



General Assembly

January Session, 2023

Raised Bill No. 1082

LCO No. 4683



Referred to Committee on TRANSPORTATION

Introduced by:
(TRA)

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE DEPARTMENT OF TRANSPORTATION REGARDING A REDUCTION IN BLOOD ALCOHOL LIMITS FOR IMPAIRED DRIVING AND BOATING, ESTABLISHING THE CONNECTICUT PUBLIC TRANSPORTATION COUNCIL, THE SHORE LINE EAST STUDY AND MOTOR VEHICLES IN LIVERY SERVICE.

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

1 Section 1. Subsection (a) of section 14-227a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective January*
3 *2, 2024*):

4 (a) No person shall operate a motor vehicle while under the influence
5 of intoxicating liquor or any drug or both. A person commits the offense
6 of operating a motor vehicle while under the influence of intoxicating
7 liquor or any drug or both if such person operates a motor vehicle (1)
8 while under the influence of intoxicating liquor or any drug or both, or
9 (2) while such person has an elevated blood alcohol content. For the
10 purposes of this section, "elevated blood alcohol content" means a ratio
11 of alcohol in the blood of such person that is [eight-hundredths] five-
12 hundredths of one per cent or more of alcohol, by weight, except that if

13 such person is operating a commercial motor vehicle, "elevated blood
14 alcohol content" means a ratio of alcohol in the blood of such person that
15 is four-hundredths of one per cent or more of alcohol, by weight, and
16 "motor vehicle" includes a snowmobile and all-terrain vehicle, as those
17 terms are defined in section 14-379. For purposes of this section, section
18 14-227b, as amended by this act, and section 14-227c, (A) "advanced
19 roadside impaired driving enforcement" means a program developed
20 by the National Highway Traffic Safety Administration with the
21 International Association of Chiefs of Police and the Technical Advisory
22 Panel, which focuses on impaired driving enforcement education for
23 police officers, or any successor to such program; (B) "drug influence
24 evaluation" means an evaluation developed by the National Highway
25 Traffic Safety Administration and the International Association of
26 Chiefs of Police that is conducted by a drug recognition expert to
27 determine the level of a person's impairment from the use of drugs and
28 the drug category causing such impairment; (C) "drug recognition
29 expert" means a person certified by the International Association of
30 Chiefs of Police as having met all requirements of the International Drug
31 Evaluation and Classification Program; and (D) "nontestimonial portion
32 of a drug influence evaluation" means a drug influence evaluation
33 conducted by a drug recognition expert that does not include a verbal
34 interview with the subject.

35 Sec. 2. Subsection (n) of section 14-227b of the general statutes is
36 repealed and the following is substituted in lieu thereof (*Effective January*
37 *2, 2024*):

38 (n) For the purposes of this section, "elevated blood alcohol content"
39 means (1) a ratio of alcohol in the blood of such person that is [eight-
40 hundredths] five-hundredths of one per cent or more of alcohol, by
41 weight, (2) if such person is operating a commercial motor vehicle, a
42 ratio of alcohol in the blood of such person that is four-hundredths of
43 one per cent or more of alcohol, by weight, or (3) if such person is less
44 than twenty-one years of age, a ratio of alcohol in the blood of such
45 person that is two-hundredths of one per cent or more of alcohol, by
46 weight.

47 Sec. 3. Subsection (a) of section 14-227m of the general statutes is
48 repealed and the following is substituted in lieu thereof (*Effective January*
49 *2, 2024*):

50 (a) No person shall operate a motor vehicle in which a child under
51 eighteen years of age is a passenger while such person (1) is under the
52 influence of intoxicating liquor or any drug or both, or (2) has an
53 elevated blood alcohol content. For the purposes of this section,
54 "elevated blood alcohol content" means a ratio of alcohol in the blood of
55 such person that is [eight-hundredths] five-hundredths of one per cent
56 or more of alcohol, by weight, except that if such person is operating a
57 commercial motor vehicle, "elevated blood alcohol content" means a
58 ratio of alcohol in the blood of such person that is four-hundredths of
59 one per cent or more of alcohol, by weight, and if such person is under
60 twenty-one years of age, "elevated blood alcohol content" means a ratio
61 of alcohol in the blood of such person that is two-hundredths of one per
62 cent or more of alcohol by weight; and "motor vehicle" includes a
63 snowmobile and all-terrain vehicle, as those terms are defined in section
64 14-379.

