



General Assembly

February Session, 2014

**Raised Bill No. 465**

LCO No. 2516



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

**AN ACT CONCERNING IGNITION INTERLOCK DEVICES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 14-36 of the 2014 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective July 1, 2015*):

4 (g) The commissioner may place a restriction on the motor vehicle  
5 operator's license of any person or on any special operator's permit  
6 issued to any person in accordance with the provisions of section 14-  
7 37a, as amended by this act, that restricts the holder of such license or  
8 permit to the operation of a motor vehicle that is equipped with an  
9 approved ignition interlock device, as defined in section 14-227j, for  
10 such time as the commissioner shall prescribe, if such person has;  
11 ~~[been: (1) Convicted]~~ (1) Been convicted for a first or second time of a  
12 violation of subdivision (2) of subsection (a) of section 14-227a, and has  
13 served not less than forty-five days of the prescribed period of  
14 suspension for such conviction, in accordance with the provisions of  
15 subsections (g) and (i) of section 14-227a, as amended by this act; (2)  
16 been ordered by the Superior Court not to operate any motor vehicle

17 unless it is equipped with an approved ignition interlock device, in  
18 accordance with the provisions of section 14-227j; (3) been granted a  
19 reversal or reduction of such person's license suspension or revocation,  
20 in accordance with the provisions of subsection (i) of section 14-111; (4)  
21 been issued a motor vehicle operator's license upon the surrender of an  
22 operator's license issued by another state and such previously held  
23 license contains a restriction to the operation of a motor vehicle  
24 equipped with an ignition interlock device; (5) been convicted of a  
25 violation of section 53a-56b or 53a-60d; [or] (6) been permitted by the  
26 commissioner to be issued or to retain an operator's license subject to  
27 reporting requirements concerning such person's physical condition, in  
28 accordance with the provisions of subsection (e) of this section and  
29 sections 14-45a to 14-46g, inclusive; or (7) had such person's operator's  
30 license suspended under subsection (i) of section 14-227b, as amended  
31 by this act, and has served not less than forty-five days of the  
32 prescribed period of such suspension.

33 Sec. 2. Subsection (b) of section 14-37a of the 2014 supplement to the  
34 general statutes is repealed and the following is substituted in lieu  
35 thereof (*Effective July 1, 2015*):

36 (b) The commissioner may, in the commissioner's discretion upon a  
37 showing of significant hardship, grant each such application that is  
38 submitted in proper form and contains such information and  
39 attestation by the applicant as the commissioner may require. With  
40 respect to an application for an education permit, an applicant shall  
41 also be required to submit a schedule of the time and location of all  
42 classes or other required educational activities attended by such  
43 applicant. Such schedule shall be attested to by the registrar of such  
44 educational institution. In determining whether to grant such  
45 application, the commissioner may also consider the driving record of  
46 the applicant and shall ascertain that the suspension is a final order  
47 that is not under appeal pursuant to section 4-183. A special operator's  
48 permit shall not be issued pursuant to this section to any person for the  
49 operation of a motor vehicle for which a public passenger

50 transportation permit or commercial driver's license is required or to  
51 any person whose operator's license has been suspended previously  
52 pursuant to section 14-227a, as amended by this act, or 14-227b, as  
53 amended by this act. [A special operator's permit shall not be issued  
54 pursuant to this section to any person whose operator's license has  
55 been suspended pursuant to subparagraph (C) of subdivision (1) of  
56 subsection (i) of section 14-227b for refusing to submit to a blood,  
57 breath or urine test or analysis until such operator's license has been  
58 under suspension for a period of not less than ninety days.] A person  
59 shall not be ineligible to be issued a special operator's permit under  
60 this section solely on the basis of being convicted of two violations of  
61 section 14-227a, as amended by this act, unless such second conviction  
62 is for a violation committed after a prior conviction.

63 Sec. 3. Subsection (j) of section 14-111 of the general statutes is  
64 repealed and the following is substituted in lieu thereof (*Effective July*  
65 *1, 2015*):

66 (j) Any person whose motor vehicle operator's license is suspended  
67 by the commissioner and whose license is subsequently restricted to  
68 the operation of a motor vehicle that is equipped with an approved,  
69 ignition interlock device who fails to comply with the requirements for  
70 the installation and use of such device in a motor vehicle owned or  
71 operated by such person, as set forth in regulations adopted by the  
72 commissioner in accordance with the provisions of subsection (i) of  
73 section 14-227a, as amended by this act, shall be subject to the  
74 [resuspension] reinstatement of such suspension of the person's  
75 operator's license [for such period of time, not to exceed the period of  
76 the original suspension, as the commissioner may prescribe] until such  
77 person demonstrates to the commissioner's satisfaction that such  
78 person intends to install and maintain the ignition interlock device for  
79 the prescribed period.

