



House of Representatives

General Assembly

File No. 275

February Session, 2024

Substitute House Bill No. 5331

House of Representatives, April 4, 2024

The Committee on Transportation reported through REP. LEMAR of the 96th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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.

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

1 Section 1. Subsection (a) of section 14-111 of the 2024 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2024*):

4 (a) No provision of this chapter shall be construed to prohibit the
5 commissioner from suspending or revoking any registration or any
6 operator's license issued under the provisions of any statute relating to
7 motor vehicles, or from suspending the right of any person to operate a
8 motor vehicle in this state, or from suspending or revoking the right of
9 any nonresident to operate, or the right to any operation of, any motor
10 vehicle within this state, for any cause that [he] the commissioner deems
11 sufficient, with or without a hearing, except the commissioner shall not
12 suspend the operator's license of any person solely for one or both of the
13 following reasons: (1) The person failed to pay any fine, fee or other

14 charge associated with an infraction involving the use of a motor
15 vehicle, a violation of any statute relating to motor vehicles specified in
16 section 51-164n or a violation of sections 29-322, 29-349 and 29-351, or
17 (2) the person failed to appear for any scheduled court appearance with
18 regard to any such infraction or violation. Whenever any certificate of
19 registration is suspended or revoked, all evidence of the same shall be
20 delivered forthwith to the commissioner or to any person authorized by
21 the commissioner to receive the same, and the commissioner or any
22 person authorized by the commissioner may seize such certificate of
23 registration and all evidence of the same. Except as otherwise provided
24 by law, the commissioner may cancel any such suspension or revocation
25 and may return such certificate of registration or restore the operator's
26 license either with or without an additional fee, provided no certificate
27 of registration or operator's license which has been suspended for any
28 definite term, except as provided in subsection (k) of this section, shall
29 be returned or restored until the term of suspension has been completed.
30 Any appeal taken from the action of the commissioner shall not act as a
31 stay of suspension or revocation except with [his] the commissioner's
32 consent. No service of process shall be necessary in connection with any
33 of the prescribed activities of the commissioner, but a notice forwarded
34 by bulk certified mail to the address of the person registered as owner
35 or operator of any motor vehicle as shown by the records of the
36 commissioner shall be sufficient notice to such person that the certificate
37 of registration or operator's license is revoked or under suspension.

38 Sec. 2. Section 14-140 of the general statutes is repealed and the
39 following is substituted in lieu thereof (*Effective July 1, 2024*):

40 (a) Any person who has been arrested by an officer for a violation of
41 any provision of any statute relating to motor vehicles may be released,
42 upon [his] such person's own recognizance, by such officer in [his] such
43 officer's discretion, unless such violation is of a provision relating to
44 driving while under the influence of intoxicating liquor or drugs or
45 using a motor vehicle without permission of the owner or evading
46 responsibility for personal injury or property damage or involves the
47 death or serious injury of another, in which cases such person shall not

48 be released on [his] such person's own recognizance.

49 (b) If any person so arrested or summoned wilfully fails to appear for
50 any scheduled court appearance at the time and place assigned, or if any
51 person charged with an infraction involving the use of a motor vehicle,
52 or with a motor vehicle violation specified in section 51-164n, fails to
53 pay the fine and any additional fee imposed or send in [his] such
54 person's plea of not guilty by the answer date or wilfully fails to appear
55 for any scheduled court appearance which may be required, or if any
56 person fails to pay any surcharge imposed under section 13b-70, any fee
57 imposed under section 51-56a or any cost imposed under section 54-143
58 or 54-143a, a report of such failure shall be sent to the commissioner by
59 the court having jurisdiction. The provisions of this section shall be
60 extended to any nonresident owner or operator of a motor vehicle
61 residing in any state, the proper authorities of which agree with the
62 commissioner to revoke [, until personal appearance to answer the
63 charge against him, his] such person's motor vehicle registration
64 certificate or operator's license. [, upon his failure to appear for any
65 scheduled court appearance.] Any infractions or violations, for which a
66 report of failure to appear has been sent to the commissioner under this
67 subsection, that have not otherwise been disposed of shall be dismissed
68 by operation of law seven years after such report was sent.

69 (c) The commissioner may enter into reciprocal agreements with the
70 proper authorities of other states, which agreements may include
71 provisions for the suspension or revocation of licenses and registrations
72 of residents and nonresidents. [who fail to appear for trial at the time
73 and place assigned.]

74 (d) Any judgment under this section shall be opened upon the
75 payment to the clerk of the Superior Court of a fee of forty dollars. Such
76 filing fee may be waived by the court.

77 (e) In addition, the provisions of subsection (b) of this section shall
78 apply to sections 29-322, 29-349 and 29-351.

79 Sec. 3. (NEW) (*Effective July 1, 2024*) Not later than January 1, 2025,

80 the Commissioner of Motor Vehicles shall reinstate the motor vehicle
 81 operator's license of any person whose license was suspended solely for
 82 one or both of the following reasons: (1) The person failed to pay any
 83 fines, fee or other charges associated with an infraction involving the
 84 use of a motor vehicle, a violation of any provision of any statute
 85 relating to motor vehicles specified in section 51-164n of the general
 86 statutes or a violation of sections 29-322, 29-349 and 29-351 of the general
 87 statutes, or (2) the person failed to appear for any scheduled court
 88 appearance with regard to any such infraction or violation, provided
 89 such person is otherwise eligible to have such person's operator's license
 90 reinstated. Notwithstanding the provisions of section 14-50b of the
 91 general statutes, the commissioner shall not charge a restoration fee to
 92 any person whose license is reinstated pursuant to the provisions of this
 93 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2024	14-111(a)
Sec. 2	July 1, 2024	14-140
Sec. 3	July 1, 2024	New section

Statement of Legislative Commissioners:

In Section 3, the last sentence was rewritten for clarity; and Section 4 was deleted for consistency with standard drafting conventions.

TRA *Joint Favorable Subst. -LCO*

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:

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
State Resources	Various - Potential Revenue Loss	See Below	See Below
Department of Motor Vehicles	TF - Revenue Loss	See Below	See Below
Department of Motor Vehicles	School Bus Seat Belt account (Non-lapsing GF) - Revenue Loss	See Below	See Below
Motor Vehicle Dept.	TF - Potential Cost	See Below	None

Note: Various=Various; TF=Transportation Fund

Municipal Impact: None

Explanation

The bill prohibits the Department of Motor Vehicles (DMV) from suspending a person's driver's license or registration solely for failure to pay fines or appear in court.

Sections 1 and 2 result in revenue loss due to foregone license restoration fees. Total revenue from these fees is approximately \$2.7 million annually to the Special Transportation Fund (STF) and less than \$1.1 million annually to the School Bus Seat Belt account in the General Fund.¹ DMV is unable to identify the amount of fee revenue derived from people that pay the license restoration fee due to having their

¹ Each \$175 restoration fee is deposited to two places: \$125 to the STF and \$50 to the School Bus Seat Belt account.

license suspended solely for failure to pay or appear versus other reasons. Therefore, actual revenue loss from this bill is unknown but will be less than the totals cited above.

These sections also result in potential revenue loss from motor vehicle related penalties to the extent that a subset of violators no longer pays the requisite fines. For context, total revenue from relevant motor vehicle penalties varies, but has been less than \$20 million annually in recent years.

Section 3 results in a potential cost to DMV in FY 25 for reinstating any driver's license that had been suspending for the reasons addressed in the bill. It is unknown how many suspended licenses would be affected by this section.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of unpaid charges or as otherwise described.

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)