65 Sec. 4. Subsection (a) of section 14-227n of the general statutes is
66 repealed and the following is substituted in lieu thereof (*Effective January*
67 *2, 2024*):

68 (a) (1) No person shall operate a school bus, student transportation
69 vehicle or other motor vehicle specially designated for carrying children
70 while such person (A) is under the influence of intoxicating liquor or
71 any drug or both, or (B) has an elevated blood alcohol content.

72 (2) No person shall operate a school bus, student transportation
73 vehicle or other motor vehicle specially designated for carrying children
74 in which a child under eighteen years of age is a passenger while such
75 person (A) is under the influence of intoxicating liquor or any drug or
76 both, or (B) has an elevated blood alcohol content.

77 (3) For the purposes of this section, "motor vehicle specially
78 designated for carrying children" means any motor vehicle, except for a

79 registered school bus or student transportation vehicle as defined in
80 section 14-212, that is designated or used by a person, firm or
81 corporation for the transportation of children to or from any program or
82 activity organized primarily for persons under the age of eighteen years,
83 with or without charge to the individual being transported, but does not
84 include a passenger motor vehicle normally used for personal, family or
85 household purposes that is operated by a person without a public
86 passenger endorsement; and "elevated blood alcohol content" means a
87 ratio of alcohol in the blood of such person that is [eight-hundredths]
88 five-hundredths of one per cent or more of alcohol, by weight, except
89 that if such person is operating a commercial motor vehicle, "elevated
90 blood alcohol content" means a ratio of alcohol in the blood of such
91 person that is four-hundredths of one per cent or more of alcohol, by
92 weight, and if such person is under twenty-one years of age, "elevated
93 blood alcohol content" means a ratio of alcohol in the blood of such
94 person that is two-hundredths of one per cent or more of alcohol, by
95 weight.

96 Sec. 5. Subsection (d) of section 15-133 of the general statutes is
97 repealed and the following is substituted in lieu thereof (*Effective January*
98 *2, 2024*):

99 (d) No person shall operate a vessel: (1) While under the influence of
100 intoxicating liquor or any drug, or both, or (2) while such person has an
101 elevated blood alcohol content. For the purposes of this section and
102 sections 15-140l and 15-140n, "elevated blood alcohol content" means:
103 (A) A ratio of alcohol in the blood of such person that is [eight-
104 hundredths] five-hundredths of one per cent or more of alcohol, by
105 weight, or (B) if such person is under twenty-one years of age, a ratio of
106 alcohol in the blood of such person that is two-hundredths of one per
107 cent or more of alcohol, by weight. For the purposes of this section and
108 sections 15-132a, 15-140l, 15-140n, 15-140o and 15-140q, as amended by
109 this act, "operate" means that the vessel is underway or aground and not
110 moored, anchored or docked.

111 Sec. 6. Subdivision (4) of subsection (g) of section 15-140q of the

112 general statutes is repealed and the following is substituted in lieu
113 thereof (*Effective January 2, 2024*):

114 (4) At a hearing held under this subsection, the results of the test, if
115 administered, shall be sufficient to indicate the ratio of alcohol in the
116 blood of such person at the time of operation, except that if the results
117 of an additional test, administered pursuant to section 15-140r, indicate
118 that the ratio of alcohol in the blood of such person is [eight-hundredths]
119 five-hundredths of one per cent or less of alcohol, by weight, and is
120 higher than the results of the first test, evidence shall be presented that
121 demonstrates that the test results and analysis thereof accurately
122 indicate the blood alcohol content at the time of operation. The fees of
123 any witness summoned to appear at a hearing under this subsection
124 shall be the same as provided in section 52-260.

