

**TABLE OF CONTENTS**

**Administrative Procedures for “Per Se” Suspension of  
Motor Vehicle Operator’s License**

Definitions . . . . .	14-227b- 1
Consent to chemical analysis . . . . .	14-227b- 2
Request that person submit to a chemical analysis . . . . .	14-227b- 3
Selection of blood, breath or urine test . . . . .	14-227b- 4
Communication of assent to request to take test . . . . .	14-227b- 5
Chemical analysis not required if medically inadvisable . . . . .	14-227b- 6
Refusal to take additional test . . . . .	14-227b- 7
Availability of chemical analysis results . . . . .	14-227b- 8
Repealed . . . . .	14-227b- 9
Report to Department of Motor Vehicles . . . . .	14-227b-10
Mailing address of person . . . . .	14-227b-11
Suspension of operator’s license or nonresident operating privilege. Notice of right to hearing . . . . .	14-227b-12
Failure to request hearing. Affirming suspension. . . . .	14-227b-13
Scheduling of hearing . . . . .	14-227b-14
Granting a continuance of hearing. . . . .	14-227b-15
Failure to appear at hearing . . . . .	14-227b-16
Hearing . . . . .	14-227b-17
Attendance of arresting officer at hearing. . . . .	14-227b-18
Admissibility of police report at hearing . . . . .	14-227b-19
Finding of facts. . . . .	14-227b-20
Time of notice of decision. . . . .	14-227b-21
Filing of appeal. Stay of suspension. . . . .	14-227b-22
Form of decision . . . . .	14-227b-23
Recording of hearing. Transcripts . . . . .	14-227b-24
Reinstatement of operator’s license . . . . .	14-227b-25
Failure to render timely decision . . . . .	14-227b-26
Restoration fee. Removal of name from suspension files . . . . .	14-227b-27
Payment for blood test. . . . .	14-227b-28
Information . . . . .	14-227b-29
Retention of records . . . . .	14-227b-29a



## **Administrative Procedures for “Per Se” Suspension of Motor Vehicle Operator’s License**

### **Sec. 14-227b-1. Definitions**

For the purpose of Sections 14-227b-1 to 14-227b-29a, inclusive, the following terms shall have the following meanings:

(1) “Chemical analysis,” “chemical test,” or “test” an analysis of blood or urine or a direct alcohol test performed in accordance with the provisions of sections 14-227a-1b to 14-227a-10b, inclusive, of the Regulations of Connecticut State Agencies.

(2) “Commissioner” means the commissioner of motor vehicles or his designee as defined in subdivision (16) of subsection (a) of section 14-1 of the Connecticut General Statutes.

(3) “Department” means the department of motor vehicles.

(4) “Failed” or “failure” of a chemical test means that the ratio of alcohol in a person’s blood, as determined by chemical analysis, is eight-hundredths of one percent or more of alcohol, by weight.

(5) “Notice of arrest” means the initial receipt of notice by a person that he has been arrested, whether by being taken into custody by a police officer and informed of his arrest by the officer, or by receipt of a summons, or by receipt of a warrant served by a marshal or other court officer.

(6) “Offense” means operating a motor vehicle while under the influence of intoxicating liquor or any drug or both as provided in subsection (a) of section 14-227a of the Connecticut General Statutes.

(7) “Operator’s license” means a valid license or permit to operate a motor vehicle issued by the Connecticut Department of Motor Vehicles.

(8) “Privilege” means the nonresident motor vehicle operating privilege granted to a licensed resident of another state, province or country under section 14-39 of the Connecticut General Statutes.

(9) “Statutory period” means one of the following periods of time:

(A) for individuals 21 years of age or older:

(i) ninety days if a person submitted to a test or analysis and the results of such test or analysis indicate that the ratio of alcohol in the blood of such person was eight-hundredths of one percent or greater of alcohol, by weight and less than sixteen-hundredths of one percent of alcohol, by weight;

(ii) one hundred twenty days, if a person submitted to a test or analysis and the results of such test or analysis indicated that the ratio of alcohol in the blood of such person was sixteen-hundredths of one percent or more of alcohol, by weight;

(iii) six months if a person refused to submit to such test or analysis;

(iv) nine months if a person submitted to a test or analysis, and the results of such test or analysis indicated that the ratio of alcohol in the blood of such person was eight-hundredths of one percent or greater of alcohol, by weight and less than sixteen-hundredths of one percent of alcohol, by weight, and such person has previously had such person’s operator’s license or non-resident privilege suspended under section 14-227b of the Connecticut General Statutes.

