



General Assembly

**Substitute Bill No. 423**

February Session, 2024



**AN ACT IMPROVING HIGHWAY SAFETY BY PROHIBITING DRIVING WHILE ABILITY IMPAIRED AND STUDYING METHODS TO DETECT CANNABIS-IMPAIRED DRIVING.**

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

1 Section 1. (NEW) (*Effective October 1, 2024*) (a) No person shall operate  
2 a motor vehicle while ability impaired. A person commits the offense of  
3 operating a motor vehicle while ability impaired if such person operates  
4 a motor vehicle while having a ratio of alcohol in the blood of such  
5 person that is five-hundredths of one per cent or more of alcohol, by  
6 weight, but less than eight-hundredths of one per cent of alcohol, by  
7 weight.

8 (b) If a police officer issues a citation to any person for a violation of  
9 the provisions of subsection (a) of this section, the police officer, acting  
10 on behalf of the Commissioner of Motor Vehicles, shall immediately  
11 revoke and take possession of the motor vehicle operator's license or, if  
12 such person is not licensed or is a nonresident, suspend the operating  
13 privilege of such person, for a twenty-four-hour period. The police  
14 officer may cause the motor vehicle such person was operating at the  
15 time of the violation to be removed. In order to regain possession of such  
16 person's operator's license, after such twenty-four-hour period, such  
17 person shall appear in person at the police department, state police

18 barracks or other location designated by the police officer, and sign a  
19 written acknowledgment of the return of such license. Notwithstanding  
20 the provisions of section 14-50b of the general statutes, no restoration  
21 fee shall be required to be paid to the commissioner, but the police  
22 officer shall make a written report of the violation and the suspension  
23 action, in such form and containing such information as the  
24 commissioner may prescribe, and shall file or transmit such report to  
25 the commissioner in such time and manner as the commissioner shall  
26 prescribe.

27 (c) Any person who violates the provisions of subsection (a) of this  
28 section shall be fined not less than one hundred dollars, but not more  
29 than two hundred dollars, for a first violation and not less than three  
30 hundred dollars, but not more than five hundred dollars, for a second  
31 or subsequent violation. Upon receipt of a report submitted under  
32 subsection (b) of this section, the Commissioner of Motor Vehicles shall  
33 suspend, after notice and an opportunity for a hearing, the operator's  
34 license or operating privilege of such person for a period of forty-five  
35 days.

36 Sec. 2. (NEW) (*Effective July 1, 2024*) (a) The Commissioner of Motor  
37 Vehicles shall require any motor vehicle operator who violates the  
38 provisions of subsection (a) of section 1 of this act to attend an  
39 intoxicated operator's retraining program. The commissioner shall send  
40 a notice to such operator, in writing, informing the operator of such  
41 requirement and requiring the operator to successfully complete such  
42 retraining program not later than sixty days from the date of such notice.  
43 A fee of not more than eighty-five dollars shall be charged for such  
44 retraining program. The commissioner, after notice and an opportunity  
45 for a hearing, may suspend the motor vehicle operator's license of any  
46 such operator who fails to attend or successfully complete such  
47 retraining program until the operator successfully completes such  
48 retraining program. Any such hearing shall be limited to any claim of  
49 impossibility of the operator to attend such retraining program or to a  
50 determination of mistake or misidentification.

51 (b) The intoxicated operator's retraining program shall be taught by  
52 a designee of the Commissioner of Motor Vehicles or by an instructor  
53 approved by the commissioner and shall (1) review principles of motor  
54 vehicle operation relative to safe driving practices, including the nature  
55 and the medical, biological and physiological effects of alcohol and  
56 drugs and their impact on the operator of a motor vehicle, (2) emphasize  
57 the dangers associated with the operation of a motor vehicle after the  
58 consumption of alcohol or drugs by the operator, including the  
59 problems of alcohol and drug abuse, (3) discuss the penalties for alcohol  
60 and drug-related motor vehicle violations, and (4) emphasize the need  
61 to practice safe driving behaviors. The intoxicated operator's retraining  
62 program shall be offered by the Department of Motor Vehicles or by any  
63 other organization certified by the commissioner to conduct such  
64 program in person in a congregate setting, through distance learning or  
65 through a combination of both in-person and distance learning,  
66 provided such distance learning has interactive components such as  
67 mandatory interactions, participation or testing. Any drivers' school, as  
68 defined in section 14-68 of the general statutes, that meets the licensure  
69 requirements of part IV of chapter 246 of the general statutes shall be  
70 eligible to seek certification to offer the intoxicated operator's retraining  
71 program. The commissioner shall determine the number of program  
72 providers necessary to serve the needs of the public.

