

Legislative History for Connecticut Act

Act Number:	PA 06-147	
Bill Number:	599	
Senate Pages:	Senate: 1978, 2119-2121	4
House Pages:	House: 6339-6343	5
Committee:	Judiciary: 2293-2299, 2499-2501	9

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

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S-531

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS

2006

VOL. 49
PART 7
1954-2292

001978

25

dab
Senate

April 25, 2006

Moving to Calendar Page 27, Calendar 343, Senate
Bill 550, Go.

Calendar 344, Senate Bill 599, Mr. President,
would move to place this item on the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. LOONEY:

Thank you, Mr. President. Calendar 349, Senate
Bill 429, PR.

Calendar 155, Senate Bill 565, PR.

Calendar 277, Senate Bill 204, marked Go.

Moving to Emergency Certified Measures on
Calendar Page 28, Calendar 445, Senate Resolution 37,
Mr. President, I would move to place this item on the
Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. LOONEY:

Thank you, Mr. President. Calendar 446, Senate
Resolution 38, would move to place this item on the
Consent Calendar.

THE CHAIR:

Without objection, so ordered.

002119

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Senate

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April 25, 2006

Calendar Page 18, Calendar 117, Senate Bill 502.

Calendar 134, Substitute for Senate Bill 391.

Calendar 135, Substitute for Senate Bill 533.

Calendar Page 19, Calendar 138, Substitute for
Senate Bill 320.

Calendar 150, Substitute for Senate Bill 496.

Calendar Page 20, Calendar 181, Substitute for
Senate Bill 314.

Calendar Page 21, Calendar 206, Substitute for
Senate Bill 193.

Calendar Page 23, Calendar 224, Substitute for
Senate Bill 459.

Calendar 237, Substitute for Senate Bill 287.

Calendar Page 25, Calendar 288, Substitute for
Senate Bill 143.

Calendar Page 26, Calendar 328, Substitute for
Senate Bill 623.

Calendar 342, Substitute for Senate Bill 549.

Calendar Page 27, Calendar 343, Senate Bill 550.

Calendar 344, Senate Bill 599.

Calendar 155, Substitute for Senate Bill 565.

Calendar 277, Substitute for Senate Bill 204.

002120

167

dab
Senate

April 25, 2006

Calendar Page 28, Calendar 445, Senate Resolution
37.

Calendar 446, Senate Resolution 38.

Calendar 447, Senate Resolution 39.

Mr. President, that completes those items placed
on the first Consent Calendar.

THE CHAIR:

Mr. Clerk, if you'll announce that a roll call
vote is in process on the Consent Calendar. The
machine is open.

THE CLERK:

The Senate is now voting by roll call on the
Consent Calendar. Will all Senators please return to
the Chamber.

The Senate is now voting by roll call on the
Consent Calendar. Will all Senators please return to
the Chamber.

THE CHAIR:

All Members have voted. The machine is closed.
The Clerk will announce the results.

THE CLERK:

The motion is on adoption of Consent Calendar 1.

002121

168

dab
Senate

April 25, 2006

Total number voting, 36; necessary for passage,
19. Those voting "yea", 36; those voting "nay", 0.
Those absent or not voting, 0.

THE CHAIR:

All items on the Consent Calendar are passed.

Any points of personal privilege or announcements at
this time? Senator McDonald.

SEN. MCDONALD:

Thank you, Mr. President. Mr. President, I rise
for the purpose of an announcement.

THE CHAIR:

Please proceed, Senator.

SEN. MCDONALD:

Thank you, Mr. President. Mr. President, the
Judiciary Committee will be meeting tomorrow 15
minutes prior to session outside the House Chamber.

THE CHAIR:

Any further announcements? Senator Colapietro.

SEN. COLAPIETRO:

Thank you, Mr. President. The General Law
Committee will meet on a referred bill tomorrow 15
minutes prior to either session, the House or the
Senate.

