



General Assembly

February Session, 2006

Raised Bill No. **599**

LCO No. 2662



Referred to Committee on

Introduced by: **JUDICIARY**
(JUD)

AN ACT CONCERNING THE OPERATION OF SNOWMOBILES, ALL-TERRAIN VEHICLES AND OTHER MOTOR VEHICLES WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG.

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

1 Section 1. Subsection (a) of section 14-227a of the 2006 supplement
2 to the general statutes is repealed and the following is substituted in
3 lieu thereof (*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 an
15 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, and "motor vehicle" includes a snowmobile and all-
 19 terrain vehicle, as those terms are defined in section 14-379.

20 Sec. 2. Section 14-386a of the general statutes is repealed and the
 21 following is substituted in lieu thereof (*Effective October 1, 2006*):

22 No person shall operate a snowmobile or all-terrain vehicle in the
 23 following manner: (1) At an unreasonable or imprudent rate of speed
 24 for existing conditions; (2) in a negligent manner so as to endanger any
 25 person or property; or (3) while under the influence of intoxicating
 26 liquor or any drug, [as defined by] or both, as provided in subsection
 27 (a) of section 14-227a, as amended by this act. Any person who violates
 28 [any provision] the provisions of subdivision (1) or (2) of this section,
 29 or any regulation relating [hereto] thereto, shall be fined not more than
 30 two hundred [and] fifty dollars for each offense. Any person who
 31 violates the provisions of subdivision (3) of this section shall be subject
 32 to the penalties set forth in section 14-227a, as amended by this act. In
 33 addition thereto, the operator or owner, or both, of a snowmobile or
 34 all-terrain vehicle, shall be responsible and held accountable to the
 35 owner of any land where trees, shrubs, crops, fences or other property
 36 have been damaged as a result of travel of such snowmobiles or all-
 37 terrain vehicles over such land, or where consequential damage has
 38 resulted from such travel. Proof of the registration number of the
 39 snowmobile or all-terrain vehicle shall be prima facie evidence in any
 40 prosecution or action for damages that the owner was the operator.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	14-227a(a)
Sec. 2	October 1, 2006	14-386a

Statement of Purpose:

To provide that persons who operate snowmobiles and all-terrain vehicles while under the influence of intoxicating liquor or any drug

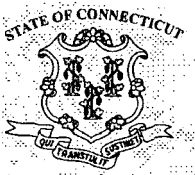
[706]

Raised Bill No.

599

are subject to the same penalties as persons who operate automobiles while under the influence of intoxicating liquor or any drug including the suspension of their motor vehicle operator's licenses, and to make the prohibition on operating a motor vehicle while under the influence of intoxicating liquor or any drug applicable regardless of where the motor vehicle is being operated.

[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.]



Senate

CONNECTICUT STATE LIBRARY
LEGISLATIVE REFERENCE SECTION

General Assembly

File No. 480

February Session, 2006

Senate Bill No. 599

Senate, April 11, 2006

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE OPERATION OF SNOWMOBILES, ALL-TERRAIN VEHICLES AND OTHER MOTOR VEHICLES WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG.

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

1 Section 1. Subsection (a) of section 14-227a of the 2006 supplement
2 to the general statutes is repealed and the following is substituted in
3 lieu thereof (*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 an
15 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, and "motor vehicle" includes a snowmobile and all-
 19 terrain vehicle, as those terms are defined in section 14-379.

20 Sec. 2. Section 14-386a of the general statutes is repealed and the
 21 following is substituted in lieu thereof (*Effective October 1, 2006*):

22 No person shall operate a snowmobile or all-terrain vehicle in the
 23 following manner: (1) At an unreasonable or imprudent rate of speed
 24 for existing conditions; (2) in a negligent manner so as to endanger any
 25 person or property; or (3) while under the influence of intoxicating
 26 liquor or any drug, [as defined by] or both, as provided in subsection
 27 (a) of section 14-227a, as amended by this act. Any person who violates
 28 [any provision] the provisions of subdivision (1) or (2) of this section,
 29 or any regulation relating [hereto] thereto, shall be fined not more than
 30 two hundred [and] fifty dollars for each offense. Any person who
 31 violates the provisions of subdivision (3) of this section shall be subject
 32 to the penalties set forth in section 14-227a, as amended by this act. In
 33 addition thereto, the operator or owner, or both, of a snowmobile or
 34 all-terrain vehicle, shall be responsible and held accountable to the
 35 owner of any land where trees, shrubs, crops, fences or other property
 36 have been damaged as a result of travel of such snowmobiles or all-
 37 terrain vehicles over such land, or where consequential damage has
 38 resulted from such travel. Proof of the registration number of the
 39 snowmobile or all-terrain vehicle shall be prima facie evidence in any
 40 prosecution or action for damages that the owner was the operator.

