



General Assembly

January Session, 2015

**Raised Bill No. 1073**

LCO No. 4534



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:  
(PS)

***AN ACT CONCERNING DRIVING WHILE UNDER THE INFLUENCE OF  
INTOXICATING LIQUOR OR ANY DRUG.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 14-227a of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2015*):

4 (b) Except as provided in subsection (c) of this section, in any  
5 criminal prosecution for violation of subsection (a) of this section,  
6 evidence respecting the amount of alcohol or drug in the defendant's  
7 blood or urine at the time of the alleged offense, as shown by a  
8 chemical analysis of the defendant's breath, blood or urine shall be  
9 admissible and competent, provided: (1) The defendant was afforded a  
10 reasonable opportunity to telephone an attorney prior to the  
11 performance of the test and consented to the taking of the test upon  
12 which such analysis is made; (2) a true copy of the report of the test  
13 result was mailed to or personally delivered to the defendant within  
14 twenty-four hours or by the end of the next regular business day, after  
15 such result was known, whichever is later; (3) the test was performed

16 by or at the direction of a police officer according to methods and with  
17 equipment approved by the Department of Emergency Services and  
18 Public Protection and was performed in accordance with the  
19 regulations adopted under subsection (d) of this section; (4) the device  
20 used for such test was checked for accuracy in accordance with the  
21 regulations adopted under subsection (d) of this section; (5) an  
22 additional chemical test of the same type was performed at least ten  
23 minutes after the initial test was performed or, if requested by the  
24 police officer for reasonable cause, an additional chemical test of a  
25 different type was performed to detect the presence of a drug or drugs  
26 other than or in addition to alcohol, provided the results of the initial  
27 test shall not be inadmissible under this subsection if reasonable efforts  
28 were made to have such additional test performed in accordance with  
29 the conditions set forth in this subsection and such additional test was  
30 not performed or was not performed within a reasonable time, or the  
31 results of such additional test are not admissible for failure to meet a  
32 condition set forth in this subsection; and (6) evidence is presented that  
33 the test was commenced within two hours of operation or, if the test  
34 was not commenced within two hours of operation, evidence is  
35 presented that demonstrates that the test results and analysis thereof  
36 accurately indicate the blood alcohol content at the time of the alleged  
37 offense. In any prosecution under this section it shall be a rebuttable  
38 presumption that the results of such chemical analysis establish the  
39 ratio of alcohol in the blood of the defendant at the time of the alleged  
40 offense, except that if the results of the additional test indicate that the  
41 ratio of alcohol in the blood of such defendant is ten-hundredths of one  
42 per cent or less of alcohol, by weight, and is higher than the results of  
43 the first test, evidence shall be presented that demonstrates that the  
44 test results and the analysis thereof accurately indicate the blood  
45 alcohol content at the time of the alleged offense.

46 Sec. 2. Subsection (k) of section 14-227a of the general statutes is  
47 repealed and the following is substituted in lieu thereof (*Effective*  
48 *October 1, 2015*):

49 (k) Notwithstanding the provisions of subsection (b) of this section,  
50 evidence respecting the amount of alcohol or drug in the blood or  
51 urine of an operator of a motor vehicle involved in an [accident]  
52 incident who has suffered or allegedly suffered physical injury in such  
53 [accident] incident, or is otherwise deemed by a police officer to  
54 require treatment or observation at a hospital, which evidence is  
55 derived from a chemical analysis of a blood sample taken from or a  
56 urine sample provided by such person after such [accident] incident at  
57 the scene of the [accident] incident, while en route to a hospital or at a  
58 hospital, shall be competent evidence to establish probable cause for  
59 the arrest by warrant of such person for a violation of subsection (a) of  
60 this section and shall be admissible and competent in any subsequent  
61 prosecution thereof if: (1) The blood sample was taken or the urine  
62 sample was provided for the diagnosis and treatment of such injury or  
63 in connection with the treatment or observation of such person; (2) if a  
64 blood sample was taken, the blood sample was taken in accordance  
65 with the regulations adopted under subsection (d) of this section; (3) a  
66 police officer has demonstrated to the satisfaction of a judge of the  
67 Superior Court that such officer has reason to believe that such person  
68 was operating a motor vehicle while under the influence of  
69 intoxicating liquor or drug or both and that the chemical analysis of  
70 such blood or urine sample constitutes evidence of the commission of  
71 the offense of operating a motor vehicle while under the influence of  
72 intoxicating liquor or drug or both in violation of subsection (a) of this  
73 section; and (4) such judge has issued a search warrant in accordance  
74 with section 54-33a authorizing the seizure of the chemical analysis of  
75 such blood or urine sample. Such search warrant may also authorize  
76 the seizure of the medical records prepared by the hospital in  
77 connection with the diagnosis or treatment of such injury or with the  
78 treatment or observation of such person.

