

Legislative History for Connecticut Act

HB 5597	(PA 182)	Scanned	1998
House	911, 1406, 2137, 4326-4379		(57)
Senate	2718, 2797-2799		(4)
Transportation	373, 375, 482, 483, 555-556		(6)
			(67)

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

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House of Representatives

Wednesday, April 8, 1998

referred to the Judiciary Committee.

SPEAKER RITTER:

So ordered.

Clerk, please call Calendar 208.

CLERK:

On page 9, Calendar 208, Substitute for House Bill
Number 5597, AN ACT CONCERNING CAR DEALERSHIPS.

Favorable Report of the Committee on Transportation.

SPEAKER RITTER:

Representative Stillman.

REP. STILLMAN: (38TH)

Thank you, Mr. Speaker. I move that that be
referred to the Committee on General Law.

SPEAKER RITTER:

So ordered.

Clerk, please call Calendar 209.

CLERK:

On page 10, Calendar 209, Substitute for House
Bill Number 5589, AN ACT CONCERNING THE SITING OF PCS
AND CELLULAR COMMUNICATIONS TOWERS. Favorable Report
of the Committee on Planning and Development.

SPEAKER RITTER:

We had to wait for the Majority Leader to leave
before we could do this one. Representative Stillman.

REP. STILLMAN: (38TH)

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House of Representatives

April 17, 1998

Committee on Appropriations H.B. No. 5054, Committee on
Judiciary H.B. No. 5724, Committee on Planning and
Development H.B. No. 5535, Committee on Judiciary H.B.
No. 5709, Committee on Appropriations H.B. No. 5404,
Committee on Appropriations H.B. No. 5437, Committee on
Government Administration and Elections H.B. No. 5332,
Committee on Planning and Development H.B. No. 5679,
Committee on Public Safety H.B. No. 5635, Committee on
Planning and Development H.B. No. 5747, Committee on
Government Administration and Elections H.B. No. 5614,
Committee on Judiciary H.B. No. 5597, Committee on
Government Administration and Elections H.B. No. 5593,
Committee on Planning and Development H.B. No. 5551.

SPEAKER GERAGOSIAN:

Hearing no objection, so ordered.

THE CLERK:

Mr. Speaker, there's no further business on the Clerk's desk.

SPEAKER GERAGOSIAN:

Representative Fleischmann of the 18th District.

REPRESENTATIVE FLEISCHMANN: (18th)

Mr. Speaker, there being no further business on the Clerk's desk, I move that we adjourn subject to the Call of the Chair.

SPEAKER GERAGOSIAN:

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House of Representatives

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Those voting Nay 2

Those absent and not voting 5

DEPUTY SPEAKER HYSLOP:

The bill passes.

Clerk, please call Calendar 208.

CLERK:

On page 23, Calendar 208, Substitute for House
Bill Number 5597, AN ACT CONCERNING CAR DEALERSHIPS.

Favorable Report of the Committee on Finance.

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

Thank you, Mr. Speaker. I move acceptance of the
Joint Committee's Favorable Report and passage of the
bill.

DEPUTY SPEAKER HYSLOP:

The question is on acceptance and passage. Will
you remark?

REP. COCCO: (127TH)

Yes, Mr. Speaker. The Clerk has an amendment, LCO
5658. Would he please call and I be allowed to
summarize?

DEPUTY SPEAKER HYSLOP:

Clerk, please call LCO 5658, designated House "A"
and the Representative has asked leave to summarize.

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CLERK:

LCO Number 5658, House "A" offered by
Representative Cocco.

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

Mr. Speaker, I move adoption of the amendment.

DEPUTY SPEAKER HYSLOP:

The question is on adoption. Will you remark?

REP. COCCO: (127TH)

Yes, Mr. Speaker. A great part of this amendment was before us in another form earlier today as the Chamber remembers and I would add, Mr. Speaker, that there are several sections in this amendment that addresses conveyance fees as charged by motor vehicle dealers in buying a new car and Mr. Speaker, I urge passage of the amendment.

DEPUTY SPEAKER HYSLOP:

The question is on adoption of House "A". Will you remark on House "A"? Representative Flaherty.

REP. FLAHERTY: (68TH)

Thank you, Mr. Speaker. Mr. Speaker, I would just like to -- I suppose seeing that the bill was -- adoption was moved before summarization, and seeing that it's a strike everything and I don't know how long

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it's been sitting the file. Perhaps the Chair of the Transportation Committee could perhaps give us a little bit more of an explanation about what this amendment does.

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

Thank you, Mr. Speaker. Through you, sir. As I said, we had discussed this earlier in the day. I will repeat that discussion.

Section 1 talks about a sample plate and allows the Commissioner to charge for that plate to offset his fees.

Section 2 talks about tires on farm vehicles and that they should be in safe operating condition.

Section 3 allows the Commissioner to issue permits on Sundays for motor vehicle racing.

Section 4 talks about exemptions from the emission inspection on vehicles that are 25 years or older.

Section 5 waives the \$20 late inspection fee if within 30 days a car has been sold and an emissions test done.

Section 6 eliminates a requirement that vehicles manufactured between '70 and '81 have certificates of title and gives the Commissioner authority to issue.

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them at his discretion.

Section 7 allows veterans or veterans' spouses to have veterans plates on their vehicles whether they be passenger vehicles or not.

Section 8 repeals obsolete statutes.

Section 9 and 10 talks about the Amistad commemorative license plates.

Section 11 talks about a task force and it talks about the Commissioners of several departments naming or actually manning that task force.

Section 12 is driver retraining program.

Section 13 talks about drivers licenses being suspended if somebody who has been arrested for a felony and failed to appear in court.

Section 14 repeals and modifies some regulatory language and has been through the Regulation Review Committee.

Section 15 and 20 are -- and also section 14, 15, and 20 all do the same thing, regulate and repeal some old statutes.

Section 16 allows qualified motor vehicle dealers to verify vehicle identification numbers.

Section 17 exempts vehicles driven by dealers or repairers from getting a temporary emissions sticker only when they are driving those vehicles to get that

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emission inspection done.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Flaherty.

REP. FLAHERTY: (68TH)

Thank you, Mr. Speaker. I appreciate the explanation. Another question to the Chairman of the Transportation Committee, through you, sir.

Representative Cocco, this amendment seems substantially similar to one that we -- it sounds very familiar. It sounds like something we might have considered earlier today, as a matter of fact, and passed earlier today. I'm sure it isn't identical, but I'm wondering if the Chairman could tell us why we're adopting something in essence we already passed on another bill.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

Thank you, Mr. Speaker. Through you, sir. Representative Flaherty, out of the fear that the bill we had before us today which is necessary to the Department of Motor Vehicle might not get back to this Chamber in time to have action in this Chamber and be

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sent up to the Senate to have action there also.

DEPUTY SPEAKER HYSLOP:

Representative Flaherty.

REP. FLAHERTY: (68TH)

Thank you, Mr. Speaker. Thank you, Representative Cocco. One more question, perhaps too.

Through you to Representative Cocco. There was some discussion on a part of a similar legislation that involved treating drivers, I believe, over or under the age of 24 differently. Through you, as far as the retraining, -- through you, Mr. Speaker, is that provision in this amendment?

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

Through you, Mr. Speaker. It is.

REP. FLAHERTY: (68TH)

And through you, Mr. Speaker. I recall the Minority Leader had raised some questions as to constitutionality as to us treating adults of different ages differently. Through you, Mr. Speaker. Were there any resolution -- does the Chairwoman know of any resolution to the questions that he raised that might lead us to want to support this now?

Through you, sir.

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DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

Through you, Mr. Speaker. I did have a discussion about it. However, Representative Flaherty, nothing was brought to my attention that was different than what we had discussed prior to that discussion.

DEPUTY SPEAKER HYSLOP:

Representative Flaherty.

REP. FLAHERTY: (68TH)

Thank you, Mr. Speaker. And thank you, Representative Cocco.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "A"?

Representative Lockton.

REP. LOCKTON: (149TH)

Mr. Speaker, through you to Representative Cocco. Looking at lines 449 addressing the same if you're over 24 years of age and commit three moving violations, you must attend or you may have to attend a retraining program. Where would these retraining programs be held?

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

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Through you, Mr. Speaker. The Department of Motor Vehicles and certain driving schools that had been approved by the Department.

DEPUTY SPEAKER HYSLOP:

Representative Lockton.

REP. LOCKTON: (149TH)

Thank you, Mr. Speaker. Thank you, Representative Cocco. And it also says on line 455, "to develop alternative attitudes for those attitudes contributing to aggressive driving." I imagine this would constitute hiring a staff of psychiatrists or psychologists or whatever to deal with those attitudes and to retrain the people. How long do you expect the training program to last, to retrain the attitudes of people?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

Through you, Mr. Speaker. It's my understanding that as part of retraining even today as we speak, that is part of what the curriculum is.

DEPUTY SPEAKER HYSLOP:

Representative Lockton.

REP. LOCKTON: (149TH)

Thank you, Mr. Speaker. And we probably addressed

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this before also and I'm sorry if I missed it. Do we have a fiscal note on this retraining program for those over 24 that have more than three violations?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

Through you, Mr. Speaker. If I remember the language correctly, the fee was increased from \$50 to \$60. I believe with \$10 retained by the Department to cover any costs incurred.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Lockton.

REP. LOCKTON: (149TH)

Thank you, Mr. Speaker. And Fiscal Analysis has said that is enough money to cover the cost of the program?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

Through you, Mr. Speaker. I do have a fiscal report and that section of the bill did not show any cost.

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DEPUTY SPEAKER HYSLOP:

Representative Lockton.

REP. LOCKTON: (149TH)

Thank you. It did not show any cost or did not report a cost?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

Through you, Mr. Speaker. There is no fiscal impact on that part of the bill.

REP. LOCKTON: (149TH)

Thank you, Representative Cocco. Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

Thank you, Mr. Speaker. Mr. Speaker, I believe I've heard that this is essentially the bill from this morning that had the amendment attached to it with regard to the loophole in the drunk driving law.

Through you, Mr. Speaker. Is that correct? To the lady.

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

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REP. COCCO: (127TH)

Through you, Mr. Speaker. Yes.

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

Thank you, Mr. Speaker. I suppose I could have had an amendment drawn to this file, as well, to bring the same issue up again and I'm not going to do that because the Motor Vehicle Department feels very strongly about this bill, but you know, that's one reason why I put it on this bill in the first place. It's inconceivable to me that this General Assembly can go two years, have this subject be before them about a gigantic loophole in the drunk driving law that allows up to 5% of those people who are, in fact, intoxicated get away without having their license suspended when they've been involved in an accident is unbelievable to me, inconceivable. I don't know what the underlying currents here are to why this type of legislation can't get through this place. Yesterday -- last year I was told, well, we got it in the bill, it's going to happen. Do you know what? It wasn't in the bill last year.

And of course, nothing was raised this year and I can't file bills in the Judiciary Committee so I

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thought I would try to work on it. It's there. There's not a person -- there were 144 people this morning voted that they knew it was there, but this General Assembly cannot address this issue is inconceivable to me.

And so not to penalize the Motor Vehicle Department, I'm not going to offer an amendment with a word changed here or there on this particular bill. I have the amendment, perhaps, my guess is on any other bill that it could go on would not be called because of other dynamics that are going in in this body.

I, for one, have never been afraid to vote on any issue. And I hope that the House would not be in that position, but it appears on this particular issue, gigantic loophole in the drunk driving laws of our state, a different penalty depends upon whether you say you're injured and go off to the hospital or whether you stand there and take the breathalyzer test.

What's the matter with us?

DEPUTY SPEAKER HYSLOP:

Representative Prelli.

REP. PRELLI: (63RD)

Thank you, Mr. Speaker. Mr. Speaker, through you, a question to Representative Cocco.

DEPUTY SPEAKER HYSLOP:

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Proceed.

REP. PRELLI: (63RD)

Representative Cocco, do have a fiscal note on this amendment and could you please share it with us?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

Through you, Mr. Speaker. I don't have a fiscal note on this specific amendment. However, I have a fiscal note on the parts of the amendment that we addressed this morning and there is a loss in the section that allows those people who buy a used car and the emission sticker is late not to pay the penalty if they go for the emission test within 30 days.

There was -- just give me a minute.

REP. PRELLI: (63RD)

Mr. Speaker, I know the lady has answered my question, but I guess I would question whether this amendment is properly before us if we don't have a fiscal note. And would as -- one of the reasons I asked the question is because the underlying bill that we are now amending onto this went to the Appropriations Committee. I'm not sure that if we pass this amendment on this bill it doesn't have to go the Appropriations

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Committee for the same reason.

So, if we don't have a fiscal note on this and I would like a copy of the fiscal note, I don't think this is properly before us, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

The Chamber will stand at ease.

The Chamber will come back to order.

Representative Prelli, the question was in reference to the fiscal note being here. The fiscal note is here.

REP. PRELLI: (63RD)

Yes. What it was, Mr. Speaker, but it wasn't an official point of order, but --

DEPUTY SPEAKER HYSLOP:

No, it wasn't official, but the fiscal note is officially here.

REP. PRELLI: (63RD)

It is officially here. Thank you. Through you then, Mr. Speaker, to Representative Cocco, could she share the fiscal note with us?

DEPUTY SPEAKER HYSLOP:

Proceed. Representative Cocco.

REP. COCCO: (127TH)

Through you, Mr. Speaker. The fiscal note says section 4 would have a revenue loss to be emission's enterprise fund of \$100,000.

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Section 5, a loss to the Transportation Fund of \$1 million.

A potential cost in Section 13. However, that cost has been disputed by the Department of Motor Vehicles who believes that they could do it within existing funds.

DEPUTY SPEAKER HYSLOP:

Representative Prelli.

REP. PRELLI: (63RD)

Thank you, Mr. Speaker. Mr. Speaker, through you to Representative Cocco.

DEPUTY SPEAKER HYSLOP:

Proceed.

REP. PRELLI: (63RD)

Representative Cocco, were these revenue losses part of the budget that we passed last Friday?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

Through you, Mr. Speaker. I believe in looking fully at the fiscal note that even though there is some revenue loss what has been paid for two enviro tests for emissions testing will not be less than what they're owed. So that would actually have no impact at

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this time.

The matter of the \$20 late fee is not noted to my knowledge in the Transportation Fund. However, although the loss is there, it's impossible to say what the actual loss will be since what we're saying is that if you buy a used vehicle and you take it within 30 days of the purchase for the emissions testing, if the sticker is out of date, you won't have to pay the \$20 fee. One doesn't know how many of those vehicles that are sold as used vehicles would either go within the 30 days or go after the 30 days. So that is sort of up in the air.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Prelli.

REP. PRELLI: (63RD)

Thank you, Mr. Speaker. And I thank Representative Cocco for that explanation. And I don't mean hold the Chamber up much longer, but I would just have one additional question on the amendment and that's the two sections at the end weren't part of the bill we discussed earlier today and I was wondering if the lady would mind explaining those last two sections.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

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Representative Cocco.

REP. COCCO: (127TH)

Thank you. Through you, Mr. Speaker. This is actually a consumer protection piece and simply states that car dealers should let those buyers of their vehicles know that the dealer conveyance fee in ten point bold type what that dealer conveyance fee is and that it does need be paid by the purchaser of the vehicle, that they indeed can go to the Department of Motor Vehicle, do that paperwork themselves, and not be subject to that fee.

And also to note that that money is not collected by the State nor none of it does go to the State.

DEPUTY SPEAKER HYSLOP:

Representative Prelli.

REP. PRELLI: (63RD)

Thank you, Mr. Speaker. And I thank the lady for those answers and I thank the Chamber for waiting for the fiscal note.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "A"? Will you remark further on House "A"? If not, I will try your minds.

All those in favor, signify by saying aye.

REPRESENTATIVES:

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Aye.

DEPUTY SPEAKER HYSLOP:

Those opposed, no. The ayes have it. House "A" is adopted.

Will you remark further on the bill, as amended?

Representative Belden.

REP. BELDEN: (113TH)

Thank you, Mr. Speaker. Mr. Speaker, I have an amendment to offer on this bill. After discussions with a number of people, I would ask the Clerk to call LCO 5115 and I be given permission to summarize.

DEPUTY SPEAKER HYSLOP:

Clerk, please call LCO 5115, to be designated House "B" and the Representative has asked leave to summarize.

CLERK:

LCO Number 5115, House "B" offered by Representative Belden.

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

Thank you, Mr. Speaker. Mr. Speaker, now that we've considered the Motor Vehicle bill that we considered this morning and that's now been passed as House "A", I'm offering the same amendment that we .

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offered this morning that would allow the alcohol test results from blood and urine samples to be used in the administrative per se license suspension program administered by the Department of Motor Vehicles.

The DMV at present can use only breath test results to do this administrative suspension because only these results are known when the driver arrested for DUI is in custody.

Blood and urine samples require a lab work to get the results. Failure of a blood test means a 90 day license suspension from DMV for a first offender.

However, failure of a blood or urine test such as might be given after an accident or simply because no breathalyzer machine is available, results in no suspension from DMV. This different treatment makes no sense. Each test failure should be subject to a license suspension hearing.

Mr. Speaker, this amendment is effective January 1, 1999 which is different than the amendment offered this morning and I would move adoption.

DEPUTY SPEAKER HYSLOP:

The question is on adoption of House "B". Will you remark on House "B"?

REP. BELDEN: (113TH)

Yes, Mr. Speaker, very briefly. I think we all

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understand this is not a .08 vote or anything like that. This deals with the ability of the Department of Motor Vehicles when someone is found, through a blood or urine test, after the fact to, in fact, to have been intoxicated, to be able to suspend that individual's license for 90 days.

I think it's a very common sense approach to further straighten out the law that's on the books with regard to per se. Mr. Speaker, I can tell you that the Department of Motor Vehicles and the State's Attorney's Office have had, in fact, drafted this language that's before us and I would hope that the Chamber would pass this amendment.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "B"? Will you remark further on House "B"? Representative Tulisano.

REP. TULISANO: (29TH)

Mr. Speaker, through you, Mr. Speaker, just a question to the proponent of the bill.

If a person has been asked to take a breath test and passes it, will they then be able to -- could a police officer then require that either a blood or a urine test be taken as the second test? Is this what this does?

Through you, Mr. Speaker.

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DEPUTY SPEAKER HYSLOP:

Representative Tulisano, you said to the proponent of the bill. You mean to the proponent of the amendment. Am I correct?

REP. TULISANO: (29TH)

Yes, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

Mr. Speaker, I need a second to check the file or to check the amendment language.

Mr. Speaker, could the gentleman restate his question, please?

REP. TULISANO: (29TH)

Through you, Mr. Speaker. A hypothetical would be if an individual is asked to take a breath test, and passed it, but for some reason the police officer wanted to take a urine or a blood test, does this amendment mean they could then require the individual to submit to such tests and failure to submit would be a failure?

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

Mr. Speaker, as I understand it and reading the

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language that is before us, I do not believe so.

DEPUTY SPEAKER HYSLOP:

Representative Tulisano.

REP. TULISANO: (29TH)

So, through you, Mr. Speaker, does this mean that the police officer must, in fact, decide early on whether or not they will ask for a breath test, a blood test, or a urine test?

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

Mr. Speaker, as I understand this language, the assumption here is, number one, that a breathalyzer is not available or the person is, in fact, injured and because of that, is taken off to the hospital and no breathalyzer test maybe administered.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Tulisano.

REP. TULISANO: (29TH)

I will read it closely if you just will hold for a minute, Mr. Speaker.

REP. BELDEN: (113TH)

Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

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Representative Tulisano still has the floor.

REP. BELDEN: (113TH)

Okay.

REP. TULISANO: (29TH)

May I ask another -- maybe I -- I can't really figure out what's going on. Through you, Mr. Speaker. Maybe I will ask another question to the proponent.

How does an accused -- what are the requirements for an accused to have to be -- for them to require to submit to a blood or urine test? How does that happen? What is anticipated?

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

Thank you, Mr. Speaker. Essentially there are two loopholes that are being closed with this legislation in two different sections of new language.

The first one is where it maybe suspected drugs and a breathalyzer or a breathalyzer is not working. The second one would be the famous ice skater incident-type situation where there's an injury, etc.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Tulisano.

REP. TULISANO: (29TH)

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Thank you, Mr. Speaker. I appreciate the desire to close what is termed "two loopholes". I put that in quote.

The second one, I understand we have the right to subpoena blood records now. So I don't know if that's really a loophole. I'm not sure what the issue is and I'm not sure the newspapers report issues correctly. So I refuse to accept that as a given.

But on the second part, because you can subpoena records today if taken through the course of business, but I understand the desire. My question still is, line 88, "if the person arrested admits to a blood or urine test." Now, how does one get to be asked that? We have turned one area - if one takes the breath test and I presume what you're saying, through you, Mr. Speaker, and I'm going to paraphrase and correct me if I'm wrong, that you have passed the breath test. The police officer suspects something else and asks you to submit to a blood test or a urine test.

Through you, Mr. Speaker, is that one scenario?

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

Mr. Speaker, through, as I indicated earlier today, I'm not an expert in this field. This language

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was drafted by the Department of Motor Vehicles, The State Attorney's Office. Has been passed by your counterpart, the Chairman of the Judiciary Committee, and the ranking members of Judiciary and the words are what the words are. Mr. Tulisano, you are much more expert in this. If you feel there is a flaw here, Mr. Speaker, I hope you would bring it forward because I believe we certainly need to understand that.

DEPUTY SPEAKER HYSLOP:

Representative Tulisano.

REP. TULISANO: (29TH)

Through you, Mr. Speaker. I will bite my tongue, through you, Mr. Speaker, about some of those conclusions. I'm not sure. One of the reasons I don't think it does explain what we're doing. I think it's designed to accomplish what I indicated, through you, Mr. Speaker, but it must also say that a --- and I think the law already says a police officer can demand either or the other, blood or urine.

My next question, through you, Mr. Speaker, if I failed the breath test, but I am a .10, through you, Mr. Speaker, do I have the right now to demand a second test to be either blood or urine?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

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Representative Belden.

REP. BELDEN: (113TH)

Through you, Mr. Speaker. I don't believe so.

DEPUTY SPEAKER HYSLOP:

Representative Tulisano.

REP. TULISANO: (29TH)

Through you, Mr. Speaker. If ethics of the breath test is the question and I think that's one of the issues that we're trying to get, that it didn't prove what we suspected, through you, Mr. Speaker, where's the fairness if I don't think it's effective for me and I'm the accused being submitted by the State that I don't have the same rights?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

I'm sorry, Mr. Speaker. Could the gentleman reframe his question?

DEPUTY SPEAKER HYSLOP:

Will you repeat your question?

REP. TULISANO: (29TH)

Through you, Mr. Speaker. The scenario seems to be we have an accused who shows is not guilty of something. Does not fit the requirements of being .

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arrested for DWI. Because of that, the State gets a second shot trying to show that you might have been under the influence of something.

"We believe" and I put that again in quotes, that the blood test and the urine test are more accurate than the breath test. So it shows that maybe that person was under the influence of either alcohol or drugs. My question therefore is, if the breath test comes back at such a level where we know that there is a margin for error, .10, .100, some very minor and we know a breath test is not as accurate as a blood test, through you Mr. Speaker, isn't it fair to give the accused the same right the State has to ask for a blood or a urine test as a second test to show that they are innocent?

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

Thank you, Mr. Speaker. Mr. Speaker, my understanding is that the policeman, in fact, chooses the test and if, in fact, he feels that there might be drugs or something involved, he might choose one test over another.

Mr. Speaker, I also understand that there are two tests and I'm not sure that -- the way this language

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reads it's if the person, so that's really some other action that's -- here we're talking about the per se suspension of the license.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Tulisano.

REP. TULISANO: (29TH)

Through you, Mr. Speaker. I think Mr. Belden just hit it. The language is if the person arrested submits - it doesn't lay out -- it seems to me, when I find a problem and it maybe here and I just got this to review, how do you get them to submit to it? How do you ask them to? When is the choice made? Is it the arresting officers or -- by the way, the arrest -- is the accusing officer's choice when the don't like the first result? Is it the second time only or if I don't like the first and second, can I now ask for a third? And I then bring you back. They have chosen, but should I not, as an accused, have a choice? If we're going to give these options available, a similar choice to show that I'm innocent?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

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Thank you. Representative Tulisano, as I understand it, the theoretically accused does not have to take any test. But if he does, then we're on line 88. His option is he does not have to take a test. So if he doesn't take a test, my understanding is his license, although not guilty, his license is suspended for 90 days.

Through you, Mr. Speaker.

REP. TULISANO: (29TH)

Through you, Mr. Speaker. I think we're mixing apples and oranges. He doesn't have to take a test, but you've got an axe over his head so he better take a test because the punishment for not taking it maybe greater than if he does take it. So that's a make believe, in my opinion, freedom that one is given. But we're still at it. He may say no. My question is, initially, must the police officer choose which test he wants or she wants, must they initially say I want you take a blood test, a urine test, or a breath test and does that, through you, Mr. Speaker, bind the State to that one test? It's not clear here, as far as I'm concerned, what happens at that point.

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

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Through you, Mr. Speaker. My understanding is that the policeman can request any of those tests.

DEPUTY SPEAKER HYSLOP:

Representative Tulisano.

REP. TULISANO: (29TH)

Through you, Mr. Speaker. I think you're right, that's current law. What are we changing then with this law?

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

We are setting the framework in the new language in both of these areas to allow for the administrative per se suspension of a license under the circumstances cited in the new language. It's as plain and simple as that, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Tulisano.

REP. TULISANO: (29TH)

Through you, Mr. Speaker. Just let me read it again.

Through you, Mr. Speaker. Let me make this clear to this question. That what this is establishing is, through you, Mr. Speaker, that if one takes a blood test, if the police ask a person to take a blood test

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and that choice is made by the police officer, the initial request, this is not setting up some alternative if they don't like the results of the first test. Is that -- through you, Mr. Speaker. I just want to clarify that.

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

Through you, Mr. Speaker. That's correct.

DEPUTY SPEAKER HYSLOP:

Representative Tulisano.

REP. TULISANO: (29TH)

So that what we have here -- so we understand clearly for the record because a lot of lawyers are going to make money here every time you change the law, through you, Mr. Speaker. Not that there's anything wrong with that, but it's not going to be me. I can't practice before --

Through you, Mr. Speaker. So what we're saying here now is that a police officer will, as he currently has the opportunity to say, I want you to take a blood test. I want you to take a urine test. I want you to take a breath test. Once that choice has been made by the police officer, there's no changing the test that you may have to take after that. I just want to make

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this very clear.

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

Through you, Mr. Speaker. There's no change.

DEPUTY SPEAKER HYSLOP:

Representative Tulisano.

REP. TULISANO: (29TH)

So, as I understand, it is believed that under current law if, in fact, that urine test doesn't require the two tests or the blood test. If that comes out .10 or greater, it just fits into the current statute of administrative per se? Do I understand what you're trying to do here?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

Through you, Mr. Speaker. That is correct.

DEPUTY SPEAKER HYSLOP:

Representative Tulisano.

REP. TULISANO: (29TH)

Through you, Mr. Speaker. I won't belabor this. I do think it's not clear in the lines 88 -- through the discussion I think we are at how you get there and .

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maybe it's just me, but I'm not very comfortable with most of this stuff so I question a lot of it.

Through you, Mr. Speaker. I did have one other question. And through you, Mr. Speaker. One of the questions I asked earlier, the response was if a police officer thinks it's drugs and not alcohol, that police officer in that case is still bound by making that choice and the initial request to the individual.

Is that the intent of this --

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

Through you, Mr. Speaker. That's correct.

DEPUTY SPEAKER HYSLOP:

Representative Tulisano.

REP. TULISANO: (29TH)

And through you, Mr. Speaker. Can I have some understanding -- and I don't understand and maybe it's just repetition of the language. On the abstinent part on page 201, that is just -- does this change, through you, Mr. Speaker, the current language of how medical records are obtained for purposes of submission to the Motor Vehicle Department?

Through you, Mr. Speaker.

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Representative Belden.

REP. BELDEN: (113TH)

Through you, Mr. Speaker. It's the same. That's correct.

DEPUTY SPEAKER HYSLOP:

Representative Tulisano.

REP. TULISANO: (29TH)

Through you, Mr. Speaker. So do I understand that either through subpoena the records are first obtained by a police officer and then upon obtaining them, they are submitted to the Motor Vehicle Department? Is that how I understand that works?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

Through you, Mr. Speaker. Yes, that's correct. The main purpose of all this language is where in the case of suspected drugs, -- excuse me, I'm on the wrong page. Once the BAC is obtained it can be used for administrative per se. The problem is right now, it can't be. So, this language is to, in fact, put in statute how the process works once the BAC has been obtained.

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Representative Tulisano.

REP. TULISANO: (29TH)

Through you, Mr. Speaker. I appreciate the desire. I'm not sure - I just want to make sure that we're continuing that no police officer should just go walk up to a hospital and ask for medical records, that they have to subpoena them within the -- they have to have them subpoenaed for a particular purpose. After that subpoena, then they may submit them, which raises another issue I'll get into, but I just want to make sure that medical records of individuals are not just opened to any police officer who wants to make inquiry.

REP. BELDEN: (113TH)

Mr. Speaker, through you.

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

The gentleman is absolutely right. There is no change in the current process for obtaining medical records.

DEPUTY SPEAKER HYSLOP:

Representative Tulisano.

REP. TULISANO: (29TH)

Through you, Mr. Speaker. Then my next question is, and I don't know -- you should know the answer to

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the question. I don't know any of these answers. But how does this fit into this -- once you've got it as evidence, how does it fit into being able to disclose the second time around? I don't know if there is any confidentiality requirement that has to be cleared up, either federal or state. I don't -- if there's other information in there such as psychiatric, you require other protection beyond that one subpoena. I don't know that you have the right to pass it on to -- although the fact we're saying that may violate that. Has anybody ever discussed that issue about potential continuing violations of medical confidentiality?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

Mr. Speaker, my understanding is that the warrant asks only for the blood alcohol content.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Tulisano.

REP. TULISANO: (29TH)

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "B"?

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Representative Ward.

REP. WARD: (86TH)

Thank you, Mr. Speaker. Mr. Speaker, I also rise to support the amendment and based on the colloquy that occurred I would like to at least my offer my opinion as to what I think this amendment does and why it's good.

The current problem, whether you want to characterize it as a loophole or a problem or an issue with the current per se law, is that when the test is a breath test the system seems to work pretty good because the requirement is and the results are virtually immediate and the requirement is that a report go to the motor vehicle office virtually immediately. But when a person has to have a blood test taken, under current law, and that happens in one of two situations. Either the police officer requests it for whatever reason the police officer may request it. That maybe they don't think that a breath test will give them the results they want because they may think it's drugs or it maybe that they know at the station house that the breathalyzer is broken because maybe somebody they just arrested before vomited into it or damaged in some way so it's not available.

They therefore request a blood or urine test.

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Those results are not virtually immediately available, in fact, require laboratory analysis. That doesn't fit within our current per se scheme because it doesn't meet any of the timing requirements.

The other reason that they may require a blood test is if the person is injured in the accident and is, in fact, unable to consent to a test or to refuse a test because they are unable to respond in an appropriate manner because of the injury.

That person routinely has blood work done at the hospital. That can be subpoenaed today for the criminal prosecution, but you can't get it in time under the per se procedure to proceed on the per se matter and what this bill attempts to do and I think correctly does, is say that when you obtain under current law changes none of the protections for getting those results, but when that occurs, those results when you get them get sent to the Motor Vehicle Department and they can then begin the per se procedure.

So that someone would not be able to if you take a person on a first arrest, they won't lose their license probably in the criminal proceeding because they will use our alcohol education program. And I and others support the alcohol education program as a sensible way to do it with the first criminal proceeding. But they

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also won't lose their license under the per se proceeding because they haven't refused a test because they were unable to submit to it. So you shouldn't be able to avoid the license suspension in the administrative proceeding by the mere fortuitous event of being unable to submit to the test. Whether you're unable in the second section because you probably got injured or whether you are able, but the police officer is unable to give it because for whatever reason a breathalizer is not available.

I believe that's all the amendment does and I believe it is a sensible change to our law. I, as Representative Tulisano have been concerned about some of the other changes because I think we ought to have a uniform fair system that's reasonably and uniformly applied. I think all this amendment does is do that, but not allow the fortuitous event of an accident or a broken machine sort of let somebody off the hook for the test results getting to the commissioner.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "B"?

Representative Tulisano.

REP. TULISANO: (29TH)

Mr. Speaker, having an opportunity for responses

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from Representative Belden and my reading again since - would lead me to the same kind of conclusion that Representative Ward just reached.

I will support this amendment, but prior to, I would like to put on the record that all of us ought to think about the ethics of urine tests and whether or not they actually judge blood alcohol content the way we have all assumed for the last 30 or 40 -- since administrative per se -- since any kind of implied consent law has come into existence.

There is a growing level of evidence that, in fact, it doesn't do that. I'm not telling you it does or doesn't right now, but those who are from the agency who will have to administer it, ought to really look at that between now and next year to determine whether we're doing the right thing or not.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "B"?

Representative Davis.

REP. DAVIS: (50TH)

Thank you, Mr. Speaker. Just a quick question, through you to Representative Belden. Has this issue had a public hearing this year?

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Representative Belden.

REP. BELDEN: (113TH)

Through you, Mr. Speaker. To my understanding, it has. And I believe it had one last year, as well.

DEPUTY SPEAKER HYSLOP:

Representative Davis.

REP. DAVIS: (50TH)

I'm not concerned, through you, Mr. Speaker about last year. I'm concerned about this session and what committee that might have been in front of.

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

Mr. Speaker, to clarify that, my understanding is that the issue of DWI has been addressed in both Public Safety and in the Judiciary Committee. I know that last year this very same issue was, in fact, considered and there was a significant adjustment to the DWI statute. The only thing is it did not include these two particular situations where, in fact, a person could, by virtue of the situation perhaps not be treated the same as far as a punishment for being intoxicated as if they were able to take a breathalyzer test.

DEPUTY SPEAKER HYSLOP:

Representative Davis.

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REP. DAVIS: (50TH)

I respect Representative Belden that we may have passed substantive legislation on this issue last year following a public hearing, but the real question is and maybe Representative Santa Maria can answer it in more detail if you believe so. Were there bills for which a public hearing was held during this legislative session on this specific issue?

DEPUTY SPEAKER HYSLOP:

Representative Santa Maria.

REP. SANTA MARIA: (107TH)

Thank you, Mr. Speaker. Not on this specific issue, but we have had public hearings regarding this issue and the problems relating and associated with DWI in the past relating to this specific issue.

DEPUTY SPEAKER HYSLOP:

Representative Davis.

REP. DAVIS: (50TH)

Through you, Mr. Speaker. I'm having a little problem understanding the answer. During this session, you have not had a hearing?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Santa Maria.

REP. SANTA MARIA: (107TH)

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Not on the details contained within this specific amendment, but certainly on .08 and the problems associated with blood alcohol content and people's --
DEPUTY SPEAKER HYSLOP:

Representative Davis.

REP. DAVIS: (50TH)

The reason that I ask the questions aren't that I am particularly opposed to what's being offered here, it's just that this is extremely important language being offered at late in the session that deserves to have a full understanding when someone like Representative Tulisano, who has been here for many years and I think whose understanding of the law, I have great respect for, is not completely certain as to the interpretation of this language. I want to make sure that we have had a full hearing on this issue before us during this legislative session so that we can have a clearer understanding of the range of opinions and I guess what I'm hearing and I stand to be corrected, is that there has been testimony received during this session on this issue. Because if that's not the case, then I'm not sure this is correctly before us.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "B"? Excuse me,

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Representative Davis, was that a question that you required a response to? Excuse me. Representative Santa Maria.

REP. SANTA MARIA: (107TH)

Well, I don't -- you know, this issue has been before this body, I'm sure, several times and before the committees several times within the General Assembly.

Police officers are out there trying to do their job every day and when you arrest the every day drunk driver, their license ends up getting suspended. But if you happen to, for example, be driving on the road, you get into a car accident and hit a tree, let's say, and you have a head injury and the police officer can articulate, based on his investigation, maybe the odor of alcoholic beverage on the person's breath, a few beer cans in the car, and the fact that he was able to sustain that you had left a bar previously prior to having the accident and had had several drinks at that establishment, and you're transported to the hospital by ambulance and at the hospital the officer is unable to administer tests to you because of your injuries, but he's able to, through his investigation, sustain the fact that you had been drinking and in his professional opinion and based on his experiences, he's

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able to believe through the course of the investigation that you are possibly intoxicated or were intoxicated at the time of the accident and he's able to put that information in a search warrant and obtain a search warrant for your blood alcohol results and get that search warrant, and in fact, the search warrant indicates -- the results of the search warrant indicate that your blood alcohol was over .10 and you were legally drunk at the time of the accident, I think that that person's license should be also suspended.

Just because you happened to be transported to a hospital and the fact that the police officer at the time cannot administer the blood alcohol - cannot administer the test for blood alcohol results for whatever reason, should not allow you to not have your license suspended.

This is something that we've had to wrestle with in law enforcement for a number of years and this is just one way that the system should work in a fair and equitable manner for everybody. And I think Representative Belden's amendment adequately addresses the problems associated with DWI and the problems that we have had over several years in closing some of the loopholes.

Representative Ward more than, I think, adequately

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explained the issue at hand. Representative Tulisano, after hearing those explanations, did agree to the amendment and the details outlined in it and how to handle the various situations that have been encountered over the years and the numerous -- the couple of loopholes that we've had to deal with.

But the question is, is whether or not we should allow a person by virtue of the fact that they simply get into a motor vehicle accident and get transported to the hospital and yet they're drunk at the same time, to get off of the -- get out of the administrative per se aspect of DWI and end up not getting their license suspended as opposed to the person that gets pulled over and ends up getting the administrative per se aspect of it and getting suspended.

So, I support this amendment. It closes a lot of loopholes outlined by Representative Belden and Representative Ward.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Newton.

REP. NEWTON: (124TH)

Thank you, Mr. Speaker. A question to the proponent of the amendment.

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Representative Belden.

REP. NEWTON: (124TH)

Representative Belden, should this amendment pass, would this bill then have to go to Judiciary?

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

Through you, Mr. Speaker. We have a very unique situation here. This bill has already been to Judiciary. Even though there's nothing left in this bill that was ever there, under our rules, it's the absolute positive way we do things here.

So, this bill -- the will of the Chamber could, in fact, send this bill back to Judiciary if they cared to and kill it. But under our rules because if you look at your calendar, it says Judiciary as one of the committees it's been through.

So, Mr. Speaker, technically it does not have to go back there.

DEPUTY SPEAKER HYSLOP:

Representative Newton.

REP. NEWTON: (124TH)

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Nystrom.

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REP. NYSTROM: (46TH)

Thank you, Mr. Speaker. I am briefly rising in support of this amendment.

DEPUTY SPEAKER HYSLOP:

I would ask the Chamber to come to order. I cannot hear Representative Nystrom.

Representative Nystrom.

REP. NYSTROM: (46TH)

Thank you, Mr. Speaker. This discussion reminds me of legislation that was passed several years ago and there was a case in eastern Connecticut where a woman struck and killed another person in another vehicle. She, herself was unconscious and in fact her blood lines were established through the protocols of the paramedics and her lawyer sought to have the blood alcohol readings not allowed as evidence. The court found that it was admissible.

For me the question is do you always have to wait before someone goes to trial if, in fact, there are charges pending or do you allow the administrative per se process to work at its best and that is to suspend the license while the person is awaiting trial? I would rather air on the side of safety, the public's safety because that individual is more than likely to continue to drink and drive as was the case that I just talked

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about.

And I would urge adoption of this bill or amendment. Thank you.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "B"?

Representative Sawyer.

REP. SAWYER: (55TH)

Thank you, Mr. Speaker. If there is some question that this particular legislation is needed, I think we only need to look so far as our constituency as Representative Nystrom said. You know how you answer those calls when a constituent calls in and says that they have a problem and your heart sort of sinks knowing that it could be a bad one from the little slip that you get. In this case it was a woman who had been in a very bad accident. She had been hit and in the car. The driver had been 17 years old and there were two other young people in the car.

Because the injuries were so severe, two helicopters were sent to the accident scene and the victim and the other driver were sent to the hospital. The police actually got from the two passengers in the young driver's car, statements that they had been with the young gentleman just a short while before. They had not only been drinking, but they had been smoking

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marijuana and in this particular case, because the young gentleman went to the hospital immediately, they were unable to use the hospital tests and this woman lost eight months work and when I queried the State's Attorney, he said the most that they could give this young gentleman was a \$60 ticket.

Ladies and gentlemen, we discussed this last year. It's come back this year. And twice today. I think it's time that we took the courage and enacted this legislation.

Thank you.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "B"? Will you remark further on House "B"? Representative Herlihy.

REP. HERLIHY: (16TH)

Thank you, Mr. Speaker. Mr. Speaker, it was a high profile resident of my district that skated through this loophole. She was injured in a car crash and she was unable to consent or refuse a breathalyzer. And frankly the loophole caused her more suffering than she would have had if this law had been tighter and had this loophole not existed.

It's a little bit ironic because generally you assume that when there's a loophole in the law, the person who slips through it has benefitted, but in this

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case, it only exacerbated the problem for her.

Whenever we're given the opportunity to tighten up a weak law or not necessarily a weak law, but law that is allowing people to slip through the cracks, I think it's not only our obligation, but our duty to repair it. I think this amendment does that. I support the amendment. I hope of the rest of you will, as well.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "B"? Will you remark further on House "B"? If not, I will try your minds.

All those in favor, signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER HYSLOP:

Those opposed, no. The ayes have it. House "B" is adopted.

Will you remark further on the bill, as amended?

Will you remark further on the bill, as amended?

Representative Green.

REP. GREEN: (1ST)

Yes, Mr. Speaker. Mr. Speaker, one brief comment. I really like some of the things in the bill. I'm really glad that we're able to now have car dealerships make the public aware of the conveyance. I particularly

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had an incident where I was told that I had to pay the conveyance fee. I think the bill is in the right direction and that we're moving to let the public know that that's an optional fee.

However, let me say that on the amended bill, lines 504 to 510, section 2, of section b of section 13, there's a piece in there that I'm really just not clear how it relates to car dealerships. And as we talked about the House Amendment "A" I was not aware, particularly that this was in it.

But basically what this section talks about is that a person who has been arrested for any felony, their license maybe suspended if they failed to show up for their court appearance.

I'm not real sure how any arrest for anything is related to car dealerships, but in fact we have this in this. I don't particularly like this piece of legislation. I think that if we have people not be able to drive for whatever reason, based on any kind of arrest that's not related to a motor vehicle, it sets a bad precedence and I will vote in favor of this bill, but believe that as a member of the Transportation Committee, when I voted on the passage of this car dealership out of committee, that this piece was not in it and that it really surprised me today that this

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piece was in it and I think that this was irrelevant to the car dealership bill.

DEPUTY SPEAKER HYSLOP:

Will you remark further on the bill, as amended?
Will you remark further on the bill, as amended? If not, staff and guests, come to the Well. Members, take your seat. The machine will will be opened.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by roll call. Members to the Chamber, please.

DEPUTY SPEAKER HYSLOP:

Have all the members voted? If all the members have voted, please check the machine to make sure your vote is properly recorded. The machine will be locked.

The Clerk will take the tally.

The Clerk will announce the tally.

CLERK:

House Bill Number 5597, as amended by House Amendment Schedules "A" and "B"

Total Number Voting	146
Necessary for Passage	74
Those voting Yea	142
Those voting Nay	4
Those absent and not voting	5

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DEPUTY SPEAKER HYSLOP:

The bill, as amended passes.

Clerk, please call Calendar 417.

CLERK:

On page 11, Calendar 417, Substitute for Senate Bill Number 600, AN ACT CONCERNING RETIREMENT ACCOUNTS AND MEDICAL SAVINGS ACCOUNTS. Favorable Report of the Committee on Judiciary. The Senate has adopted Senate Amendment Schedule "A".

DEPUTY SPEAKER HYSLOP:

Representative Tulisano.

REP. TULISANO: (29TH)

Mr. Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER HYSLOP:

The question is on acceptance and passage in concurrence with the Senate.

Will you remark?

REP. TULISANO: (29TH)

Yes, Mr. Speaker. Mr. Speaker, the Clerk has an amendment, LCO 2573.

DEPUTY SPEAKER HYSLOP:

Clerk, please call LCO 2573, designated Senate Amendment "A" and the Representative has asked leave to

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SEN. JEPSEN:

Calendar 373 is Go.

Page 3, top of the page, Calendar 398 is Go.

Calendar 423, Substitute for HB5082 I move to the
Consent Calendar.

THE CHAIR:

Motion is to refer this item to the Consent
Calendar. Without objection, so ordered.

SEN. JEPSEN:

Page 4, Calendar 444 is PT.

Page 5, Calendar 477 is PT.

Page 6, Calendar 480, Substitute for HB597 I move
to the Consent Calendar.

THE CHAIR:

The motion is to refer this item to the Consent
Calendar. Without objection, so ordered.

SEN. JEPSEN:

Excuse me, Madam President, I did suspend on that
earlier today, so we're safe.

At the bottom of the page, Calendar 484 is Go.

Page 7, Calendar 132, Substitute for SB386 I move
recommittal.

THE CHAIR:

The motion is to recommit this item. Without
objection, so ordered.

pat

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Senate

May 5, 1998

Chamber.

An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? If all members have voted, the machine will be locked. The Clerk please take a tally.

THE CLERK:

Motion is on HB5095 as amended.

Total number voting, 34; necessary for passage, 18; those voting "yea", 33; those voting "nay", 1. Those absent and not voting, 2.

THE CHAIR:

The bill is passed.

At this time, Mr. Clerk, would you announce a roll call vote on the Consent Calendar and call the Consent Calendar, please.

THE CLERK:

An immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

An immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

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Madam President, calling the Consent Calendar, I intend to call those items placed on the Consent Calendar from Agendas 1, 2, 3, and 4 first, and then we'll proceed to the Calendar.

From Senate Agenda No. 1, Substitute for HB5404.

Senate Agenda No. 2, Substitute for HB5444.

Senate Agenda No. 3, Substitute for HB5500.

Substitute for HB5667.

Senate Agenda No. 4, Substitute for HB5034.

From the Calendar, Calendar Page 1, Calendar 333, Substitute for SB533.

Calendar Page 2, Calendar 339, Substitute for SB486.

Calendar Page 3, Calendar 423, Substitute for HB5082.

Calendar Page 6, Calendar 480, Substitute for HB5597.

Calendar 484, Substitute for HB5073.

Calendar Page 7, Calendar 197, Substitute for SB571.

Calendar Page 10, Calendar 118, Substitute for SB498, Committee on Conference Report.

Calendar Page 11, Calendar 280, Substitute for SB520.

Calendar Page 13, Calendar 107, SB375.

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Calendar Page 14, Calendar 108, SB484.

Madam President, that completes the Second Consent Calendar.

THE CHAIR:

Thank you, Sir. Would you announce a roll call vote once again. The machine will be opened.

THE CLERK:

An immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

An immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? If all members have voted, the machine will be locked. The Clerk please take a tally.

THE CLERK:

Motion is on adoption of Consent Calendar No. 2.
Total number voting, 35; necessary for adoption, 18; those voting "yea", 35; those voting "nay", 0.
Those absent and not voting, 1.

THE CHAIR:

The Consent Calendar is adopted.

Senator Jepsen. Good news?

JOINT
STANDING
COMMITTEE
HEARINGS

TRANSPORTATION
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SEN. CIOTTO: That's not like you.

CYNTHIA MATTHEWS: As my former chairman of the Public Health Committee. That's right. Representative Jackie Cope and I worked on the Public Health Committee. That's true, but we follow your work with great interest and we're very happy if you could possibly pass this bill. It would mean a great deal.

SEN. CIOTTO: Thank you very much, Cynthia.

CYNTHIA MATTHEWS: Thank you.

SEN. CIOTTO: Commissioner Jose Salinas with the Department of Motor vehicles. Good morning, Commissioner.

JOSE SALINAS: Good morning, Senator. Good morning, Senator Ciotto, Representative Cocco, and distinguished members of the Transportation Committee. My name is Jose Salinas. I'm the Commissioner of the Department of Motor Vehicles.

Today I come before you to testify on several measures under consideration by the committee. My testimony will highlight the department's legislative proposals for this session, which incorporate our agency's commitment to the safety of the motoring public, enhanced customer service, and compliance with certain motor vehicle laws.

I've also prepared comments on a couple of additional proposals on today's agenda. Due to the indiscernible of the bills though, my remarks will be brief. I do have some staff with me today who will answer other questions. My Chief of Legal Services, John (indiscernible), is to my left, and my Chief of Dealers and Repairs, Lee Principle, is to my right.

SEN. CIOTTO: (mike not on).

JOSE SALINAS: The Department of Motor Vehicles urges favorable consideration on SB337, SB421, SB425, SB (indiscernible), and HB5518. SB337, AN ACT REVISING CERTAIN MOTOR VEHICLE STATUTES, contains

SB454, AN ACT DEFINING OPERATIONAL STANDARDS FOR AUTOMOTIVE DEALERS AND REPAIRERS, would provide clearer statutory authority for the agency in... and the repairer industry. Dealer and repairer industry. In the laws regarding the selling and repairing of motor vehicles, the intent is to clarify operational standards for both the businesses and customers, so that if customers will have...if they have liens, DMV will know whether or not it has jurisdiction. It would also help our dealers and repairs unit work much more efficiently.

And lastly, HB5518, AN ACT CONCERNING THE DEFINITION OF A CARRIER OF SCHOOL AGE CHILDREN, would amend the definition of carrier to include existing entities who are providing school transportation of children, and who are not currently obligated to meet the vehicle and license requirements established by that activity.

Right now, there are some providers who are contracting directly with parents of school age children, and they will transport the kids in their vehicles. This bill will ensure that these activities will meet the safety requirements of transporting kids safely to and from school.

Lastly, there are two bills on your agenda this morning that I would like to comment on. HB5597, AN ACT CONCERNING CAR DEALERSHIPS, and SB455, AN ACT CONCERNING LIENS ON TITLE. The DMV opposes the bills as written. We have not had an opportunity to adequately review the bills. We have concerns about the language, and would like an opportunity to work with the Committee on those bills. That's the extent of my comments. I'd be glad to take any questions that you may have.

REP. COCCO: Are there any questions? Representative Stillman.

REP. STILLMAN: Thank you, Madam Chairman, and good morning commissioner and staff members. SB337, one of these four items that you outlined here, has to do with extending the operating hours of motor cross racing on Sundays. What is...what do you



STATE OF CONNECTICUT
 DEPARTMENT OF MOTOR VEHICLES
 STATE STREET WETHERSFIELD, CONNECTICUT 06161



TESTIMONY BEFORE THE TRANSPORTATION COMMITTEE
 PUBLIC HEARING ♦ MARCH 2, 1998

The Department of Motor Vehicles respectfully submits the following comments and positions concerning several bills on your agenda this morning:

SB 453 ♦ AAC the Amistad Freedom Program.

DMV has witnessed, first hand, the proliferation of commemorative number plates in recent years. If it is the desire of this deliberative body to establish a plate honoring the schooner Amistad, we will certainly administer the issuance of the commemorative plate accordingly. However, the committee should be aware that subsection (c) of the draft proposal establishes an extra renewal fee. This fee is most receptive by the public when the monies generated are earmarked for a dedicated program, such as last year's Animal Control Population Number Plate. Otherwise, the newly established plate may not generate sustainable appeal.

SB 422 ♦ AAC Exemptions from Emissions Testing for Trucks and Buses Operating on Bio-diesel Blended Fuel.

DMV opposes this proposal, based on the understanding that bio-diesel blended fuel slightly increases particulate emissions, the substance tested by opacity meters in the emissions stations. As you may know, the reduction of particulate matter is an important part of the DEP's State Implementation Plan, as mandated by the Federal Clean Air Act. Vehicles powered by this fuel should be subject to the emissions testing program to ensure that they meet the 20% opacity smoke standard.

SB 424 ♦ AAC Commercial Motor Vehicle Emissions Testing.

DMV supports passage of this bill for it parallels the current passenger emissions program by establishing a fleet emissions inspection program for commercial motor vehicles and sets a minimum repair requirement for waiver eligibility.

SB 456 ♦ AAC Driver Retraining

DMV opposes the present draft under consideration. Besides providing a questionable incentive for younger drivers who may avoid being considered a public safety risk, the legislation conflicts with current statutes which retain certain moving violations for a period of three years.

HB 5552 ♦ AAC a Task Force to Study Reflectorized Safety Number Plates.

DMV supports the concept of a task force to study possible re-issuance of passenger number plates. Other states have documented that they have substantially reduced the numbers of unregistered and uninsured motorist as a result of plate re-issuance programs. Therefore, DMV believes it worthwhile to pursue the feasibility of such a program.

HB 5597 ♦ AAC Car Dealerships

DMV has several concerns regarding this proposal with regard to the language contained in the draft. The agency would like to work closely with the committee and those interested in the measure to craft a more suitable version. We are ready to work with you in this endeavor.

TESTIMONY TO THE TRANSPORTATION COMMITTEE**MARCH 2, 1998**

Presented by:
Steve Gabriel, Executive Vice President
Connecticut Automotive Trades Association (CATA)

H.B. No. 5597 An Act Concerning Car Dealerships

CATA supports this bill.

Section 1 Allows the Commissioner of Motor Vehicles to accept a licensed new car dealer's safety inspection of inventory vehicles not previously registered in Connecticut in satisfaction of the inspection requirement for registration in Connecticut provided the inspection is determined to be comparable to that conducted by the Department of Motor Vehicles.

Section 2 Provides that in any lease agreement of one year or more, the lessee named on the application for title/registration will pay for the registration and the lessee's name will appear on registration documents as the registrant. As registrant, the lessee will be responsible for parking citations and other legal sanctions relating to the registration of the leased vehicle with the exception of property tax billings. The lessor will remain the titled owner of the car.

This section also allows leasing companies to transfer a vehicle license plate to a lessee who has completed the lease term and is exercising the option to purchase the formerly leased vehicle.

Section 3 & Section 4

Provides for the disclosure of the nature and amount of dealer processing fees. The disclosures would be made on contract documents, at the point of sale and in any advertisements.

Section 5

Allows the Commissioner of Motor Vehicles to authorize licensed new car dealers to verify inventory vehicle identification numbers (VIN) for the purpose of emission testing, out-of-state titled vehicle inspection, and ten-year-old vehicle inspection. This verification would be provided by an affidavit signed by the dealer declaring under penalty of false statement the VIN number agrees with the title documentation and has not been removed, damaged or altered.

Section 6

Allows the Commissioner of Motor Vehicles to replace transporter temporary emission stickers with a placard to be obtained at the time of dealer license renewal with payment of a fee for the placard.

Section 7

Requires any application submitted to DMV to place a lien or change a lienholder to be accompanied by a completed odometer statement.

Section 8

Requires lienholders to return the title document and a lien release to the owner or his designee within 10 days after the receipt of the funds required to satisfy the lien.