80 Sec. 4. Subsection (d) of section 14-111n of the general statutes is  
81 repealed and the following is substituted in lieu thereof (*Effective July*

82 1, 2015):

83 (d) If the commissioner is notified by a member jurisdiction that a  
84 person who is the holder of a motor vehicle operator's license has been  
85 convicted of driving under the influence of alcohol or drugs, in  
86 accordance with subdivision (2) of subsection (b) of this section, the  
87 commissioner may consider the conviction as a second or subsequent  
88 violation of section 14-227a, as amended by this act, if such person has  
89 been convicted previously of a violation of section 14-227a, as  
90 amended by this act, or has been convicted previously of a  
91 substantially similar offense in a member jurisdiction, as shown by  
92 such person's driver control record, within the past ten years, and the  
93 commissioner may impose the suspension and require the person to  
94 install and maintain an ignition interlock device on each motor vehicle  
95 owned or operated by such person for the period of time required for a  
96 second or subsequent offense by the provisions of [subsection]  
97 subsections (g) and (h) of section 14-227a, as amended by this act. It  
98 shall not be a defense to a suspension imposed pursuant to this  
99 subsection, or subdivision (2) of subsection (b) of this section, that the  
100 blood alcohol concentration of the person convicted in a member  
101 jurisdiction, or the blood alcohol concentration required for conviction  
102 of a per se offense in the member jurisdiction in which the person was  
103 convicted, is less than the blood alcohol concentration required for  
104 conviction of a per se offense in this state.

105 Sec. 5. Subsections (g) to (i), inclusive, of section 14-227a of the 2014  
106 supplement to the general statutes are repealed and the following is  
107 substituted in lieu thereof (*Effective July 1, 2015*):

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

114 sentence of imprisonment suspended entirely and a period of  
115 probation imposed requiring as a condition of such probation that  
116 such person perform one hundred hours of community service, as  
117 defined in section 14-227e, and (C) have such person's motor vehicle  
118 operator's license or nonresident operating privilege suspended for  
119 forty-five days and, as a condition for the restoration of such license,  
120 be required to install an ignition interlock device on each motor vehicle  
121 owned or operated by such person and, upon such restoration, be  
122 prohibited for either the one-year period following such restoration or  
123 the period prescribed in subsection (i) of section 14-227b, as amended  
124 by this act, whichever period is longer, from operating a motor vehicle  
125 unless such motor vehicle is equipped with a functioning, approved  
126 ignition interlock device, as defined in section 14-227j; (2) for  
127 conviction of a second violation within ten years after a prior  
128 conviction for the same offense, (A) be fined not less than one  
129 thousand dollars or more than four thousand dollars, (B) be  
130 imprisoned not more than two years, one hundred twenty consecutive  
131 days of which may not be suspended or reduced in any manner, and  
132 sentenced to a period of probation requiring as a condition of such  
133 probation that such person: (i) Perform one hundred hours of  
134 community service, as defined in section 14-227e, (ii) submit to an  
135 assessment through the Court Support Services Division of the Judicial  
136 Branch of the degree of such person's alcohol or drug abuse, and (iii)  
137 undergo a treatment program if so ordered, and (C) [(i) if such person  
138 is under twenty-one years of age at the time of the offense, have such  
139 person's motor vehicle operator's license or nonresident operating  
140 privilege suspended for forty-five days or until the date of such  
141 person's twenty-first birthday, whichever is longer, and, as a condition  
142 for the restoration of such license, be required to install an ignition  
143 interlock device on each motor vehicle owned or operated by such  
144 person and, upon such restoration, be prohibited for the three-year  
145 period following such restoration from operating a motor vehicle  
146 unless such motor vehicle is equipped with a functioning, approved  
147 ignition interlock device, as defined in section 14-227j, except that for