125 Sec. 7. Subsection (n) of section 15-140q of the general statutes is
126 repealed and the following is substituted in lieu thereof (*Effective January*
127 *2, 2024*):

128 (n) For the purposes of this section, "elevated blood alcohol content"
129 means: (1) A ratio of alcohol in the blood of such person that is [eight-
130 hundredths] five-hundredths of one per cent or more of alcohol, by
131 weight, or (2) if such person is under twenty-one years of age, a ratio of
132 alcohol in the blood of such person that is two-hundredths of one per
133 cent or more of alcohol, by weight.

134 Sec. 8. Section 38a-498c of the general statutes is repealed and the
135 following is substituted in lieu thereof (*Effective January 2, 2024*):

136 No individual health insurance policy providing coverage of the type
137 specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469
138 delivered, issued for delivery, amended, renewed or continued in this
139 state shall deny coverage for health care services rendered to treat any
140 injury sustained by any person when such injury is alleged to have
141 occurred or occurs under circumstances in which (1) such person has an
142 elevated blood alcohol content, or (2) such person has sustained such
143 injury while under the influence of intoxicating liquor or any drug or

144 both. For the purposes of this section, "elevated blood alcohol content"
145 means a ratio of alcohol in the blood of such person that is [eight-
146 hundredths] five-hundredths of one per cent or more of alcohol, by
147 weight.

148 Sec. 9. Section 38a-525c of the general statutes is repealed and the
149 following is substituted in lieu thereof (*Effective January 2, 2024*):

150 No group health insurance policy providing coverage of the type
151 specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469
152 delivered, issued for delivery, amended, renewed or continued in this
153 state shall deny coverage for health care services rendered to treat any
154 injury sustained by any person when such injury is alleged to have
155 occurred or occurs under circumstances in which (1) such person has an
156 elevated blood alcohol content, or (2) such person has sustained such
157 injury while under the influence of intoxicating liquor or any drug or
158 both. For the purposes of this section, "elevated blood alcohol content"
159 means a ratio of alcohol in the blood of such person that is [eight-
160 hundredths] five-hundredths of one per cent or more of alcohol, by
161 weight.

162 Sec. 10. Section 13b-212b of the general statutes is repealed and the
163 following is substituted in lieu thereof (*Effective July 1, 2023*):

164 (a) There is established a Connecticut [Commuter Rail] Public
165 Transportation Council which shall consist of [fifteen] thirteen members
166 appointed with the advice and consent of the General Assembly, all of
167 whom shall be (1) [commuters] residents who regularly use the
168 transportation services of the New Haven commuter railroad line which
169 includes the New Canaan, Danbury and Waterbury branches of such
170 line, (2) [commuters] residents who regularly use the transportation
171 services of the [Shoreline] Shore Line East railroad line, [or] (3) residents
172 [of a municipality in which the Commissioner of Transportation has
173 proposed a new rail line or in which a rail line has commenced operation
174 after July 1, 2013] who regularly use the transportation services of the
175 Hartford railroad line, or (4) residents who regularly use state-owned or

176 controlled bus public transportation services. Members shall be
177 appointed as follows: (A) The Governor shall appoint [~~four~~] five
178 members, one of whom shall [~~be the chief elected official of a~~
179 municipality located on an operating or proposed new rail line]
180 regularly use commuter railroad systems and one of whom shall
181 regularly use state-owned or controlled bus public transportation
182 services; (B) the president pro tempore of the Senate shall appoint
183 [~~three~~] two members, one of whom shall be a resident who regularly
184 uses the transportation services of the New Haven commuter railroad
185 line; (C) the speaker of the House of Representatives shall appoint
186 [~~three~~] two members, one of whom shall be a resident who regularly
187 uses the transportation services of the Hartford railroad line; (D) the
188 minority leader of the Senate shall appoint one member; (E) the minority
189 leader of the House of Representatives shall appoint one member; (F)
190 the chairpersons of the joint standing committee of the General
191 Assembly having cognizance of matters relating to transportation shall
192 [~~each~~] jointly appoint one member, one of whom shall be [~~from a~~
193 municipality in which the Commissioner of Transportation has
194 proposed a new rail line or in which a rail line has commenced operation
195 after July 1, 2013, and one of whom shall be from a municipality in
196 which a station for the Shoreline East railroad line is located] a resident
197 who regularly uses the transportation services of the Shore Line East
198 railroad line; and (G) the ranking members of said committee shall
199 jointly appoint one member. [~~who shall be from a municipality served~~
200 by the Danbury or Waterbury branches of the New Haven commuter
201 railroad line.] Each member shall serve for a term of four years. All
202 initial appointments to the council shall be made by August 1, [~~2013~~]
203 2023, and initial members shall serve a four-year term commencing on
204 August 1, [~~2013~~] 2023. Any vacancy shall be filled by the original
205 appointing authority by appointment for the unexpired portion of any
206 term. Members of the council shall serve until their respective
207 successors are appointed and approved by the General Assembly.