79 Sec. 3. Subsection (l) of section 14-227a of the general statutes is  
80 repealed and the following is substituted in lieu thereof (*Effective*  
81 *October 1, 2015*):

82 (l) If the court sentences a person convicted of a violation of  
83 subsection (a) of this section to a period of probation, the court may  
84 require as a condition of such probation that such person participate in  
85 a victim impact panel program approved by the Court Support  
86 Services Division of the Judicial Branch. Such victim impact panel  
87 program shall provide a nonconfrontational forum for the victims of  
88 alcohol-related or drug-related offenses and offenders to share  
89 experiences on the impact of alcohol-related or drug-related incidents  
90 in their lives. Such victim impact panel program shall be conducted by  
91 a nonprofit organization that advocates on behalf of victims of  
92 [accidents] incidents caused by persons who operated a motor vehicle  
93 while under the influence of intoxicating liquor or any drug, or both.  
94 Such organization may assess a participation fee of not more than  
95 seventy-five dollars on any person required by the court to participate  
96 in such program.

97 Sec. 4. Section 14-227b of the general statutes, as amended by section  
98 6 of public act 14-228, is repealed and the following is substituted in  
99 lieu thereof (*Effective October 1, 2015*):

100 (a) Any person who operates a motor vehicle in this state shall be  
101 deemed to have given such person's consent to a chemical analysis of  
102 such person's blood, breath or urine and, if such person is a minor,  
103 such person's parent or parents or guardian shall also be deemed to  
104 have given their consent.

105 (b) If any such person, having been placed under arrest for  
106 operating a motor vehicle while under the influence of intoxicating  
107 liquor or any drug or both, and thereafter, after being apprised of such  
108 person's constitutional rights, having been requested to submit to a  
109 blood, breath or urine test at the option of the police officer, having  
110 been afforded a reasonable opportunity to telephone an attorney prior  
111 to the performance of such test and having been informed that such  
112 person's license or nonresident operating privilege may be suspended  
113 in accordance with the provisions of this section if such person refuses

114 to submit to such test, or if such person submits to such test and the  
115 results of such test indicate that such person has an elevated blood  
116 alcohol content, and that evidence of any such refusal shall be  
117 admissible in accordance with subsection (e) of section 14-227a and  
118 may be used against such person in any criminal prosecution, refuses  
119 to submit to the designated test, the test shall not be given; provided, if  
120 the person refuses or is unable to submit to a blood test, the police  
121 officer shall designate the breath or urine test as the test to be taken.  
122 The police officer shall make a notation upon the records of the police  
123 department that such officer informed the person that such person's  
124 license or nonresident operating privilege may be suspended if such  
125 person refused to submit to such test or if such person submitted to  
126 such test and the results of such test indicated that such person had an  
127 elevated blood alcohol content.

128 (c) [If the person arrested refuses to submit to such test or analysis  
129 or submits to such test or analysis, commenced within two hours of the  
130 time of operation, and the results of such test or analysis indicate that  
131 such person has an elevated blood alcohol content,] (1) Whenever any  
132 person is arrested for a violation of subsection (a) of section 14-227a,  
133 the police officer, acting on behalf of the Commissioner of Motor  
134 Vehicles, shall immediately revoke and take possession of the motor  
135 vehicle operator's license or, if such person is a nonresident, suspend  
136 the nonresident operating privilege of such person, for a twenty-four-  
137 hour period. In order to regain possession of such person's operator's  
138 license, after such twenty-four-hour period, such person shall appear  
139 in person at the police department, state police barracks or other  
140 location designated by the police officer, and sign a written  
141 acknowledgment of the return of such license. No restoration fee shall  
142 be required to be paid to the commissioner, in accordance with the  
143 provisions of section 14-50b.

