
OLR Bill Analysis

sHB 5331

AN ACT CONCERNING THE SUSPENSION OF MOTOR VEHICLE OPERATORS' LICENSES FOR FAILURE TO PAY FINES OR FEES OR FAILURE TO APPEAR FOR A SCHEDULED COURT APPEARANCE.

SUMMARY

This bill prohibits the Department of Motor Vehicles (DMV) commissioner from suspending a person's driver's license for only one or both of the following reasons:

1. failure to pay any fine, fee, or charge associated with a (a) motor vehicle-related infraction or violation handled by the Superior Court's Centralized Infractions Bureau (CIB; see BACKGROUND) or (b) violation of certain laws on inspecting cargo tank vehicles and storing, transporting, and using explosives, or
2. failure to appear for a scheduled court appearance in connection with these infractions and violations.

While many normal moving violations are treated as infractions, current law's driver's license suspension procedure (see below) requires the court to notify DMV if someone fails to pay a related fine and any additional fees or fails to appear for a scheduled court appearance. Under current practice, DMV then suspends the person's license. The bill eliminates this practice in relation to motor vehicle-related infractions and CIB violations (and certain other violations) and makes additional changes to the procedure related to nonresident drivers.

The bill also requires the DMV commissioner, by January 1, 2025, to reinstate any person's driver's license that was suspended due to the reasons described above (if the person is otherwise eligible to have their

license reinstated). In doing so, he cannot charge a restoration fee. (The fee is typically \$175.)

Lastly, the bill makes technical changes.

EFFECTIVE DATE: July 1, 2024

DRIVER'S LICENSE SUSPENSION PROCEDURE

Current law grants the DMV commissioner broad authority to suspend or revoke a driver's license for any cause he deems sufficient. It also establishes a driver's license suspension procedure requiring the court to notify the DMV commissioner when any person:

1. is arrested for a violation of any motor vehicle-related statute and willfully fails to appear for a scheduled court appearance;
2. is charged with a motor-vehicle related infraction or violation handled by the CIB (or certain other violations, as noted above) and fails to pay the related fine and any additional fees, or plead not guilty, by the required date or willfully fails to appear for a scheduled court appearance (see BACKGROUND); or
3. fails to pay certain related additional surcharges, fees, and costs (such as the 50% surcharge for the Special Transportation Fund that applies to most motor vehicle-related fines, penalties, or charges).

Under current practice, DMV then suspends the person's license. The bill prohibits these suspensions solely for one or both of the following: (1) failure to pay any fine, fee, or charge associated with a motor vehicle-related infraction or violation handled by the CIB (or certain other violations, as noted above) or (2) failure to appear for a related court appearance.

Current law's provisions generally apply to vehicle owners or operators from other states who fail to appear for a scheduled court appearance in Connecticut, if the other state agrees to also revoke the driver's license or registration. The bill eliminates failure to appear as an

allowable ground for applying this process to non-resident drivers.

Additionally, current law allows the DMV commissioner to enter into reciprocal agreements with other states, including for suspending or revoking residents' or non-residents' driver's licenses and registrations if they fail to appear for trial. The bill removes failure to appear as a basis for suspending or revoking licenses and registrations under these agreements.

BACKGROUND

Centralized Infractions Bureau (CIB)

By law, individuals charged with a motor vehicle-related infraction or violation may, generally, pay the fine through the CIB without appearing in court. Payment is considered a plea of nolo contendere (no contest) and is not admissible in any civil or criminal proceeding. If an individual pleads not guilty, the CIB must send the plea and request for trial to the clerk of the geographical area court where the trial is to take place. The practice, procedure, rules of evidence, and burden of proof applicable in criminal proceedings apply in such a trial (CGS § 51-164n).

Failure to Pay or Plead

By law, any person charged with an infraction or violation handled by the CIB who fails to pay the related fine and any additional fees (or plead not guilty) by the required date or willfully fails to appear for a scheduled court appearance is guilty of an unclassified misdemeanor punishable by imprisonment of up to 10 days (CGS § 51-164r).

Related Bill

sSB 426, § 2, reported favorably by the Judiciary Committee, makes a change to the driver's license suspension procedure discussed above related to a person's failure to comply with remote events and deadlines the court sets for infractions and violations handled by the CIB.

COMMITTEE ACTION

Transportation Committee

Joint Favorable

Yea 23 Nay 13 (03/18/2024)