148 the first year of such three-year period, such person's operation of a  
149 motor vehicle shall be limited to such person's transportation to or  
150 from work or school, an alcohol or drug abuse treatment program, an  
151 ignition interlock device service center or an appointment with a  
152 probation officer, or (ii) if such person is twenty-one years of age or  
153 older at the time of the offense,] have such person's motor vehicle  
154 operator's license or nonresident operating privilege suspended for  
155 forty-five days and, as a condition for the restoration of such license,  
156 be required to install an ignition interlock device on each motor vehicle  
157 owned or operated by such person and, upon such restoration, be  
158 prohibited for the three-year period following such restoration from  
159 operating a motor vehicle unless such motor vehicle is equipped with  
160 a functioning, approved ignition interlock device, as defined in section  
161 14-227j, except that for the first year of such three-year period, such  
162 person's operation of a motor vehicle shall be limited to such person's  
163 transportation to or from work or school, an alcohol or drug abuse  
164 treatment program, an ignition interlock device service center or an  
165 appointment with a probation officer; and (3) for conviction of a third  
166 and subsequent violation within ten years after a prior conviction for  
167 the same offense, (A) be fined not less than two thousand dollars or  
168 more than eight thousand dollars, (B) be imprisoned not more than  
169 three years, one year of which may not be suspended or reduced in  
170 any manner, and sentenced to a period of probation requiring as a  
171 condition of such probation that such person: (i) Perform one hundred  
172 hours of community service, as defined in section 14-227e, (ii) submit  
173 to an assessment through the Court Support Services Division of the  
174 Judicial Branch of the degree of such person's alcohol or drug abuse,  
175 and (iii) undergo a treatment program if so ordered, and (C) have such  
176 person's motor vehicle operator's license or nonresident operating  
177 privilege permanently revoked upon such third offense, except that if  
178 such person's revocation is reversed or reduced pursuant to subsection  
179 (i) of section 14-111, such person shall be prohibited from operating a  
180 motor vehicle unless such motor vehicle is equipped with a  
181 functioning, approved ignition interlock device, as defined in section

182 14-227j, for the time period prescribed in subdivision (2) of subsection  
183 (i) of section 14-111. For purposes of the imposition of penalties for a  
184 second or third and subsequent offense pursuant to this subsection, a  
185 conviction under the provisions of subsection (a) of this section in  
186 effect on October 1, 1981, or as amended thereafter, a conviction under  
187 the provisions of either subdivision (1) or (2) of subsection (a) of this  
188 section, a conviction under the provisions of section 53a-56b or 53a-60d  
189 or a conviction in any other state of any offense the essential elements  
190 of which are determined by the court to be substantially the same as  
191 subdivision (1) or (2) of subsection (a) of this section or section 53a-56b  
192 or 53a-60d, shall constitute a prior conviction for the same offense.

193 (h) (1) Each court shall report each conviction under subsection (a)  
194 of this section to the Commissioner of Motor Vehicles, in accordance  
195 with the provisions of section 14-141. The commissioner shall suspend  
196 the motor vehicle operator's license or nonresident operating privilege  
197 of the person reported as convicted for the period of time required by  
198 subsection (g) of this section. The commissioner shall determine the  
199 period of time required by [said] subsection (g) of this section based on  
200 the number of convictions such person has had within the specified  
201 time period according to such person's driving history record,  
202 notwithstanding the sentence imposed by the court for such  
203 conviction. [(2) The motor vehicle operator's license or nonresident  
204 operating privilege of a person found guilty under subsection (a) of  
205 this section who is under eighteen years of age shall be suspended by  
206 the commissioner for the period of time set forth in subsection (g) of  
207 this section, or until such person attains the age of eighteen years,  
208 whichever period is longer. (3)] (2) The motor vehicle operator's license  
209 or nonresident operating privilege of a person found guilty under  
210 subsection (a) of this section who, at the time of the offense, was  
211 operating a motor vehicle in accordance with a special operator's  
212 permit issued pursuant to section 14-37a, as amended by this act, shall  
213 be suspended by the commissioner for twice the period of time set  
214 forth in subsection (g) of this section. [(4)] (3) If an appeal of any

215 conviction under subsection (a) of this section is taken, the suspension  
216 of the motor vehicle operator's license or nonresident operating  
217 privilege by the commissioner, in accordance with this subsection,  
218 shall be stayed during the pendency of such appeal.