(v) ten months if a person submitted to a test or analysis and the results of such test or analysis indicated that the ratio of alcohol in the blood of such person was sixteen-hundredths of one percent or more of alcohol, by weight, and such person has previously had such person’s operator’s license or non-resident privilege suspended under section 14-227b of the Connecticut General Statutes.

(vi) one year if a person refused to submit to such test or analysis, and such person has previously had such person's operator's license or non-resident operating privilege suspended under section 14-227b of the Connecticut General Statutes;

(vii) two years if a person submitted to a test or analysis, and the results of such test or analysis indicate that the ratio of alcohol in the blood of such person was eight-hundredths of one percent or greater of alcohol, by weight and less than sixteen-hundredths of one percent of alcohol, by weight, and such person has previously had such person's operator's license or non-resident operating privilege suspended two or more times under section 14-227b;

(viii) two and one-half years if such person submitted to a test or analysis and the results of such test or analysis indicated that the ratio of alcohol in the blood of such person was sixteen-hundredths of one percent or more of alcohol, by weight, and such person had previously had such person's operator's license or non-resident operating privilege suspended two or more times under section 14-227b of the Connecticut General Statutes; or

(ix) three years if a person refused to submit to such test or analysis, and such person has previously had such person's operator's license or non-resident operating privilege suspended two or more times under section 14-227b of the Connecticut General Statutes.

(B) for individuals under the age of 21:

(i) one hundred eighty days if a person submitted to a test or analysis and the results of such test or analysis indicate that the ratio of alcohol in the blood of such person was two-hundredths of one percent or greater of alcohol, by weight and less than sixteen-hundredths of one percent of alcohol, by weight;

(ii) two hundred forty days, if a person submitted to a test or analysis and the results of such test or analysis indicated that the ratio of alcohol in the blood of such person was sixteen-hundredths of one percent or more of alcohol, by weight;

(iii) twelve months if a person refused to submit to such test or analysis;

(iv) eighteen months if a person submitted to a test or analysis, and the results of such test or analysis indicated that the ratio of alcohol in the blood of such person was two-hundredths of one percent or greater of alcohol, by weight and less than sixteen-hundredths of one percent of alcohol, by weight, and such person has previously had such person's operator's license or non-resident operating privilege suspended under section 14-227b of the Connecticut General Statutes;

(v) twenty months if a person submitted to a test or analysis and the results of such test or analysis indicated that the ratio of alcohol in the blood of such person was sixteen-hundredths of one percent or more of alcohol, by weight, and such person has previously had such person's operator's license or non-resident operating privilege suspended under section 14-227b of the Connecticut General Statutes;

(vi) two years if a person refused to submit to such test or analysis, and such person has previously had such person's operator's license or non-resident operating privilege suspended under section 14-227b of the Connecticut General Statutes;

(vii) four years if a person submitted to a test or analysis, and the results of such test or analysis indicate that the ratio of alcohol in the blood of such person was two-hundredths of one percent or greater of alcohol, by weight and less than sixteen-hundredths of one percent of alcohol, by weight, and such person has previously had such person's operator's license or non-resident operating privilege suspended two or more times under section 14-227b of the Connecticut General Statutes;

(viii) five years if such person submitted to a test or analysis and the results of such test or analysis indicated that the ratio of alcohol in the blood of such person

was sixteen-hundredths of one percent or more of alcohol, by weight, and such person had previously had such person's operator's license or non-resident operating privilege suspended two or more times under section 14-227b of the Connecticut General Statutes; or

(ix) six years if a person refused to submit to such test or analysis, and such person has previously had such person's operator's license or non-resident operating privilege suspended two or more times under section 14-227b of the Connecticut General Statutes.

