



General Assembly

February Session, 2006

Raised Bill No.

600

LCO No. 2931



Referred to Committee on
JUDICIARY

Introduced by:
(JUD)

**AN ACT CONCERNING THE ADMINISTRATIVE PER SE LICENSE
SUSPENSION PROCESS.**

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

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2 supplement to the general statutes are repealed and the following is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

4 (c) If the person arrested refuses to submit to such test or analysis or
5 submits to such test or analysis, commenced within two hours of the
6 time of operation, and the results of such test or analysis indicate that
7 such person has an elevated blood alcohol content, the police officer,
8 acting on behalf of the Commissioner of Motor Vehicles, shall
9 immediately revoke and take possession of the motor vehicle
10 operator's license or, if such person is a nonresident, suspend the
11 nonresident operating privilege of such person, for a twenty-four-hour
12 period. The police officer shall prepare a written report of the incident
13 and, except as provided in subsection (d) of this section, shall mail the
14 report and a copy of the results of any chemical test or analysis to the
15 Department of Motor Vehicles [within three] not later than five
16 business days after the incident. The report shall be made on a form

17 approved by the Commissioner of Motor Vehicles and shall be
18 subscribed and sworn to under penalty of false statement as provided
19 in section 53a-157b by the arresting officer. If the person arrested
20 refused to submit to such test or analysis, the report shall be endorsed
21 by a third person who witnessed such refusal. The report shall set forth
22 the grounds for the officer's belief that there was probable cause to
23 arrest such person for operating a motor vehicle while under the
24 influence of intoxicating liquor or any drug or both and shall state that
25 such person had refused to submit to such test or analysis when
26 requested by such police officer to do so or that such person submitted
27 to such test or analysis, commenced within two hours of the time of
28 operation, and the results of such test or analysis indicated that such
29 person had an elevated blood alcohol content. If the report contains an
30 error in form or documentation, the Commissioner of Motor Vehicles
31 shall notify the police officer, in writing, of such error not later than
32 five business days after receipt of the report.

33 (d) If the person arrested submits to a blood or urine test at the
34 request of the police officer, and the specimen requires laboratory
35 analysis in order to obtain the test results, the police officer shall cause
36 the specimen to be transmitted not later than the next business day to
37 the Division of Scientific Services within the Department of Public
38 Safety for such laboratory analysis. The police officer shall not take
39 possession of the motor vehicle operator's license of such person or,
40 except as provided in this subsection, follow the procedures
41 subsequent to taking possession of the operator's license as set forth in
42 subsection (c) of this section. Not later than five business days after
43 receipt of such specimen, the division shall mail a copy of the test
44 results from the laboratory analysis of the specimen to the police
45 officer and to the Department of Motor Vehicles. If the test results
46 indicate that such person has an elevated blood alcohol content, the
47 police officer, [immediately upon] not later than five business days
48 after receipt of the test results, shall notify the Commissioner of Motor
49 Vehicles and submit to the commissioner the written report required
50 pursuant to subsection (c) of this section.

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

| | | |
|-----------|-----------------|--------------------|
| Section 1 | October 1, 2006 | 14-227b(c) and (d) |
|-----------|-----------------|--------------------|

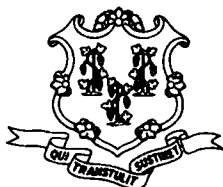
Statement of Purpose:

To improve the administrative per se license suspension process by ensuring that police reports are complete and that the analyses of blood and urine samples obtained from operators suspected of drunken driving are processed timely.

[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.]

2006 [SB600] yes

2/24 #25



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January 27, 2006

Sen. Andrew J. McDonald
Rep. Michael P. Lawlor
Co-Chairs, Judiciary Committee

Re: Administrative Per Se License Suspension

Dear Sen. McDonald, Rep. Lawlor

As you are aware, there have been some logistical problems identified in the procedures used in conducting hearings pursuant to C.G.S. sec. 14-227b. This has resulted in several repeat offenders of our driving under the influence law retaining the operator's license after an administrative hearing. Additionally, some hearings are cancelled unilaterally by the DMV because paperwork from the arresting police officer has not arrived at DMV in the time limits the legislation requires. Several of the problems were described in a recent series appearing in the *Hartford Courant*.

May I request that the Judiciary Committee raise a bill to address the problems? Specifically, some minor adjustments may help reduce the apparent frustration of the intent of the original administrative per se legislation. For example, extending the period of time from 3 to 5 days during which the arresting officer has to mail the paperwork to the DMV; increasing the period by which the DMV must receive the blood alcohol test results in cases where the officer has administered a urine test; and mandating appropriate regulations to require police departments to be contacted by DMV when paperwork has not been received within 3 days of an arrest, may be helpful.

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[S15600,1067]

Thank you for your courtesy. There may well be other amendments which would facilitate the goal of keeping those who continue to drink and drive off the public highways.

Sincerely,



Sen. Edith Prague

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SECTION