REPORT OF THE

MULTIPLE TRAFFIC

OFFENDER WORKGROUP

Department of Motor Vehicles

June 7, 2011

Overview

On February 28, 2011, Commissioner of Motor Vehicles Melody A. Currey directed that a study be conducted to address motor vehicle operators with a record of repetitive violations and suspensions. Utilizing her authority under Connecticut General Statute §14-6 to coordinate motor vehicle enforcement throughout the state, a work group was assembled consisting of local and state law enforcement, legislators and prosecutors as well as the Department's licensing officials, legal and regulatory staff.

The members were charged with assembling and reviewing the statistics related to traffic offenses as well as the current laws and regulations and to recommend actions to encourage improvement in the behavior of habitual offenders.

The workgroup held its organizational meeting on March 24, 2001. The membership included:

Victor Diaz	Deputy Commissioner of Motor Vehicles
Henry Genga	State Representative, Connecticut General Assembly
David Scribner	State Representative, Connecticut General Assembly
Richard Mulhall	Chief of Police, Newington
Mark Sticca	Lieutenant, Department of Public Safety
Larry D'Orsi	Deputy Director, Court Operations
Stacey Manware	Deputy Director, Centralized Infractions Bureau
Len Boyle	Deputy Chief State's Attorney
Susan Archambault	Program Coordinator, Driver Services
Mike Bzdyra	Executive Assistant, DMV
Sharon Geanuracos	Legal Director, Legal Services
Kathy Flanagan-Beal	Division Chief, Driver Services
Tom Ruby	Bureau Chief, Driver Regulation
George White	Division Chief, Planning, Research and Analysis

At the initial meeting, an information packet prepared by Department staff was provided to each of the Workgroup's members. Contained within the packet was information and documentation pertaining to multiple traffic offender-related Connecticut statutes, regulations, statistics, and benchmarking of states that have implemented Habitual Traffic Offender ("HTO") laws.

Following review and discussion of the material, consensus was reached that members would contact their respective colleagues for further input before reconvening on April 7 to narrow the focus of the combined effort. One or two subsequent meetings would follow before presenting a program of remedial actions and short term improvements to the Commissioner for her consideration.

The work session of April 7 involved active discussion of each item and identification and development of achievable remedies. A final meeting was held on April 28 to refine recommendations and to confirm a process to prepare this report for circulation and approval before submission to the Commissioner.

Recommendations

1. Initiate a DMV information systems project to provide secure electronic access for Connecticut law enforcement to an alphabetical roster of suspended operators in each tax town. This will allow a jurisdiction based listing of the operator's name, credential number and address to be readily available for download thereby assisting law enforcement personnel in the identification of persistent offenders.

2. Amend Regulation of Connecticut State Agencies §14-137-82 "Suspension of operator's license for history of unsafe operation" by expanding the current range of qualifying convictions. Presently, the regulation authorizes a thirty (30) day suspension of an operator's license upon accumulation of any four convictions of twelve enumerated moving violations within a two year period. That roster should be revised to include an additional twenty-three violations. Under the current arrangements, there are 302 suspensions on record under this provision. If the expanded list were now in place, over four thousand motor vehicle operators would have incurred a suspension of their credential.

3. Revise Connecticut General Statute §14-111g, "Operator's Retraining Program" by amending the roster of qualifying moving violations by:

    a. adding C.G.S. §14-283, "Rights of emergency vehicles. Obstruction of"

    b. revising the existing entry for C.G.S. §14-296aa "Use of hand-held mobile telephone and electronic devices by motor vehicle operators and school bus drivers, prohibited or restricted, when." to include all operators, regardless of age

c. adding C.G.S. §14-300 “Crosswalks. Pedestrian control signals. Regulation of pedestrians and motor vehicles at crosswalks”

4. Revise Connecticut General Statute §14-111g by removing the requirement to re-attend the retraining program and replacing it with a requirement to progressively suspend an operator’s license or operating privilege if, within the three year period following completion of the operator retraining program, additional convictions of moving violations or suspension violations occur.

5. Seek to revise Connecticut General Statute §14-215a “Operation while license is suspended pursuant to section 14-140” to encourage final disposition of the underlying matter for which the individual failed to appear.

