



# House of Representatives

**File No. 679**

General Assembly

February Session, 2018

**(Reprint of File No. 599)**

Substitute House Bill No. 5579  
As Amended by House  
Amendment Schedule "A"

Approved by the Legislative Commissioner  
May 3, 2018

**AN ACT CONCERNING COSTS FOR IGNITION INTERLOCK DEVICE SERVICES FOR PERSONS WHO ARE INDIGENT AND ARE SEEKING RESTORATION OF A MOTOR VEHICLE OPERATOR'S LICENSE.**

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

1 Section 1. (NEW) (*Effective October 1, 2018*) Notwithstanding any  
2 provision of the general statutes requiring a person subject to an order  
3 to install and maintain an ignition interlock device to bear all costs  
4 associated with such installation and maintenance, any provider of  
5 ignition interlock device services, including installation, maintenance  
6 and removal of such devices, may include in a lease agreement with a  
7 person required to install such device pursuant to section 14-36, 14-  
8 111, 14-111n, 14-227a, 14-227b, 14-227j, 14-227m, 14-227n, 53a-56b or  
9 53a-60d of the general statutes, a reduction to or an elimination of the  
10 charge for such services if such person is indigent. Such person may  
11 provide to the provider of such ignition interlock device services as  
12 proof of indigency a valid participation card or letter indicating  
13 participation in the state-administered federal Supplemental Nutrition  
14 Assistance Program or the state-administered federal Low Income

15 Home Energy Assistance Program. Any such letter shall be on  
16 letterhead stationery of the Department of Social Services and in  
17 original form.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	New section

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.

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

The bill as amended allows a discount or a waiver to the ignition interlock device (IID) fees for an individual who provides proof of participation in the Supplemental Nutrition Assistance Program or the Low Income Home Energy Assistance Program and does not result in a fiscal impact to the state or municipalities.

House "A" struck the bill and its associated fiscal impact.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**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), 2<sup>nd</sup> degree manslaughter with a motor vehicle (CGS § 53a-56b), or 2<sup>nd</sup> 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 days or (2) up to six months suspended with probation requiring 100 hours of community service	\$500-1,000	45 days, followed by one 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)