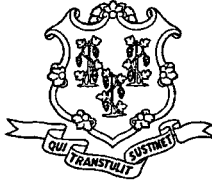


2006

Connecticut General Assembly



SENATE BILLS

Bill No. 513

Resolutions _____

Committee Bills _____



General Assembly
February Session, 2006

Raised Bill No. 5/3

LCO No. 2567



Referred to Committee on **TRANSPORTATION**

Introduced by:
(TRA)

***AN ACT CONCERNING THE ENFORCEMENT OF STATUTES
REGARDING OPERATING A MOTOR VEHICLE WHILE UNDER THE
INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG OR BOTH.***

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

1 Section 1. Section 14-227a of the 2006 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2006*):

4 (a) No person shall operate a motor vehicle while under the
5 influence of intoxicating liquor or any drug, or both. A person commits
6 the offense of operating a motor vehicle while under the influence of
7 intoxicating liquor or any drug or both if such person operates a motor
8 vehicle on a public highway of this state or on any road of a district
9 organized under the provisions of chapter 105, a purpose of which is
10 the construction and maintenance of roads and sidewalks, or on any
11 private road on which a speed limit has been established in accordance
12 with the provisions of section 14-218a, or in any parking area for ten or
13 more cars or on any school property (1) while under the influence of
14 intoxicating liquor or any drug, or both, or (2) while such person has
15 an elevated blood alcohol content. For the purposes of this section,

16 "elevated blood alcohol content" means a ratio of alcohol in the blood
17 of such person that is eight-hundredths of one per cent or more of
18 alcohol, by weight.

19 (b) Except as provided in subsection (c) of this section, in any
20 criminal prosecution for violation of subsection (a) of this section,
21 evidence respecting the amount of alcohol or drug in the defendant's
22 blood or urine at the time of the alleged offense, as shown by a
23 chemical analysis of the defendant's breath, blood or urine shall be
24 admissible and competent provided: (1) The defendant was afforded a
25 reasonable opportunity to telephone an attorney prior to the
26 performance of the test and consented to the taking of the test upon
27 which such analysis is made; (2) a true copy of the report of the test
28 result was mailed to or personally delivered to the defendant [within]
29 not later than twenty-four hours or by the end of the next regular
30 business day, after such result was known, whichever is later, or in the
31 case of a blood or urine test, not later than seven business days; (3) the
32 test was performed by or at the direction of a police officer according
33 to methods and with equipment approved by the Department of
34 Public Safety and was performed in accordance with the regulations
35 adopted under subsection (d) of this section; (4) the device used for
36 such test was checked for accuracy in accordance with the regulations
37 adopted under subsection (d) of this section; (5) an additional chemical
38 test of the same type was performed at least [thirty] sixty minutes after
39 the initial test was performed or, if requested by the police officer for
40 reasonable cause, an additional chemical test of a different type was
41 performed to detect the presence of a drug or drugs other than or in
42 addition to alcohol, provided the results of the initial test shall not be
43 inadmissible under this subsection if reasonable efforts were made to
44 have such additional test performed in accordance with the conditions
45 set forth in this subsection and such additional test was not performed
46 or was not performed within a reasonable time, or the results of such
47 additional test are not admissible for failure to meet a condition set
48 forth in this subsection; and (6) evidence is presented that the test was
49 commenced within two hours of operation. In any prosecution under

50 this section it shall be a rebuttable presumption that the results of such
51 chemical analysis establish the ratio of alcohol in the blood of the
52 defendant at the time of the alleged offense, [except that if the results
53 of the additional test indicate that the ratio of alcohol in the blood of
54 such defendant is twelve-hundredths of one per cent or less of alcohol,
55 by weight, and is higher than the results of the first test, evidence shall
56 be presented that demonstrates that the test results and the analysis
57 thereof accurately indicate the blood alcohol content at the time of the
58 alleged offense.]

59 (c) In any prosecution for a violation of subdivision (1) of subsection
60 (a) of this section, reliable evidence respecting the amount of alcohol in
61 the defendant's blood or urine at the time of the alleged offense, as
62 shown by a chemical analysis of the defendant's blood, breath or urine,
63 otherwise admissible under subsection (b) of this section, shall be
64 admissible only at the request of the defendant.

