
OLR Bill Analysis

sHB 5579

AN ACT CONCERNING THE RESTORATION OF A MOTOR VEHICLE OPERATOR'S LICENSE.

SUMMARY

This bill allows a court sentencing a person convicted of driving under the influence (DUI) to waive or reduce certain ignition interlock device (IID) fees, upon the offender's application, if the court finds that he or she is indigent.

By law, DUI penalties include a license suspension or revocation, followed by a period during which an offender may drive only vehicles equipped with an IID. Under current law, all IID installation and maintenance costs must be paid by the offender (see BACKGROUND).

Under the bill, a court may (1) waive IID installation or removal fees or costs and (2) reduce by 50% any IID monthly leasing fees owed by the offender. (It is unclear who or what will pay the waived or reduced costs instead of the offender, as currently, private vendors install the IIDs and offenders pay the vendors directly.)

The bill requires the court to accept as proof of indigence a valid card or letter indicating that the offender participates in the Supplemental Nutrition Assistance Program (SNAP) or the Low Income Home Energy Assistance Program. Any letter submitted must be on Department of Social Services (the agency that administers the two programs) letterhead and in its original form.

The bill applies only to those whose IID use is required as a result of a DUI conviction. It does not apply to penalties for other crimes or violations that require a period of IID use, including (1) 2nd degree manslaughter with a motor vehicle (CGS § 53a-56b) and (2) 2nd degree assault with a motor vehicle (CGS § 53a-60d).

It also does not apply to administrative per se license suspension (CGS § 14-227b) (see BACKGROUND). However, because in practice an administrative per se suspension and its period of required IID use is typically imposed before any penalties for a related DUI conviction, it is unclear how the waiver or reduction would apply; in most cases, the IID would already be on the offender's car before he or she would be eligible for a fee waiver or reduction.

EFFECTIVE DATE: October 1, 2018

BACKGROUND

Ignition Interlock Device

An ignition interlock is a breath-testing device connected to a motor vehicle's ignition system. It prevents the driver from operating the vehicle if it detects a pre-determined level of alcohol in the driver's breath.

Offenders must pay DMV a \$100 fee before the device is installed and DMV uses this money to administer the interlock program. Costs for installing and maintaining an IID are determined by, and paid directly to, the IID vendor and may include an installation fee for the device, a monthly lease payment, a charge for periodic calibration, and a charge when the device is removed after the required period for its use has elapsed. The monthly fee for the device can vary depending on the length of the lease period.

DUI Law and Penalties

Connecticut's DUI law prohibits driving while under the influence of an intoxicating liquor, drug, or both and driving with a blood alcohol content of 0.08% (or, if driving a commercial vehicle, 0.04%). Penalties for those convicted of DUI include license suspension, fines, and prison terms and vary based on the number of previous offenses, as shown in table 1.

Table 1: DUI Criminal Penalties (CGS § 14-227a(g))

<i>Conviction</i>	<i>Prison Sentence</i>	<i>Fine</i>	<i>License Suspension / IID</i>
First	Either (1) up to six months with	\$500-	45 days, followed by one

	a mandatory minimum of two days or (2) up to six months suspended with probation requiring 100 hours of community service	1,000	year driving only vehicles equipped with an IID
Second (within 10 years of a prior conviction)	Up to two years, with a mandatory minimum of 120 consecutive days and probation with 100 hours of community service	\$1,000-4,000	45 days, followed by three years driving only vehicles equipped with an IID, with driving limited for the first year to specified purposes (e.g., work or school)
Third and Subsequent (within 10 years of a prior conviction)	Up to three years, with a mandatory minimum of one year and probation with 100 hours of community service	\$2,000-8,000	License revoked, but the offender is eligible for reinstatement after two years. If reinstated, he or she must drive only IID-equipped vehicles for as long as the offender drives, unless the DMV commissioner lifts the IID requirement

Administrative Per Se

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 elevated blood alcohol content. The license suspension period for all per se violations is 45 days. As a condition of license restoration, drivers may operate only ignition interlock equipped vehicles for specified periods after the suspension ends (CGS § 14-227b).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 41 Nay 0 (04/04/2018)