73 (c) Each organization or drivers' school seeking certification or  
74 recertification to conduct the intoxicated operator's retraining program  
75 shall submit an application to the Department of Motor Vehicles in such  
76 form as the commissioner shall require and an application fee of three  
77 hundred fifty dollars. Each such applicant shall:

78 (1) Be registered to do business in this state and continuously  
79 maintain good standing with the office of the Secretary of the State;

80 (2) File and continuously maintain a surety bond in the amount of  
81 fifty thousand dollars. Such bond shall be conditioned upon compliance  
82 with the provisions of any state or federal law or regulation concerning  
83 the conduct of an intoxicated operator's retraining program and

84 provided as indemnity for any loss or expense sustained by either the  
85 state or any person by reason of any acts or omissions of the program  
86 provider. Such bond shall be executed in the name of the state of  
87 Connecticut for the benefit of any aggrieved party, but the penalty of  
88 the bond shall not be invoked except upon order of the commissioner  
89 after a hearing held before the commissioner in accordance with the  
90 provisions of chapter 54 of the general statutes;

91 (3) Have a permanent place of business in this state where all  
92 intoxicated operator's retraining program records shall be maintained  
93 and accessible to the commissioner during normal business hours;

94 (4) Submit for approval by the commissioner a detailed curriculum  
95 and lesson plan, including any changes to such curriculum and lesson  
96 plan, which shall be used in each intoxicated operator's retraining class;  
97 and

98 (5) Electronically transmit information concerning enrollment and  
99 class completion to the commissioner at such times and in such form as  
100 prescribed by the commissioner.

101 (d) Prior to the certification of an applicant, the commissioner shall  
102 investigate the applicant's character, driving history and criminal  
103 history. If the applicant is a business entity, such investigation shall  
104 include the principals and officers of such entity. The applicant shall  
105 submit to the commissioner any information pertaining to current or  
106 past criminal or civil actions. The certification of a program provider by  
107 the commissioner shall not be transferable and shall be valid for a two-  
108 year period. Recertification of a provider shall be at the discretion of the  
109 commissioner and in such form and manner as determined by the  
110 commissioner.

111 (e) The commissioner may adopt regulations, in accordance with the  
112 provisions of chapter 54 of the general statutes, to implement the  
113 provisions of this section.

114 Sec. 3. Subsection (f) of section 14-227a of the general statutes is

115 repealed and the following is substituted in lieu thereof (*Effective October*  
116 *1, 2024*):

117 (f) [If] (1) Except as provided in subdivision (2) of this subsection, if a  
118 person is charged with a violation of the provisions of subsection (a) of  
119 this section, the charge may not be reduced, nolle or dismissed unless  
120 the prosecuting authority states in open court such prosecutor's reasons  
121 for the reduction, nolle or dismissal.

122 (2) If a person is charged with a violation of the provisions of  
123 subsection (a) of this section, the charge may not be reduced to the lesser  
124 offense of operating a motor vehicle while ability impaired in violation  
125 of section 1 of this act.

126 Sec. 4. (NEW) (*Effective from passage*) (a) As used in this section, "drug  
127 recognition expert" has the same meaning as provided in section 7-  
128 294kk of the general statutes and "cannabis" has the same meaning as  
129 provided in section 21a-420 of the general statutes.

130 (b) Not later than January 1, 2025, and annually thereafter, the  
131 Commissioners of Emergency Services and Public Protection and  
132 Transportation shall jointly submit a report, in accordance with the  
133 provisions of section 11-4a of the general statutes, to the joint standing  
134 committee of the General Assembly having cognizance of matters  
135 relating to public safety and security and transportation. Such report  
136 shall, at a minimum: (1) note the current number of police officers  
137 accredited as drug recognition experts in the state, (2) make  
138 recommendations for increasing access to drug recognition expert  
139 training for police officers, (3) identify any improvements or  
140 technological advancements with regard to roadside screening tests  
141 used to detect instances of impaired driving from the use of cannabis,  
142 including the use of oral fluid drug testing, and (4) make  
143 recommendations for implementing any such tests or other strategies  
144 and procedures to reliably and validly detect instances of impaired  
145 driving from the use of cannabis.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	New section
Sec. 2	<i>July 1, 2024</i>	New section
Sec. 3	<i>October 1, 2024</i>	14-227a(f)
Sec. 4	<i>from passage</i>	New section

**TRA**      *Joint Favorable Subst.*