(10) "Suspension" means the temporary withdrawal of a person's motor vehicle operator's license or privilege to drive in this state for a specific period of time.

(Effective January 1, 1990; amended September 3, 1997, July 11, 2006)

#### **Sec. 14-227b-2. Consent to chemical analysis**

(a) Any person who operates a motor vehicle in this state is deemed to have given his consent to a chemical analysis for determination of the alcohol or drug content, or both, of his blood.

(b) If the operator of a motor vehicle in this state is a minor, it shall be deemed that his parent(s) or guardian(s) has given consent to a chemical analysis for determination of the alcohol or drug content, or both, of the blood of such minor.

(c) Chemical analysis for the purpose of determining the amount of alcohol in the blood of any person shall be performed in accordance with the applicable provisions of sections 14-227a-1b to 14-227a-10b, inclusive, of the Regulations of Connecticut State Agencies.

(d) Chemical analysis for the purpose of determining the amount of a drug or drugs other than alcohol in the blood of any person shall be performed in accordance with procedures approved by the Department of Public Safety.

(Effective January 1, 1990; amended September 3, 1997, July 11, 2006)

#### **Sec. 14-227b-3. Request that person submit to a chemical analysis**

A police officer may request that a person operating a motor vehicle and having been arrested for an offense submit to a chemical analysis to determine the alcohol or drug content, or both, of his blood.

(Effective January 1, 1990; amended July 11, 2006)

#### **Sec. 14-227b-4. Selection of blood, breath or urine test**

(a) The police officer has the option of selecting for the chemical analysis the blood, breath or urine test, except that if the person refuses or is unable to submit to a blood test, the police officer shall designate the breath or urine test for the chemical analysis.

(b) If the person refuses to take either the blood test or the test designated by the police officer in lieu thereof, no chemical analysis or test shall be given, and the person shall be deemed to have refused to submit to a chemical analysis.

(Effective January 1, 1990)

#### **Sec. 14-227b-5. Communication of assent to request to take test**

(a) A person shall be deemed to have refused to submit to a chemical analysis if he remains silent or does not otherwise communicate his assent after being requested to take a blood, breath or urine test under circumstances where a response may reasonably be expected.

(b) A person shall be deemed to have refused to submit to a chemical analysis if he communicates his assent but thereafter does not undertake or complete the test procedure in accordance with the instructions of the officer administering the test.

(Effective January 1, 1990; amended July 11, 2006)

**Sec. 14-227b-6. Chemical analysis not required if medically inadvisable**

Any person who claims that his physical condition is such that submission to a chemical analysis is medically inadvisable shall submit competent medical evidence at the hearing requested by such person sufficient to substantiate such claim. If the evidence presented at the hearing is insufficient, or if no hearing is requested by the person, the person shall be deemed to have refused to submit to such chemical analysis.

(Effective January 1, 1990)

**Sec. 14-227b-7. Refusal to take additional test**

A person who refuses to submit to a second blood, breath or urine test of the same type after having taken a first test shall be deemed to have refused to submit to a chemical analysis.

(Effective January 1, 1990)

**Sec. 14-227b-8. Availability of chemical analysis results**

The person who has submitted to a chemical analysis, or the person's attorney, will be afforded access to the test results by the department prior to a scheduled hearing.

(Effective January 1, 1990)

**Sec. 14-227b-9.**

Repealed, July 11, 2006.

**Sec. 14-227b-10. Report to Department of Motor Vehicles**

(a) The arresting police officer shall prepare a written report of the facts surrounding the person's arrest on a form approved by the commissioner. The report shall be subscribed and sworn to under penalty of false statement by the arresting officer. The written report shall adequately identify the person arrested.

(b) Additional statements or materials necessary to explain any item of information on the written report form may be attached to the report form. Such attachment(s) shall be considered a part of the report form having the approval of the commissioner, as provided in subsection (c) of section 14-227b of the Connecticut General Statutes, if sworn to under penalty of false statement.

