
OLR Bill Analysis

sHB 5579 (as amended by House "A")*

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

SUMMARY

This bill allows ignition interlock device (IID) service providers to reduce or eliminate charges for IID installation, maintenance, removal, or other services that they provide to eligible indigent offenders, regardless of any law requiring that such offenders bear all IID installation and maintenance costs. The bill applies to indigent offenders whose IID use is required as a result of:

1. a conviction for driving under the influence (DUI) (CGS §§ 14-227a, 14-227m, and 14-227n)(see BACKGROUND), 2nd degree manslaughter with a motor vehicle (CGS § 53a-56b), or 2nd degree assault with a motor vehicle (CGS § 53a-60d);
2. the administrative per se license suspension process (see BACKGROUND)(CGS § 14-227b);
3. a court order to install an IID (CGS § 14-227j);
4. a conviction in another jurisdiction that is comparable to one for which Connecticut requires a period of IID use (CGS § 14-111n);
or
5. a condition imposed by the motor vehicles commissioner for restoring a driver's license (CGS §§ 14-36 and 14-111).

Under the bill, offenders may provide, as proof of indigence, a valid card or letter indicating that the offender participates in the state-administered federal Supplemental Nutrition Assistance Program (SNAP) or the state-administered federal 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.

*House Amendment "A" allows (1) IID service providers, rather than the court, to reduce or eliminate IID charges and (2) indigent individuals to receive the fee reduction or elimination for IIDs required as a penalty for other offenses, rather than just for DUI.

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</i>
First	Either (1) up to six months with a mandatory minimum of two	\$500-1,000	45 days, followed by one year driving only vehicles

	days or (2) up to six months suspended with probation requiring 100 hours of community service		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)