65 (d) The Commissioner of Public Safety shall ascertain the reliability
66 of each method and type of device offered for chemical testing and
67 analysis purposes of blood, of breath and of urine and certify those
68 methods and types which said commissioner finds suitable for use in
69 testing and analysis of blood, breath and urine, respectively, in this
70 state. The Commissioner of Public Safety shall adopt regulations, in
71 accordance with chapter 54, governing the conduct of chemical tests,
72 the operation and use of chemical test devices, the training and
73 certification of operators of such devices and the drawing or obtaining
74 of blood, breath or urine samples as said commissioner finds necessary
75 to protect the health and safety of persons who submit to chemical
76 tests and to insure reasonable accuracy in testing results. Such
77 regulations shall not require recertification of a police officer solely
78 because such officer terminates such officer's employment with the law
79 enforcement agency for which certification was originally issued and
80 commences employment with another such agency. The
81 Commissioner of Public Safety shall, at least annually, make
82 reasonably available to all sworn police officers in the state a plain-

83 language manual of required procedures and documentation for
84 enforcement pursuant to this section.

85 (e) In any criminal prosecution for a violation of subsection (a) of
86 this section, evidence that the defendant refused to submit to a blood,
87 breath or urine test requested in accordance with section 14-227b, as
88 amended by this act, shall be admissible provided the requirements of
89 subsection (b) of said section have been satisfied. If a case involving a
90 violation of subsection (a) of this section is tried to a jury, the court
91 shall instruct the jury as to any inference that may or may not be
92 drawn from the defendant's refusal to submit to a blood, breath or
93 urine test.

94 (f) If a person is charged with a violation of the provisions of
95 subsection (a) of this section, the charge may not be reduced, nolle or
96 dismissed unless the prosecuting authority states in open court such
97 prosecutor's reasons for the reduction, nolle or dismissal.

98 (g) Any person who violates any provision of subsection (a) of this
99 section shall: (1) For conviction of a first violation, (A) be fined not less
100 than five hundred dollars or more than one thousand dollars, and (B)
101 be (i) imprisoned not more than six months, forty-eight consecutive
102 hours of which may not be suspended or reduced in any manner, or
103 (ii) imprisoned not more than six months, with the execution of such
104 sentence of imprisonment suspended entirely and a period of
105 probation imposed requiring as a condition of such probation that
106 such person perform one hundred hours of community service, as
107 defined in section 14-227e, and (C) have such person's motor vehicle
108 operator's license or nonresident operating privilege suspended for
109 one year; (2) for conviction of a second violation [within] not later than
110 ten years after a prior conviction for the same offense, (A) be fined not
111 less than one thousand dollars or more than four thousand dollars, (B)
112 be imprisoned not more than two years, one hundred twenty
113 consecutive days of which may not be suspended or reduced in any
114 manner, and sentenced to a period of probation requiring as a

115 condition of such probation that such person perform one hundred
 116 hours of community service, as defined in section 14-227e, and (C) (i)
 117 have such person's motor vehicle operator's license or nonresident
 118 operating privilege suspended for three years or until the date of such
 119 person's twenty-first birthday, whichever is longer, or (ii) if such
 120 person has been convicted of a violation of subdivision (1) of
 121 subsection (a) of this section on account of being under the influence of
 122 intoxicating liquor or of subdivision (2) of subsection (a) of this section,
 123 have such person's motor vehicle operator's license or nonresident
 124 operating privilege suspended for one year and be prohibited for the
 125 two-year period following completion of such period of suspension
 126 from operating a motor vehicle unless such motor vehicle is equipped
 127 with a functioning, approved ignition interlock device, as defined in
 128 section 14-227j, as amended; and (3) for conviction of a third and
 129 subsequent violation [within] not later than ten years after a prior
 130 conviction for the same offense, (A) be fined not less than two
 131 thousand dollars or more than eight thousand dollars, (B) be
 132 imprisoned not more than three years, one year of which may not be
 133 suspended or reduced in any manner, and sentenced to a period of
 134 probation requiring as a condition of such probation that such person
 135 perform one hundred hours of community service, as defined in
 136 section 14-227e, and (C) have such person's motor vehicle operator's
 137 license or nonresident operating privilege permanently revoked upon
 138 such third offense. For purposes of the imposition of penalties for a
 139 second or third and subsequent offense pursuant to this subsection, a
 140 conviction under the provisions of subsection (a) of this section in
 141 effect on October 1, 1981, or as amended thereafter, a conviction under
 142 the provisions of either subdivision (1) or (2) of subsection (a) of this
 143 section, a conviction under the provisions of section 53a-56b or 53a-60d
 144 or a conviction in any other state of any offense the essential elements
 145 of which are determined by the court to be substantially the same as
 146 subdivision (1) or (2) of subsection (a) of this section or section 53a-56b
 147 or 53a-60d, shall constitute a prior conviction for the same offense.

