

Regulation of the
Department of Motor Vehicles

Concerning
Ignition Interlock Devices

Regulations adopted after July 1, 2013, become effective upon posting to the website of the Secretary of the State, or at a later date specified within the regulation.

Website posted on
April 4, 2014

Effective Date
April 4, 2014

Approved by the Attorney General on
January 29, 2014

Approved by the Legislative Regulation Review
Committee on
March 25, 2014

Received and filed in the Office of the
Secretary of the State on
March 28, 2014

Electronic copy with agency head certification statement
submitted to the Office of the
Secretary of the State on
March 28, 2014

Published in the Connecticut Law Journal on

Purpose and Legal Disclaimer: This form was designed to facilitate submission of the "statement from the department head" required by CGS 4-172(a) as amended by PA 12-92, Section 6. This form does not constitute legal advice. The Office of the Secretary of the State (SOTS) is not authorized to provide legal advice to state agencies. Consult with your agency's legal counsel before completing and submitting this form for filing

Instructions: (1) Save a copy of this document to your computer; (2) To enter data, use the Tab key to move between fields, or click-and-highlight an entire <text field>; (3) When complete, submit to your agency's legal counsel for review and approval; (4) After approval by counsel, PRINT and submit to your agency head for his/her original signature; (5) Scan the originally-signed form and submit it as an email attachment, along with the electronic copy of the regulation that the statement certifies, to regulations.sots@ct.gov; (6) retain the originally-signed copy for your agency's regulation-making record.

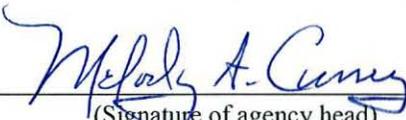
Submit the electronic copy and its certification statement to the Secretary of the State at regulations.sots@ct.gov concurrently with the paper copy of the original regulation, as required by CGS Section 4-172 as amended.

Electronic Copy Certification Statement

I, **Melody A. Currey, Commissioner** of the **Department of Motor Vehicles**, in accordance with the provisions of Section 4-172 of the *General Statutes of the State of Connecticut*, **do hereby certify:**

That the electronic copy of a regulation concerning **Ignition Interlock Devices**, which was approved by the Legislative Regulation Review Committee on **March 25, 2014**, and which shall be submitted electronically for filing to the Secretary of the State by **Anne F. Howroyd** of this agency on **March 28, 2014**, is a true and accurate copy of the original regulation approved in accordance with Sections 4-169 and 4-170 of the *General Statutes of the State of Connecticut*.

In testimony whereof, I have hereunto set my hand on **March 28, 2014**.



(Signature of agency head)

IMPORTANT: Use this form (REGS-1) to submit permanent regulations to the Legislative Regulation Review Committee.
For emergency regulations, use form REGS-1-E instead.
For non-substantive technical amendments and repeals proposed without prior notice or hearing as permitted by subsection (g) of CGS 4-168, as amended by PA 13-247 and PA 13-274, use form REGS-1-T instead.

Please read the additional instructions on the back of the last page (Certification Page) before completing this form. Failure to comply with the instructions may cause disapproval of proposed regulations.

State of Connecticut
REGULATION
of the

NAME OF AGENCY:

Department of Motor Vehicles

Concerning

SUBJECT MATTER OF REGULATION:

Ignition Interlock Devices

Section 14-227a-26a of the Regulations of Connecticut State Agencies is amended and the following is substituted in lieu thereof:

Sec. 14-227a-26a. Permission to operate motor vehicle with an IID

(a) Any person who is ordered by the Superior Court not to operate any motor vehicle unless such motor vehicle is equipped with an IID shall apply to the commissioner for permission to install and use such a device in all motor vehicles owned by such person or operated by such person. The commissioner shall grant such permission if: (1) the commissioner has received reliable information that such order has been made, including any special conditions imposed by the court and (2) such person's license or operating privilege is not under suspension by the commissioner or is currently scheduled, as of a date certain, to be suspended for any reason or cause other than an existing suspension pursuant to section 14-227b of the Connecticut General Statutes.

(b) Any person who is convicted of a first violation of subdivision (1) or (2) of subsection (a) of section 14-227a of the Connecticut General Statutes or a second violation of subdivision (1) or (2) of subsection (a) of section 14-227a of the Connecticut General Statutes within ten years after a prior conviction for the same offense, as indicated on such person's driving history as maintained by the commissioner, [of subdivision (1) or (2) of subsection (a) of section 14-227a of the Connecticut General Statutes] and, as a consequence, has had his or her motor vehicle operator's license or nonresident operating privileges suspended, shall apply to the commissioner for permission to operate a motor vehicle that is equipped with an approved IID. The commissioner shall grant such permission if: (1) such person has been convicted on or after January 1, 2012 and has served not less than forty-five days of such suspension; (2) such person has installed an approved IID in each motor vehicle owned or to be used by such person, and (3) such person's license or operating privilege is not under suspension by the commissioner or currently scheduled, as of a date certain, to be suspended for any other reason or cause other than an existing suspension pursuant to section 14-227b of the Connecticut General Statutes.

(c) The commissioner shall not restore the motor vehicle operator's license or operating privilege of any person who is convicted of a first or second violation of subdivision (1) or (2) of subsection (a) of section 14-227a of the Connecticut General Statutes, until such person has installed an approved IID

in each of the driver's motor vehicles, as defined in 23 Code of Federal Regulations, section 1275.3 (b), and shall not authorize the removal of the device until such person has maintained it for the period of time required by law, including any extension of such period that is imposed by the commissioner pursuant to subsection (b) of section 14-227a-27a of the Regulations of Connecticut State Agencies.

(d) The commissioner shall establish a procedure for any person identified in subsections (a), (b) or (c) of this section to obtain permission to operate a motor vehicle that is equipped with an approved IID. The procedure shall require each such person to complete and execute a written application, which shall contain such information and affirmations by such person as the commissioner may prescribe. Prior to having an approved IID installed, any person seeking to operate a motor vehicle equipped with an approved IID may request a preliminary determination from the department as to whether such person otherwise meets the requirements, as stated in subsections (a) and (b) of this section, for such person's application to be granted. The commissioner shall make available for review by CSSD application materials and driver records of all persons who apply for IIDs.

(e) If permission is granted to a person by the commissioner under subsection (d) of this section, the department shall place a notation on the official record of such person's license or Connecticut operating privilege, to indicate that such license or privilege is restricted, including the travel limitations described in subsection (f) of this section, if applicable, and that the holder is authorized to operate motor vehicles that are equipped with an approved, properly functioning IID, and no other motor vehicles. Such restriction shall be known as an IID restriction. The commissioner may place the designation "IID" or similar designation, on the operator's license record of any person who is granted permission to operate a motor vehicle in accordance with the provisions of this section. The department shall take steps necessary to furnish information concerning each IID restriction to the Connecticut On-Line Law Enforcement Communications Teleprocessing System (COLLECT system).

(f) A person who has been convicted of a second violation of subdivision (1) or (2) of subsection (a) of section 14-227a of the Connecticut General Statutes within ten years after a prior conviction for the same offense, as indicated on such person's driving history as maintained by the commissioner, and who has been granted permission to operate a motor vehicle equipped with an approved IID in accordance with subsection (d) of this section shall, during the first year of the prescribed three-year IID period, operate such motor vehicle only to or from (1) work, (2) school, (3) an alcohol or drug abuse treatment program, (4) an ignition interlock service center, or (5) an appointment with a probation officer. Each person subject to this subsection shall, at all times while operating a motor vehicle, carry a schedule or schedules detailing such person's hours of work and school, and all appointments pursuant to subdivisions (3) to (5), inclusive, of this subsection to which such person is authorized to drive under this subsection.

[(f)] (g) If permission as described herein is granted by the commissioner, it shall be the responsibility of such person to have each motor vehicle, owned or operated by such person, that is equipped with the IID inspected by the Installer every thirty (30) days to insure that the device is operating properly, and that the device is properly maintained and calibrated.

[(g)] (h) The person shall be provided with a document by the department evidencing the fact that the commissioner has granted such person permission to operate a specific vehicle or vehicles equipped with an IID. This document shall be kept in the vehicle whenever the person is operating the vehicle.