6. Provide renewed emphasis within the law enforcement training regimen with participation by judicial staff concerning the necessity to fully process individuals found to be operating under suspension during an enforcement stop.

7. Pursue a financially achievable enhancement to the DMV’s credentialing technology to allow the latest image on file to be transmitted to a law enforcement officer upon request in conjunction with a roadside stop.

8. Continue the implementation of e-citation technology being developed and deployed by the Judicial Branch and state and local law enforcement.

9. Monitor the experience of other states in sanctioning habitual violators.

With the exception of recommendations 6 and 8, which focus upon actions by the Judicial Branch and law enforcement entities, the primary responsibility for carrying out these recommendations lies with DMV staff.

Narrative and Background Information for Recommendations

1. Roster of suspended licensees by jurisdiction

During discussions among the workgroup members, law enforcement representatives indicated that it would be beneficial to have a roster of residents within the community whose license status is “suspended” available for review during roll call. The Department has initiated a project to sort suspended licensees by the record of their town of residence, periodically post this information to a file and provide access to the file through a password protected internet protocol. Each participating jurisdiction would then have the ability to copy and post the section of the file relevant to their community.

The information available under this process would contain similar data as that provided during an individual credential inquiry through the COLLECT system.

However, this file would provide aggregate information for the jurisdiction as a whole.

2. Amend Regulation of Connecticut State Agencies §14-137-82

The above cited Regulation entitled “Suspension of operator’s license for history of unsafe operation” serves as Connecticut’s version of a habitual offender provision. However, rather than prescribing a felony offense and/or incarceration, the sanction applied through regulation is a suspension of the motor vehicle operator’s license. There are currently 302 suspensions on record under this provision.

To receive a suspension, the operator must, within a two year period, be convicted of four violations of any of the following offenses:

(1) Sec. 14-218a. Traveling unreasonably fast.
(2) Sec. 14-223 (a). Disobeying orders of officer.
(3) Sec. 14-224 (c). Wagering, speed record.
(4) Sec. 14-227a (b). Driving while impaired.
(5) Sec. 14-231. Failure to keep right when meeting opposing traffic.
(6) Sec. 14-240. Failure to drive reasonable distance apart.
(7) Sec. 14-240a. Failure to drive reasonable distance apart, intent to harass.
(8) Sec. 14-250. Certain motor vehicles to stop at railroad crossing.
(9) Sec. 14-279. Passing stopped school bus.
(10) Sec. 14-281a. Operation of school bus at unreasonable speed.
(11) Sec. 14-299. Failure to obey control signal.
(12) Sec. 14-301. Failure to obey stop sign.

After substantive discussion, including a comparison of traffic offenses as they relate to the existing regulation, the point system and the operator retraining program, the workgroup reached consensus that the roster of violations should be revised. The enumerated list of violations considered as unsafe should be expanded. The proposed roster would add twenty-two additional violations to the list and delete one for which the underlying statute has been repealed, resulting in the following roster:

(1) Sec. 14-218a. Traveling unreasonably fast.
(2) Sec. 14-219. Speeding.
(3) Sec. 14-223(a). Disobeying orders of officer.
(4) Sec. 14-224(c). Wagering, speed record.
(5) Sec. 14-231. Vehicles in opposite directions to pass on right.
(6) Sec. 14-232. Passing.
(7) Sec. 14-233. Passing on right.
(8) Sec. 14- 234. Determination of no passing zones.

