



HUMAN PERFORMANCE FACTORS ATTACHEMENT

Email from Connecticut traffic safety resource prosecutor

Randolph, NH

HWY19MH010

(7 pages)

Collins Dennis

From: Hans, Brenda [REDACTED]
Sent: Monday, October 21, 2019 11:35 AM
To: Collins Dennis
Subject: RE: Questions about CT and refusals by non-resident drivers

Hi Dennis,

Both CT and MA are part of the Interstate Driver Compact and report to each other on licenses suspensions and OUIs. Accordingly, MA and CT will treat a license suspension or OUI conviction in another state just as if had occurred in their state. In CT, out-of-state priors must be “substantially the same.”

Section 14-227m highlighted below states that “[f]or purposes of the imposition of penalties for a second or third and subsequent offense pursuant to this subsection, a conviction under the provisions of subsection (a) of this section, subsection (a) of section 14-227a, subsection (a) of section 14-227g, subdivision (1) or (2) of subsection (a) of section 14-227n, subsection (a) of section 53a-56b or subsection (a) of section 53a-60d or a conviction in any other state of any offense, the essential elements of which are determined by the court to be substantially the same as the elements of the aforementioned provisions, shall constitute a prior conviction for the same offense.”

Here are the answers to your other questions. I would also contact the MA TSRP, Andrea Nardone Nardone, [REDACTED] if you need further info on MA laws. She’s very helpful.

CGS 14-227a(g)(1)(C)-(3)(C)

Upon a first DUI conviction, **a non-resident’s driving privileges are suspended for 45 days.** As a condition for the restoration of their driving privileges, a non-resident will be required to install an ignition interlock device (IID) on each motor vehicle they own or operate. **For a one-year period, the non-resident will be prohibited from operating a motor vehicle unless such motor vehicle is equipped with a DMV approved IID.**

For a second DUI conviction, a non-resident will be prohibited from operating a motor vehicle without an IID for a period of three years. Further, the non-resident’s first year of transportation during the three-year period is limited to school, work, substance abuse treatment, and/or meetings with a probation officer.

A third DUI conviction will result in the permanent revocation of a non-resident’s driving privileges. In addition, an IID may be installed for any period during the non-resident’s lifetime. Removal of an IID must be authorized by the DMV commissioner after a showing of “good cause” and only after a 15-year period.

The language of the statute does not distinguish an operator’s license from CDL. Rather, the non-resident’s “operating privilege” within the state is suspended.

Mass. Gen. Laws ch. 90, §30B

Under Massachusetts law, the licensing authority of a Driver License Compact (DLC) state must report each conviction of a driver from another party state to the licensing authority of that driver's home state. (Both Connecticut and Massachusetts are party to the DLC). In the event of a DUI conviction, the licensing authority in the driver's home state is required to act as if the offense occurred in the home state.

The Commonwealth of Massachusetts Registrar of Motor Vehicles ("RMV") reports suspensions and revocations to the National Driver's Registry (NDR) as does CT.

M.G.L.A. 90 § 30B

§ 30B. Interstate compact; motor vehicle convictions

The secretary of public safety is hereby authorized and directed to enter into a compact on behalf of the commonwealth with any other jurisdiction legally joining therein in the form substantially as follows:

(I)(a) "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home State" means the state that has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle that is prohibited by state law, municipal ordinance, or administrative rule or regulation; or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

(II) The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the security; and shall include any special findings made in connection therewith.

(III)(a) The licensing authority in the home state, for the purposes of suspension, revocation, or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to subsection II as it would if such conduct had occurred in the home state, in the case of convictions for:

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or narcotic drug, or under the influence of any other drug to a degree that renders the driver incapable of safely driving a motor vehicle;

(3) Any felony in the commission of which a motor vehicle is used;

(b) As to other convictions, reported pursuant to subsection II, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state;

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this subsection, such party state shall construe the denominations and descriptions appearing in the subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature, and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this subsection.

(IV) Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of, a license to drive issued by any other party

state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation; and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and current in force unless the applicant surrenders such license.

(V) Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

(VI) (a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

(VII) (a) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

(VIII) This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable; and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstances shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as the remaining states and in full force and effect as to the state affected to all severable matters.

(IX) As used in the compact, the term "licensing authority" with reference to this state shall mean the registrar of motor vehicles. Said registrar shall furnish to the appropriate authorities of any party state any information or documents reasonably necessary to facilitate the administration of subsections II, III and IV of the compact.

(X) The compact administrator provided for in subsection VI of the compact shall not be entitled to any additional compensation on account of his service as such administrator, but shall be entitled to expenses incurred in connection with his duties and responsibilities as administrator, in the same manner, as for expenses incurred in connection with any other duties or responsibilities of his office or employment.

(XI) As used in the compact, with reference to this state, the term "executive head" shall mean the governor.

(XII) Any court or any other agency of this state, or a subdivision thereof, which has jurisdiction to take any action suspending, revoking or otherwise limiting a license to drive, shall report any such action and the adjudication upon which it is based to the registrar within fourteen days on forms approved by the registrar.

Mass. Gen. Laws Ann. ch. 90, § 30B (West)

Brenda L. Hans

Assistant State's Attorney



Traffic Safety Resource Prosecutor

300 Corporate Place

Rocky Hill, CT 06067

(860) 258-5926

Fax (860) 258-5838

CONFIDENTIAL INFORMATION: The information contained in this e-mail is confidential and protected from general disclosure. If the recipient or the reader of this e-mail is not the intended recipient, or person responsible to receive this e-mail, you are requested to delete this e-mail immediately and do not disseminate or distribute or copy. If you have received this e-mail by mistake, please notify us immediately by replying to the message so that we can take appropriate action immediately and see to it that this mistake is rectified.

From: Collins Dennis [REDACTED]
Sent: Friday, October 18, 2019 10:42 AM
To: Hans, Brenda [REDACTED]
Subject: Re: Questions about CT and refusals by non-resident drivers

More than enough! In fact, if you need more time, that's not an issue at all!

Thank you!

Dennis

From: Hans, Brenda [REDACTED]
Sent: Friday, October 18, 2019 10:39 AM
To: Collins Dennis [REDACTED]
Subject: RE: Questions about CT and refusals by non-resident drivers

Hi Dennis,

I will work on this along with our intern. Is next Monday by 5 pm soon enough?

Brenda L. Hans

Assistant State's Attorney



Traffic Safety Resource Prosecutor

300 Corporate Place

Rocky Hill, CT 06067

(860) 258-5926

Fax (860) 258-5838

CONFIDENTIAL INFORMATION: The information contained in this e-mail is confidential and protected from general disclosure. If the recipient or the reader of this e-mail is not the intended recipient, or person responsible to receive this e-mail, you are requested to delete this e-mail immediately and do not disseminate or distribute or copy. If you have received this e-mail by mistake, please notify us immediately by replying to the message so that we can take appropriate action immediately and see to it that this mistake is rectified.

From: Collins Dennis [REDACTED]
Sent: Friday, October 18, 2019 9:53 AM
To: Hans, Brenda [REDACTED]
Subject: Questions about CT and refusals by non-resident drivers

Ms. Hans -

Joanne Thomka from the National Traffic Law Center gave me your contact information and suggested you could help me with some questions about how CT handles refusals by non-resident drivers. She also said it was okay to drop her name, so I did!

By way of background, I am an investigator with the National Transportation Safety Board (NTSB). As you may know, we are leading the Federal safety investigation into the crash in Randolph, NH on 6/21/19 that involved a MA driver striking and killing several motorcyclists. That driver, a CDL holder, had been arrested in CT for suspicion of DUI on 5/11/19. He agreed to a breathalyzer test (with a result of .000), but subsequently refused a urine test. In accordance with CT law, the officer submitted a report to the DMV, and the Commissioner suspended his non-resident operating privileges effective 6/10/19. That suspension was communicated to MA electronically, via CDLIS and by paper.

As part of the investigation, we are attempting to document this procedure and have a few questions, and I'm hoping you can help. Here they are:

- What laws, rules, or agreements govern the communication of license actions against a driver licensed by MA back to MA (i.e. the driver's license compact, any state laws, any DMV policies, etc.)?
- When this MA-licensed driver refused the urine test and his non-resident privileges were suspended, how long was the length of suspension (i.e. is there a minimum? is it indefinite?)
- How does a suspended MA driver get their CT privileges restored?
- When this driver was suspended, did CT consider his operator's license, his CDL, or both suspended?

I thank you in advance for any help you can give! Please feel free to contact me if you have any questions.

Dennis

Dennis Collins
Senior Highway Investigator, Human Performance
National Transportation Safety Board
Office of Highway Safety (HS-20)
490 L'Enfant Plaza SW
Washington, D.C. 20594
[REDACTED]
202-314-6449 Office
202-459-9338 Fax

CONFIDENTIALITY NOTICE - THIS E-MAIL TRANSMISSION MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, PROPRIETARY, SUBJECT TO COPYRIGHT, AND/OR EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IT IS FOR THE USE OF INTENDED RECIPIENTS ONLY. If you are not an intended recipient of this message, please notify the original sender immediately by forwarding what you received and then delete all copies of the correspondence and attachments from your computer system. Any use, distribution, or disclosure of this message by unintended recipients is not authorized and may be unlawful.

CONFIDENTIALITY NOTICE - THIS E-MAIL TRANSMISSION MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, PROPRIETARY, SUBJECT TO COPYRIGHT, AND/OR EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IT IS FOR THE USE OF INTENDED RECIPIENTS ONLY. If you are not an intended recipient of this message, please notify the original sender immediately by forwarding what you received and then delete all copies of the correspondence and attachments from your computer system. Any use, distribution, or disclosure of this message by unintended recipients is not authorized and may be unlawful.