(c) If the person arrested refused to submit to a chemical test, the written report shall also be signed by a person other than the arresting officer who witnessed the refusal. The person signing the report as a witness is not prohibited from administering an oath or acting as the acknowledging officer in connection with the written report.

(d) The signed original of the written report shall be delivered or shall be forwarded to the Administrative Per Se Unit, Department of Motor Vehicles, Wethersfield, CT 06161-4010 by prepaid first class mail, and shall include a copy of the results of any chemical test or tests administered to the person.

(Effective January 1, 1990; amended September 3, 1997, July 11, 2006)

**Sec. 14-227b-11. Mailing address of person**

If a person arrested for an enumerated offense provides to the arresting officer a mailing address different from the address of record of such person as recorded in the files of the department, all correspondence and notices required by sections 14-227b-1 through 14-227b-29a, inclusive, shall be mailed to both the address of record and to the mailing address provided to the arresting officer.

(Effective January 1, 1990; amended September 3, 1997)

**Sec. 14-227b-12. Suspension of operator's license or nonresident operating privilege. Notice of right to hearing**

(a) Upon receipt of the written report required by section 14-227b-10 of the Connecticut General Statutes, the commissioner shall send to the person who was arrested, by bulk certified mail, a written suspension notice informing such person that his Connecticut operator's license or privilege is suspended, the length of the suspension and the effective date of the suspension.

(b) The suspension notice shall also notify such person that he is entitled to a hearing as a matter of right before a hearing officer prior to the effective date of the suspension, and that the person or his attorney may schedule such hearing by mail, in person or by telephoning the Administrative Per Se Unit, Department of Motor Vehicles, Wethersfield, CT 06161-4010, at (860) 263-5204 or as included in such suspension notice. The suspension notice shall also inform the person clearly and in a conspicuous manner that the hearing shall be requested by the person or his attorney and the hearing request received by the department within seven days of the date of mailing of the suspension notice, and if not so requested the person's Connecticut operator's license or privilege shall be suspended automatically on the effective date. The suspension notice shall clearly specify the reasons and statutory grounds for the suspension. The final date for requesting the hearing shall appear on the suspension notice in a conspicuous place and shall be so labeled.

(c) In computing the seven days, calendar days shall be used unless the seventh day falls on a day when the department is not open to the public, in which case the seventh day shall be the next following full business day of the department.

(d) It shall be presumed that the person received the suspension notice if it was mailed by bulk certified mail as provided in subsection (a) of section 14-227b-12 of the Regulations of Connecticut State Agencies.

(Effective January 1, 1990; amended September 3, 1997, July 11, 2006)

**Sec. 14-227b-13. Failure to request hearing. Affirming suspension**

If the person to whom a suspension notice has been mailed in accordance with the provisions of Section 14-227b-12 does not request a hearing within seven days after the date of mailing of the suspension notice, the commissioner shall send to the person a notice by bulk certified mail that the suspension of which he was notified in the suspension notice is affirmed and that his Connecticut operator's license or privilege is suspended as of the effective date contained in the suspension notice.

(Effective January 1, 1990; amended September 3, 1997)

**Sec. 14-227b-14. Scheduling of hearing**

(a) If the person or his attorney contacts the department after the person's arrest and prior to the expiration of seven days after the mailing of the suspension notice and requests a hearing, the department shall immediately assign a date, time and place for the hearing and shall communicate such information to the person or his attorney. Such request for a hearing shall be made by mail, in person or by telephone. The hearing shall be scheduled prior to the effective date of the suspension.

(b) The department upon receipt of a request for hearing shall forward a letter to the person or his attorney confirming the date, time and place for the hearing.

(Effective January 1, 1990)

**Sec. 14-227b-15. Granting a continuance of hearing**

(a) Only for good cause shown will a continuance be granted to a person who has requested a hearing or to his attorney.

(b) Upon a showing of good cause the hearing officer may continue a hearing.

(c) A hearing may be continued only once, and any such continuance shall be for a period not to exceed fifteen (15) days.