148 (h) (1) Each court shall report each conviction under subsection (a)

149 of this section to the Commissioner of Motor Vehicles, in accordance
 150 with the provisions of section 14-141. The commissioner shall suspend
 151 the motor vehicle operator's license or nonresident operating privilege
 152 of the person reported as convicted for the period of time required by
 153 subsection (g) of this section. The commissioner shall determine the
 154 period of time required by said subsection (g) based on the number of
 155 convictions such person has had within the specified time period
 156 according to such person's driving history record, notwithstanding the
 157 sentence imposed by the court for such conviction. (2) The motor
 158 vehicle operator's license or nonresident operating privilege of a
 159 person found guilty under subsection (a) of this section who is under
 160 eighteen years of age shall be suspended by the commissioner for the
 161 period of time set forth in subsection (g) of this section, or until such
 162 person attains the age of eighteen years, whichever period is longer. (3)
 163 The motor vehicle operator's license or nonresident operating privilege
 164 of a person found guilty under subsection (a) of this section who, at the
 165 time of the offense, was operating a motor vehicle in accordance with a
 166 special operator's permit issued pursuant to section 14-37a, as
 167 amended, shall be suspended by the commissioner for twice the period
 168 of time set forth in subsection (g) of this section. [(4) If an appeal of any
 169 conviction under subsection (a) of this section is taken, the suspension
 170 of the motor vehicle operator's license or nonresident operating
 171 privilege by the commissioner, in accordance with this subsection,
 172 shall be stayed during the pendency of such appeal.]

173 (i) (1) The Commissioner of Motor Vehicles shall permit a person
 174 whose license has been suspended in accordance with the provisions
 175 of subparagraph (C)(ii) of subdivision (2) of subsection (g) of this
 176 section to operate a motor vehicle if (A) such person has served not
 177 less than one year of such suspension, and (B) such person has
 178 installed an approved ignition interlock device in each motor vehicle
 179 owned or to be operated by such person. No person whose license is
 180 suspended by the commissioner for any other reason shall be eligible
 181 to operate a motor vehicle equipped with an approved ignition
 182 interlock device. (2) All costs of installing and maintaining an ignition

183 interlock device shall be borne by the person required to install such
 184 device. (3) The commissioner shall adopt regulations, in accordance
 185 with the provisions of chapter 54, to implement the provisions of this
 186 subsection. The regulations shall establish procedures for the approval
 187 of ignition interlock devices, for the proper calibration and
 188 maintenance of such devices and for the installation of such devices by
 189 any firm approved and authorized by the commissioner. (4) The
 190 provisions of this subsection shall not be construed to authorize the
 191 continued operation of a motor vehicle equipped with an ignition
 192 interlock device by any person whose operator's license or nonresident
 193 operating privilege is withdrawn, suspended or revoked for any other
 194 reason. (5) The provisions of this subsection shall apply to any person
 195 whose license has been suspended in accordance with the provisions
 196 of subparagraph (C)(ii) of subdivision (2) of subsection (g) of this
 197 section on or after September 1, 2003.

198 (j) In addition to any fine or sentence imposed pursuant to the
 199 provisions of subsection (g) of this section, the court may order such
 200 person to participate in an alcohol education and treatment program.

201 (k) Notwithstanding the provisions of subsection (b) of this section,
 202 evidence respecting the amount of alcohol or drug in the blood or
 203 urine of an operator of a motor vehicle involved in an accident who
 204 has suffered or allegedly suffered physical injury in such accident,
 205 which evidence is derived from a chemical analysis of a blood sample
 206 taken from or a urine sample provided by such person after such
 207 accident at the scene of the accident, while en route to a hospital or at a
 208 hospital, shall be competent evidence to establish probable cause for
 209 the arrest by warrant of such person for a violation of subsection (a) of
 210 this section and shall be admissible and competent in any subsequent
 211 prosecution thereof if: (1) The blood sample was taken or the urine
 212 sample was provided for the diagnosis and treatment of such injury;
 213 (2) if a blood sample was taken, the blood sample was taken in
 214 accordance with the regulations adopted under subsection (d) of this
 215 section; (3) a police officer has demonstrated to the satisfaction of a

216 judge of the Superior Court that such officer has reason to believe that
217 such person was operating a motor vehicle while under the influence
218 of intoxicating liquor or drug or both and that the chemical analysis of
219 such blood or urine sample constitutes evidence of the commission of
220 the offense of operating a motor vehicle while under the influence of
221 intoxicating liquor or drug or both in violation of subsection (a) of this
222 section; and (4) such judge has issued a search warrant in accordance
223 with section 54-33a authorizing the seizure of the chemical analysis of
224 such blood or urine sample. Such search warrant may also authorize
225 the seizure of the medical records prepared by the hospital in
226 connection with the diagnosis or treatment of such injury.

227 (l) If the court sentences a person convicted of a violation of
228 subsection (a) of this section to a period of probation, the court may
229 require as a condition of such probation that such person participate in
230 a victim impact panel program approved by the Court Support
231 Services Division of the Judicial Department. Such victim impact panel
232 program shall provide a nonconfrontational forum for the victims of
233 alcohol-related or drug-related offenses and offenders to share
234 experiences on the impact of alcohol-related or drug-related incidents
235 in their lives. Such victim impact panel program shall be conducted by
236 a nonprofit organization that advocates on behalf of victims of
237 accidents caused by persons who operated a motor vehicle while
238 under the influence of intoxicating liquor or any drug, or both. Such
239 organization may assess a participation fee of not more than twenty-
240 five dollars on any person required by the court to participate in such
241 program.

242 (m) The Chief Court Administrator shall, on or before January 1,
243 2007, and annually thereafter, report to the joint standing committee of
244 the General Assembly having cognizance of matters relating to public
245 safety, in accordance with the provisions of section 11-4a, the number
246 of convictions or other final disposition of all cases under this section
247 during the previous twelve-month period.

248 Sec. 2. Section 14-227b of the 2006 supplement to the general statutes
249 is repealed and the following is substituted in lieu thereof (*Effective*
250 *October 1, 2006*):

251 (a) Any person who operates a motor vehicle in this state shall be
252 deemed to have given such person's consent to a chemical analysis of
253 such person's blood, breath or urine and, if such person is a minor,
254 such person's parent or parents or guardian shall also be deemed to
255 have given their consent.

256 (b) If any such person, having been placed under arrest for
257 operating a motor vehicle while under the influence of intoxicating
258 liquor or any drug, or both, and thereafter, after being apprised of such
259 person's constitutional rights, having been requested to submit to a
260 blood, breath or urine test at the option of the police officer, having
261 been afforded a reasonable opportunity to telephone an attorney prior
262 to the performance of such test and having been informed that such
263 person's license or nonresident operating privilege may be suspended
264 in accordance with the provisions of this section if such person refuses
265 to submit to such test and that such person shall be denied a work
266 permit for ninety days or if such person submits to such test and the
267 results of such test indicate that such person has an elevated blood
268 alcohol content, and that evidence of any such refusal shall be
269 admissible in accordance with subsection (e) of section 14-227a, as
270 amended by this act, and may be used against such person in any
271 criminal prosecution, refuses to submit to the designated test, the test
272 shall not be given; provided, if the person refuses or is unable to
273 submit to a blood test, the police officer shall designate the breath or
274 urine test as the test to be taken. The police officer shall make a
275 notation upon the records of the police department that such officer
276 informed the person that such person's license or nonresident
277 operating privilege may be suspended if such person refused to submit
278 to such test or if such person submitted to such test and the results of
279 such test indicated that such person had an elevated blood alcohol
280 content and such notation shall constitute a rebuttable presumption

281 that the person was informed by the police officer.

282 (c) If the person arrested refuses to submit to such test or analysis or
283 submits to such test or analysis, commenced within two hours of the
284 time of operation, and the results of such test or analysis indicate that
285 such person has an elevated blood alcohol content, the police officer,
286 acting on behalf of the Commissioner of Motor Vehicles, shall
287 immediately revoke and take possession of the motor vehicle
288 operator's license or, if such person is a nonresident, suspend the
289 nonresident operating privilege of such person, for a twenty-four-hour
290 period. The police officer shall prepare a written report of the incident
291 and shall mail the report and a copy of the results of any chemical test
292 or analysis to the Department of Motor Vehicles [within three] not later
293 than five business days and in the case of a blood or urine test, not
294 later than seven business days. The report shall be made on a form
295 approved by the Commissioner of Motor Vehicles and shall be
296 subscribed and sworn to under penalty of false statement as provided
297 in section 53a-157b by the arresting officer. If the person arrested
298 refused to submit to such test or analysis, the report shall be endorsed
299 by a third person who witnessed such refusal. The police officer shall
300 make a notation upon the records of the police department of such
301 refusal and such notation shall constitute a rebuttable presumption
302 that the person refused to submit to such test or analysis. The report
303 shall set forth the grounds for the officer's belief that there was
304 probable cause to arrest such person for operating a motor vehicle
305 while under the influence of intoxicating liquor or any drug or both
306 and shall state that such person had refused to submit to such test or
307 analysis when requested by such police officer to do so or that such
308 person submitted to such test or analysis, commenced within two
309 hours of the time of operation, and the results of such test or analysis
310 indicated that such person had an elevated blood alcohol content. The
311 Commissioner of Motor Vehicles shall, not later than fifteen business
312 days following receipt of such initial report, notify, in writing, the
313 police officer preparing the report of any error in form or
314 documentation with respect to the report submitted and the police

315 officer may resubmit the report in accordance with this section not
 316 later than two business days after receipt of such notification.

317 (d) If the person arrested submits to a blood or urine test at the
 318 request of the police officer, and the specimen requires laboratory
 319 analysis in order to obtain the test results, the police officer shall not
 320 take possession of the motor vehicle operator's license of such person
 321 or, except as provided in this subsection, follow the procedures
 322 subsequent to taking possession of the operator's license as set forth in
 323 subsection (c) of this section. If the test results indicate that such
 324 person has an elevated blood alcohol content, the police officer,
 325 immediately upon receipt of the test results, shall notify the
 326 Commissioner of Motor Vehicles and submit to the commissioner the
 327 written report required pursuant to subsection (c) of this section.

328 (e) (1) Except as provided in subdivision (2) of this subsection, upon
 329 receipt of such report, the Commissioner of Motor Vehicles may
 330 suspend any license or nonresident operating privilege of such person
 331 effective as of a date certain, which date shall be not later than thirty
 332 days after the date such person received notice of such person's arrest
 333 by the police officer. Any person whose license or operating privilege
 334 has been suspended in accordance with this subdivision shall
 335 automatically be entitled to a hearing before the commissioner to be
 336 held prior to the effective date of the suspension. The commissioner
 337 shall send a suspension notice to such person informing such person
 338 that such person's operator's license or nonresident operating privilege
 339 is suspended as of a date certain and that such person is entitled to a
 340 hearing prior to the effective date of the suspension and may schedule
 341 such hearing by contacting the Department of Motor Vehicles not later
 342 than seven days after the date of mailing of such suspension notice.

343 (2) If the person arrested (A) is involved in an accident resulting in a
 344 fatality, or (B) has previously had such person's operator's license or
 345 nonresident operating privilege suspended under the provisions of
 346 section 14-227a, as amended by this act, during the ten-year period

347 preceding the present arrest, upon receipt of such report, the
348 Commissioner of Motor Vehicles may suspend any license or
349 nonresident operating privilege of such person effective as of the date
350 specified in a notice of such suspension to such person. Any person
351 whose license or operating privilege has been suspended in accordance
352 with this subdivision shall automatically be entitled to a hearing before
353 the commissioner. The commissioner shall send a suspension notice to
354 such person informing such person that such person's operator's
355 license or nonresident operating privilege is suspended as of the date
356 specified in such suspension notice, and that such person is entitled to
357 a hearing and may schedule such hearing by contacting the
358 Department of Motor Vehicles not later than seven days after the date
359 of mailing of such suspension notice. Any suspension issued under
360 this subdivision shall remain in effect until such suspension is affirmed
361 or such license or operating privilege is reinstated in accordance with
362 subsections (f) and (h) of this section.

363 (f) If such person does not contact the department to schedule a
364 hearing, the commissioner shall affirm the suspension contained in the
365 suspension notice for the appropriate period specified in subsection (i)
366 or (j) of this section.