(9) Sec. 14- 235. Vehicle not to be driven on left side of highway on curve or upgrade.
(10) Sec. 14-237. Driving on divided highways.
(11) Sec. 14-238. Controlled access highways.
(12) Sec. 14-238a. Illegal entry on limited access highway.
(13) Sec. 14-239. One way streets. Rotaries or roundabouts.
(14) Sec. 14-240. Failure to drive reasonable distance apart.
(15) Sec. 14-240a. Failure to drive reasonable distance apart, intent to harass.
(16) Sec. 14-241. Turns
(17) Sec. 14-242. Turns restricted.
(18) Sec. 14-243. Starting or Backing a vehicle.
(19) Sec. 14-244. Signals.
(20) Sec. 14-245. Intersection. Right of way.
(21) Sec. 14-246a. Right of way at junction of highways.
(22) Sec. 14-247. Right of way at driveway or private road.
(23) Sec. 14-247a. Right of way yielded by one emerging from alley, driveway or building.
(24) Sec. 14-249. Stopping at grade crossings.
(25) Sec. 14-250. Certain motor vehicles to stop at railroad crossing.
(26) Sec. 14-279. Passing stopped school bus.
(27) Sec. 14-281a. Operation of school bus at unreasonable speed.
(28) Sec. 14-283. Rights of emergency vehicles. Obstruction of.
(29) Sec. 14-296aa. Use of hand held mobile telephones and mobile electronic devices
(30) Sec. 14-299. Failure to obey control signal.
(31) Sec. 14-300. Crosswalks. Pedestrian control signals.
(32) Sec. 14-301. Failure to obey stop sign.
(33) Sec. 14-303. Designation of one way streets.

The Workgroup believed that a pattern of behavior resulting in four convictions within two years of any combination of this roster of offenses creates a likelihood of increased risk to the motoring public and should be addressed through the imposition of a sanction. Should the amended regulation be adopted, its provisions would apply prospectively to operators who attain a fourth conviction of an enumerated violation after the effective date of the regulation.

3. Revise Connecticut General Statute §14-111g

The first of two recommendations concerning the Operator Retraining Program calls for expansion of the list of moving violations to include:

§14-283, “Rights of emergency vehicles. Obstruction of”
§14-300 “Crosswalks. Pedestrian control signals. Regulation of pedestrians and motor vehicles at crosswalks

Additionally the current entry §14-296aa “Use of hand-held mobile telephone and electronic devices by motor vehicle operators and school bus drivers, prohibited or restricted, when.” should be revised to include all operators, regardless of age. The current arrangements for this program apply the prohibition on the use of electronic devices only to operators who are under eighteen years of age.

Each of these items was discussed during the analysis concerning Recommendation 2. Given the highway safety emphasis on the issues represented by these provisions, it is appropriate that a retraining program recognize their importance.

4. Removal of Repetitive Retraining Requirements

The statute authorizing the Commissioner to conduct the Operator Retraining Program requires the adoption of regulations to implement the program. Originally adopted in 2002, §14-111g-2(d) of the regulations requires that any operator who has been required to attend the program must repeat it upon posting of an additional moving violation or suspension violation on the operator’s driving history if the operator remains above the threshold for attendance. Following its inception for operators under the age of 18 in 1993, and subsequent expansion to operators of all ages in 1995 the recidivism rate has been a matter of concern. Notably, the extensive research conducted by the Teen Driving Task Force in conjunction with the revisions to the licensing of operators under the age of eighteen indicated a consistent lack of a positive correlation between training and driver performance. A snapshot of program data for February of 2011 seems to confirm that information as forty-two percent of those required to attend were second or subsequent offenders.

Operator Retraining Monthly Statistics
February 2011

	=<24	=>25	Total
Class Required	735	510	1245
2nd Class	148	119	267
3rd Class	66	68	134
4th Class (or more)	70	56	126

A legislative proposal is currently pending to revise Connecticut General Statute §14-111g by adding a new section subsection (c) as follows:

(c) Any person who is required to attend an operator retraining program shall have such requirement and the completion date of such requirement posted on such person's driving history record maintained by the commissioner. The date of class completion shall remain on such person's driving history record until such person has attained a three year period without any additional moving violations or suspension violations specified in subsection (a) of this section being posted to such person's driving history record. Until the completion of such three year period the Commissioner shall suspend such person's operator's license or operating privilege for 1) thirty days upon conviction for any specified moving violation or suspension violation, 2) sixty days upon an additional conviction of any specified moving violation or suspension violation, and 3) ninety days for each subsequent conviction of a specified moving violation or suspension violation.