H-983

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
2006

VOL. 49
PART 20
6089-6379

006339

gld
House of Representatives

559
May 3, 2006

The Bill passes. Will the Clerk please call
Calendar Number 455.

CLERK:

On Page 10, Calendar Number 455, Senate Bill
Number 599, AN ACT CONCERNING THE OPERATION OF
SNOWMOBILES, ALL-TERRAIN VEHICLES AND OTHER MOTOR
VEHICLES WHILE UNDER THE INFLUENCE OF INTOXICATING
LIQUOR OR ANY DRUG, Favorable Report of the Committee
on Transportation.

SPEAKER AMANN:

The question is on acceptance of the Joint
Committee's Favorable Report and passage of the Bill.
Will you remark, Sir?

REP. LAWLOR: (99th)

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

SPEAKER AMANN:

The question is on acceptance of the Joint
Committee's Favorable Report and passage of the Bill.
Will you remark?

REP. LAWLOR: (99th)

gld
House of Representatives

006340
560
May 3, 2006

Thank you, Mr. Speaker. The Senate passed this Bill unanimously. They adopted no amendments. In essence, the file copy conforms the penalties, administrative and criminal, for drunk driving with the penalties, administrative and criminal, for drunken operation of a snowmobile or an ATV. I urge passage of the Bill.

SPEAKER AMANN:

The question is on passage. Will you remark?
Representative Sawyer.

REP. SAWYER: (55th)

I support the Bill and urge passage. Thank you,
Mr. Speaker.

SPEAKER AMANN:

Thank you, Madam. Care to remark further?
Representative Stone. Representative Stone.

REP. STONE: (9th)

Thank you, Mr. Speaker. For the moment, the Clerk has an amendment, until I get some indication otherwise. The Clerk has an amendment, LCO Number 4842. I ask that he call and I be allowed to summarize.

SPEAKER AMANN:

gld
House of Representatives

006341
561
May 3, 2006

The Clerk please call LCO Number 4842, which was
previously designated Senate--

CLERK:

LCO Number 4842, House "A", offered by
Representative Stone.

SPEAKER AMANN:

House "A". Care to remark? Representative
Stone.

REP. STONE: (9th)

Thank you, Mr. Speaker. The Amendment would
provide for the same threshold of intoxication if one
is carrying a gun or one is operating a motor vehicle.

When we changed the per se law, or the drunk
driving law, we reduced the threshold from .10 to .08.
We did it for a lot of things like driving a car, but
we didn't do it for carrying a gun. With that, Mr.
Speaker, I withdraw the Amendment.

SPEAKER AMANN:

Is there objection? Hearing none, so ordered.
Care to remark further? Care to remark further? Care
to remark further?

006342

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House of Representatives

562
May 3, 2006

If not, staff and guests please come to the Well of the House. Members please take your seats. The machine 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.

SPEAKER AMANN:

Have all the Members voted? Have all the Members voted? If all the Members have voted, please check the board to make sure your vote is properly cast.

If all the Members have voted, the machine will be locked. The Clerk will take a tally. The Clerk please announce the tally.

CLERK:

Senate Bill Number 599, in concurrence with the Senate.

Total Number Voting	146
Necessary for Passage	74
Those voting Yea	139
Those voting Nay	7
Those absent and not voting	5

SPEAKER AMANN:

gld
House of Representatives

006343
563
May 3, 2006

The Bill passes. Mike Christ. Representative
Christ.

REP. CHRIST: (11th)

Thanks, Jim.

SPEAKER AMANN:

Sorry. Representative Christ.

REP. CHRIST: (11th)

Mr. Speaker, I move for the immediate suspension
of the rules for the immediate consideration of
Calendar Number 504.

SPEAKER AMANN:

The question is on suspension. Hearing no
objection, so ordered. Will the Clerk please call
Calendar Number 504.

CLERK:

On Page 15, Calendar Number 504, Substitute for
Senate Bill Number 638, AN ACT ENABLING THE DEPARTMENT
OF REVENUE SERVICES TO PROCESS RETURNS MORE
EFFICIENTLY AND PERMITTING THE PROVISION OF CERTAIN
INFORMATION TO THE OFFICE OF FISCAL ANALYSIS,
Favorable Report of the Committee on Finance, Revenue
and Bonding.

SPEAKER AMANN:

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY

PART 7
1951-2300

2006

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JUDICIARY

March 17, 2006

ANDREW WITTSTEIN: Thank you. My name is Andrew Wittstein and I'm a Supervisory Assistant to State's Attorney and Superior Court, Bantham and northwest corner, Richfield County.

I'm here to speak on behalf of the Division of Criminal Justice and Chief State's Attorney Murano in support of Senate Bill 599, AN ACT CONCERNING THE OPERATION OF SNOW MOBILES, ATVS AND OTHER MOTOR VEHICLES WHILE UNDER THE INFLUENCE OF LIQUOR OR DRUGS.

The Division supports Senate Bill 599. This bill will declare that driving under the influence of alcohol or drugs is not permitted period.

Further, it would expand existing laws prohibiting the operation of a snow mobile or all-terrain vehicle while under the influence. This legislation would address long-standing problems that have arisen in our efforts to enforce DUI laws.

Specific cases have arisen with regard to certain roads that are considered private, but are open to public motor vehicle traffic.

As the statute is now written, we have encountered difficulty with charging DWI if the motorist is driving, for example, on private campground, roads through condominium complexes, and access roads that connect parking lots and shopping malls. There are some other examples, which I can tell you about from my personal experience.

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JUDICIARY

March 17, 2006

The bill would not only correct that problem, but would go further by stating it's against the law to operate any motor vehicle including the snow mobile or ATV anywhere in the state while under the influence.

That's a strong statement, indeed, and one, which the Division supports. Why would someone who gets drunk watching a Little League Game and then careens onto the field be exempt from prosecution for DUI. But under our current law that is the case.

The most frequent criticism of our drunk driving laws that contain too many loop holes and that every time laws were written to close one, it just seems to open another.

The Division believes this bill would go a long way to closing any possible loopholes because again, it states that driving under the influence is not permitted anywhere.

It would appear that this blanket restriction against driving under the influence is consistent with the direction with which the courts are heading.

The Appellate Court in State v. Hackett, two judges in favor and one dead, held that an operator's license is not required to operate on private property.

An operator who's license is under suspension can be charged with driving while under the suspension while operating on private property. If driving under suspensions on private

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March 17, 2006

property is against the law, driving under the influence ought to be as well.

Finally, law clarifies and expands the law concerning operating [Gap in Tape] carries with it an inherent degree of danger. To do so while under the influence is extremely dangerous and very possibly deadly.

This is clearly a question of public safety that can be easily answered by the passage of this bill. Senate Bill 599 is consistent with the spirit of the law and the case law.

It's common sense and good public policy. The Division of Criminal Justice respectfully requests the Committee's joined favor of report. Thank you. I can answer any questions.

SEN. MCDONALD: Thank you, Mr. Wittstein and I appreciate your testimony. It seems like a very reasonable logical extension of what we already have and frankly, you know, whether it's cars, boats, whatever the mechanized vehicle, it seems that this should apply to it and I appreciate your testimony.

ANDREW WITTSTEIN: Boats were taken of already, but right now operating an ATV or snowmobile under the influence is an infraction. It's a mail-in fine.

SEN. MCDONALD: Thank you. Are there any questions? Senator Roraback?

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March 17, 2006

SEN. RORABACK: Thank you Mr. Chairman and good afternoon Mr. Wittstein. Your GA Prosecutors see some pretty bizarre stuff, but no GA sees more bizarre stuff than the one we have up in northwest Connecticut and just for the benefit of Members of the Committee, Mr. Wittstein has had 25 years--

ANDREW WITTSTEIN: Thirty.

SEN. RORABACK: Thirty, sorry, 30 years of experience in our GA Court and has done a very commendable job.

We talked about how to deal with the snowmobile ATV thing, and if you look at the text of the Senate Bill 599, what we did was you said, hey, if you're driving a snowmobile when you're drunk or driving an ATV while you're drunk, we're going to take away your driver's license the same way that we take your driver's license away if you're driving a car while your drunk.

Because that's the sanction to be taking away someone's snowmobile license might not be the end of the world for them, but taking their driver's license would obviously have a much bigger impact.

So that's the way we thought it would be responsible to handle bringing them within the umbrella. The other thing we did was, with thanks to Rick, was bracket out on lines eight through 13.

We bracketed out all these exceptions, which says it's okay to drive drunk in all these

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March 17, 2006

different places because as Mr. Wittstein said, it's very hard to articulate a rational for why we should permit people to drive drunk in some places and not others.

So, I appreciate the Committee's indulgence, I appreciate Mr. Wittstein making the effort to be up here today and hope that we can act favorably on this. I did want to call the Committee's attention to what little thought has gone into this.

SEN. MCDONALD: Well, I'm glad you took the opportunity to mention the fact that the people you represent create the most bizarre cases, but be that as it may, Senator Gomes?

SEN. GOMES: I also am happy to see you here for several reasons. I've had experiences in my neighborhood with all-terrain vehicles. I come out of my house one day and I live on a wide street.

Two guys, about 20 years old were having a race down the middle of the street on both sides of the street and when I yelled at them, they just gave me that.

Another day I seen a guy coming up the street doing a wheelie with a kid about eight or nine years old on the handlebars.

So anything that you could do to get them off of my street since they don't have license to be on the street, I would appreciate it, and if you can't get them off the streets, like you

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JUDICIARY

March 17, 2006

said, fine them. Take away their license or something. Thank you very much.

SEN. MCDONALD: Representative Spallone?

REP. SPALLONE: Thank you, Mr. Chairman. Thank you for your testimony. I just wanted to ask you, in connection with the ATV issue, there are other bills and other Committee's percolating through this building that might require the universal registration of ATV type vehicles. Would that help in your efforts as well as this kind of bill in terms of being able to trace these vehicles?

ANDREW WITTSTEIN: It certainly would help to regulate the abuse of ATVs, which is, of course, somewhat of a problem in our area, being a rural area.

Some of the misbehavior on forestland and elsewhere could be helped by the registration. This DUI bill of course is not directly tied to it and they can be treated entirely separately.

REP. SPALLONE: Just to clarify. I want to make sure I understood your testimony. Currently if an officer arrested an intoxicated individual who was operating an ATV, is not specifically prohibited to do so? So we would be expanding it from automobiles and motorcycles and other things?

ANDREW WITTSTEIN: It is prohibited to operate an ATV under the influence of liquor, but it is a mail-in fine. It does not carry any of the implications of a DUI arrest, there is no

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March 17, 2006

exposure to jail, suspended sentences, probation or driver's license laws. You mail in the fine, you can do it again tomorrow and mail in another one.

REP. SPALLONE: Are you saying it's an infraction currently?

ANDREW WITTSTEIN: Exactly.

REP. SPALLONE: Okay. Thank you very much. That's very interesting. Thank you Mr. Chairman.

SEN. MCDONALD: Anything further? If not, thank you very much.

ANDREW WITTSTEIN: Thank you, Senator.

SEN. MCDONALD: Last Official from the Agency list is Deb Fuller.

DEBORAH FULLER: Good afternoon. My name is Deborah Fuller and I am here before you today on behalf of the Judicial Branch to testify in support of Senate Bill 430, AN ACT CONCERNING ARBITRATION IN FAMILY MATTERS. This proposal was submitted by the Branch as part of our legislative package.

This proposal would require that arbitrators who handle family matters be attorneys. As the Committee is aware, last year the Legislature passed language that for the first time, allowed aspects of the disillusion of marriage case to be arbitrated.

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY

PART 8
2301-2658

2006

Note: All red underlines and bill numbers in margin added by CT State Library electronic indexing



MADD

Activism | Victim Services | Education®

2499
Mothers Against Drunk Driving
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19 Bernhard Road
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Phone (203)752-3273
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TESTIMONY PRESENTED TO THE JUDICIARY COMMITTEE IN SUPPORT OF S.B. NO. 599 (RAISED) "AN ACT CONCERNING THE OPERATION OF SNOWMOBILES, ALL-TERRAIN VEHICLES AND OTHER MOTOR VEHICLES WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG "

BY: BERNARD M CLOUGHLIN
PUBLIC POLICY LIAISON- MADD-CT
MARCH 17, 2006

Mother's Against Drunk Driving (MADD) joins forces with the Connecticut Chief State's Attorney's Office and other law enforcement agencies in Connecticut in requesting that the Judiciary Committee joint favorably vote out S.B. No. 599 for action by the full General Assembly.

S.B. No. 599 is a logical and important piece of legislation in closing another loophole in the War on drunk driving. Each year in this country nearly there are nearly 17,000 fatalities that are the result of drunk driving crashes. A drunk driver behind the wheel of an all-terrain vehicle or a snowmobile in a public or private setting is just as dangerous to himself and others as a drunk driver in an automobile on a public road.

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



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF CHIEF STATE'S ATTORNEY CHRISTOPHER L. MORANO

IN SUPPORT OF:

**S.B. No. 599 (RAISED) AN ACT CONCERNING THE OPERATION OF SNOWMOBILES,
ALL-TERRAIN VEHICLES AND OTHER MOTOR VEHICLES
WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG**

PRESENTED BY:
ANDREW M. WITTSTEIN
SUPERVISORY ASSISTANT STATE'S ATTORNEY
GEOGRAPHICAL AREA NUMBER 19 -- BANTAM

JOINT COMMITTEE ON JUDICIARY
MARCH 17, 2006

The Division of Criminal Justice supports S.B. No. 599, An Act Concerning the Operation of Snowmobiles, All-Terrain Vehicles and Other Motor Vehicles While Under the Influence of Intoxicating Liquor or Any Drug. This bill would declare that driving under the influence of alcohol or drugs is not permitted - period. Further, it would expand existing law prohibiting the operation of a snowmobile or all-terrain vehicle while under the influence of alcohol or drugs.

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

S.B. No. 599 would not only correct that problem, but it would go farther by stating that it is against the law to operate any motor vehicle - including a snowmobile or all-terrain vehicle - anywhere in the State of Connecticut while under the influence of alcohol or drugs. That is a strong statement, indeed, and one which the Division of Criminal Justice endorses. Why should someone who gets drunk watching a Little League game and then careens onto the field be exempt from prosecution for DUI?

The most frequent criticism of our drunken driving laws is that they contain too many loopholes - and that every time the law is rewritten to close one loophole, it seems to just open another. The Division of Criminal Justice believes this bill would go a long

way to closing any possible loopholes because, again, it states that driving under the influence is not permitted anywhere - period.

It would appear that this blanket restriction against driving under the influence is consistent with the direction in which the courts are heading. The Appellate Court, in *State v. Hackett*, 72 Conn. App. 127, 132 (2002), held that while an operator's license is not required to drive on private property, an operator whose license is under suspension can be charged with driving while under suspension while operating on private property. If driving under suspension on private property is against law, driving under the influence certainly should be as well.

Finally, the bill clarifies and expands the law concerning operating a snowmobile or all-terrain vehicle while under the influence of alcohol or drugs. The justification for this change is obvious. Operating either of these types of vehicles - and that is what they are, motorized vehicles - carries with it an inherent degree of danger. To do so while under the influence is extremely dangerous, and, very possibly deadly. This is clearly a question of public safety that can be easily answered by the passage of this bill.

S.B. No. 599 is consistent with the spirit of the law and the case law. It is common sense and good public policy. The Division of Criminal Justice respectfully requests the Committee's Joint Favorable Report.