208 (b) [The members of the council shall choose one of the members of
209 the council to be chairperson of the council.] The Governor shall appoint

210 two cochairpersons of the council from among the members of the
211 council, one of whom shall regularly use commuter railroad systems
212 and one of whom shall regularly use state-owned or controlled bus
213 public transportation services. A majority of the members of the council
214 then in office shall constitute a quorum for the transaction of any
215 business, and action shall be by vote of a majority of the members
216 present at a meeting. The council shall meet at least once during each
217 calendar quarter and at such other times as the [chairperson deems]
218 cochairpersons deem necessary or upon the request of a majority of the
219 members in office. Special meetings shall be held at the request of such
220 majority after notice in accordance with the provisions of section 1-225.
221 Any member who fails to attend fifty per cent of all meetings held
222 during any calendar year or who fails to attend three consecutive
223 meetings shall be deemed to have resigned from office.

224 (c) The Department of Transportation shall maintain records of each
225 request for information and data received from the council and denote
226 the status of any such request.

227 Sec. 11. Section 13b-212c of the general statutes is repealed and the
228 following is substituted in lieu thereof (*Effective July 1, 2023*):

229 The Connecticut [Commuter Rail] Public Transportation Council
230 shall [study and investigate all aspects of the daily] monitor the
231 performance and operation of [commuter rail lines] the commuter
232 railroad systems and state-owned or controlled bus public
233 transportation services in the state [, monitor their performance] and
234 recommend changes to improve the efficiency, equity and [the] quality
235 of service [of the operation of such lines] on such systems and services.
236 The council may request [and shall receive] from any department,
237 division, board, bureau, commission, agency [,] or public authority of
238 the state, or any political subdivision thereof, such assistance and data
239 [as it requests and] that will enable it to properly carry out its activities
240 for the purposes set forth in this section. The council shall also [work
241 with the Department of Transportation to] serve as an advocate for
242 customers of all commuter [lines] railroad systems and state-owned or

243 controlled bus public transportation services in the state, [and shall
244 make recommendations for improvements to such lines.] The council
245 shall report its findings and recommendations annually on or before
246 January fifteenth, to the Governor, the Commissioner of Transportation,
247 the General Assembly, the Metro North Rail Commuter Council located
248 in the state of New York and the management advisory board of the
249 office of the inspector general of the Metropolitan Transportation
250 Authority located in the state of New York.

251 Sec. 12. Section 20 of public act 21-175 is repealed and the following
252 is substituted in lieu thereof (*Effective from passage*):

253 The Commissioner of Transportation shall study the feasibility of (1)
254 extending the Shore Line East rail line to the state of Rhode Island, (2)
255 establishing a new passenger rail service from the town of New London
256 to the town of Norwich, (3) establishing a new passenger train station in
257 the town of Groton and the borough of Stonington, and (4) extending
258 ground transportation systems in the eastern region of the state and
259 providing interconnection between such systems and rail lines. The
260 commissioner may seek and use any available federal funds to conduct
261 such study. On or before [January] December 1, 2023, the commissioner
262 shall submit the results of such study to the joint standing committee of
263 the General Assembly having cognizance of matters relating to
264 transportation, in accordance with the provisions of section 11-4a of the
265 general statutes.

266 Sec. 13. Section 13b-103 of the general statutes is repealed and the
267 following is substituted in lieu thereof (*Effective October 1, 2023*):

268 (a) (1) No person, association, limited liability company or
269 corporation shall operate a motor vehicle in livery service until such
270 person, association, limited liability company or corporation has
271 obtained a permit from the Department of Transportation, specifying
272 the nature and extent of the service to be rendered and certifying that
273 public convenience and necessity will be improved by the operation and
274 conduct of such livery service. Such permits shall be issued only after a

275 written application for the same has been made and a public hearing has
276 been held thereon. Upon receipt of such application, together with the
277 payment of a fee of two hundred dollars, the department shall fix a time
278 and place of hearing thereon, within a reasonable time, and shall
279 promptly give written notice of the pendency of such application and of
280 the time and place of such hearing to each applicant, the mayor of each
281 city, the warden of each borough and the first selectman of each town,
282 within which any such applicant desires to maintain an office or
283 headquarters, to any carrier legally operating motor vehicles in livery
284 service within the same territory and to other interested parties as
285 determined by the department. (2) Notwithstanding the provisions of
286 subdivision (1) of this subsection, the department may issue a permit for
287 the operation of vehicles (A) having a capacity of less than eleven adults
288 or to be used exclusively at funerals, weddings, christenings,
289 processions or celebrations, without holding a hearing and certifying
290 that public convenience and necessity would be improved by the
291 operation of such vehicles, or (B) having a capacity of not less than
292 eleven or more than fourteen adults and used for sightseeing and
293 related purposes, without holding a hearing, provided the department
294 issues a legal notice, as provided under section 1-2, of such application
295 and no objection is filed with the department within thirty days of
296 publication of such notice. (3) Notwithstanding the provisions of
297 subdivision (1) of this subsection, the department may issue a
298 temporary or permanent permit to any person, association, limited
299 liability company or corporation operating a motor vehicle engaged in
300 the transportation of passengers for hire by virtue of a contract with, or
301 a lower tier contract for, any federal, state or municipal agency that (A)
302 is in effect on July 1, 1997, with or without hearing, after a written
303 application for the same has been made and the department has
304 determined that the applicant meets the requirements of subsection (b)
305 of this section except with respect to public convenience and necessity,
306 or (B) becomes effective after July 1, 1997, with or without hearing, after
307 a written application for the same has been made and the department
308 has determined that the applicant meets the requirements of subsection
309 (b) of this section. Any such permit issued under the provisions of this

310 subdivision (i) shall be limited to service provided under any such
311 contract, and (ii) with respect to any contract under the provisions of
312 subparagraph (A) of this subdivision, shall not authorize a total number
313 of motor vehicles exceeding the number required to provide service
314 existing under such contract on July 1, 1997. (4) Notwithstanding the
315 provisions of subdivision (1) of this subsection, the department shall
316 issue to any person who has an intrastate livery permit for at least one
317 year, upon the application of such person, up to two additional vehicle
318 authorizations each year without a hearing and without written notice
319 of the pendency of the application, if all the existing permits held by
320 such person are registered and in use and if there are no outstanding
321 violations or matters pending adjudication against such person. Such
322 person may submit a second application for up to two additional vehicle
323 authorizations for each such year. The department shall have thirty
324 calendar days to issue such amended permit upon receipt of an
325 application and the payment of the fee described in subdivision (1) of
326 this subsection.

327 (b) In determining whether or not such a permit will be granted, the
328 Department of Transportation shall take into consideration the present
329 or future public convenience and necessity for the service the applicant
330 proposes to render, the suitability of the applicant or the suitability of
331 the management if the applicant is a limited liability company or
332 corporation, the financial responsibility of the applicant, the ability of
333 the applicant efficiently and properly to perform the service for which
334 authority is requested and the fitness, willingness and ability of the
335 applicant to conform to the provisions of this chapter and the
336 requirements and regulations of the department under this chapter.