144 (2) The police officer shall prepare a report of the incident and shall  
145 mail or otherwise transmit in accordance with this subsection the  
146 report and a copy of the results of any [chemical] blood, breath or

147 urine test or analysis to the Department of Motor Vehicles. [within  
148 three business days.] The report shall contain such information as  
149 prescribed by the Commissioner of Motor Vehicles and shall be  
150 subscribed and sworn to under penalty of false statement as provided  
151 in section 53a-157b by the arresting officer. If the person arrested  
152 refused to submit to [such] a blood, breath or urine test or analysis, the  
153 report shall be endorsed by a third person who witnessed such refusal.  
154 If the person arrested submitted to a breath test or analysis, the report  
155 shall be mailed or otherwise transmitted to the Department of Motor  
156 Vehicles within three business days. The report shall set forth the  
157 grounds for the officer's belief that there was probable cause to arrest  
158 such person for a violation of subsection (a) of section 14-227a and  
159 shall state that such person had refused to submit to [such] a blood,  
160 breath or urine test or analysis when requested by such police officer  
161 to do so or that such person submitted to such test or analysis [,  
162 commenced within two hours of the time of operation,] and the results  
163 of such test or analysis indicated that such person had an elevated  
164 blood alcohol content. The [Commissioner of Motor Vehicles]  
165 commissioner may accept a police report under this subsection that is  
166 prepared and transmitted as an electronic record, including electronic  
167 signature or signatures, subject to such security procedures as the  
168 commissioner may specify and in accordance with the provisions of  
169 sections 1-266 to 1-286, inclusive. In any hearing conducted pursuant  
170 to the provisions of subsection (g) of this section, it shall not be a  
171 ground for objection to the admissibility of a police report that it is an  
172 electronic record prepared by electronic means.

173 (d) If the person arrested submits to a blood or urine test at the  
174 request of the police officer, and the specimen requires laboratory  
175 analysis in order to obtain the test results, [the police officer shall not  
176 take possession of the motor vehicle operator's license of such person  
177 or, except as provided in this subsection, follow the procedures  
178 subsequent to taking possession of the operator's license as set forth in  
179 subsection (c) of this section. If] and if the test results indicate that such

180 person has an elevated blood alcohol content, the police officer,  
181 immediately upon receipt of the test results, shall notify the  
182 Commissioner of Motor Vehicles and submit to the commissioner the  
183 written report required pursuant to subdivision (2) of subsection (c) of  
184 this section.

185 (e) (1) Except as provided in subdivision (2) of this subsection, upon  
186 receipt of such report, the Commissioner of Motor Vehicles may  
187 suspend any operator's license or nonresident operating privilege of  
188 such person effective as of a date certain, which date shall be not later  
189 than thirty days after the date such person received notice of such  
190 person's arrest by the police officer. Any person whose operator's  
191 license or nonresident operating privilege has been suspended in  
192 accordance with this subdivision shall automatically be entitled to a  
193 hearing before the commissioner to be held in accordance with the  
194 provisions of chapter 54 and prior to the effective date of the  
195 suspension. The commissioner shall send a suspension notice to such  
196 person informing such person that such person's operator's license or  
197 nonresident operating privilege is suspended as of a date certain and  
198 that such person is entitled to a hearing prior to the effective date of  
199 the suspension and may schedule such hearing by contacting the  
200 Department of Motor Vehicles not later than seven days after the date  
201 of mailing of such suspension notice.

202 (2) If the person arrested (A) is involved in an [accident] incident  
203 resulting in a fatality, or (B) has previously had such person's  
204 operator's license or nonresident operating privilege suspended under  
205 the provisions of section 14-227a, as amended by this act, during the  
206 ten-year period preceding the present arrest, upon receipt of such  
207 report, the Commissioner of Motor Vehicles may suspend any  
208 operator's license or nonresident operating privilege of such person  
209 effective as of the date specified in a notice of such suspension to such  
210 person. Any person whose operator's license or nonresident operating  
211 privilege has been suspended in accordance with this subdivision shall  
212 automatically be entitled to a hearing before the commissioner, to be

213 held in accordance with the provisions of chapter 54. The  
214 commissioner shall send a suspension notice to such person informing  
215 such person that such person's operator's license or nonresident  
216 operating privilege is suspended as of the date specified in such  
217 suspension notice, and that such person is entitled to a hearing and  
218 may schedule such hearing by contacting the Department of Motor  
219 Vehicles not later than seven days after the date of mailing of such  
220 suspension notice. Any suspension issued under this subdivision shall  
221 remain in effect until such suspension is affirmed or such operator's  
222 license or nonresident operating privilege is reinstated in accordance  
223 with subsections (f) and (h) of this section.

224 (f) If such person does not contact the department to schedule a  
225 hearing, the commissioner shall affirm the suspension contained in the  
226 suspension notice for the appropriate period specified in subsection (i)  
227 of this section.

228 (g) If such person contacts the department to schedule a hearing, the  
229 department shall assign a date, time and place for the hearing, which  
230 date shall be prior to the effective date of the suspension, except that,  
231 with respect to a person whose operator's license or nonresident  
232 operating privilege is suspended in accordance with subdivision (2) of  
233 subsection (e) of this section, such hearing shall be scheduled not later  
234 than thirty days after such person contacts the department. At the  
235 request of such person or the hearing officer and upon a showing of  
236 good cause, the commissioner may grant one or more continuances.  
237 The hearing shall be limited to a determination of the following issues:  
238 (1) Did the police officer have probable cause to arrest the person for  
239 operating a motor vehicle while under the influence of intoxicating  
240 liquor or any drug or both; (2) was such person placed under arrest; (3)  
241 did such person refuse to submit to such test or analysis or did such  
242 person submit to such test or analysis [, commenced within two hours  
243 of the time of operation,] and the results of such test or analysis  
244 indicated that such person had an elevated blood alcohol content; and  
245 (4) was such person operating the motor vehicle. In the hearing, the

246 results of the test or analysis shall be sufficient to indicate the ratio of  
247 alcohol in the blood of such person at the time of operation, [provided]  
248 except that, if such test was not commenced within two hours of the  
249 time of operation, evidence shall be presented that demonstrates that  
250 the test results and analysis thereof accurately indicate the blood  
251 alcohol content at the time of operation. The fees of any witness  
252 summoned to appear at the hearing shall be the same as provided by  
253 the general statutes for witnesses in criminal cases. Notwithstanding  
254 the provisions of subsection (a) of section 52-143, any subpoena  
255 summoning a police officer as a witness shall be served not less than  
256 seventy-two hours prior to the designated time of the hearing.

257 (h) If, after such hearing, the commissioner finds on any one of the  
258 said issues in the negative, the commissioner shall reinstate such  
259 license or operating privilege. If, after such hearing, the commissioner  
260 does not find on any one of the said issues in the negative or if such  
261 person fails to appear at such hearing, the commissioner shall affirm  
262 the suspension contained in the suspension notice for the appropriate  
263 period specified in subsection (i) of this section. The commissioner  
264 shall render a decision at the conclusion of such hearing and send a  
265 notice of the decision by bulk certified mail to such person. The notice  
266 of such decision sent by bulk certified mail to the address of such  
267 person as shown by the records of the commissioner shall be sufficient  
268 notice to such person that such person's operator's license or  
269 nonresident operating privilege is reinstated or suspended, as the case  
270 may be.

271 (i) (1) The commissioner shall suspend the operator's license or  
272 nonresident operating privilege of a person who did not contact the  
273 department to schedule a hearing, who failed to appear at a hearing, or  
274 against whom a decision was issued, after a hearing, pursuant to  
275 subsection (h) of this section, as of the effective date contained in the  
276 suspension notice, for a period of forty-five days. As a condition for  
277 the restoration of such operator's license or nonresident operating  
278 privilege, such person shall be required to install an ignition interlock

279 device on each motor vehicle owned or operated by such person and,  
280 upon such restoration, be prohibited from operating a motor vehicle  
281 unless such motor vehicle is equipped with a functioning, approved  
282 ignition interlock device, as defined in section 14-227j, for the longer of  
283 either (A) the period prescribed in subdivision (2) of this subsection for  
284 the present arrest and suspension, or (B) the period prescribed in  
285 subdivision (1), (2) or (3) of subsection (g) of section 14-227a for the  
286 present arrest and conviction, if any.

287 (2) (A) A person twenty-one years of age or older at the time of the  
288 arrest who submitted to a test or analysis and the results of such test or  
289 analysis indicated that such person had an elevated blood alcohol  
290 content shall install and maintain an ignition interlock device for the  
291 following periods: (i) For a first suspension under this section, six  
292 months; (ii) for a second suspension under this section, one year; and  
293 (iii) for a third or subsequent suspension under this section, two years;  
294 (B) a person under twenty-one years of age at the time of the arrest  
295 who submitted to a test or analysis and the results of such test or  
296 analysis indicated that such person had an elevated blood alcohol  
297 content shall install and maintain an ignition interlock device for the  
298 following periods: (i) For a first suspension under this section, one  
299 year; (ii) for a second suspension under this section, two years; and (iii)  
300 for a third or subsequent suspension under this section, three years;  
301 and (C) a person, regardless of age, who refused to submit to a test or  
302 analysis shall install and maintain an ignition interlock device for the  
303 following periods: (i) For a first suspension under this section, one  
304 year; (ii) for a second suspension under this section, two years; and (iii)  
305 for a third or subsequent suspension, under this section, three years.

306 (3) Notwithstanding the provisions of subdivisions (1) and (2) of  
307 this subsection, a person whose motor vehicle operator's license or  
308 nonresident operating privilege has been permanently revoked upon a  
309 third offense pursuant to subsection (g) of section 14-227a shall be  
310 subject to the penalties prescribed in subdivision (2) of subsection (i) of  
311 section 14-111.

312 (j) Notwithstanding the provisions of subsections (b) to (i),  
313 inclusive, of this section, any police officer who obtains the results of a  
314 chemical analysis of a blood sample taken from or a urine sample  
315 provided by an operator of a motor vehicle involved in an [accident]  
316 incident who suffered or allegedly suffered physical injury in such  
317 [accident] incident, or is otherwise deemed by a police officer to  
318 require treatment or observation at a hospital, shall notify the  
319 Commissioner of Motor Vehicles and submit to the commissioner a  
320 written report if such results indicate that such person had an elevated  
321 blood alcohol content, and if such person was arrested for violation of  
322 section 14-227a, as amended by this act, in connection with such  
323 [accident] incident. The report shall be made on a form approved by  
324 the commissioner containing such information as the commissioner  
325 prescribes, and shall be subscribed and sworn to under penalty of false  
326 statement, as provided in section 53a-157b, by the police officer. The  
327 commissioner may, after notice and an opportunity for hearing, which  
328 shall be conducted by a hearing officer on behalf of the commissioner  
329 in accordance with chapter 54, suspend the motor vehicle operator's  
330 license or nonresident operating privilege of such person for the  
331 appropriate period of time specified in subsection (i) of this section  
332 and require such person to install and maintain an ignition interlock  
333 device for the appropriate period of time prescribed in subsection (i) of  
334 this section. Each hearing conducted under this subsection shall be  
335 limited to a determination of the following issues: (1) Whether the  
336 police officer had probable cause to arrest the person for operating a  
337 motor vehicle while under the influence of intoxicating liquor or drug  
338 or both; (2) whether such person was placed under arrest; (3) whether  
339 such person was operating the motor vehicle; (4) whether the results of  
340 the analysis of the blood or urine of such person indicate that such  
341 person had an elevated blood alcohol content; and (5) in the event that  
342 a blood sample was taken, whether the blood sample was obtained in  
343 accordance with conditions for admissibility and competence as  
344 evidence as set forth in subsection (k) of section 14-227a, as amended  
345 by this act. If, after such hearing, the commissioner finds on any one of

346 the said issues in the negative, the commissioner shall not impose a  
347 suspension. The fees of any witness summoned to appear at the  
348 hearing shall be the same as provided by the general statutes for  
349 witnesses in criminal cases, as provided in section 52-260.

350 (k) The provisions of this section shall apply with the same effect to  
351 the refusal by any person to submit to an additional chemical test as  
352 provided in subdivision (5) of subsection (b) of section 14-227a, as  
353 amended by this act.

354 (l) The provisions of this section shall not apply to any person  
355 whose physical condition is such that, according to competent medical  
356 advice, such test would be inadvisable.

357 (m) The state shall pay the reasonable charges of any physician who,  
358 at the request of a municipal police department, takes a blood sample  
359 for purposes of a test under the provisions of this section.

360 (n) For the purposes of this section, "elevated blood alcohol content"  
361 means (1) a ratio of alcohol in the blood of such person that is eight-  
362 hundredths of one per cent or more of alcohol, by weight, (2) if such  
363 person is operating a commercial motor vehicle, a ratio of alcohol in  
364 the blood of such person that is four-hundredths of one per cent or  
365 more of alcohol, by weight, or (3) if such person is less than twenty-one  
366 years of age, a ratio of alcohol in the blood of such person that is two-  
367 hundredths of one per cent or more of alcohol, by weight.

368 (o) The Commissioner of Motor Vehicles shall adopt regulations, in  
369 accordance with chapter 54, to implement the provisions of this  
370 section.

371 Sec. 5. Section 14-227c of the general statutes is repealed and the  
372 following is substituted in lieu thereof (*Effective October 1, 2015*):

373 (a) As part of the investigation of any motor vehicle [accident]  
374 incident resulting in the death of a person, the Chief Medical

375 Examiner, Deputy Chief Medical Examiner, an associate medical  
376 examiner, a pathologist as specified in section 19a-405, or an  
377 authorized assistant medical examiner, as the case may be, shall order  
378 that a blood sample be taken from the body of any operator or  
379 pedestrian who dies as a result of such [accident] incident. Such blood  
380 samples shall be examined for the presence and concentration of  
381 alcohol and any drug by the Division of Scientific Services within the  
382 Department of Emergency Services and Public Protection or by the  
383 Office of the Chief Medical Examiner. Nothing in this subsection or  
384 section 19a-406 shall be construed as requiring such medical examiner  
385 to perform an autopsy in connection with obtaining such blood  
386 samples.

387 (b) A blood or breath sample shall be obtained from any surviving  
388 operator whose motor vehicle is involved in an [accident] incident  
389 resulting in the physical injury or serious physical injury, as those  
390 terms are defined in section 53a-3, or death of another person, if [(1)] a  
391 police officer has probable cause to believe that such operator operated  
392 such motor vehicle while under the influence of intoxicating liquor or  
393 any drug, or both. [, or (2) such operator has been charged with a  
394 motor vehicle violation in connection with such accident and a police  
395 officer has a reasonable and articulable suspicion that such operator  
396 operated such motor vehicle while under the influence of intoxicating  
397 liquor or any drug, or both.] The test shall be performed by or at the  
398 direction of a police officer according to methods and with equipment  
399 approved by the Department of Emergency Services and Public  
400 Protection and shall be performed by a person certified or recertified  
401 for such purpose by said department or recertified by persons certified  
402 as instructors by the Commissioner of Emergency Services and Public  
403 Protection. The equipment used for such test shall be checked for  
404 accuracy by a person certified by the Department of Emergency  
405 Services and Public Protection immediately before and after such test  
406 is performed. If a blood test is performed, it shall be on a blood sample  
407 taken by a person licensed to practice medicine and surgery in this

408 state, a qualified laboratory technician, a registered nurse, a physician  
409 assistant or a phlebotomist. The blood samples obtained from an  
410 operator pursuant to this subsection shall be examined for the presence  
411 and concentration of alcohol and any drug by the Division of Scientific  
412 Services within the Department of Emergency Services and Public  
413 Protection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	14-227a(b)
Sec. 2	<i>October 1, 2015</i>	14-227a(k)
Sec. 3	<i>October 1, 2015</i>	14-227a(l)
Sec. 4	<i>October 1, 2015</i>	14-227b
Sec. 5	<i>October 1, 2015</i>	14-227c

**Statement of Purpose:**

To (1) extend the period of time that a breath, blood or urine test for driving under the influence may be administered if evidence establishes the reliability of such test, and (2) require a police officer to take possession of a motor vehicle operator's license during an arrest for driving under the influence.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*