Y. Vehicle and Traffic Laws § 600 and Penal Laws § 70).

## ***Rhode Island***

A driver who fails to stop and provide the required information and render aid where a serious injury occurred faces, for a first offense, a fine of between \$1,000 and \$5,000 and between one and 10 years in prison. In addition, his or her driver's license may be revoked for up to two years. A driver who leaves the scene of an accident where there was a death faces a fine of between \$5,000 and \$10,000, a prison term of between two and 15 years, and revocation of his or her license for three years (R.I. Gen. Laws §§ 31-26-1 and 31-26-3).

## ***Vermont***

A driver who fails to stop, render any reasonable necessary assistance and provide the required information faces, in the case of a serious injury, a fine of up to \$3,000, a prison term of five years, or both; in the case of a death, a fine of up to \$3,000, one to 15 years in prison, or both (Vt. Stat. Title 23 § 1128).

## **DUI LAWS**

According to the Insurance Institute for Highway Safety (IIHS), all 50 states have laws making it a crime to drive with a BAC at or above 0.08%. IIHS's summary of state DUI laws as of May 2013 is available at: <http://www.iihs.org/laws/dui.aspx>.

Below we briefly describe Connecticut's DUI law and those of the other states in our sample. The descriptions for the other states generally include the penalties for first, second, and third offenses. In the interests of brevity, we do not include such aspects of DUI laws as alternative dispositions, administrative suspensions, alcohol and drug treatment

programs, ignition interlock requirements, specific penalties for drivers younger than age 21, or increased penalties for drivers with elevated BAC levels. We would be happy to provide you this information if you wish. It is also available in the links provided to the laws of each state.

### **Connecticut**

Connecticut's DUI law (CGS § [14-227a](#)) prohibits a person from driving (1) while "under the influence" of alcohol or drugs or (2) with an "elevated" BAC. A person is under the influence if his or her ability to drive is affected to an appreciable degree. Whether a person has an elevated BAC depends on the driver's age and the type of vehicle he or she is operating. Drivers over age 21 have an elevated BAC if it is found to be .08% or more. Drivers operating a commercial motor vehicle (e.g., a large truck) have an elevated BAC if it is .04% or more. Under CGS § [14-227g](#), people younger than 21 have an elevated BAC if it is found to be .02% or more. The DUI law applies to drivers operating motor vehicles anywhere, including on their own property, and to people operating snowmobiles and all-terrain vehicles (CGS § [14-227a](#) (a)).

Under CGS § [14-227b](#), drivers implicitly consent to be tested for drugs or alcohol. The statute establishes administrative license suspension procedures for drivers who refuse to submit to a test or whose test results indicate an elevated BAC.

By law, the Department of Motor Vehicles (DMV) must impose 45-day license suspensions for drivers convicted of DUI. At the end of the 45-day period, these offenders can drive only vehicles equipped with ignition interlock devices for specified periods of time.

**Criminal DUI Penalties.** As Table 1 shows, criminal penalties for DUI include fines, prison terms, and license suspensions. In assessing these penalties, the law considers a subsequent conviction one that occurs within 10 years of a prior conviction for the same offense (CGS § [14-227a\(g\)](#)).

In practice, the first conviction of a driver for DUI is usually for the driver's second violation. By law, a first offender charged with DUI may apply to the court for admission to the Pretrial Alcohol Education Program.

**Table 1: DUI Criminal Penalties (CGS § [14-227a \(g\)](#))**

<b>Conviction</b>	<b>Prison Sentence</b>	<b>Fine</b>	<b>License Suspension</b>
First	Either (1) up to six months with a mandatory minimum of two days or (2) up to six months suspended with probation requiring 100 hours of community service	\$500- \$1,000	45 days, followed by one year driving only a vehicle equipped with an ignition interlock.
Second	Up to two years, with a mandatory minimum of 120 consecutive days and probation with 100 hours community service	\$1,000- \$4,000	For offenders under age 21, 45 days or until age 21*, whichever is longer, followed by three years of driving only a vehicle equipped with an ignition interlock, with operation for the first year limited to travel to or from work, school, an alcohol or drug abuse treatment program, or ignition interlock service center.  For offenders age 21 or older, 45 days, followed by three years of driving only a vehicle equipped with an ignition interlock, with operation for the first year limited to travel to or from work, school, an alcohol or drug abuse treatment program, or ignition interlock service center.
Third and Subsequent	Up to three years, with mandatory minimum of one year and probation with 100 hours community service	\$2,000- \$8,000	DMV revokes the license, but the offender is eligible for reinstatement after two years. If reinstated, he or she must drive only interlock-equipped vehicles for as long as the offender drives, except that the commissioner may lift this requirement after 15 years, for good cause.

\*For a driver under age 18, the suspension period lasts until he or she turns 18 or 45 days, whichever is longer (CGS § [14-227a \(h\)](#)).

**Administrative License Suspension.** The above license suspensions are in addition to any previously imposed administrative license suspension. Administrative license suspension periods are noted in Table 2, below.