[(h)] (i) A person who has been ordered by a court to operate only a vehicle equipped with an IID as described in subsection (a) of this section shall not be permitted to remove the IID until the commissioner receives documentation from such court that the order is no longer in effect. A person who is authorized to operate with an IID as a result of a conviction under subdivision (1) or (2) of subsection (a) of section 14-227a of the Connecticut General Statutes, as described in subsection (b) of this section, shall not remove an IID until the commissioner notifies such person that he or she has fulfilled the IID restriction.

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.

The purpose of this amendment is to implement the changes to Connecticut law governing the permission to operate a motor vehicle that has installed an ignition interlock device, as a result of Sections 2 and 3 of Public Act 2012-178 and Sections 51, 52 and 53 of Public Act 2013- 271.

In both 2012 and 2013, the law created a three year IID requirement for those operators convicted of DUI for a second time. During the first year of operation with the IID, the operator is subject to travel restrictions, which now total five destinations allowed during this time period. The first four restrictions listed in the regulation were established in 2012, and the fifth one was added during the 2013 session of the General Assembly.

CERTIFICATION

This certification statement must be completed in full.

I hereby certify that the above Regulation(s)

- 1) is/are (check all that apply) adopted amended repealed by this agency pursuant to the following authority(ies): (complete all that apply)
 - a. **Connecticut General Statutes section(s)** 14-227a.
 - b. **Public Act Number(s)** 2013-271.
(Provide public act number(s) if the authorizing act has not yet been codified in the Connecticut General Statutes.)

And I further certify

- 2) that **Notice of Intent** to adopt, amend or repeal said regulation(s) was electronically submitted to the Secretary of the State on 11/08/2013, and posted to the Secretary's regulations website on 11/15/2013; (Insert dates notice was (a) emailed to the Secretary of the State and (b) posted on the Secretary's website, if notice and posting were required by CGS 4-168, as amended by PA 13-247 and PA 13-274.)
- 3) and that a public hearing regarding the proposed regulation(s) was held on _____ or that no public hearing was held; (Insert date(s) of mandatory public hearing(s) held pursuant to CGS 4-168(a), as amended, or other applicable statute, and/or voluntary hearing, or if no hearing was held, check the box for that statement.)
- 4) and that notice of **Decision to Take Action** on said regulations was electronically submitted to the Secretary of the State on 1/08/2014, and posted to the Secretary's regulations website on 1/10/2014; (Insert dates notice was (a) emailed to the Secretary of the State and (b) posted on the Secretary's website, if notice and posting were required by CGS 4-168, as amended by PA 13-247 and PA 13-274.)
- 5) and that said regulation(s) is/are **EFFECTIVE** (check one, and complete as applicable)
 - When posted online by the Secretary of the State.

OR on (insert date) _____.

6) SIGNED (Head of Board, Agency or Commission) <i>Melody A. Currey</i>	OFFICIAL TITLE, DULY AUTHORIZED Commissioner	DATE <u>1/22/14</u>
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APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended.		
DATE <u>1/29/14</u>	SIGNED (Attorney General or AG's designated representative) <i>Joseph Rubin</i>	OFFICIAL TITLE, DULY AUTHORIZED ASSOC. ATTY. GENERAL

Proposed regulations are **DEEMED APPROVED** by the Attorney General in accordance with CGS Section 4-169, as amended, if the Attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.

(For Regulation Review Committee Use ONLY)

APPROVED in WHOLE or WITH technical corrections deletions substitute pages

DEEMED APPROVED, pursuant CGS 4-170(c), as amended.

Rejected without Prejudice Disapproved, pursuant to CGS 4-170(c), as amended.

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE <u>March 25, 2014</u>	SIGNED (Administrator, Legislative Regulation Review Committee) <i>[Signature]</i>
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In accordance with CGS Section 4-172, as amended by PA 13-247 and PA 13-274, one certified paper copy and one electronic copy with agency head certification statement received on the date(s) specified below.

DATE	SIGNED (Secretary of the State)	BY
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(For Secretary of the State Use ONLY)

Date Posted to SOTS Regulations Website:

Date Electronic Copy Forwarded to the Commission on Official Legal Publications:

SOTS file stamp: