

HB 5331 -- Redline

File No. 275 to JUD Joint Favorable -- AN ACT CONCERNING THE SUSPENSION OF MOTOR VEHICLE OPERATORS' LICENSES FOR FAILURE TO PAY FINES OR FEES OR FAILURE TO APPEAR FOR A SCHEDULED COURT APPEARANCE.

Deletions ~~struck~~ · Insertions underlined

~~House of Representatives~~ General Assembly ~~File~~ Substitute Bill No.

~~275~~ 5331 February Session, 2024 ~~Substitute~~ AN ACT ~~Bill~~ CONCERNING ~~No.~~ THE SUSPENSION OF MOTOR VEHICLE OPERATORS' LICENSES FOR FAILURE TO PAY FINES OR FEES OR FAILURE TO APPEAR FOR A SCHEDULED COURT APPEARANCE.

~~5331 House of Representatives, April 4, 2024 The Committee on Transportation reported through REP. LEMAR of the 96th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.~~

~~AN ACT CONCERNING THE SUSPENSION OF MOTOR VEHICLE OPERATORS' LICENSES FOR FAILURE TO PAY FINES OR FEES OR FAILURE TO APPEAR FOR A SCHEDULED COURT APPEARANCE.~~

(1) The person failed to pay any fine, fee or other ~~SHB5331~~ charge ~~associated~~ File ~~with~~ No. ~~an infraction involving the use of a motor vehicle, a violation of any statute relating to motor vehicles specified in section 51-164n or a violation of sections 29-322, 29-349 and 29-351, or (2) the person failed to appear for any scheduled court appearance with regard to any such infraction or violation.~~

~~275~~ Whenever any certificate of registration is suspended or revoked, all evidence of the same shall be LC0 1 ~~SHB5331~~ of ~~File~~ 4 Substitute Bill No.

~~275~~ 5331 ~~charged~~ delivered ~~associated~~ forthwith ~~with~~ to ~~an infraction involving the use~~ commissioner of or to ~~motor any vehicle, person a authorized violation by of the any commissioner statute relating to motor receive vehicles the specified same, in and section the 51-164n commissioner or any violation person of authorized sections by 29-322, 29-349 and 29-351, or (2) the person commissioner failed may to seize appear such for certificate any of scheduled registration court and appearance all withevidence regard of to the any same.~~ such infraction or violation.

~~Whenever any certificate of registration is suspended or revoked, all evidence of the same shall be delivered forthwith to the commissioner or to any person authorized by the commissioner to receive the same, and the commissioner or any person authorized by the commissioner may seize such certificate of registration and all evidence of the same.~~

(a) Any person who has been arrested by an officer for a violation of any provision of any statute relating to motor vehicles may be released, upon [his] such person's own recognizance, by such officer in [his] such officer's discretion, unless such violation is of a provision relating to driving while under the influence of intoxicating liquor or drugs or using a motor vehicle without permission of the owner or evading responsibility for personal injury or property damage or involves the death or serious injury of another, in which cases such person shall not ~~SHB5331~~ be ~~released~~ File ~~on~~ No. ~~[his] such person's own recognizance.~~

~~275~~ (b) If any person so arrested or summoned wilfully fails to appear for any scheduled court appearance at the time and place assigned, or if any person charged with an infraction involving the use of a motor vehicle, or with a motor vehicle violation specified in section 51-164n, fails to pay the fine and any additional fee imposed or send in [his] such person's plea of not guilty by the answer date or wilfully fails to appear for any scheduled court appearance which may be required, or if any person fails to pay any surcharge imposed under section 13b-70, any fee imposed under section 51-56a or any cost imposed under section 54-143 or 54-143a, a report of such failure shall be sent to the commissioner by the court having jurisdiction.

~~275~~ 5331 ~~be pay released the on fine and any additional fee imposed or send in [his] such person's own plea recognizance, of not guilty by the answer date or wilfully fails to appear for any scheduled court appearance which may be required, or if any person fails to pay any surcharge imposed under section 13b-70, any fee imposed under section 51-56a or any cost imposed under section 54-143 or 54-143a, a report of such failure shall be sent to the commissioner by the court having jurisdiction.~~

~~(b) If any person so arrested or summoned wilfully fails to appear for any scheduled court appearance at the time and place assigned, or if any person charged with an infraction involving the use of a motor vehicle, or with a motor vehicle violation specified in section 51-164n, fails to pay the fine and any additional fee imposed or send in [his] such person's plea of not guilty by the answer date or wilfully fails to appear for any scheduled court appearance which may be required, or if any person fails to pay any surcharge imposed under section 13b-70, any fee imposed under section 51-56a or any cost imposed under section 54-143 or 54-143a, a report of such failure shall be sent to the commissioner by the court having jurisdiction.~~

(NEW) (Effective July 1, 2024) Not later than January 1, 2025, ~~SHB5331~~ the ~~Commissioner~~ File ~~of~~ No. ~~Motor Vehicles shall reinstate the motor vehicle operator's license of any person whose license was suspended solely for one or both of the following reasons:~~

~~275~~ (1) The person failed to pay any fines, fee or other charges associated with an infraction involving the use of a motor vehicle, a violation of any provision of any statute LC0 3 ~~SHB5331~~ of ~~File~~ 4 Substitute Bill No.

~~2755331 the relating Commissioner to motor vehicles specified in section 51-164n of Motor the Vehicles general shall statutes or a violation of sections 29-322, 29-349 and 29-351 of the general reinstate statutes, or (2) the motor person vehicle failed operator's to license appear or for any persons scheduled whose court license appearance was with suspended regard solely to for any ones such infraction or both violation, of provided the such person is otherwise following eligible to reasons: have such person's operator's license reinstated.~~

~~(1) The person failed to pay any fines, fee or other charges associated with an infraction involving the use of a motor vehicle, a violation of any provision of any statute relating to motor vehicles specified in section 51-164n of the general statutes or a violation of sections 29-322, 29-349 and 29-351 of the general statutes, or (2) the person failed to appear for any scheduled court appearance with regard to any such infraction or violation, provided such person is otherwise eligible to have such person's operator's license reinstated.~~

3 July 1, 2024 New section Statement TRA of Joint Legislative Favorable Commissioners: Subst.
In LC0 Section 3, the last JUD sentence Joint was rewritten for Favorable clarity; and Section 4 was LC0 deleted 4
for of consistency 4 with standard drafting conventions.

~~TRA Joint Favorable Subst.~~

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~~275 The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose.~~

~~In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge.~~

~~Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.~~

~~OFA Fiscal Note State Impact:~~

~~Agency Affected Fund Effect FY 25 \$ FY 26 \$ State Resources Various See Below See Below Potential Revenue Loss Department of Motor Vehicles TF Revenue See Below See Below Loss Department of Motor Vehicles School Bus Seat See Below See Below Belt account (Non lapsing GF) Revenue Loss Motor Vehicle Dept.~~

~~TF Potential See Below None Cost Note:~~

~~Various Various;~~

~~TF Transportation Fund Municipal Impact:~~

~~None Explanation The bill prohibits the Department of Motor Vehicles (DMV) from suspending a person's driver's license or registration solely for failure to pay fines or appear in court.~~

~~Sections 1 and 2 result in revenue loss due to foregone license restoration fees.~~

~~Total revenue from these fees is approximately \$2.7 million annually to the Special Transportation Fund (STF) and less than \$1.1 million annually to the School Bus Seat Belt account in the General Fund.~~

~~DMV is unable to identify the amount of fee revenue derived from people that pay the license restoration fee due to having their 1 Each \$175 restoration fee is deposited to two places:~~

~~\$125 to the STF and \$50 to the School Bus Seat Belt account.~~

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~~275 license suspended solely for failure to pay or appear versus other reasons.~~

~~Therefore, actual revenue loss from this bill is unknown but will be less than the totals cited above.~~

~~These sections also result in potential revenue loss from motor vehicle related penalties to the extent that a subset of violators no longer pays the requisite fines.~~

~~For context, total revenue from relevant motor vehicle penalties varies, but has been less than \$20 million annually in recent years.~~

~~Section 3 results in a potential cost to DMV in FY 25 for reinstating any driver's license that had been suspending for the reasons addressed in the bill.~~

~~It is unknown how many suspended licenses would be affected by this section.~~

~~The Out Years The annualized ongoing fiscal impact identified above would continue into the future subject to the number of unpaid charges or as otherwise described.~~

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~~275 OLR Bill Analysis sHB 5331 AN ACT CONCERNING THE SUSPENSION OF MOTOR VEHICLE OPERATORS' LICENSES FOR FAILURE TO PAY FINES OR FEES OR FAILURE TO APPEAR FOR A SCHEDULED COURT APPEARANCE.~~

~~SUMMARY This bill prohibits the Department of Motor Vehicles (DMV) commissioner from suspending a~~

~~person's driver's license for only one or both of the following reasons:~~

~~1-~~

~~failure to pay any fine, fee, or charge associated with a (a) motor vehicle-related infraction or violation handled by the Superior Court's Centralized Infractions Bureau (CIB; see BACKGROUND) or (b) violation of certain laws on inspecting cargo tank vehicles and storing, transporting, and using explosives, or 2-~~

~~failure to appear for a scheduled court appearance in connection with these infractions and violations.~~

~~While many normal moving violations are treated as infractions, current law's driver's license suspension procedure (see below) requires the court to notify DMV if someone fails to pay a related fine and any additional fees or fails to appear for a scheduled court appearance.~~

~~Under current practice, DMV then suspends the person's license.~~

~~The bill eliminates this practice in relation to motor vehicle-related infractions and CIB violations (and certain other violations) and makes additional changes to the procedure related to nonresident drivers.~~

~~The bill also requires the DMV commissioner, by January 1, 2025, to reinstate any person's driver's license that was suspended due to the reasons described above (if the person is otherwise eligible to have their license reinstated).~~

~~In doing so, he cannot charge a restoration fee.~~

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~~275 fee is typically \$175.) Lastly, the bill makes technical changes.~~

~~EFFECTIVE DATE:~~

~~July 1, 2024 DRIVER'S LICENSE SUSPENSION PROCEDURE Current law grants the DMV commissioner broad authority to suspend or revoke a driver's license for any cause he deems sufficient.~~

~~It also establishes a driver's license suspension procedure requiring the court to notify the DMV commissioner when any person:~~

~~1-~~

~~is arrested for a violation of any motor vehicle-related statute and willfully fails to appear for a scheduled court appearance;~~

~~2-~~

~~is charged with a motor vehicle-related infraction or violation handled by the CIB (or certain other violations, as noted above) and fails to pay the related fine and any additional fees, or plead not guilty, by the required date or willfully fails to appear for a scheduled court appearance (see BACKGROUND);~~

~~or 3-~~

~~fails to pay certain related additional surcharges, fees, and costs (such as the 50% surcharge for the Special Transportation Fund that applies to most motor vehicle-related fines, penalties, or charges).~~

~~Under current practice, DMV then suspends the person's license.~~

~~The bill prohibits these suspensions solely for one or both of the following:~~

~~(1) failure to pay any fine, fee, or charge associated with a motor vehicle-related infraction or violation handled by the CIB (or certain other violations, as noted above) or (2) failure to appear for a related court appearance.~~

~~Current law's provisions generally apply to vehicle owners or operators from other states who fail to appear for a scheduled court appearance in Connecticut, if the other state agrees to also revoke the driver's license or registration.~~

~~The bill eliminates failure to appear as an allowable ground for applying this process to non-resident drivers.~~

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~~275 Additionally, current law allows the DMV commissioner to enter into reciprocal agreements with other states, including for suspending or revoking residents' or non-residents' driver's licenses and registrations if they fail to appear for trial. The bill removes failure to appear as a basis for suspending or revoking licenses and registrations under these agreements.~~

~~BACKGROUND Centralized Infractions Bureau (CIB) By law, individuals charged with a motor vehicle-related infraction or violation may, generally, pay the fine through the CIB without appearing in court.~~

~~Payment is considered a plea of nolo contendere (no contest) and is not admissible in any civil or criminal proceeding.~~

~~If an individual pleads not guilty, the CIB must send the plea and request for trial to the clerk of the geographical area court where the trial is to take place.~~

~~The practice, procedure, rules of evidence, and burden of proof applicable in criminal proceedings apply in such a trial (CGS Sec. 51-164n).~~

~~Failure to Pay or Plead By law, any person charged with an infraction or violation handled by the CIB who fails to pay the related fine and any additional fees (or plead not guilty) by the required date or willfully fails to appear for a scheduled court appearance is guilty of an unclassified misdemeanor punishable by imprisonment of up to 10 days (CGS Sec. 51-164r).~~

~~Related Bill sSB 426, Sec. 2, reported favorably by the Judiciary Committee, makes a change to the driver's license suspension procedure discussed above related to a person's failure to comply with remote events and deadlines the court sets for infractions and violations handled by the CIB.~~

~~COMMITTEE ACTION Transportation Committee Joint Favorable Yea 23 May 13 (03/18/2024) SHB5331 / File No. 275-9~~