219 (i) (1) The Commissioner of Motor Vehicles shall permit a person  
220 whose license has been suspended in accordance with the provisions  
221 of subparagraph (C) of subdivision (1) or subparagraph [(C)(i) or  
222 (C)(ii)] (C) of subdivision (2) of subsection (g) of this section to operate  
223 a motor vehicle if (A) such person has served either the suspension  
224 required under said subparagraph [, notwithstanding that such person  
225 has not completed serving any] or the suspension required under  
226 subsection (i) of section 14-227b, as amended by this act, and (B) such  
227 person has installed an approved ignition interlock device in each  
228 motor vehicle owned or to be operated by such person, and verifies to  
229 the commissioner, in such manner as the commissioner prescribes, that  
230 such device has been installed. For a period of one year after the  
231 installation of an ignition interlock device by a person who is subject to  
232 subparagraph [(C)(i) or (C)(ii)] (C) of subdivision (2) of subsection (g)  
233 of this section, such person's operation of a motor vehicle shall be  
234 limited to such person's transportation to or from work or school, an  
235 alcohol or drug abuse treatment program, an ignition interlock device  
236 service center or an appointment with a probation officer. Except as  
237 provided in sections 53a-56b and 53a-60d, no person whose license is  
238 suspended by the commissioner for any other reason shall be eligible  
239 to operate a motor vehicle equipped with an approved ignition  
240 interlock device.

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

246 (3) The commissioner shall adopt regulations, in accordance with

247 the provisions of chapter 54, to implement the provisions of this  
248 subsection. The regulations shall establish procedures for the approval  
249 of ignition interlock devices, for the proper calibration and  
250 maintenance of such devices and for the installation of such devices by  
251 any firm approved and authorized by the commissioner and shall  
252 specify acts by persons required to install and use such devices that  
253 constitute a failure to comply with the requirements for the installation  
254 and use of such devices, the conditions under which such  
255 noncompliance will result in an extension of the period during which  
256 such persons are restricted to the operation of motor vehicles equipped  
257 with such devices and the duration of any such extension. The  
258 commissioner shall ensure that such firm provide notice to both the  
259 commissioner and the Court Support Services Division of the Judicial  
260 Branch whenever a person required to install such device commits a  
261 violation with respect to the installation, maintenance or use of such  
262 device.

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

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

273 (6) Whenever a person is permitted by the commissioner under this  
274 subsection to operate a motor vehicle if such person has installed an  
275 approved ignition interlock device in each motor vehicle owned or to  
276 be operated by such person, the commissioner shall indicate in the  
277 electronic record maintained by the commissioner pertaining to such  
278 person's operator's license or driving history that such person is

279 restricted to operating a motor vehicle that is equipped with an  
280 ignition interlock device and, if applicable, that such person's  
281 operation of a motor vehicle is limited to such person's transportation  
282 to or from work or school, an alcohol or drug abuse treatment  
283 program, an ignition interlock device service center or an appointment  
284 with a probation officer, and the duration of such restriction or  
285 limitation, and shall ensure that such electronic record is accessible by  
286 law enforcement officers. Any such person shall pay the commissioner  
287 a fee of one hundred dollars prior to the installation of such device.

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

293 (8) Notwithstanding any provision of the general statutes to the  
294 contrary, upon request of any person convicted of a violation of  
295 subsection (a) of this section whose operator's license is under  
296 suspension on January 1, 2012, the Commissioner of Motor Vehicles  
297 may reduce the term of suspension prescribed in subsection (g) of this  
298 section and place a restriction on the operator's license of such person  
299 that restricts the holder of such license to the operation of a motor  
300 vehicle that is equipped with an approved ignition interlock device, as  
301 defined in section 14-227j, for the remainder of such prescribed period  
302 of suspension.

303 (9) Any person required to install an ignition interlock device under  
304 this section shall be supervised by personnel of the Court Support  
305 Services Division of the Judicial Branch while such person is subject to  
306 probation supervision, or by personnel of the Department of Motor  
307 Vehicles if such person is not subject to probation supervision, and  
308 such person shall be subject to any other terms and conditions as the  
309 commissioner may prescribe and any provision of the general statutes  
310 or the regulations adopted pursuant to subdivision (3) of this

311 subsection not inconsistent herewith.

312 (10) Notwithstanding the periods prescribed in subsection (g) of this  
313 section and subdivision (2) of subsection (i) of section 14-111 during  
314 which a person is prohibited from operating a motor vehicle unless  
315 such motor vehicle is equipped with a functioning, approved ignition  
316 interlock device, such periods may be extended in accordance with the  
317 regulations adopted pursuant to subdivision (3) of this subsection.

318 Sec. 6. Section 14-227b of the general statutes is repealed and the  
319 following is substituted in lieu thereof (*Effective July 1, 2015*):

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

325 (b) If any such person, having been placed under arrest for  
326 operating a motor vehicle while under the influence of intoxicating  
327 liquor or any drug or both, and thereafter, after being apprised of such  
328 person's constitutional rights, having been requested to submit to a  
329 blood, breath or urine test at the option of the police officer, having  
330 been afforded a reasonable opportunity to telephone an attorney prior  
331 to the performance of such test and having been informed that such  
332 person's license or nonresident operating privilege may be suspended  
333 in accordance with the provisions of this section if such person refuses  
334 to submit to such test, or if such person submits to such test and the  
335 results of such test indicate that such person has an elevated blood  
336 alcohol content, and that evidence of any such refusal shall be  
337 admissible in accordance with subsection (e) of section 14-227a and  
338 may be used against such person in any criminal prosecution, refuses  
339 to submit to the designated test, the test shall not be given; provided, if  
340 the person refuses or is unable to submit to a blood test, the police  
341 officer shall designate the breath or urine test as the test to be taken.

342 The police officer shall make a notation upon the records of the police  
343 department that such officer informed the person that such person's  
344 license or nonresident operating privilege may be suspended if such  
345 person refused to submit to such test or if such person submitted to  
346 such test and the results of such test indicated that such person had an  
347 elevated blood alcohol content.

348 (c) If the person arrested refuses to submit to such test or analysis or  
349 submits to such test or analysis, commenced within two hours of the  
350 time of operation, and the results of such test or analysis indicate that  
351 such person has an elevated blood alcohol content, the police officer,  
352 acting on behalf of the Commissioner of Motor Vehicles, shall  
353 immediately revoke and take possession of the motor vehicle  
354 operator's license or, if such person is a nonresident, suspend the  
355 nonresident operating privilege of such person, for a twenty-four-hour  
356 period. The police officer shall prepare a report of the incident and  
357 shall mail or otherwise transmit in accordance with this subsection the  
358 report and a copy of the results of any chemical test or analysis to the  
359 Department of Motor Vehicles within three business days. The report  
360 shall contain such information as prescribed by the Commissioner of  
361 Motor Vehicles and shall be subscribed and sworn to under penalty of  
362 false statement as provided in section 53a-157b by the arresting officer.  
363 If the person arrested refused to submit to such test or analysis, the  
364 report shall be endorsed by a third person who witnessed such refusal.  
365 The report shall set forth the grounds for the officer's belief that there  
366 was probable cause to arrest such person for a violation of subsection  
367 (a) of section 14-227a and shall state that such person had refused to  
368 submit to such test or analysis when requested by such police officer to  
369 do so or that such person submitted to such test or analysis,  
370 commenced within two hours of the time of operation, and the results  
371 of such test or analysis indicated that such person had an elevated  
372 blood alcohol content. The Commissioner of Motor Vehicles may  
373 accept a police report under this subsection that is prepared and  
374 transmitted as an electronic record, including electronic signature or

375 signatures, subject to such security procedures as the commissioner  
376 may specify and in accordance with the provisions of sections 1-266 to  
377 1-286, inclusive. In any hearing conducted pursuant to the provisions  
378 of subsection (g) of this section, it shall not be a ground for objection to  
379 the admissibility of a police report that it is an electronic record  
380 prepared by electronic means.

381 (d) If the person arrested submits to a blood or urine test at the  
382 request of the police officer, and the specimen requires laboratory  
383 analysis in order to obtain the test results, the police officer shall not  
384 take possession of the motor vehicle operator's license of such person  
385 or, except as provided in this subsection, follow the procedures  
386 subsequent to taking possession of the operator's license as set forth in  
387 subsection (c) of this section. If the test results indicate that such  
388 person has an elevated blood alcohol content, the police officer,  
389 immediately upon receipt of the test results, shall notify the  
390 Commissioner of Motor Vehicles and submit to the commissioner the  
391 written report required pursuant to subsection (c) of this section.