(d) A request for a continuance may be made by the person or his attorney either in person, or by telephone, at the Administrative Per Se Unit, Department of Motor Vehicles, Wethersfield, CT 06161-4010, during normal hours of operation of the department.

(e) When a hearing is continued beyond thirty (30) days from the time the person received notice of his arrest, the department shall extend the effective date of the suspension and the expiration date of the temporary operator's license or privilege of the person who requested the hearing for a time not to exceed forty-five (45) days from the time the person received notice of his arrest.

(Effective January 1, 1990; amended September 3, 1997, July 11, 2006)

#### **Sec. 14-227b-16. Failure to appear at hearing**

If a person for whom a hearing has been scheduled fails to appear at the hearing, the commissioner shall send to the person a notice that the suspension of which he was notified in the suspension notice is affirmed and that his Connecticut operator's license or privilege is suspended as of the effective date contained in the suspension notice.

(Effective January 1, 1990)

#### **Sec. 14-227b-17. Hearing**

(a) The hearing shall be conducted by a hearing officer appointed by the commissioner pursuant to section 14-4a of the Connecticut General Statutes, and shall be limited to a determination of the issues stated in subsection (g) or (j) of section 14-227b of the Connecticut General Statutes.

(b) The findings required to be made at the hearing in accordance with subsection (g) or (j) of section 14-227b of the Connecticut General Statutes shall be based on substantial evidence when the record is considered as a whole.

(Effective January 1, 1990; amended September 3, 1997, July 11, 2006)

#### **Sec. 14-227b-18. Attendance of arresting officer at hearing**

(a) At the hearing the commissioner shall not require the presence and testimony of the arresting officer, or any other person, but the hearing officer may make an appropriate order, as authorized by Section 14-110 of the General Statutes, to obtain the testimony of such arresting officer or other witness, if the same appears necessary to make a proper finding on one or more of the issues stated in subsection (f) of Section 14-227b of the General Statutes.

(b) A person arrested for an enumerated offense may at his own expense and by his own solicitation summon to the hearing the arresting officer and any other witness to give oral testimony. The failure to appear at the hearing of any witness summoned by the person arrested shall not be grounds for such person to request a continuance or dismissal of the hearing.

(c) If the person arrested for an enumerated offense wishes to summon to the hearing the arresting officer or any other witness, but such person is indigent, such person must file with the commissioner a sworn affidavit stating facts proving such indigency, at least seven days prior to the hearing. In such case the commissioner shall summon such arresting officer or witness to the hearing.

(d) The fees of any witness summoned to appear at the hearing shall be the same as provided by the General Statutes for witnesses in criminal cases.

(Effective January 1, 1990; amended September 3, 1997)

**Sec. 14-227b-19. Admissibility of police report at hearing**

(a) The written report filed by the arresting officer shall be admissible into evidence at the hearing if it conforms to the requirements of subsection (c) of Section 14-227b of the General Statutes.

(b) The chemical test results in the form of the tapes from a breath analyzer or other chemical testing device submitted contemporaneously with the written report shall be admissible into evidence at the hearing if they conform to the requirements of subsection (c) of Section 14-227b of the General Statutes.

(Effective January 1, 1990; amended September 3, 1997)

**Sec. 14-227b-20. Finding of facts**

(a) The hearing officer shall make a determination of the facts at the hearing on the basis of all the relevant evidence presented at the hearing. A separate finding of fact shall be made by the hearing officer for each of the issues.

(b) The determination of the facts by the hearing officer shall be independent of the determination of the same or similar facts in the adjudication of criminal charges arising out of the person's arrest for the offense.

(Effective January 1, 1990; amended July 11, 2006)

**Sec. 14-227b-21. Time of notice of decision**

The decision of the hearing officer shall be in writing, and a copy of the decision shall be sent to the person who requested the hearing by bulk certified mail not later than thirty (30) days, or if a continuance is granted not later than forty-five (45) days, after the person received notice of his arrest.

(Effective January 1, 1990; amended September 3, 1997)

**Sec. 14-227b-22. Filing of appeal. Stay of suspension**

The filing of an appeal of the decision of the hearing officer to a court having jurisdiction thereof, or the filing of a request for reconsideration by the commissioner shall not of itself stay enforcement of a suspension.