367 (g) If such person contacts the department to schedule a hearing, the
368 department shall assign a date, time and place for the hearing, which
369 date shall be prior to the effective date of the suspension, except that,
370 with respect to a person whose license or nonresident operating
371 privilege is suspended in accordance with subdivision (2) of subsection
372 (e) of this section, such hearing shall be scheduled not later than thirty
373 days after such person contacts the department. At the request of such
374 person or the hearing officer and upon a showing of good cause, the
375 commissioner may grant one continuance for a period not to exceed
376 fifteen days. The hearing shall be limited to a determination of the
377 following issues: (1) Did the police officer have probable cause to
378 arrest the person for operating a motor vehicle while under the
379 influence of intoxicating liquor or any drug or both; (2) was such

person placed under arrest; (3) did such person refuse to submit to such test or analysis or did such person submit to such test or analysis, commenced within two hours of the time of operation, and the results of such test or analysis indicated that such person had an elevated blood alcohol content; and (4) was such person operating the motor vehicle. In the hearing, the results of the test or analysis shall be sufficient to indicate the ratio of alcohol in the blood of such person at the time of operation, except that if the results of the additional test indicate that the ratio of alcohol in the blood of such person is twelve-hundredths of one per cent or less of alcohol, by weight, and is higher than the results of the first test, evidence shall be presented that demonstrates that the test results and analysis thereof accurately indicate the blood alcohol content at the time of operation. The fees of any witness summoned to appear at the hearing shall be the same as provided by the general statutes for witnesses in criminal cases.

(h) If, after such hearing, the commissioner finds on any one of the said issues in the negative, the commissioner shall reinstate such license or operating privilege. If, after such hearing, the commissioner does not find on any one of the said issues in the negative or if such person fails to appear at such hearing, the commissioner shall affirm the suspension contained in the suspension notice for the appropriate period specified in subsection (i) or (j) of this section. The commissioner shall render a decision at the conclusion of such hearing or send a notice of the decision by bulk certified mail to such person not later than thirty days or, if a continuance is granted, not later than forty-five days from the date such person received notice of such person's arrest by the police officer. The notice of such decision sent by certified mail to the address of such person as shown by the records of the commissioner shall be sufficient notice to such person that such person's operator's license or nonresident operating privilege is reinstated or suspended, as the case may be. Unless a continuance of the hearing is granted pursuant to subsection (g) of this section, if the commissioner fails to render a decision [within] not later than thirty days [from] after the date such person received notice of such person's

414 arrest by the police officer, the commissioner shall reinstate such
415 person's operator's license or nonresident operating privilege,
416 provided notwithstanding such reinstatement the commissioner may
417 render a decision not later than two days thereafter suspending such
418 operator's license or nonresident operating privilege.

419 (i) Except as provided in subsection (j) of this section, the
420 commissioner shall suspend the operator's license or nonresident
421 operating privilege of a person who did not contact the department to
422 schedule a hearing, who failed to appear at a hearing or against whom,
423 after a hearing, the commissioner held pursuant to subsection (h) of
424 this section, as of the effective date contained in the suspension notice
425 or the date the commissioner renders a decision, whichever is later, for
426 a period of: (1) (A) Except as provided in subparagraph (B) of this
427 subdivision, ninety days, if such person submitted to a test or analysis
428 and the results of such test or analysis indicated that such person had
429 an elevated blood alcohol content, (B) one hundred twenty days, if
430 such person submitted to a test or analysis and the results of such test
431 or analysis indicated that the ratio of alcohol in the blood of such
432 person was sixteen-hundredths of one per cent or more of alcohol, by
433 weight, or (C) six months if such person refused to submit to such test
434 or analysis, (2) if such person has previously had such person's
435 operator's license or nonresident operating privilege suspended under
436 this section, (A) except as provided in subparagraph (B) of this
437 subdivision, nine months if such person submitted to a test or analysis
438 and the results of such test or analysis indicated that such person had
439 an elevated blood alcohol content, (B) ten months if such person
440 submitted to a test or analysis and the results of such test or analysis
441 indicated that the ratio of alcohol in the blood of such person was
442 sixteen-hundredths of one per cent or more of alcohol, by weight, and
443 (C) one year if such person refused to submit to such test or analysis,
444 and (3) if such person has two or more times previously had such
445 person's operator's license or nonresident operating privilege
446 suspended under this section, (A) except as provided in subparagraph
447 (B) of this subdivision, two years if such person submitted to a test or

analysis and the results of such test or analysis indicated that such person had an elevated blood alcohol content, (B) two and one-half years if such person submitted to a test or analysis and the results of such test or analysis indicated that the ratio of alcohol in the blood of such person was sixteen-hundredths of one per cent or more of alcohol, by weight, and (C) three years if such person refused to submit to such test or analysis.