392 (e) (1) Except as provided in subdivision (2) of this subsection, upon  
393 receipt of such report, the Commissioner of Motor Vehicles may  
394 suspend any operator's license or nonresident operating privilege of  
395 such person effective as of a date certain, which date shall be not later  
396 than thirty days after the date such person received notice of such  
397 person's arrest by the police officer. Any person whose operator's  
398 license or nonresident operating privilege has been suspended in  
399 accordance with this subdivision shall automatically be entitled to a  
400 hearing before the commissioner to be held in accordance with the  
401 provisions of chapter 54 and prior to the effective date of the  
402 suspension. The commissioner shall send a suspension notice to such  
403 person informing such person that such person's operator's license or  
404 nonresident operating privilege is suspended as of a date certain and  
405 that such person is entitled to a hearing prior to the effective date of  
406 the suspension and may schedule such hearing by contacting the  
407 Department of Motor Vehicles not later than seven days after the date

408 of mailing of such suspension notice.

409 (2) If the person arrested (A) is involved in an accident resulting in a  
410 fatality, or (B) has previously had such person's operator's license or  
411 nonresident operating privilege suspended under the provisions of  
412 section 14-227a, as amended by this act, during the ten-year period  
413 preceding the present arrest, upon receipt of such report, the  
414 Commissioner of Motor Vehicles may suspend any operator's license  
415 or nonresident operating privilege of such person effective as of the  
416 date specified in a notice of such suspension to such person. Any  
417 person whose operator's license or nonresident operating privilege has  
418 been suspended in accordance with this subdivision shall  
419 automatically be entitled to a hearing before the commissioner, to be  
420 held in accordance with the provisions of chapter 54. The  
421 commissioner shall send a suspension notice to such person informing  
422 such person that such person's operator's license or nonresident  
423 operating privilege is suspended as of the date specified in such  
424 suspension notice, and that such person is entitled to a hearing and  
425 may schedule such hearing by contacting the Department of Motor  
426 Vehicles not later than seven days after the date of mailing of such  
427 suspension notice. Any suspension issued under this subdivision shall  
428 remain in effect until such suspension is affirmed or such operator's  
429 license or nonresident operating privilege is reinstated in accordance  
430 with subsections (f) and (h) of this section.

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

435 (g) If such person contacts the department to schedule a hearing, the  
436 department shall assign a date, time and place for the hearing, which  
437 date shall be prior to the effective date of the suspension, except that,  
438 with respect to a person whose operator's license or nonresident  
439 operating privilege is suspended in accordance with subdivision (2) of

440 subsection (e) of this section, such hearing shall be scheduled not later  
441 than thirty days after such person contacts the department. At the  
442 request of such person or the hearing officer and upon a showing of  
443 good cause, the commissioner may grant one or more continuances.  
444 The hearing shall be limited to a determination of the following issues:  
445 (1) Did the police officer have probable cause to arrest the person for  
446 operating a motor vehicle while under the influence of intoxicating  
447 liquor or any drug or both; (2) was such person placed under arrest; (3)  
448 did such person refuse to submit to such test or analysis or did such  
449 person submit to such test or analysis, commenced within two hours of  
450 the time of operation, and the results of such test or analysis indicated  
451 that such person had an elevated blood alcohol content; and (4) was  
452 such person operating the motor vehicle. In the hearing, the results of  
453 the test or analysis shall be sufficient to indicate the ratio of alcohol in  
454 the blood of such person at the time of operation, provided such test  
455 was commenced within two hours of the time of operation. The fees of  
456 any witness summoned to appear at the hearing shall be the same as  
457 provided by the general statutes for witnesses in criminal cases.  
458 Notwithstanding the provisions of subsection (a) of section 52-143, any  
459 subpoena summoning a police officer as a witness shall be served not  
460 less than seventy-two hours prior to the designated time of the  
461 hearing.

462 (h) If, after such hearing, the commissioner finds on any one of the  
463 said issues in the negative, the commissioner shall reinstate such  
464 license or operating privilege. If, after such hearing, the commissioner  
465 does not find on any one of the said issues in the negative or if such  
466 person fails to appear at such hearing, the commissioner shall affirm  
467 the suspension contained in the suspension notice for the appropriate  
468 period specified in subsection (i) [or (j)] of this section. The  
469 commissioner shall render a decision at the conclusion of such hearing  
470 and send a notice of the decision by bulk certified mail to such person.  
471 The notice of such decision sent by bulk certified mail to the address of  
472 such person as shown by the records of the commissioner shall be

473 sufficient notice to such person that such person's operator's license or  
474 nonresident operating privilege is reinstated or suspended, as the case  
475 may be.

476 (i) [Except as provided in subsection (j) of this section, the] (1) The  
477 commissioner shall suspend the operator's license or nonresident  
478 operating privilege of a person who did not contact the department to  
479 schedule a hearing, who failed to appear at a hearing, or against whom  
480 an adverse decision was made, [as the result of] after a hearing, [held  
481 by the commissioner] pursuant to subsection (h) of this section, as of  
482 the effective date contained in the suspension notice, for a period of [:  
483 (1) (A) Except as provided in subparagraph (B) of this subdivision,  
484 ninety days, if such person submitted to a test or analysis and the  
485 results of such test or analysis indicated that such person had an  
486 elevated blood alcohol content, (B) one hundred twenty days, if such  
487 person submitted to a test or analysis and the results of such test or  
488 analysis indicated that the ratio of alcohol in the blood of such person  
489 was sixteen-hundredths of one per cent or more of alcohol, by weight,  
490 or (C) six months if such person refused to submit to such test or  
491 analysis, (2) if such person has previously had such person's operator's  
492 license or nonresident operating privilege suspended under this  
493 section, (A) except as provided in subparagraph (B) of this subdivision,  
494 nine months if such person submitted to a test or analysis and the  
495 results of such test or analysis indicated that such person had an  
496 elevated blood alcohol content, (B) ten months if such person  
497 submitted to a test or analysis and the results of such test or analysis  
498 indicated that the ratio of alcohol in the blood of such person was  
499 sixteen-hundredths of one per cent or more of alcohol, by weight, and  
500 (C) one year if such person refused to submit to such test or analysis,  
501 and (3) if such person has two or more times previously had such  
502 person's operator's license or nonresident operating privilege  
503 suspended under this section, (A) except as provided in subparagraph  
504 (B) of this subdivision, two years if such person submitted to a test or  
505 analysis and the results of such test or analysis indicated that such

506 person had an elevated blood alcohol content, (B) two and one-half  
507 years if such person submitted to a test or analysis and the results of  
508 such test or analysis indicated that the ratio of alcohol in the blood of  
509 such person was sixteen-hundredths of one per cent or more of  
510 alcohol, by weight, and (C) three years if such person refused to  
511 submit to such test or analysis] forty-five days. As a condition for the  
512 restoration of such operator's license or nonresident operating  
513 privilege, such person shall be required to install an ignition interlock  
514 device on each motor vehicle owned or operated by such person and,  
515 upon such restoration, be prohibited for the longer of either the period  
516 of time prescribed in subdivision (2) of this subsection or for the period  
517 prescribed in subdivision (1) of subsection (g) of section 14-227a, as  
518 amended by this act, for a first conviction under that section,  
519 subdivision (2) of subsection (g) of section 14-227a, as amended by this  
520 act, for a second conviction under that section, and subdivision (3) of  
521 subsection (g) of section 14-227a, as amended by this act, for a third or  
522 subsequent conviction under that section, from operating a motor  
523 vehicle unless such motor vehicle is equipped with a functioning,  
524 approved ignition interlock device, as defined in section 14-227j.

525 (2) (A) A person twenty-one years of age or older at the time of the  
526 offense who submitted to a test or analysis and the results of such test  
527 or analysis indicated that such person had an elevated blood alcohol  
528 content shall install and maintain an ignition interlock device for the  
529 following periods: (i) For a first suspension under this section, six  
530 months; (ii) for a second suspension under this section, one year; and  
531 (iii) for a third or subsequent suspension under this section, two years;  
532 (B) a person under twenty-one years of age at the time of the offense  
533 who submitted to a test or analysis and the results of such test or  
534 analysis indicated that such person had an elevated blood alcohol  
535 content shall install and maintain an ignition interlock device for the  
536 following periods: (i) For a first suspension under this section, one  
537 year; (ii) for a second suspension under this section, two years; and (iii)  
538 for a third or subsequent suspension under this section, three years;

539 and (C) a person, regardless of age, who refused to submit to a test or  
540 analysis shall install and maintain an ignition interlock device for the  
541 following periods: (i) For a first suspension under this section, one  
542 year; (ii) for a second suspension under this section, two years; and (iii)  
543 for a third or subsequent suspension, under this section, three years.

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

550 [(j) The commissioner shall suspend the operator's license or  
551 nonresident operating privilege of a person under twenty-one years of  
552 age who did not contact the department to schedule a hearing, who  
553 failed to appear at a hearing or against whom, after a hearing the  
554 commissioner held pursuant to subsection (h) of this section, as of the  
555 effective date contained in the suspension notice or the date the  
556 commissioner renders a decision whichever is later, for twice the  
557 appropriate period of time specified in subsection (i) of this section,  
558 except that, in the case of a person who is sixteen or seventeen years of  
559 age at the time of the alleged offense, the period of suspension for a  
560 first offense shall be one year if such person submitted to a test or  
561 analysis and the results of such test or analysis indicated that such  
562 person had an elevated blood alcohol content or eighteen months if  
563 such person refused to submit to such test or analysis.]

564 [(k) (j) Notwithstanding the provisions of subsections (b) to [(j)] (i),  
565 inclusive, of this section, any police officer who obtains the results of a  
566 chemical analysis of a blood sample taken from or a urine sample  
567 provided by an operator of a motor vehicle involved in an accident  
568 who suffered or allegedly suffered physical injury in such accident, or  
569 is otherwise deemed by a police officer to require treatment or  
570 observation at a hospital, shall notify the Commissioner of Motor

571 Vehicles and submit to the commissioner a written report if such  
572 results indicate that such person had an elevated blood alcohol  
573 content, and if such person was arrested for violation of section 14-  
574 227a, as amended by this act, in connection with such accident. The  
575 report shall be made on a form approved by the commissioner  
576 containing such information as the commissioner prescribes, and shall  
577 be subscribed and sworn to under penalty of false statement, as  
578 provided in section 53a-157b, by the police officer. The commissioner  
579 may, after notice and an opportunity for hearing, which shall be  
580 conducted by a hearing officer on behalf of the commissioner in  
581 accordance with chapter 54, suspend the motor vehicle operator's  
582 license or nonresident operating privilege of such person for the  
583 appropriate period of time specified in subsection (i) [or (j)] of this  
584 section and require such person to install and maintain an ignition  
585 interlock device for the longer of the period prescribed in subdivision  
586 (2) of subsection (i) of this section or the period prescribed in  
587 subsection (g) of section 14-227a, as amended by this act. Each hearing  
588 conducted under this subsection shall be limited to a determination of  
589 the following issues: (1) Whether the police officer had probable cause  
590 to arrest the person for operating a motor vehicle while under the  
591 influence of intoxicating liquor or drug or both; (2) whether such  
592 person was placed under arrest; (3) whether such person was  
593 operating the motor vehicle; (4) whether the results of the analysis of  
594 the blood or urine of such person indicate that such person had an  
595 elevated blood alcohol content; and (5) in the event that a blood  
596 sample was taken, whether the blood sample was obtained in  
597 accordance with conditions for admissibility and competence as  
598 evidence as set forth in subsection (k) of section 14-227a. If, after such  
599 hearing, the commissioner finds on any one of the said issues in the  
600 negative, the commissioner shall not impose a suspension. The fees of  
601 any witness summoned to appear at the hearing shall be the same as  
602 provided by the general statutes for witnesses in criminal cases, as  
603 provided in section 52-260.

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

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

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

613        [(o)] (n) For the purposes of this section, "elevated blood alcohol  
 614 content" means (1) a ratio of alcohol in the blood of such person that is  
 615 eight-hundredths of one per cent or more of alcohol, by weight, (2) if  
 616 such person is operating a commercial motor vehicle, a ratio of alcohol  
 617 in the blood of such person that is four-hundredths of one per cent or  
 618 more of alcohol, by weight, or (3) if such person is less than twenty-one  
 619 years of age, a ratio of alcohol in the blood of such person that is two-  
 620 hundredths of one per cent or more of alcohol, by weight.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2015</i>	14-36(g)
Sec. 2	<i>July 1, 2015</i>	14-37a(b)
Sec. 3	<i>July 1, 2015</i>	14-111(j)
Sec. 4	<i>July 1, 2015</i>	14-111n(d)
Sec. 5	<i>July 1, 2015</i>	14-227a(g) to (i)
Sec. 6	<i>July 1, 2015</i>	14-227b

***Statement of Purpose:***

To revise provisions regarding driving under the influence of alcohol or drugs, or both, and the applicability of ignition interlock device requirements, including, but not limited to, the applicability of such requirements to administrative "per se" violations, persons under the age of twenty-one and operators in this state with a conviction in another state.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*