

The Connecticut General Assembly

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Memorandum

To: Legislative Regulation Review Committee
From: Legislative Commissioners' Office
Committee Meeting Date: February 28, 2017

Regulation No:	2016-34
Agency:	Department of Motor Vehicles
Subject Matter:	Ignition Interlock Devices
Statutory Authority: (copy attached)	14-227a(i)

	Yes or No
Mandatory	Y
Federal Requirement	N
Permissive	N

For the Committee's Information:

Substantive Concerns:

1. On page 2, in section 14-227a-12a(17), the proposed regulation defines "operating privilege" to include "or the opportunity to obtain a license in Connecticut or any other state". It is unclear how this can be reconciled with sections 14-227a and 14-227b of the Connecticut General Statutes, which use "operating privilege" as it relates to a person's nonresident operating privilege.

2. On page 2, in section 14-227a-12a(25), the second sentence of the definition of "Service visit" is substantive in nature and should not be contained in the defined term.

Technical Corrections:

1. On page 1, in section 14-227a-12a(2), "who is" should be inserted after "representative", for clarity.
2. On page 2, in section 14-227a-12a(12), ""Ignition interlock device," or "IID," also known as "breath alcohol ignition interlock device," shall have the meaning set forth" should be ""Ignition interlock [device," or "IID,"] device", also known as "IID" or "breath alcohol ignition interlock [device," shall have the meaning set forth] device", has the same meaning as provided", for proper form.
3. On page 2, in section 14-227a-12a(15), "that" should be "who", for clarity.
4. On page 2, in section 14-227a-12a(18), "shall have the" should be "has the same", for proper form.
5. On page 2, in section 14-227a-12a(19), "[has] shall have the" should be "has the same", for proper form.
6. On page 2, in section 14-227a-12a(25), a space should be inserted between "monitored," and "calibrated," "shall include" should be "includes", and the extra spaces between "a" and "visit" and "a" and "violation" should be deleted, for proper form.
7. On page 3, in section 14-227a-12a(28)(d), a space should be inserted between "with" and "[", for proper form.
8. On page 4, in section 14-227a-14a(9), a space should be inserted between "[:]" and "and", for proper form.
9. On page 7, in section 14-227a-22a(a), "disabled" should be deleted, for consistency with the defined term.
10. On page 7, in section 14-227a-23a, a space should be inserted between "installer" and "[", for proper form.
11. On page 7, in section 14-227a-24a(a), "(5)" should be deleted, for proper form.
12. On page 7, in Sec. 2., the section of the proposed regulation should be renumbered as "**Sec. 14-227a-24b.**", for proper form.
13. On page 8, in the catchline of section 14-227a-25a, a space should be inserted between "applicants" and "**and**", for proper form.
14. On page 10, in section 14-227a-27a(a), "sections 14-227a-11a to 14-227a-281, inclusive, of the Regulations of Connecticut State Agencies" should be "[sections 14-227a-11a to 14-227a-

281, inclusive, of the Regulations of Connecticut State Agencies] said sections", for proper form.

Recommendation:

<p>Approval in whole with technical corrections with deletions with substitute pages Disapproval in whole or in part X Rejection without prejudice</p>
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Reviewed by: Catriona Stratton / Richard Hanratty

Date: February 16, 2017

Subsection (i) of section 14-227a of the general statutes:

(i) **Ignition interlock device.** (1) The Commissioner of Motor Vehicles shall permit a person whose license has been suspended in accordance with the provisions of subparagraph (C) of subdivision (1) or subparagraph (C) of subdivision (2) of subsection (g) of this section to operate a motor vehicle if (A) such person has served either the suspension required under said subparagraph (C) or the suspension required under subsection (i) of section 14-227b, and (B) such person has installed an approved ignition interlock device in each motor vehicle owned or to be operated by such person, and verifies to the commissioner, in such manner as the commissioner prescribes, that such device has been installed. For a period of one year after the installation of an ignition interlock device by a person who is subject to subparagraph (C) of subdivision (2) of subsection (g) of this section, such person's operation of a motor vehicle shall be limited to such person's transportation to or from work or school, an alcohol or drug abuse treatment program, an ignition interlock device service center or an appointment with a probation officer. Except as provided in sections 53a-56b and 53a-60d, no person whose license is suspended by the commissioner for any other reason shall be eligible to operate a motor vehicle equipped with an approved ignition interlock device.