(Effective January 1, 1990)

**Sec. 14-227b-23. Form of decision**

The decision of the hearing officer, if adverse to the person, shall include the findings of fact and conclusions of law necessary to the decision and any appeal thereof.

(Effective January 1, 1990)

**Sec. 14-227b-24. Recording of hearing. Transcripts**

The hearing shall be recorded in a form susceptible to transcription. A request for a transcript of the hearing shall be made in writing to the Administrative Hearing Section, Department of Motor Vehicles, Wethersfield, CT 06161-4010. A charge is made by the hearing reporter for each page of the transcript.

(Effective January 1, 1990; amended September 3, 1997)

**Sec. 14-227b-25. Reinstatement of operator's license**

If the decision rendered by the hearing officer is that the person's Connecticut operator's license or privilege is to be reinstated, the notice of decision shall be mailed in accordance with section 14-227b-21 of the Regulations of Connecticut State Agencies.

(Effective January 1, 1990; amended July 11, 2006)

**Sec. 14-227b-26. Failure to render timely decision**

(a) If the hearing officer fails to render a decision after a hearing within thirty (30) days from the date of the notice of arrest to such person or, if a continuance has been granted, within forty-five (45) days from the date of the notice of arrest to such person, the commissioner shall reinstate such person's Connecticut operator's license or privilege by mailing to the person by first class mail a reinstatement notice.

(b) Notwithstanding the reinstatement notice and return of any operator's license in accordance with subsection (a) of this section, the hearing officer may render a decision not later than thirty-two (32) days from the date of the notice to the person of his arrest, or if a continuance is granted, not later than forty-seven (47) days from the date of the notice to the person of his arrest, suspending the person's Connecticut operator's license or privilege. In such event the commissioner shall notify the person by first class mail of the decision and suspension, and request surrender of any Connecticut operator's license previously returned to the person. The suspension notice shall indicate a date certain for the beginning of the suspension.

(Effective January 1, 1990; amended September 3, 1997, July 11, 2006)

**Sec. 14-227b-27. Restoration fee. Removal of name from suspension files**

(a) No restoration fee shall be required for the reinstatement of an operator's license or privilege in accordance with sections 14-227b-25 or 14-227b-26 of Connecticut General Statutes.

(b) Any person whose operator's license is to be reinstated in accordance with sections 14-227b-25 or 14-227b-26 of the Connecticut General Statutes shall have his name removed from the suspension files of the department.

(Effective January 1, 1990; amended September 3, 1997, July 11, 2006)

**Sec. 14-227b-28. Payment for blood test**

(a) If a physician, at the request of any municipal or state police department, performs a chemical test by taking a blood sample from any person, the state shall pay reasonable charges to such physician.

(b) Any person who pays a physician for a blood sample in accordance with subsection (a) may request reimbursement by mailing a receipted copy of any payment and a statement of the surrounding facts to the commissioner. The commissioner may request details or proofs from such person.

(Effective January 1, 1990; amended September 3, 1997)

**Sec. 14-227b-29. Information**

Information, requests for assistance, and answers to questions relating to sections 14-227b-1 through 14-227b-29a, inclusive, may be obtained from the Administrative Per Se Unit, Department of Motor Vehicles, Wethersfield, CT 06161-4010.

(Effective January 1, 1990; amended September 3, 1997)

**Sec. 14-227b-29a. Retention of records**

A record of an operator's license suspension in accordance with the provisions of sections 14-227b-1 to 14-227b-29, inclusive, of the Connecticut General Statutes shall be maintained on the operator's driving history at the Department of Motor Vehicles for a period of ten (10) years from the date of the license suspension. Such record shall be used by the commissioner to determine the period of operator's license suspension for an operator whose operator's license has been suspended previously in accordance with the provisions of said sections 14-227b-1 through 14-227b-29, inclusive, of the Connecticut General Statutes.

(Adopted effective September 3, 1997; amended July 11, 2006)