



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

OPPOSING:

**H.B. No. 6539 (RAISED) AN ACT CONCERNING COMMERCIAL DRIVER'S
LICENSE HOLDERS AND PRETRIAL ALCOHOL EDUCATION PROGRAMS.**

JOINT COMMITTEE ON JUDICIARY
March 12, 2021

The Division of Criminal Justice generally supports any proposal to increase the use of pretrial diversionary programs. However, Sections 43-44 of Public Act 13-271, which made CDL holders ineligible for the pretrial alcohol education program, was passed because Connecticut was cited by the Federal Motor Carrier Safety Administration (FMCSA) for its failure to comply with 49 C.F.R. § 384.226. That regulation, in effect, prohibits a state from allowing a CDL holder to participate in a diversionary program that would prevent the CDL holder's conviction for any violation. At that time, the FMCSA warned the state that it would lose federal highway funds for non-compliance with the regulation, which would have amounted to approximately \$23 million.

The Motor Transport Association of Connecticut, Inc. (MTAC) has submitted testimony against this proposal, indicating that the amount of funds that now would be withheld equate to approximately \$18 Million after the first year of non-compliance, and over \$36 Million the year after. In addition, MTAC has warned that passage of this bill could lead to the de-certification of Connecticut's CDL program.

In conclusion, due the immense repercussions facing the state if this bill were to pass, the Division of Criminal Justice must oppose H.B. 6539 and respectfully recommend no action by the Committee unless, and until, the federal regulations governing CDLs be revised to permit such holder to be eligible for diversionary programs. We thank the Committee for affording this opportunity to provide input on this matter and would be happy to provide any additional information the Committee might require or to answer any questions that you might have.