



Senate

General Assembly

File No. 544

February Session, 2014

Substitute Senate Bill No. 465

Senate, April 15, 2014

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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2 the general statutes is repealed and the following is substituted in lieu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 said section,
519 subdivision (2) of subsection (g) of section 14-227a, as amended by this
520 act, for a second conviction under said 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 said 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 Legislative Commissioners:

In Section 6(i)(1), "that section" was changed to "said section" for proper form.

JUD *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Department of Motor Vehicles	TF - Cost	84,214	84,214
State Comptroller - Fringe Benefits ¹	TF - Cost	30,906	30,906

Municipal Impact: None

Explanation

The bill requires any driver convicted of an administrative per se violation to install an ignition interlock device (IID) after the license suspension period. It is anticipated that the Department of Motor Vehicles will need two positions to handle the increased case load associated with requiring these drivers to install an IID in all owned and operated vehicles. This results in an estimated cost of \$115,120 (\$84,214 for two salary positions and \$30,906 for fringe benefits) in FY 15 based on the cost of an existing motor vehicle processing technician. In FY 13, drivers committed 7,500 administrative per se violations.

The Out Years

The annualized ongoing funding for two positions identified above would continue into the future subject to inflation.

Sources: Department of Motor Vehicles

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 36.66% of payroll in FY 15 and FY 16.

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</i>	<i>IID Requirement</i>

	<i>Suspension</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 operating a commercial vehicle, for person age 21 or older	45 days	6 months	1 year	2 years
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)