337 (c) Any interested party may bring a written petition to the
338 Department of Transportation in respect to fares, service, operation or
339 equipment, or the convenience, protection and safety of the public with
340 regard to any carrier operating a motor vehicle in livery service.
341 Thereupon, the department may fix a time and place for a hearing upon
342 such petition and give notice thereof. No permit shall be sold or
343 transferred until the department, upon written application to it setting

344 forth the purpose, terms and conditions thereof and accompanied by a
345 fee of two hundred dollars, after investigation, approves the same. The
346 department may amend or, for sufficient cause shown, may suspend or
347 revoke any such permit. The department may order appropriate
348 corrective action as the department deems necessary, including, but not
349 limited to, the attendance of a motor vehicle operator retraining
350 program. The department may impose a civil penalty on any person or
351 any officer of any association, limited liability company or corporation
352 who violates any provision of this chapter or any regulation adopted
353 under section 13b-102, as amended by this act, with respect to fares,
354 service, operation, [or] equipment, management or staffing, in an
355 amount not to exceed one thousand dollars per day for each violation.
356 Prior to the imposition of a civil penalty under this subsection, the
357 department shall provide notice to said person or officer no later than
358 fifteen business days after receipt of information concerning an alleged
359 violation and shall provide an opportunity for a hearing.

360 [(d) The owner or operator of each motor vehicle in livery service
361 shall display in such vehicle such permit or a memorandum thereof.]

362 [(e)] (d) (1) Any person who holds himself or herself out to be the
363 operator of a motor vehicle in livery service who has not received a
364 permit under this section shall be guilty of a class B misdemeanor.

365 (2) The state shall remit to a municipality fifty per cent of the fine
366 amount received for a violation of subdivision (1) of this subsection with
367 respect to each summons issued by such municipality. Each clerk of the
368 Superior Court or the Chief Court Administrator, or any other official of
369 the Superior Court designated by the Chief Court Administrator, shall,
370 on or before the thirtieth day of January, April, July and October in each
371 year, certify to the Comptroller the amount due for the previous quarter
372 under this subsection to each municipality served by the office of the
373 clerk or official.

374 [(f)] (e) The Department of Transportation may revoke a permit
375 issued under this section or section 13b-105 without a hearing, provided

376 (1) the department sends a notice of revocation to the permit holder at
 377 the address of the permit holder on file with the department and (A) the
 378 notice is returned as undeliverable or could not be delivered, or (B) the
 379 permit holder fails to respond to the notice within the time period
 380 specified by the department in such notice, (2) the department conducts
 381 a physical inspection of the address of the permit holder on file with the
 382 department and determines that no livery service is operated at such
 383 address, and (3) no motor vehicle is registered by the permit holder with
 384 the Department of Motor Vehicles to be used as specified in the permit
 385 pursuant to section 13b-106.

386 Sec. 14. Subdivision (1) of subsection (a) of section 13b-102 of the
 387 general statutes is repealed and the following is substituted in lieu
 388 thereof (*Effective October 1, 2023*):

389 (a) (1) Each person, association, limited liability company or
 390 corporation owning or operating a motor vehicle in livery service shall
 391 be subject to the jurisdiction of the Department of Transportation, and
 392 the department may prescribe adequate service and reasonable rates
 393 and charges and prescribe and establish such reasonable regulations, in
 394 accordance with the provisions of chapter 54, with respect to fares,
 395 service, operation, [and] equipment, management and staffing as it
 396 deems necessary for the convenience, protection, safety and best
 397 interests of passengers and the public.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 2, 2024	14-227a(a)
Sec. 2	January 2, 2024	14-227b(n)
Sec. 3	January 2, 2024	14-227m(a)
Sec. 4	January 2, 2024	14-227n(a)
Sec. 5	January 2, 2024	15-133(d)
Sec. 6	January 2, 2024	15-140q(g)(4)
Sec. 7	January 2, 2024	15-140q(n)
Sec. 8	January 2, 2024	38a-498c
Sec. 9	January 2, 2024	38a-525c
Sec. 10	July 1, 2023	13b-212b

Sec. 11	<i>July 1, 2023</i>	13b-212c
Sec. 12	<i>from passage</i>	PA 21-175, Sec. 20
Sec. 13	<i>October 1, 2023</i>	13b-103
Sec. 14	<i>October 1, 2023</i>	13b-102(a)(1)

Statement of Purpose:

To implement recommendations of the Department of Transportation concerning (1) lowering the blood alcohol content for driving and boating under the influence from eight-hundredths to five-hundredths of one per cent of alcohol, by weight, (2) establishing the Connecticut Public Transportation Council, (3) requiring the results of the study regarding the Shore Line East rail line be submitted on or before December 1, 2023, and (4) motor vehicles in livery service.

[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.]