

Transportation Committee JOINT FAVORABLE REPORT

Bill No.: SB-423

AN ACT IMPROVING HIGHWAY SAFETY BY PROHIBITING DRIVING WHILE

Title: ABILITY IMPAIRED.

Vote Date: 3/18/2024

Vote Action: Joint Favorable Substitute

PH Date: 3/13/2024

File No.:

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SPONSORS OF BILL:

Transportation Committee

CO-SPONSORS:

Rep. Geraldo C. Reyes, 75th Dist.

REASONS FOR BILL:

Due to an increasing rate of roadway fatalities in recent years and the state of Connecticut seeing an increased number of fatalities because of alcohol-impaired driving, this bill aims to decrease the number of traffic deaths by creating penalties for Driving While Ability Impaired (DWAI) while operating a motor vehicle with a Blood Alcohol Concentration (BAC) level above 0.05% but below 0.079%. By doing so, hopefully driver's behaviors and decisions will change thus making Connecticut roads safer.

PROPOSED LANGUAGE CHANGES:

In line 39, delete "notify" and insert "send notice to"

In line 40, after "requirement" add "and requiring the operator to successfully complete such 42 retraining programs no later than sixty days from the date of such notice" so as to provide notice of a mandatory retraining program as consequence for violation of the law.

Add a section to include cannabis in law regarding impaired driving so as to introduce the penalties in the bill to those driving under the influence of cannabis

RESPONSE FROM ADMINISTRATION/AGENCY:

Garrett Eucalitto, Commissioner, Connecticut Department of Transportation

Commissioner Eucalitto testifies in favor of the bill. He shares that it is the opinion of the Department of Transportation (DOT), that by creating a driving while ability impaired (DWAI) violation for blood alcohol concentration (BAC) levels as listed in the bill, would serve to make roadways safer by deterring drivers from getting behind the wheel while impaired. The commissioner references scientific evidence that even at 0.05% BAC virtually all drivers are impaired which significantly increases the risk of serious crashes. Connecticut's high rate of drunk driving fatalities is a major concern to the Department of Transportation, the commissioner goes on to reference that 38% of all traffic-related deaths and the state of Connecticut being the 6th highest rate in the country. He believes it is the view of the DOT that the creation of a DWAI violation for BAC levels as listed in the bill would serve to make roadways safer by deterring drivers from getting behind the wheel while impaired. They reference scientific evidence that even at 0.05% BAC virtually all drivers are impaired, with a risk factor seven times higher than drivers with no alcohol in their system. As further justification, the DOT mentions the effectiveness of similar laws enacted in other places, particularly in the European Union as about 25 countries have similar policies.

NATURE AND SOURCES OF SUPPORT:

Kevin Borrup, Executive Director of the Injury Prevention Center (IPC), Office for Community Child Health, Connecticut Children's Medical Center

Kevin Borrup writes in support of the bill. He cites information relating to drunk driving, showing that alcohol was a leading factor in 30% of traffic fatalities in the US and 16% of fatal boating accidents. As it is in the interest of the IPC to reduce preventable deaths among Connecticut residents, Borrup insists that passage of the bill will show lower tolerance for impaired operation of vehicles, and instead encourage safer modes of transportation after drinking.

Kate Rozen, Road Safety Advocate

In support of SB423 on grounds of its capacity to increase traffic and pedestrian safety. Rozen cites evidence from Utah and Europe where similar measures to reduce permissible BAC levels to below 0.05% have seen success, while raising Connecticut's own persistent problems with drunk driving making such change necessary.

Norman K. Thurston, Representative, Utah House District 64

In support of SB423, speaking in his experience of living in and working for a state which has passed similar measures. Thurston laments the continued attitude in many that it is acceptable to drive after consuming alcohol despite the unacceptable number of injuries and deaths caused by impaired drivers. He references several studies which show that lowering the BAC limit to 0.05% will reduce traffic fatalities, as even small amounts of alcohol have significant effects on an individual's perception and decision making, and a lower limit will discourage individuals from driving at any level of intoxication. It is his belief that behaviors and outcomes will change from the passage of this bill and lead to significant reductions in alcohol-related traffic fatalities.

Rick Collins, Director, Hawaii Alcohol Policy Alliance

Strongly supportive of SB423, calling on evidence which demonstrates reducing the BAC limit will lead to safer roadways for Connecticut residents. Measures which reduce the BAC limit to

0.05% have been introduced in 10 states and presently are in effect in Utah as well as over 100 countries. Collins claims meta-analysis shows an 11.1% decline in fatal alcohol-related crashes after such measures are adopted, and a 19.8% drop in Utah particularly after their law went into effect. Collins further posits that numerous organizations, including ABInBev and the World Health Organization endorse a 0.05% BAC, while also assuaging concerns that there would be a negative impact on tourism or significant increase in arrests, neither of which Utah experienced.

Alaina Dahlquist, State Government Affairs Manager, National Safety Council

Supports SB423 on grounds that it would make Connecticut's roadways safer for residents. Traffic accidents are one of the most common forms of preventable death, with nearly 40% involving alcohol-impaired drivers. The National Highway Traffic Safety Administration's evaluation showed that Utah's work to adopt measures like what is proposed in SB423 significantly reduced traffic deaths in the state as well as reducing overall instances of impaired driving. Additionally, the state judicial system and law enforcement were not found to be overburdened while tourism saw no decline in productivity.

Thomas Louizou, Co-Founder, .05 Saves Lives Coalition

Supports SB423 on ground it would reduce social harm caused by impaired driving on Connecticut roadways. There is strong evidence that the nation would save upwards of 1,500 lives annual if every state adopted a law penalizing driving with a BAC above 0.05%. Such laws go further than existing legislation to prevent people from driving after drinking, well documented by nearly 100 countries around the world, while not imposing a significantly higher workload on law enforcement. Louizou goes on to say that the wider effects of such laws go further to separate the activity of drinking from driving and effectively divorcing one from the other, with Utah's own traffic statistics seeing significant improvement compared to the rest of the country. Louizou states Connecticut's need for this law is perhaps greater than many others, as traffic fatalities involving drunk drivers are among the nation's highest.

Alec Slatky, Managing Director, Public and Government Affairs, AAA Northeast and Tracy Noble, Manager, Public and Government Affairs, AAA Club Alliance

Support SB423 on groups that driving with a BAC of 0.05 significantly elevates crash risk due to impaired coordination and reaction time. Utah's experience with similar legislation has yielded positive results in decreasing fatality and crash occurrences while seeing no increase in impaired driving arrests and increasing alcohol sales and tourism revenue. They go further to demonstrate 0.05% BAC laws have seen positive effects internationally, while more generally providing a greater deterrent against driving after consuming any alcohol. They close by hoping for an evaluation of the laws effect should it be passed, as well as including DUI offenses as prior offenses in the enforcement of this law.

Natasha M. Pierre, Esq, State Victim Advocate

Supports SB423 on grounds of Connecticut's high percentage of impaired driver-involved traffic accidents.

NATURE AND SOURCES OF OPPOSITION:

Sean Cassano, Dawic Czarnecki, Roy Downey, John Kissane, Paul Palmer, Michell Cassano, Jean Lecours

Provided testimony expressing opposition to SB423

Reported by: Garrett Smith

Date: 4/4/24