
OLR Bill Analysis

sSB 424

AN ACT REDUCING THE BLOOD ALCOHOL LIMITS FOR IMPAIRED DRIVING AND BOATING AND STUDYING METHODS TO DETECT CANNABIS-IMPAIRED DRIVING.

SUMMARY

This bill lowers the general blood alcohol content (BAC) per se limit for impaired driving and boating from 0.08% to 0.05%. This limit applies to both (1) criminal driving under the influence (DUI) and impaired boating statutes and (2) administrative license suspension for DUI (referred to as “administrative per se”) and impaired boating.

By law, people who drive a motor vehicle or operate a boat while their BAC equals or exceeds the per se limit are considered to be driving or boating with an “elevated BAC,” which is illegal in and of itself, regardless of a person’s impairment. The general per se limit applies in most cases, but a lower limit applies to people who are (1) driving a commercial vehicle (0.04%) or (2) driving or operating a boat under age 21 (0.02%).

The bill also requires the departments of transportation and emergency services and public protection to jointly report annually to the Transportation and Public Safety committees on drug recognition experts (DRE) and cannabis impairment testing, starting by January 1, 2025. At a minimum, the report must include the following information:

1. the current number of police officers accredited as DREs in the state;
2. improvements or technological advancements related to roadside screening for detecting cannabis-impaired drivers, including oral fluid testing;

3. recommendations to (a) increase police officers' access to DRE training and (b) implement any tests, strategies, or procedures to reliably and validly identify instances of impaired driving from cannabis use.

Lastly, the bill makes technical and conforming changes, including updating BAC references in the insurance statutes.

EFFECTIVE DATE: January 2, 2025

BACKGROUND

Related Bill

sSB 423, favorably reported by the Transportation Committee, creates a non-criminal violation for "driving while ability impaired" (i.e., driving with a BAC of at least 0.05% but less than 0.08%), imposes penalties, and requires violators to take an impaired drivers' retraining program. It also establishes an identical reporting requirement.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 19 Nay 17 (03/18/2024)