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

Section 1	October 1, 2006	14-227a(a)
Sec. 2	October 1, 2006	14-386a

JUD Joint Favorable

1067

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Judicial Department (Probation); Correction, Dept.	GF - Cost	Potential	Potential
Judicial Dept.	GF - Revenue Gain	Minimal	Minimal
Department of Motor Vehicles	TF - None	None	None

Note: GF=General Fund; TF=Transportation Fund

Municipal Impact: None

Explanation

The bill expands the crime of operating a motor vehicle while under the influence of any intoxicating liquor or drug. It could thereby result in a state cost for probation supervision and incarceration since current law provides for a mandatory minimum sentence. On average, it costs the state \$2,150 to supervise an offender on probation in the community as compared to \$35,040 to incarcerate the offender (note that both figures include fringe benefits). Any revenue gain from the imposition of fines is anticipated to be minimal on an annual basis.

The Department of Motor Vehicles will be able to accommodate any additional administrative functions resulting from passage of this bill within its anticipated budgetary resources.

The Out Years

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$	FY 11 \$
Judicial Department (Probation);	GF - Cost	Potential	Potential	Potential

Correction, Dept.				
Judicial Dept.	GF - Revenue Gain	Minimal	Minimal	Minimal
Department of Motor Vehicles	TF - None	None	None	None

Note: GF=General Fund; TF=Transportation Fund

Municipal Impact: None

[1067]

OLR Bill Analysis**SB 599****AN ACT CONCERNING THE OPERATION OF SNOWMOBILES, ALL-TERRAIN VEHICLES AND OTHER MOTOR VEHICLES WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG.****SUMMARY:**

By law, it is illegal for anyone to operate a snowmobile or an all-terrain vehicle (ATV) while he (1) is under the influence of intoxicating liquor, any drug, or both or (2) has a blood alcohol content of .08% or more of alcohol, by weight. Under current law, the penalty is a fine of up to \$250. The bill, instead, applies the same criminal penalties, including mandatory suspension or revocation of a license to operate a motor vehicle, to these violators as apply to driving a motor vehicle under the influence. The prohibition and penalties apply irrespective of where the violation occurs.

The bill also expands the scope of the motor vehicle driving under the influence law (DUI) by applying it to operating a motor vehicle anywhere instead of just on a public highway or road, any private road on which the state traffic commission has established a speed limit, in any parking area with 10 or more cars, or on any school property.

Apparently, (1) a DUI conviction for operating a snowmobile or an ATV that occurs after the bill's effective date counts as a prior conviction for purposes of determining the penalty for someone subsequently convicted of operating a motor vehicle under the influence; and (2) a DUI conviction for operating a motor vehicle that occurred before or after the bill's effective date counts as a prior conviction for purposes of determining the penalty for operating a snowmobile or an ATV under the influence.

A snowmobile is any self-propelled vehicle designed for travel on

snow or ice, except vehicles propelled by sail. An ATV is a self-propelled vehicle designed to travel over unimproved terrain the motor vehicles commissioner has determined is unsuitable for operation on the public highways and thus not eligible for registration a motor vehicle.

EFFECTIVE DATE: October 1, 2006

DRIVING UNDER THE INFLUENCE OR WITH AN "ELEVATED" BAC

The bill applies the criminal penalties that apply to operating a motor vehicle under the influence of alcohol or drugs or both, or with an elevated BAC to operating a snow mobile or an ATV under the influence or with an elevated BAC. A person is "under the influence" if his ability to drive is affected to an appreciable degree (*Infield v. Sullivan*, 151 Conn. 506 (1964)).

Criminal Penalties for DUI Offenses

A person convicted of DUI is subject to the criminal penalties listed in Table 1.

TABLE 1: DUI CRIMINAL PENALTIES

Conviction	Jail Sentence	Fine	License Suspension
First	Either (a) up to six months with a mandatory minimum of two days or (b) up to six months suspended with probation requiring 100 hours of community service	\$500- \$1,000	One year
Second	Up to two years, with a mandatory minimum of 120	\$1,000- \$4,000	Three years (or until age 21 if

[1067]

	consecutive days and probation with 100 hours community service		longer)
Third and Subsequent	Up to three years, with mandatory minimum of one year and probation with 100 hours community service	\$2,000-\$8,000	Permanent revocation

In assessing these penalties, the law considers as a subsequent conviction one that occurs within 10 years of a prior conviction for the same offense. Also, any conviction that occurs in another state for an offense that the court determines has "substantially the same" essential elements as Connecticut's criminal drunk driving offenses, manslaughter in the 2nd degree with a motor vehicle, or assault in the 2nd degree with a motor vehicle will constitute a prior conviction of the same offense for purposes of determining someone's prior criminal history. (Second-degree manslaughter or assault with a motor vehicle involves driving while under the influence of liquor or drugs.)

BACKGROUND

Related Laws

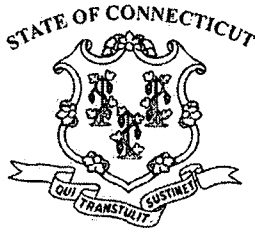
The law also makes it illegal for someone under age 21 to drive with a BAC of .02% or more. This is defined under a different statute (CGS § 14-227g). An operator's license is not required to operate a snowmobile or ATV, except to cross a public highway (CGS § 14-387).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable
 Yea 38 Nay 0 (03/24/2006)

CONNECTICUT
 STATE LIBRARY
 LEGISLATIVE REFERENCE
 SECTION



General Assembly

[SENATE] Amendment

February Session, 2006

LCO No. 4366



Offered by:

SEN. MCDONALD, 27th Dist.

SEN. PRAGUE, 19th Dist.

To: Senate Bill No. 599

File No. 480

Cal. No. 344

**"AN ACT CONCERNING THE OPERATION OF SNOWMOBILES,
ALL-TERRAIN VEHICLES AND OTHER MOTOR VEHICLES WHILE
UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY
DRUG."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsections (c) and (d) of section 14-227b of the 2006
4 supplement to the general statutes are repealed and the following is
5 substituted in lieu thereof (*Effective October 1, 2006*):

6 (c) If the person arrested refuses to submit to such test or analysis or
7 submits to such test or analysis, commenced within two hours of the
8 time of operation, and the results of such test or analysis indicate that
9 such person has an elevated blood alcohol content, the police officer,
10 acting on behalf of the Commissioner of Motor Vehicles, shall
11 immediately revoke and take possession of the motor vehicle
12 operator's license or, if such person is a nonresident, suspend the

13 nonresident operating privilege of such person, for a twenty-four-hour
14 period. The police officer shall prepare a written report of the incident
15 and, except as provided in subsection (d) of this section, shall mail the
16 report and a copy of the results of any chemical test or analysis to the
17 Department of Motor Vehicles [within three] not later than three
18 business days after the incident. The report shall be made on a form
19 approved by the Commissioner of Motor Vehicles and shall be
20 subscribed and sworn to under penalty of false statement as provided
21 in section 53a-157b by the arresting officer. If the person arrested
22 refused to submit to such test or analysis, the report shall be endorsed
23 by a third person who witnessed such refusal. The report shall set forth
24 the grounds for the officer's belief that there was probable cause to
25 arrest such person for operating a motor vehicle while under the
26 influence of intoxicating liquor or any drug or both and shall state that
27 such person had refused to submit to such test or analysis when
28 requested by such police officer to do so or that such person submitted
29 to such test or analysis, commenced within two hours of the time of
30 operation, and the results of such test or analysis indicated that such
31 person had an elevated blood alcohol content. If the report contains an
32 error in form or documentation, the Commissioner of Motor Vehicles
33 shall notify the police officer, in writing, of such error not later than
34 five business days after receipt of the report and the police officer may
35 resubmit the report in accordance with the provisions of this
36 subsection not later than five business days after receipt of such notice.

