



General Assembly

February Session, 2018

Raised Bill No. 5579

LCO No. 2857



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING THE RESTORATION OF A LICENSE.

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

1 Section 1. Subsection (i) of section 14-227a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2018*):

4 (i) (1) The Commissioner of Motor Vehicles shall permit a person
5 whose license has been suspended in accordance with the provisions
6 of subparagraph (C) of subdivision (1) or subparagraph (C) of
7 subdivision (2) of subsection (g) of this section to operate a motor
8 vehicle if (A) such person has served either the suspension required
9 under said subparagraph (C) or the suspension required under
10 subsection (i) of section 14-227b, as amended by this act, and (B) such
11 person has installed an approved ignition interlock device in each
12 motor vehicle owned or to be operated by such person, and verifies to
13 the commissioner, in such manner as the commissioner prescribes, that
14 such device has been installed. For a period of one year after the
15 installation of an ignition interlock device by a person who is subject to
16 subparagraph (C) of subdivision (2) of subsection (g) of this section,

17 such person's operation of a motor vehicle shall be limited to such
18 person's transportation to or from work or school, an alcohol or drug
19 abuse treatment program, an ignition interlock device service center or
20 an appointment with a probation officer. Except as provided in
21 sections 53a-56b and 53a-60d, no person whose license is suspended by
22 the commissioner for any other reason shall be eligible to operate a
23 motor vehicle equipped with an approved ignition interlock device.

24 (2) All costs of installing and maintaining an ignition interlock
25 device shall be borne by the person required to install such device. No
26 court sentencing a person convicted of a violation of subsection (a) of
27 this section may waive any fees or costs associated with the installation
28 and maintenance of an ignition interlock device.

29 (3) The commissioner shall adopt regulations, in accordance with
30 the provisions of chapter 54, to implement the provisions of this
31 subsection. The regulations shall establish procedures for the approval
32 of ignition interlock devices, for the proper calibration and
33 maintenance of such devices and for the installation of such devices by
34 any firm approved and authorized by the commissioner and shall
35 specify acts by persons required to install and use such devices that
36 constitute a failure to comply with the requirements for the installation
37 and use of such devices, the conditions under which such
38 noncompliance will result in an extension of the period during which
39 such persons are restricted to the operation of motor vehicles equipped
40 with such devices and the duration of any such extension. The
41 commissioner shall ensure that such firm provide notice to both the
42 commissioner and the Court Support Services Division of the Judicial
43 Branch whenever a person required to install such device commits a
44 violation with respect to the installation, maintenance or use of such
45 device.

46 (4) The provisions of this subsection shall not be construed to
47 authorize the continued operation of a motor vehicle equipped with an
48 ignition interlock device by any person whose operator's license or
49 nonresident operating privilege is withdrawn, suspended or revoked

50 for any other reason.

51 (5) The provisions of this subsection shall apply to any person
52 whose license has been suspended in accordance with the provisions
53 of subparagraph (C) of subdivision (1) or subparagraph (C) of
54 subdivision (2) of subsection (g) of this section on or after January 1,
55 2012.

56 (6) Whenever a person is permitted by the commissioner under this
57 subsection to operate a motor vehicle if such person has installed an
58 approved ignition interlock device in each motor vehicle owned or to
59 be operated by such person, the commissioner shall indicate in the
60 electronic record maintained by the commissioner pertaining to such
61 person's operator's license or driving history that such person is
62 restricted to operating a motor vehicle that is equipped with an
63 ignition interlock device and, if applicable, that such person's
64 operation of a motor vehicle is limited to such person's transportation
65 to or from work or school, an alcohol or drug abuse treatment
66 program, an ignition interlock device service center or an appointment
67 with a probation officer, and the duration of such restriction or
68 limitation, and shall ensure that such electronic record is accessible by
69 law enforcement officers. Any such person shall pay the commissioner
70 a fee of one hundred dollars prior to the installation of such device.