**Table 2: Administrative License Suspension Periods for Drivers Age 21 and Older**

<i>Per Se Offense</i>	<i>First Offense</i>	<i>Second Offense</i>	<i>Third or Subsequent Offense</i>
BAC of .08% or more	90 days	9 months	2 years
BAC of .16% or more	120 days	10 months	2 ½ years
Test Refused	6 months	One year	3 years

For more information on Connecticut’s DUI law, please see [OLR Report 2012-R-0279](#).

***Maine***

In Maine, most drivers without a previous DUI offense in the previous 10 years face up to one year in prison, a fine of at least \$500 and a court-ordered license suspension for 90 days. A driver who commits a second offense within 10 years is generally subject to up to one year in prison, of which he or she must serve seven days, a fine of at least \$700, and a three-year license suspension. A driver who commits his or her third offense within a 10 year period is subject to up to five years in prison, a fine of at least \$1,100, at least 30 days in jail, and a six-year license suspension (Maine Rev. Stat. 29A § 2411).

***Massachusetts***

First offenders face a fine of between \$500 and \$5,000, up to 2 ½ years in a county jail, or both. Second offenders face a fine of between \$600 and \$10,000, and between 60 days and 2 ½ years in prison, of which the offender must serve 30 days. A driver who commits a third offense faces a fine of between \$1,000 and \$15,000, and either between 180 days and 2 ½ years in county jail, or between 2 ½ and five years in state prison, 150 days of which he or she must serve. In addition, first offenders have their driver’s license suspended for one year, second offenders for two years, and third offenders, eight years (Mass. Gen. Laws Chapter 90 § 24).

***New Hampshire***

First offenders face a fine of at least \$500 and license revocation for between nine months and two years. A motorist committing a second offense within 10 years is subject to a fine of at least \$750, and 17 days in jail, five of which the offender must serve, and revocation of his or her

driver's license for at least three years. If the offender committed the second violation within two years of his or previous offense, he or she faces the same penalties, except that he or she must serve 30 days of a 60-day sentence.

A driver who commits a third offense is subject to the same penalties as for a second offense, except the driver may be sentenced to 180 days in prison, of which he or she must serve 30 days, and his or her license is revoked indefinitely and not restored for at least five years

For a first offense involving a crash that resulted in a serious injury, (aggravated DUI) a driver faces a fine of at least \$1,000, 35 days in jail, 14 of which the driver must serve, and license revocation for between 18 months and two years. (NH Rev. Stat. §§ 265-A:2, A:3, and A:18).

### ***New Jersey***

First offenders face a fine of between \$250 and \$400, between 12 and 48 hours at an intoxicated driver resource center, up to 30 days in jail, and a three-month license suspension. Second offenders face a fine of between \$500 and \$1,000, up to 90 days in prison, 48 hours of which cannot be suspended, 30 days community service and a two year license suspension. Drivers who commit a third offense are subject to a \$1,000 fine, up to 180 days in prison, and a 10-year license suspension. (N.J. Stat. § 39:4-50).

### ***New York***

First offenders are subject to a fine of between \$500 and \$1,000, up to one year in prison, and at least a six-month license revocation. Drivers who commit a second offense within 10 years face a fine of between \$1,000 and \$5,000, up to four years in prison, and at least a one-year license revocation. Drivers who commit a third offense within 10 years face a fine of between \$2,000 and \$10,000, up to seven years in prison, and at least a one-year license revocation (NY VAT §§ 1192 and 1193).

### ***Rhode Island***

First offenders with a BAC that is 0.08% but less than .1% are subject to a fine of between \$100 and \$300; between 10 and 60 hours community service, imprisonment for up to one year, or both; and suspension of their driver's license for between 30 and 180 days. Drivers who commit a second offense within five years are subject to a \$400 fine, between 10

days and one year in jail, and license suspension for between one and two years. Drivers who commit a third offense within five years face a \$400 fine, between one and three years in prison, and license suspension for between two and three years.

Rhode Island imposes stricter penalties on drivers involved in a crash resulting in an injury. For a first offense that results in a serious bodily injury, a driver faces a fine of between \$1,000 and \$5,000 and prison term of between one and 10 years. The driver's license may be revoked for up to two years. For a first offense that resulted in a death, the driver faces a fine of between \$5,000 and \$10,000 and imprisonment for between five and 15 years. The driver's license is revoked for five years (R.I. Statutes §§ and 31-27-2, 2.2, and 2.6).

### ***Vermont***

First offenders face a maximum fine of \$750, up to two years in prison, or both. Second offenders face a fine of up to \$1,500, up to two years in prison or both. The offender must perform at least 200 hours of community service or 60 hours of the prison term. Drivers who commit a third offense face a fine of up to \$2,500, imprisonment for up to five years or both. The driver must serve at least 96 hours of the prison sentence. Vermont law calls for a stiffer penalty where a crash causes serious injury or death (a maximum fine of \$5,000 and up to 15 years in prison for serious injury; a fine of up to \$10,000 and between one and 15 years in prison, or both, where a death occurred (Vermont Stat. Ann. 23 §§ 1201 and 1210).

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