5. Revise Connecticut General Statute §14-215a

This provision addresses operators cited for operating under suspension whose suspended status arises solely due to the failure to appear in court and resolve a previously issued ticket. The suspension is requested by the Court under Connecticut General Statute §14-140. A conviction of violating §14-215a carries no additional sanction of suspension of the operator's license or operating privilege. Under the existing arrangements, there is no requirement that the underlying matter(s) which caused the initial suspension action must be resolved. As a result, there is little incentive for the operator to reopen the earlier case(s) and *attain a final disposition*. A review of data indicates that one thousand two hundred seventy-eight individuals had four or more open suspensions on their driving record under §14-140 only. One hundred fifty-six of those operators had ten or more such suspensions; six of that number had more than thirty. There are an additional one hundred twenty nine operators who attained a valid license status yet have ten or more prior suspension actions on their driving history under §14-140. Given this, the workgroup recommended that the Department should pursue a legislative change with the concurrence of the Judicial Branch and the State's Attorney to require a final disposition of the cases leading to the report of the failure to appear in court. The drafting and submitting of this language should be targeted for the next Connecticut General Assembly's legislative session.

6. Law enforcement training regarding suspended operators

The issue of law enforcement and court-related activities and actions surrounding multiple traffic offenders and its relationship to the issue of operating under suspension were discussed by the workgroup. The crux of those discussions revolved around the need for additional training on the importance and impact that these types of operators have on the process as a whole, and not just on each entity's specific and unitary responsibilities.

Given the above, the workgroup's consensus was that the multiple traffic offender-related issues, vis a vis operating under suspension offenses, should be covered in POST Basic Motor Vehicle Traffic Enforcement classes as the police recruit is being trained. The POST Basic Motor Vehicle Traffic Enforcement class should stress the need to identify and include driving history records and/or a notation in the prosecutor's report to ensure that the offender is properly identified and that the appropriate court action take place based upon law enforcement's cited offenses.

Additionally, the workgroup's consensus was that multiple traffic offender-related issues should also be covered in law enforcement's three year review training whenever traffic enforcement issues are presented, discussed, and covered.

7. Directly download license images to law enforcement field personnel

This effort is to provide law enforcement a better means in positively identifying an operator during a roadside stop, thereby ensuring that the citation is issued to the appropriate offender. The Department had previously explored this capability on a pilot basis in consultation with representatives from the Connecticut Police Chiefs Association (CPCA) and the Capital Region Council of Governments (CRCOG) in conjunction with the current credentialing vendor. The cost of a distinct project to create a secure electronic system to transmit images was prohibitive at that time. Nevertheless, the Department has continued to pursue a financially achievable enhancement to the DMV's credentialing technology to allow the latest image on file to be transmitted to a law enforcement officer upon request in conjunction with a roadside stop. Therefore the initiative is being pursued through the agency's enterprise modernization project to replace the legacy mainframe technology, (The Connecticut Integrated Vehicle and License System ("CIVLS") and the scheduled RFP for a credential vendor.

8. Continue the implementation of e-citation technology being developed and deployed by the Judicial Branch and state and local law enforcement.

The CT-Traffic Record Coordinating Committee's ("TRCC") Strategic Plan has documented and addressed the need for e-citation functionality between law enforcement and the Judicial Branch. The TRCC is comprised of a number of traffic highway agencies and other related entities and is led by the Department of Transportation's Office of Highway Safety with funding through a federal National Highway Traffic Safety Administration grant. The goal is the creation and incremental deployment of an application that enables secured electronic transmittal of citations by law enforcement to the Centralized Infractions Bureau ("CIB"). Additionally, part of this effort includes the utilization of the bar-coded information on an operator's license to auto-populate the e-citation. The name

and concomitant demographic information contained within the bar-code will ensure that the operator's information for e-citation purposes is accurate.

9. Monitor the experience of other states in sanctioning habitual violators.

Some states have adopted Habitual Traffic Offenders ("HTO") statutes which seek to address the issue of multiple traffic offenders. These laws contain a variety of deterrence-related actions such as license sanctions, community service, enhanced fines, civil penalties, and/or conviction of felony offense and the possible imposition of incarceration. Some jurisdictions which adopted HTO laws have subsequently repealed them. Before any consensus could be reached on the value of HTO laws further research and documentation is needed. The workgroup determined that the revisions to existing programs recommended above would provide an effective and timely alternative.