71 (7) There is established the ignition interlock administration account
72 which shall be a separate, nonlapsing account in the General Fund. The
73 commissioner shall deposit all fees paid pursuant to subdivision (6) of
74 this subsection in the account. Funds in the account may be used by
75 the commissioner for the administration of this subsection.

76 (8) Notwithstanding any provision of the general statutes to the
77 contrary, upon request of any person convicted of a violation of
78 subsection (a) of this section whose operator's license is under
79 suspension on January 1, 2012, the Commissioner of Motor Vehicles
80 may reduce the term of suspension prescribed in subsection (g) of this
81 section and place a restriction on the operator's license of such person

82 that restricts the holder of such license to the operation of a motor
83 vehicle that is equipped with an approved ignition interlock device, as
84 defined in section 14-227j, for the remainder of such prescribed period
85 of suspension.

86 (9) Any person required to install an ignition interlock device under
87 this section shall be supervised by personnel of the Court Support
88 Services Division of the Judicial Branch while such person is subject to
89 probation supervision, or by personnel of the Department of Motor
90 Vehicles if such person is not subject to probation supervision, and
91 such person shall be subject to any other terms and conditions as the
92 commissioner may prescribe and any provision of the general statutes
93 or the regulations adopted pursuant to subdivision (3) of this
94 subsection not inconsistent herewith.

95 (10) Notwithstanding the periods prescribed in subsection (g) of this
96 section and subdivision (2) of subsection (i) of section 14-111 during
97 which a person is prohibited from operating a motor vehicle unless
98 such motor vehicle is equipped with a functioning, approved ignition
99 interlock device, such periods may be extended in accordance with the
100 regulations adopted pursuant to subdivision (3) of this subsection.

101 (11) (A) Notwithstanding the period prescribed in subparagraph (C)
102 of subdivision (1) of subsection (g) of this section during which a
103 person is prohibited from operating a motor vehicle unless such motor
104 vehicle is equipped with a functioning, approved ignition interlock
105 device as a condition for the restoration of such person's motor vehicle
106 operator's license or nonresident operating privilege, if a person does
107 not install such device because such person does not own or operate a
108 motor vehicle, the period of suspension for such person shall not
109 exceed one year.

110 (B) Notwithstanding the period prescribed in subparagraph (C) of
111 subdivision (2) of subsection (g) of this section during which a person
112 is prohibited from operating a motor vehicle unless such motor vehicle
113 is equipped with a functioning, approved ignition interlock device as a

114 condition for the restoration of such person's motor vehicle operator's
115 license or nonresident operating privilege, if a person does not install
116 such device because such person does not own or operate a motor
117 vehicle, the period of suspension for such person shall not exceed three
118 years.

119 (C) Notwithstanding the period prescribed in subdivision (2) of
120 subsection (i) of section 14-111 during which a person is prohibited
121 from operating a motor vehicle unless such motor vehicle is equipped
122 with a functioning, approved ignition interlock device as a condition
123 for the restoration of such person's motor vehicle operator's license or
124 nonresident operating privilege, if a person does not install such
125 device because such person does not own or operate a motor vehicle,
126 the period of suspension for such person shall not exceed fifteen years.

127 (D) The provisions of this subdivision shall apply to any person
128 whose motor vehicle operator's license or nonresident operating
129 privilege has been suspended pursuant to the provisions of subsection
130 (g) of this section or subdivision (2) of subsection (i) of section 14-111
131 on, before or after October 1, 2018.

132 Sec. 2. Subsection (i) of section 14-227b of the general statutes is
133 repealed and the following is substituted in lieu thereof (*Effective*
134 *October 1, 2018*):

135 (i) (1) The commissioner shall suspend the operator's license or
136 nonresident operating privilege of a person who did not contact the
137 department to schedule a hearing, who failed to appear at a hearing, or
138 against whom a decision was issued, after a hearing, pursuant to
139 subsection (h) of this section, as of the effective date contained in the
140 suspension notice, for a period of forty-five days. As a condition for
141 the restoration of such operator's license or nonresident operating
142 privilege, such person shall be required to install an ignition interlock
143 device on each motor vehicle owned or operated by such person and,
144 upon such restoration, be prohibited from operating a motor vehicle
145 unless such motor vehicle is equipped with a functioning, approved

146 ignition interlock device, as defined in section 14-227j, for the longer of
147 either (A) the period prescribed in subdivision (2) of this subsection for
148 the present arrest and suspension, or (B) the period prescribed in
149 subdivision (1), (2) or (3) of subsection (g) of section 14-227a or
150 subdivision (1), (2) or (3) of subsection (c) of section 14-227m or
151 subdivision (1) or (2) of subsection (c) of section 14-227n for the present
152 arrest and conviction, if any. Notwithstanding the period prescribed in
153 subparagraph (A) or (B) of this subdivision, if a person does not install
154 such device because such person does not own or operate a motor
155 vehicle, such person's motor vehicle operator's license or nonresident
156 operating privilege shall be suspended for the longer of the full-time
157 period of either (i) the period prescribed in subdivision (2) of this
158 subsection for the present arrest, or (ii) the period prescribed in
159 subdivision (1), (2) or (3) of subsection (g) of section 14-227a for the
160 present arrest and conviction, if any.

161 (2) (A) A person twenty-one years of age or older at the time of the
162 arrest who submitted to a test or analysis and the results of such test or
163 analysis indicated that such person had an elevated blood alcohol
164 content shall install and maintain an ignition interlock device for the
165 following periods: (i) For a first suspension under this section, six
166 months; (ii) for a second suspension under this section, one year; and
167 (iii) for a third or subsequent suspension under this section, two years.
168 Notwithstanding the period prescribed in this subparagraph, if a
169 person does not install such device because such person does not own
170 or operate a motor vehicle, the suspension of such person's motor
171 vehicle operator's license or nonresident operating privilege shall not
172 exceed six months for a first suspension, one year for a second
173 suspension and two years for a third or subsequent suspension under
174 this section; (B) a person under twenty-one years of age at the time of
175 the arrest who submitted to a test or analysis and the results of such
176 test or analysis indicated that such person had an elevated blood
177 alcohol content shall install and maintain an ignition interlock device
178 for the following periods: (i) For a first suspension under this section,
179 one year; (ii) for a second suspension under this section, two years; and

180 (iii) for a third or subsequent suspension under this section, three
 181 years. Notwithstanding the period prescribed in this subparagraph, if
 182 a person does not install such device because such person does not
 183 own or operate a motor vehicle, the suspension of such person's motor
 184 vehicle operator's license or nonresident operating privilege shall not
 185 exceed one year for a first suspension, two years for a second
 186 suspension and three years for a third or subsequent suspension under
 187 this section; and (C) a person, regardless of age, who refused to submit
 188 to a test or analysis shall install and maintain an ignition interlock
 189 device for the following periods: (i) For a first suspension under this
 190 section, one year; (ii) for a second suspension under this section, two
 191 years; and (iii) for a third or subsequent suspension, under this section,
 192 three years. Notwithstanding the period prescribed in this
 193 subparagraph, if a person does not install such device because such
 194 person does not own or operate a motor vehicle, the suspension of
 195 such person's motor vehicle operator's license or nonresident operating
 196 privilege shall not exceed one year for a first suspension, two years for
 197 a second suspension and three years for a third or subsequent
 198 suspension under this section.

199 (3) Notwithstanding the provisions of subdivisions (1) and (2) of
 200 this subsection, a person whose motor vehicle operator's license or
 201 nonresident operating privilege has been permanently revoked upon a
 202 third offense pursuant to subsection (g) of section 14-227a or
 203 subsection (c) of section 14-227m shall be subject to the penalties
 204 prescribed in subdivision (2) of subsection (i) of section 14-111.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2018	14-227a(i)
Sec. 2	October 1, 2018	14-227b(i)

Statement of Purpose:

To provide for a definite period of license suspension for persons who have had their motor vehicle license suspended for driving while

intoxicated but who are indigent and never installed an ignition interlock device.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]