



House of Representatives

General Assembly

File No. 599

February Session, 2018

Substitute House Bill No. 5579

House of Representatives, April 19, 2018

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE 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. 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2 repealed and the following is substituted in lieu thereof (*Effective*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, and (B) such person has installed an
11 approved ignition interlock device in each motor vehicle owned or to
12 be operated by such person, and verifies to the commissioner, in such
13 manner as the commissioner prescribes, that such device has been
14 installed. For a period of one year after the installation of an ignition

15 interlock device by a person who is subject to subparagraph (C) of
16 subdivision (2) of subsection (g) of this section, such person's operation
17 of a motor vehicle shall be limited to such person's transportation to or
18 from work or school, an alcohol or drug abuse treatment program, an
19 ignition interlock device service center or an appointment with a
20 probation officer. Except as provided in sections 53a-56b and 53a-60d,
21 no person whose license is suspended by the commissioner for any
22 other reason shall be eligible to operate a motor vehicle equipped with
23 an approved ignition interlock device.

24 (2) (A) All costs of installing and maintaining an ignition interlock
25 device shall be borne by the person required to install such device.
26 [No] Except as provided in subparagraph (B) of this subdivision, no
27 court sentencing a person convicted of a violation of subsection (a) of
28 this section may waive any fees or costs associated with the installation
29 and maintenance of an ignition interlock device.

30 (B) A court sentencing a person convicted of a violation of
31 subsection (a) of this section may waive any fees or costs associated
32 with the installation or removal of an ignition interlock device and
33 may reduce by fifty per cent the amount of monthly leasing fees
34 payable by such person for such device upon such person's application
35 for a waiver and reduction and if the court finds such person is
36 indigent at the time of such application. The court shall accept as proof
37 of indigency a valid participation card or letter indicating participation
38 in the state-administered federal Supplemental Nutrition Assistance
39 Program or the state-administered federal Low Income Home Energy
40 Assistance Program. Any such letter shall be on letterhead stationery
41 of the Department of Social Services and in original form.

42 (3) The commissioner shall adopt regulations, in accordance with
43 the provisions of chapter 54, to implement the provisions of this
44 subsection. The regulations shall establish procedures for the approval
45 of ignition interlock devices, for the proper calibration and
46 maintenance of such devices and for the installation of such devices by
47 any firm approved and authorized by the commissioner and shall

48 specify acts by persons required to install and use such devices that
49 constitute a failure to comply with the requirements for the installation
50 and use of such devices, the conditions under which such
51 noncompliance will result in an extension of the period during which
52 such persons are restricted to the operation of motor vehicles equipped
53 with such devices and the duration of any such extension. The
54 commissioner shall ensure that such firm provide notice to both the
55 commissioner and the Court Support Services Division of the Judicial
56 Branch whenever a person required to install such device commits a
57 violation with respect to the installation, maintenance or use of such
58 device.

59 (4) The provisions of this subsection shall not be construed to
60 authorize the continued operation of a motor vehicle equipped with an
61 ignition interlock device by any person whose operator's license or
62 nonresident operating privilege is withdrawn, suspended or revoked
63 for any other reason.

64 (5) The provisions of this subsection shall apply to any person
65 whose license has been suspended in accordance with the provisions
66 of subparagraph (C) of subdivision (1) or subparagraph (C) of
67 subdivision (2) of subsection (g) of this section on or after January 1,
68 2012.

69 (6) Whenever a person is permitted by the commissioner under this
70 subsection to operate a motor vehicle if such person has installed an
71 approved ignition interlock device in each motor vehicle owned or to
72 be operated by such person, the commissioner shall indicate in the
73 electronic record maintained by the commissioner pertaining to such
74 person's operator's license or driving history that such person is
75 restricted to operating a motor vehicle that is equipped with an
76 ignition interlock device and, if applicable, that such person's
77 operation of a motor vehicle is limited to such person's transportation
78 to or from work or school, an alcohol or drug abuse treatment
79 program, an ignition interlock device service center or an appointment
80 with a probation officer, and the duration of such restriction or

81 limitation, and shall ensure that such electronic record is accessible by
82 law enforcement officers. Any such person shall pay the commissioner
83 a fee of one hundred dollars prior to the installation of such device.

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

89 (8) Notwithstanding any provision of the general statutes to the
90 contrary, upon request of any person convicted of a violation of
91 subsection (a) of this section whose operator's license is under
92 suspension on January 1, 2012, the Commissioner of Motor Vehicles
93 may reduce the term of suspension prescribed in subsection (g) of this
94 section and place a restriction on the operator's license of such person
95 that restricts the holder of such license to the operation of a motor
96 vehicle that is equipped with an approved ignition interlock device, as
97 defined in section 14-227j, for the remainder of such prescribed period
98 of suspension.

99 (9) Any person required to install an ignition interlock device under
100 this section shall be supervised by personnel of the Court Support
101 Services Division of the Judicial Branch while such person is subject to
102 probation supervision, or by personnel of the Department of Motor
103 Vehicles if such person is not subject to probation supervision, and
104 such person shall be subject to any other terms and conditions as the
105 commissioner may prescribe and any provision of the general statutes
106 or the regulations adopted pursuant to subdivision (3) of this
107 subsection not inconsistent herewith.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	14-227a(i)

Statement of Legislative Commissioners:

In Section 1(i)(2)(B), clarifications to the language were made.

JUD *Joint Favorable Subst.*

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:** None**Municipal Impact:** None**Explanation**

The bill allows a court sentencing a person convicted of driving under the influence to waive or reduce certain ignition interlock device (IID) fees, if the court finds that he or she is indigent. This is not anticipated to result in a fiscal impact to the state as the offender pays the IID fees to a vendor participating in the IID program.

The Out Years**State Impact:** None**Municipal Impact:** None

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))

Conviction	Prison Sentence	Fine	License Suspension / IID
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)