(2) All costs of installing and maintaining an ignition interlock device shall be borne by the person required to install such device. No court sentencing a person convicted of a violation of subsection (a) of this section may waive any fees or costs associated with the installation and maintenance of an ignition interlock device.

(3) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this subsection. The regulations shall establish procedures for the approval of ignition interlock devices, for the proper calibration and maintenance of such devices and for the installation of such devices by any firm approved and authorized by the commissioner and shall specify acts by persons required to install and use such devices that constitute a failure to comply with the requirements for the installation and use of such devices, the conditions under which such noncompliance will result in an extension of the period during which such persons are restricted to the operation of motor vehicles equipped with such devices and the duration of any such extension. The commissioner shall ensure that such firm provide notice to both the commissioner and the Court Support Services Division of the Judicial Branch whenever a person required to install such device commits a violation with respect to the installation, maintenance or use of such device.

(4) The provisions of this subsection shall not be construed to authorize the continued operation of a motor vehicle equipped with an ignition interlock device by any person whose operator's license or nonresident operating privilege is withdrawn, suspended or revoked for any other reason.

(5) The provisions of this subsection shall apply to any person whose license has been suspended in accordance with the provisions of subparagraph (C) of subdivision (1) or subparagraph (C) of subdivision (2) of subsection (g) of this section on or after January 1, 2012.

(6) Whenever a person is permitted by the commissioner under this subsection to operate a motor vehicle if such person has installed an approved ignition interlock device in each motor vehicle owned or to be operated by such person, the commissioner shall indicate in the electronic record maintained by the commissioner pertaining to such person's operator's license or driving history that such person is restricted to operating a motor vehicle that is equipped with an ignition interlock device and, if applicable, that such person's operation of a motor vehicle is limited to such person's transportation to or from work or school, an alcohol or drug abuse treatment program, an ignition interlock device service center or an appointment with a probation officer, and the duration of such restriction or limitation, and shall ensure that such electronic record is accessible by law enforcement officers. Any such person shall pay the commissioner a fee of one hundred dollars prior to the installation of such device.

(7) There is established the ignition interlock administration account which shall be a separate, nonlapsing account in the General Fund. The commissioner shall deposit all fees paid pursuant to subdivision (6) of this subsection in the account. Funds in the account may be used by the commissioner for the administration of this subsection.

(8) Notwithstanding any provision of the general statutes to the contrary, upon request of any person convicted of a violation of subsection (a) of this section whose operator's license is under suspension on January 1, 2012, the Commissioner of Motor Vehicles may reduce the term of suspension prescribed in subsection (g) of this section and place a restriction on the operator's license of such person that restricts the holder of such license to the operation of a motor vehicle that is equipped with an approved ignition interlock device, as defined in section 14-227j, for the remainder of such prescribed period of suspension.

(9) Any person required to install an ignition interlock device under this section shall

be supervised by personnel of the Court Support Services Division of the Judicial Branch while such person is subject to probation supervision, or by personnel of the Department of Motor Vehicles if such person is not subject to probation supervision, and such person shall be subject to any other terms and conditions as the commissioner may prescribe and any provision of the general statutes or the regulations adopted pursuant to subdivision (3) of this subsection not inconsistent herewith.

(10) Notwithstanding the periods prescribed in subsection (g) of this section and subdivision (2) of subsection (i) of section 14-111 during which a person is prohibited from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, such periods may be extended in accordance with the regulations adopted pursuant to subdivision (3) of this subsection.