(j) The commissioner shall suspend the operator's license or nonresident operating privilege of a person under twenty-one years of age who did not contact the department to schedule a hearing, who failed to appear at a hearing or against whom, after a hearing, the commissioner held pursuant to subsection (h) of this section, as of the effective date contained in the suspension notice or the date the commissioner renders a decision, whichever is later, for twice the appropriate period of time specified in subsection (i) of this section.

(k) Notwithstanding the provisions of subsections (b) to (j), inclusive, of this section, any police officer who obtains the results of a chemical analysis of a blood sample taken from an operator of a motor vehicle involved in an accident who suffered or allegedly suffered physical injury in such accident shall notify the Commissioner of Motor Vehicles and submit to the commissioner a written report if such results indicate that such person had an elevated blood alcohol content, and if such person was arrested for violation of section 14-227a, as amended by this act, in connection with such accident. The report shall be made on a form approved by the commissioner containing such information as the commissioner prescribes, and shall be subscribed and sworn to under penalty of false statement, as provided in section 53a-157b, by the police officer. The commissioner may, after notice and an opportunity for hearing, which shall be conducted in accordance with chapter 54, suspend the motor vehicle operator's license or nonresident operating privilege of such person for a period of up to ninety days, or, if such person has previously had such person's operator's license or nonresident operating privilege

481 suspended under this section for a period of up to one year. Each
482 hearing conducted under this subsection shall be limited to a
483 determination of the following issues: (1) Whether the police officer
484 had probable cause to arrest the person for operating a motor vehicle
485 while under the influence of intoxicating liquor or drug or both; (2)
486 whether such person was placed under arrest; (3) whether such person
487 was operating the motor vehicle; (4) whether the results of the analysis
488 of the blood of such person indicate that such person had an elevated
489 blood alcohol content; and (5) whether the blood sample was obtained
490 in accordance with conditions for admissibility and competence as
491 evidence as set forth in subsection (j) of section 14-227a, as amended by
492 this act. If, after such hearing, the commissioner finds on any one of the
493 said issues in the negative, the commissioner shall not impose a
494 suspension. The fees of any witness summoned to appear at the
495 hearing shall be the same as provided by the general statutes for
496 witnesses in criminal cases, as provided in section 52-260, as amended.

497 (l) The provisions of this section shall apply with the same effect to
498 the refusal by any person to submit to an additional chemical test as
499 provided in subdivision (5) of subsection (b) of section 14-227a, as
500 amended by this act.

501 (m) The provisions of this section shall not apply to any person
502 whose physical condition is such that, according to competent medical
503 advice, such test would be inadvisable.

504 (n) The state shall pay the reasonable charges of any physician who,
505 at the request of a municipal police department, takes a blood sample
506 for purposes of a test under the provisions of this section.

507 (o) For the purposes of this section, "elevated blood alcohol content"
508 means (1) a ratio of alcohol in the blood of such person that is eight-
509 hundredths of one per cent or more of alcohol, by weight, or (2) if such
510 person is under twenty-one years of age, a ratio of alcohol in the blood
511 of such person that is two-hundredths of one per cent or more of
512 alcohol, by weight.

513 (p) The Commissioner of Motor Vehicles shall (1) make reasonably
 514 available each year to all sworn police officers in the state a plain-
 515 language manual of required procedures and documentation for
 516 enforcement pursuant to this section; and (2) report, on or before
 517 January 1, 2007, and annually thereafter, to the joint standing
 518 committee of the General Assembly having cognizance of matters
 519 relating to public safety, in accordance with the provisions of section
 520 11-4a, the number of suspensions or other final disposition of all cases
 521 under this section during the previous twelve-month period.

522 [(p)] (q) The Commissioner of Motor Vehicles shall adopt
 523 regulations, in accordance with chapter 54, to implement the
 524 provisions of this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2006	14-227a
Sec. 2	October 1, 2006	14-227b

Statement of Purpose:

To update driving under the influence testing and reporting requirements.

[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.]