37 (d) If the person arrested submits to a blood or urine test at the
38 request of the police officer, and the specimen requires laboratory
39 analysis in order to obtain the test results, the police officer shall cause
40 the specimen to be transmitted not later than the next business day to
41 the Division of Scientific Services within the Department of Public
42 Safety for such laboratory analysis. The police officer shall not take
43 possession of the motor vehicle operator's license of such person or,
44 except as provided in this subsection, follow the procedures
45 subsequent to taking possession of the operator's license as set forth in
46 subsection (c) of this section. Not later than three business days after

47 receipt of such specimen, the division shall mail a copy of the test
48 results from the laboratory analysis of the specimen to the police
49 officer and to the Department of Motor Vehicles. If the test results
50 indicate that such person has an elevated blood alcohol content, the
51 police officer, [immediately upon] not later than three business days
52 after receipt of the test results, shall notify the Commissioner of Motor
53 Vehicles and submit to the commissioner the written report required
54 pursuant to subsection (c) of this section."

SENATE AMENDMENT

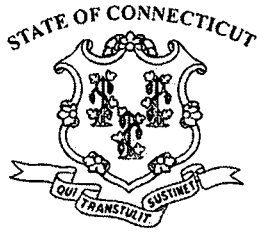
Calendar: 344

LCO: 4366

Bill: 599

ADOPTED voice REJECTED voice

ADOPTED roll REJECTED roll



General Assembly

[House] Amendment (A.7)

February Session, 2006

LCO No. 4842



Offered by:
REP. STONE, 9th Dist.

To: Senate Bill No. 599

File No. 480

Cal. No. 455

**"AN ACT CONCERNING THE OPERATION OF SNOWMOBILES,
ALL-TERRAIN VEHICLES AND OTHER MOTOR VEHICLES WHILE
UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY
DRUG."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 53-206d of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2006*):

5 (a) (1) No person shall carry a pistol, revolver, machine gun,
6 shotgun, rifle or other firearm, which is loaded and from which a shot
7 may be discharged, upon his person (A) while under the influence of
8 intoxicating liquor or any drug, or both, or (B) while the ratio of
9 alcohol in the blood of such person is [ten-hundredths] eight-
10 hundredths of one per cent or more of alcohol, by weight.

11 (2) Any person who violates any provision of this subsection shall
12 be guilty of a class B misdemeanor.

13 (b) (1) No person shall engage in hunting (A) while under the
14 influence of intoxicating liquor or any drug, or both, or (B) while
15 [impaired by the consumption of intoxicating liquor. A person shall be
16 deemed under the influence when at the time of the alleged offense the
17 person (A) is under the influence of intoxicating liquor or any drug, or
18 both, or (B) has an elevated blood alcohol content. For the purposes of
19 this subdivision, "elevated blood alcohol content" means (i) a] the ratio
20 of alcohol in the blood of such person [that is ten-hundredths] is eight-
21 hundredths of one per cent or more of alcohol, by weight. [, or (ii) if
22 such person has been convicted of a violation of this subsection, a ratio
23 of alcohol in the blood of such person that is seven-hundredths of one
24 per cent or more of alcohol, by weight. A person shall be deemed
25 impaired when at the time of the alleged offense the ratio of alcohol in
26 the blood of such person was more than seven-hundredths of one per
27 cent of alcohol, by weight, but less than ten-hundredths of one per cent
28 of alcohol, by weight.]

29 (2) Any person who violates any provision of this subsection shall
30 be guilty of a class A misdemeanor.

31 (3) Enforcement officers of the Department of Environmental
32 Protection are empowered to arrest for a violation of the provisions of
33 this subsection."

SB599

1/10/11

STATE OF CONNECTICUT
HOUSE OF REPRESENTATIVES

MAY 03 2006

WITHDRAWN

Henry E. Quinn

REPORT ON BILLS FAVORABLY REPORTED BY COMMITTEE

COMMITTEE: Judiciary Committee

File No.:

Bill No.: SB-599

PH Date: 3/17/2006

Action/Date: JF 3/24/06

Reference Change:

TITLE OF BILL:

AN ACT CONCERNING THE OPERATION OF SNOWMOBILES, ALL-TERRAIN VEHICLES AND OTHER MOTOR VEHICLES WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG.

SPONSORS OF BILL:

Sen. Roraback, 30th District

REASONS FOR BILL:

To close a loophole in the DWI laws.

RESPONSE FROM ADMINISTRATION/AGENCY:

Chief State's Attorney Christopher L. Morano-This bill would declare that driving under the influence of alcohol or drugs is not permitted. It would expand existing law prohibiting the operation of a snowmobile or all-terrain vehicle while under the influence of alcohol or drugs.

Specific cases have arisen with regard to certain roads that are considered private but are open to public motor vehicle traffic. As section 14-227a is now written, we have encountered difficulty with charging DWI if the motorist was driving on a private campground road, roads through certain condominium complexes, and the access roads that connect parking areas at shopping malls.

This bill would not only correct that problem, but it would go farther by stating that it is against the law to operate any motor vehicle including a snowmobile or all-terrain vehicle anywhere in the State of Connecticut while under the influence of alcohol or drugs. The justification for this change is obvious. Operating both these types of motorized vehicles carries with it an inherent degree of danger. To do so while under the influence is extremely dangerous and

very possibly deadly. This is clearly a question of public safety that can be easily answered by the passage of this bill.

NATURE AND SOURCES OF SUPPORT:

Bernard McLoughlin, Public Policy Liaison, Mothers Against Drunk Driving-This is a logical and important piece of legislation in closing another loophole in the war on drunk driving. Each year in this country, nearly 17,000 fatalities are the result of drunk driving crashes. A drunk driver behind the wheel of an all-terrain vehicle or a snowmobile in a public or private setting is just as dangerous to himself and others as a drunk driver in an automobile on a public road.

We must send out the message loud and clear that driving any motorized vehicle under the influence of alcohol or drugs is unsafe and will be prosecuted. It is important that we pass this legislation so that law enforcement will have another tool to help save lives.

NATURE AND SOURCES OF OPPOSITION:

Nothing submitted

Sarah Kolb

3/26/06

Reported by

Date

CONNECTICUT
STATE LIBRARY
LEGISLATIVE REFERENCE
SECTION

**JUDICIARY COMMITTEE
VOTE TALLY SHEET**

Bill No.: SB-599

Amendment Letter:

AN ACT CONCERNING THE OPERATION OF SNOWMOBILES, ALL-TERRAIN VEHICLES AND OTHER MOTOR VEHICLES WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG.

Chair: LAWLOR, M.

Motion: SERRA, J.

Second: MCMAHON, F.

Action: Joint Favorable

Language
Change:

TOTALS	Voting	Yea	Nay	Abstain	Absent and Not Voting	Voice Vote
	38	38	0	0	3	

	yea	nay	abstain	absent		yea	nay	abstain	absent	
Sen. McDonald, A. S27	X					Rep. McMahon, F. 015	X			
Rep. Lawlor, M. 099	X					Sen. Meyer, E. S12	X			
Sen. Handley, M. S04	X					Rep. Michele, R. 077	X			
Rep. Spallone, J. 036	X					Rep. Olson, M. 046	X			
Sen. Kissel, J. S07	X					Rep. O'Neill, A. 069	X			
Rep. Farr, R. 019	X					Rep. Powers, C. 151	X			
Rep. Barry, R. 012	X					Sen. Roraback, A. S30	X			
Rep. Berger, J. 073	X					Rep. Rowe, T. 123	X			
Rep. Cafero, L. 142				X		Rep. Serra, J. 033	X			
Rep. Candelaria, J. 095	X					Rep. Staples, C. 096	X			
Sen. Cappiello, D. S24	X					Rep. Stone, C. 009	X			
Sen. Coleman, E. S02	X					Rep. Walker, T. 093	X			
Rep. Dillon, P. 092	X					Rep. Winkler, L. 041	X			
Rep. Doyle, P. 028	X									
Rep. Dyson, W. 094	X									
Rep. Fox, G. 146	X									
Rep. Fritz, M. 090				X						
Rep. Geragosian, J. 025	X									
Rep. Giegler, J. 138	X									
Rep. Godfrey, B. 110	X									
Sen. Gomes, E. S23	X									
Rep. Gonzalez, M. 003				X						
Rep. Green, K. 001	X									
Rep. Hamm, G. 034	X									
Rep. Hamzy, W. 078	X									
Rep. Hovey, D. 112	X									
Rep. Klarides, T. 114	X									
Rep. Labriola, D. 131	X									

Vote date: 3/24/2006 5:00:00 PM

Correction date: