
OLR Bill Analysis

sSB 465

AN ACT CONCERNING IGNITION INTERLOCK DEVICES.

SUMMARY:

This bill makes a number of changes affecting driving under the influence (DUI), drivers' license suspensions, and ignition interlock device (IID) requirements.

Among other things, it:

1. reduces the license suspension period for all administrative per se violations to 45 days, but imposes ignition interlock requirements after the suspension ends (§§ 1 & 6);
2. eliminates the 90-day waiting period for a special operator's permit for a first administrative per se violation of refusing to submit to a blood alcohol content (BAC) test (§ 2);
3. changes the required license suspension period for someone who fails to use an IID as required (§ 3);
4. specifically allows the motor vehicles (DMV) commissioner to impose IID requirements on Connecticut residents with out-of-state DUI convictions, for second or subsequent convictions (§ 4); and
5. for second DUI convictions, subjects drivers under age 21 to the same license suspension period (45 days) as drivers over age 21 (currently, the suspension for people under age 21 is 45 days or until the person reaches age 21) (§ 5).

EFFECTIVE DATE: July 1, 2015

§§ 1 & 6 — IMPLIED CONSENT AND ADMINISTRATIVE PER SE LICENSE SUSPENSION

By law, motorists implicitly consent to be tested for drugs or alcohol when they drive. The law establishes administrative license suspension procedures for drivers who refuse to submit to a test or whose test results indicate an elevated BAC. (These provisions are called “implied consent” and “administrative per se,” respectively.)

Table 1 displays the administrative per se license suspension periods under current law. For drivers under age 21, current law doubles the suspension period. For a 16- or 17-year-old, a first violation currently results in (1) a one-year suspension if the driver tested with a BAC of .02 or more or (2) 18 months if the driver refused to take the test.

Table 1: Administrative Per Se License Suspension Periods for Drivers Age 21 and Older, Under Current Law

| <i>Per Se Offense</i> | <i>First Offense</i> | <i>Second Offense</i> | <i>Third or Subsequent Offense</i> |
|--|----------------------|-----------------------|------------------------------------|
| BAC of .08% or more (or .04% for someone operating a commercial vehicle) | 90 days | 9 months | 2 years |
| BAC of .16% or more | 120 days | 10 months | 2 ½ years |
| Test Refusal | 6 months | One year | 3 years |

The bill reduces the license suspension period for all administrative per se violations to 45 days but imposes ignition interlock requirements after the suspension period. It requires the driver to install and maintain an IID on each motor vehicle he or she owns or operates as a condition of license restoration. The license suspension and periods of IID use are shown in Table 2.

Table 2: Required Periods of IID Use Under the Bill, After Administrative Per Se License Suspension

| <i>Per Se Offense</i> | <i>License Suspension</i> | <i>IID Requirement</i> | | |
|--|---------------------------|-------------------------|--------------------------|---------------------------------------|
| | | <i>First Suspension</i> | <i>Second Suspension</i> | <i>Third or Subsequent Suspension</i> |
| BAC of (1) .08% or more or (2) .04% or more if | 45 days | 6 months | 1 year | 2 years |

| | | | | |
|--|---------|--------|---------|---------|
| operating a commercial vehicle, for person age 21 or older | | | | |
| BAC of .02% or more for someone under age 21 | 45 days | 1 year | 2 years | 3 years |
| Test refusal, regardless of age | 45 days | 1 year | 2 years | 3 years |

The bill requires that any longer period of IID use for a DUI conviction applies in place of these periods.

It also specifies that someone whose license is permanently revoked for a third DUI conviction is subject to existing requirements regarding applications for reinstatement and required IID use. Among other things, these provisions allow a DUI offender whose license was permanently revoked to request restoration after two years, subject to various conditions. If the DMV commissioner restores the person's license, she must require lifetime use of an IID, but the person can request removal of the IID for good cause after 15 years (CGS § 14-111(i)(2)).

§ 2 — SPECIAL OPERATOR'S PERMIT

By law, certain people whose driver's licenses have been suspended may apply for a special permit that allows them to drive to and from (1) work or (2) a higher education institution or private occupational school in which they are enrolled.

Current law prohibits DMV from issuing such a permit to someone whose license was suspended for a first violation of refusing to submit to a test, until the person has served at least 90 days of the suspension. The bill removes this prohibition. (As noted above, the bill reduces this suspension period to 45 days and requires IID use after that period.)

§ 3 — FAILURE TO USE IID

Currently, someone who fails to use an IID as required is subject to a license suspension as the DMV commissioner prescribes, up to the period of the original suspension. The bill instead requires a suspension until the person demonstrates to the commissioner's satisfaction that he or she intends to install and maintain the IID for the

required period.

§ 4 — IID AND OUT-OF-STATE CONVICTIONS

By law, DMV must suspend a person's driver's license for the period required for a DUI conviction in Connecticut if a member jurisdiction of the interstate Driver License Agreement reports the person's DUI conviction in that jurisdiction. For license suspension purposes, the commissioner can consider such an out-of-state conviction to be a second or subsequent conviction, if the person was convicted of DUI within the previous 10 years in Connecticut or another state.

The bill specifies that DMV can impose IID requirements as well as license suspensions for these second or subsequent DUI convictions.

§ 5 — DUI CONVICTIONS

Current law imposes a 45-day license suspension followed by one year of IID use for a first DUI conviction. The bill specifies that a longer period of IID use required for a per se violation can apply (see above).

Currently, someone under age 21 convicted of DUI for a second time receives a license suspension for the longer of 45 days or until he or she reaches age 21. The bill instead subjects these drivers to the same penalties as drivers age 21 or over. This limits the license suspension period to 45 days, eliminating a potentially longer period for some drivers until reaching age 21. Under current law and the bill, the license suspension is followed by three years of IID use with the first year limited to driving to and from work, school, alcohol or drug treatment, an IID service center, or an appointment with a probation officer.

The bill also eliminates a separate provision requiring DMV to suspend the drivers' license of someone under age 18 convicted of DUI until the person reaches age 18 if it is a longer period than otherwise required by law.

Under current law, the DMV commissioner must allow someone

whose license has been suspended after a first or second DUI conviction to operate a vehicle if the person has (1) served the required suspension under the DUI conviction, even if the person has not completed any administrative per se suspension and (2) meets IID requirements. The bill instead specifies that the commissioner must let such a person operate a vehicle if the person has served either of the required suspension periods and meets the IID requirements.

By law, in addition to license suspension and IID requirements, a person convicted of DUI is subject to imprisonment, probation, and fines.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 37 Nay 1 (03/28/2014)