



General Assembly

February Session, 2024

Raised Bill No. 423

LCO No. 2491



Referred to Committee on TRANSPORTATION

Introduced by:
(TRA)

AN ACT IMPROVING HIGHWAY SAFETY BY PROHIBITING DRIVING WHILE ABILITY IMPAIRED.

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

1 Section 1. (NEW) (*Effective October 1, 2024*) (a) No person shall operate
2 a motor vehicle while ability impaired. A person commits the offense of
3 operating a motor vehicle while ability impaired if such person operates
4 a motor vehicle while having a ratio of alcohol in the blood of such
5 person that is five-hundredths of one per cent or more of alcohol, by
6 weight, but less than eight-hundredths of one per cent of alcohol, by
7 weight.

8 (b) If a police officer issues a citation to any person for a violation of
9 the provisions of subsection (a) of this section, the police officer, acting
10 on behalf of the Commissioner of Motor Vehicles, shall immediately
11 revoke and take possession of the motor vehicle operator's license or, if
12 such person is not licensed or is a nonresident, suspend the operating
13 privilege of such person, for a twenty-four-hour period. The police
14 officer may cause the motor vehicle such person was operating at the
15 time of the violation to be removed. In order to regain possession of such

16 person's operator's license, after such twenty-four-hour period, such
17 person shall appear in person at the police department, state police
18 barracks or other location designated by the police officer, and sign a
19 written acknowledgment of the return of such license. Notwithstanding
20 the provisions of section 14-50b of the general statutes, no restoration
21 fee shall be required to be paid to the commissioner, but the police
22 officer shall make a written report of the violation and the suspension
23 action, in such form and containing such information as the
24 commissioner may prescribe, and shall file or transmit such report to
25 the commissioner in such time and manner as the commissioner shall
26 prescribe.

27 (c) Any person who violates the provisions of subsection (a) of this
28 section shall be fined not less than one hundred dollars, but not more
29 than two hundred dollars, for a first violation and not less than three
30 hundred dollars, but not more than five hundred dollars, for a second
31 or subsequent violation. Upon receipt of a report submitted under
32 subsection (b) of this section, the Commissioner of Motor Vehicles shall
33 suspend, after notice and an opportunity for a hearing, the operator's
34 license or operating privilege of such person for a period of forty-five
35 days.

36 Sec. 2. (NEW) (*Effective July 1, 2024*) (a) The Commissioner of Motor
37 Vehicles shall require any motor vehicle operator who violates the
38 provisions of subsection (a) of section 1 of this act to attend an
39 intoxicated operator's retraining program. The commissioner shall
40 notify such operator, in writing, of such requirement. A fee of not more
41 than eighty-five dollars shall be charged for such retraining program.
42 The commissioner, after notice and an opportunity for a hearing, may
43 suspend the motor vehicle operator's license of any such operator who
44 fails to attend or successfully complete such retraining program until
45 the operator successfully completes such retraining program. Any such
46 hearing shall be limited to any claim of impossibility of the operator to
47 attend such retraining program or to a determination of mistake or
48 misidentification.

49 (b) The intoxicated operator's retraining program shall be taught by
50 a designee of the Commissioner of Motor Vehicles or by an instructor
51 approved by the commissioner and shall (1) review principles of motor
52 vehicle operation relative to safe driving practices, including the nature
53 and the medical, biological and physiological effects of alcohol and
54 drugs and their impact on the operator of a motor vehicle, (2) emphasize
55 the dangers associated with the operation of a motor vehicle after the
56 consumption of alcohol or drugs by the operator, including the
57 problems of alcohol and drug abuse, (3) discuss the penalties for alcohol
58 and drug-related motor vehicle violations, and (4) emphasize the need
59 to practice safe driving behaviors. The intoxicated operator's retraining
60 program shall be offered by the Department of Motor Vehicles or by any
61 other organization certified by the commissioner to conduct such
62 program in person in a congregate setting, through distance learning or
63 through a combination of both in-person and distance learning,
64 provided such distance learning has interactive components such as
65 mandatory interactions, participation or testing. Any drivers' school, as
66 defined in section 14-68 of the general statutes, that meets the licensure
67 requirements of part IV of chapter 246 of the general statutes shall be
68 eligible to seek certification to offer the intoxicated operator's retraining
69 program. The commissioner shall determine the number of program
70 providers necessary to serve the needs of the public.

71 (c) Each organization or drivers' school seeking certification or
72 recertification to conduct the intoxicated operator's retraining program
73 shall submit an application to the Department of Motor Vehicles in such
74 form as the commissioner shall require and an application fee of three
75 hundred fifty dollars. Each such applicant shall:

76 (1) Be registered to do business in this state and continuously
77 maintain good standing with the office of the Secretary of the State;

78 (2) File and continuously maintain a surety bond in the amount of
79 fifty thousand dollars. Such bond shall be conditioned upon compliance
80 with the provisions of any state or federal law or regulation concerning
81 the conduct of an intoxicated operator's retraining program and

82 provided as indemnity for any loss or expense sustained by either the
83 state or any person by reason of any acts or omissions of the program
84 provider. Such bond shall be executed in the name of the state of
85 Connecticut for the benefit of any aggrieved party, but the penalty of
86 the bond shall not be invoked except upon order of the commissioner
87 after a hearing held before the commissioner in accordance with the
88 provisions of chapter 54 of the general statutes;

89 (3) Have a permanent place of business in this state where all
90 intoxicated operator's retraining program records shall be maintained
91 and accessible to the commissioner during normal business hours;

92 (4) Submit for approval by the commissioner a detailed curriculum
93 and lesson plan, including any changes to such curriculum and lesson
94 plan, which shall be used in each intoxicated operator's retraining class;
95 and

96 (5) Electronically transmit information concerning enrollment and
97 class completion to the commissioner at such times and in such form as
98 prescribed by the commissioner.

99 (d) Prior to the certification of an applicant, the commissioner shall
100 investigate the applicant's character, driving history and criminal
101 history. If the applicant is a business entity, such investigation shall
102 include the principals and officers of such entity. The applicant shall
103 submit to the commissioner any information pertaining to current or
104 past criminal or civil actions. The certification of a program provider by
105 the commissioner shall not be transferable and shall be valid for a two-
106 year period. Recertification of a provider shall be at the discretion of the
107 commissioner and in such form and manner as determined by the
108 commissioner.

109 (e) The commissioner may adopt regulations, in accordance with the
110 provisions of chapter 54 of the general statutes, to implement the
111 provisions of this section.

112 Sec. 3. Subsection (f) of section 14-227a of the general statutes is

113 repealed and the following is substituted in lieu thereof (*Effective October*
114 *1, 2024*):

115 (f) [If] (1) Except as provided in subdivision (2) of this subsection, if a
116 person is charged with a violation of the provisions of subsection (a) of
117 this section, the charge may not be reduced, nolle or dismissed unless
118 the prosecuting authority states in open court such prosecutor's reasons
119 for the reduction, nolle or dismissal.

120 (2) If a person is charged with a violation of the provisions of
121 subsection (a) of this section, the charge may not be reduced to the lesser
122 offense of operating a motor vehicle while ability impaired in violation
123 of section 1 of this act.

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|---|------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2024</i> | New section |
| Sec. 2 | <i>July 1, 2024</i> | New section |
| Sec. 3 | <i>October 1, 2024</i> | 14-227a(f) |

Statement of Purpose:

To prohibit the operation of a motor vehicle while having a blood alcohol content that is five-hundredths of one per cent or more of alcohol, by weight, but less than eight-hundredths of one per cent of alcohol, by weight.

[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.]