
OLR Bill Analysis

sSB 1082

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE DEPARTMENT OF TRANSPORTATION REGARDING A REDUCTION IN BLOOD ALCOHOL LIMITS FOR IMPAIRED DRIVING AND BOATING.

SUMMARY

This bill lowers the general blood alcohol content (BAC) per se limit for impaired driving and boating from 0.08% to 0.05%. By law, people who drive a motor vehicle or operate a boat while their BAC exceeds the per se limit are considered to be driving or boating with an “elevated BAC,” which is illegal in and of itself, regardless of a person’s impairment. The limit applies to both (1) criminal driving under the influence (DUI) and impaired boating statutes and (2) administrative license suspension for DUI (referred to as “administrative per se”) and impaired boating.

By law, the general per se limit applies in most cases, but a lower limit applies to people who are (1) driving a commercial vehicle (0.04%) or (2) driving or operating a boat under age 21. The limits apply to people operating (1) motor vehicles anywhere, including their own property; (2) snowmobiles and all-terrain vehicles; and (3) boating vessels that are underway or aground and are not moored, anchored, or docked.

The bill also makes numerous technical and conforming changes, such as updating BAC references in the insurance statutes.

EFFECTIVE DATE: January 2, 2024

BACKGROUND

BAC Testing and Administrative License Suspension

The DUI law prohibits driving a motor vehicle (1) while under the influence of alcohol or drugs (or both) or (2) with an elevated BAC. A

police officer may measure a driver's BAC by testing the driver's blood, breath, or urine. Anyone who drives implicitly consents to this testing. Parents or guardians are also considered to have given their consent if the driver is a minor. When arresting someone for DUI and before administering the test, the police officer must give the driver a chance to call a lawyer and inform the driver:

1. of his or her constitutional rights,
2. that his or her license will be suspended if they refuse to take the test or if the test results indicate an elevated BAC, and
3. that evidence of a refusal may be used against him or her in a criminal prosecution.

The law requires an administrative license suspension process for drivers suspected of impairment who refuse to submit to the test or whose test results indicate an elevated BAC. This process runs parallel to the criminal process for DUI charges. People who are found, after a DMV hearing, to have driven with an elevated BAC face a 45-day license suspension followed by a period of mandatory ignition interlock device use (CGS § 14-227b(c)).

The law establishes a largely parallel process for the Department of Energy and Environmental Protection to test a boater's BAC and impose administrative sanctions on boaters who operate vessels with an elevated BAC or who refuse to submit to BAC testing (CGS § 15-140q).

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 21 Nay 15 (03/10/2023)