

## DEPARTMENT OF CONSUMER PROTECTION

### Sale of Hardwood Pellets

Section 1. The Regulations of Connecticut State Agencies are hereby amended by adding section 43-27-1 as follows:

#### Sec. 43-27-1. Sale of hardwood pellets

(a) For the purpose of this section, the term “hardwood pellets” means a processed wood product containing the pieces, remnants, sawdust, or any combination thereof, of hardwood trees or lumber that has been compressed or otherwise formed into relatively uniform shapes for use in stoves or hearths for the purpose of heating homes or structures. Additional ingredients within said pellets may include switchgrass, other types of grass, or other organic materials.

(b) Hardwood pellets offered for sale within this state shall be sold by weight. The unit of measure shall be the pound. All packages of hardwood pellets shall have a net weight declaration and be subject to unit pricing pursuant to sections 21a-73 through 21a-77, inclusive, of the Connecticut General Statutes. “Unit pricing,” for the purpose of this subsection, means having a conspicuous label on or near any packages being sold at retail indicating the price per pound computed to the nearest cent.

(c) The standards set forth in subsections (a) and (b) of this section shall apply until such time as a standard is adopted by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology Handbook 130, as amended, of the United States Department of Commerce.

(d) Violations of this section shall be deemed an unfair or deceptive trade practice pursuant to section 42-115u of the Connecticut General Statutes and pursuant to the Connecticut Unfair Trade Practices Act, Chapter 735a of the Connecticut General Statutes.

**Statement of purpose:** The purpose of these regulations is to provide additional safeguards for consumers purchasing hardwood pellets by establishing a unit of measure, the pound, for this popular heating method.

Be it known that the foregoing regulations are adopted by the aforesaid agency pursuant to Secs. 4-168 and 43-27(d) of the General Statutes, after publication in the Connecticut Law Journal on August 25, 2009, of the notice of the proposal to adopt such regulations, and the holding of an advertised public hearing on the 28<sup>th</sup> day of September, 2009.

Wherefore, the foregoing regulations are hereby adopted effective when filed with the Secretary of the State.

In Witness Whereof: April 7, 2010, Jerry E. Farrell, Jr., Commissioner.

Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, Connecticut General Statutes: April 26, 2010.

Approved by the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes: August 24, 2010.

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Sec. 4-172, as amended, of the General Statutes, Secretary of the State: September 3, 2010.

## DEPARTMENT OF MOTOR VEHICLES

### Motor Carrier Safety Regulations

Section 1. Section 14-163c-2 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Sec. 14-163c-2. Application of regulations**

The regulations adopted in accordance with section 14-163c-1 of the Regulations of Connecticut State Agencies shall apply to:

(1) Any motor vehicle in intrastate commerce which has a gross vehicle weight rating, or gross combination weight rating, or gross vehicle weight or gross combination weight, of eighteen thousand one (18,001) or more pounds;

(2) Any motor vehicle in interstate commerce which has a gross vehicle weight rating, or gross combination weight rating, or gross vehicle weight or gross combination weight, of ten thousand one (10,001) or more pounds;

(3) Any motor vehicle which is designed to transport more than fifteen (15) passengers, including the driver;

(4) Any motor vehicle which is used in the transportation of hazardous materials in a quantity such as to require placarding of the vehicle under the Hazardous Materials Transportation Act, 49 USC App. 1801-1813, inclusive;

(5) A person who holds a commercial driver's license or who operates any motor vehicle as described in subsections (1) through (4) of this section; and

(6) A motor carrier as defined in the Code of Federal Regulations, Title 49, Part 390, Section 390.5, which is responsible for the operation of any motor vehicle or the driver thereof as provided in subsections (1) through (5), inclusive, of this section.

**Statement of purpose:** To clarify the intended scope of the current regulation, consistent with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA). Also, to conform the current regulation section with the requirements of Public Act 09-187.

Be it known that the foregoing regulations are amended as hereinabove stated by the aforesaid agency pursuant to Sec. 14-163c of the General Statutes, after publication in the Connecticut Law Journal on February 2, 2010, of the notice of the proposal to amend such regulations.

Wherefore, the foregoing regulations are hereby amended as hereinabove stated, effective when filed with the Secretary of the State.

In Witness Whereof: July 6, 2010, Robert M. Ward, Commissioner.

Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, Connecticut General Statutes: July 15, 2010.

Approved by the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes: September 28, 2010.

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Sec. 4-172, as amended, of the General Statutes, Secretary of the State: October 4, 2010.

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**DEPARTMENT OF MOTOR VEHICLES**

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**Standards and Procedures for Commercial Driving Schools**

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Section 1. Section 14-78-22(e) of the Regulations of Connecticut State Agencies is amended to read as follows:

(e) For each place of business, as referenced in Section 14-78-23 of the Regulations of Connecticut State Agencies, the applicant shall make a cash deposit or provide a surety bond to the commissioner, in the amount of fifteen thousand dollars (\$15,000.00). However, no applicant shall be required to provide a cash deposit or surety bond in excess of one hundred thousand dollars (\$100,000.00) per driving school license. Lapse or cancellation of any insurance policy or surety bond may

result in suspension, revocation or refusal to renew the driving school license in accordance with the provisions of chapter 54 of the Connecticut General Statutes.

Sec. 2. Section 14-78-23 of the Regulations of Connecticut State Agencies is amended to read as follows:

(a) Each place of business of a commercial driving school shall be in a fixed location. A business conducted from a house trailer, tent, temporary structure, temporary address, hotel room, by a telephone answering service or the like shall not be considered a fixed location.

(b) Each place of business which is established after adoption of this section, including a branch office, shall have a minimum of two hundred (200) square feet of space. Each school location offering classroom instruction which was established prior to adoption of this section shall have sufficient space and seating to conduct such instruction. Where a driving school shares space in a commercial location, each business shall have a separate and distinct area within the location.

(c) Each place of business shall meet governmental zoning, safety and fire code requirements. A map, sketch or drawing showing the dimensions, doors, windows and other characteristics of the location shall be provided to the commissioner.

(d) The applicant or the licensee shall notify the responsible fire marshal(s) for each new place of business by certified mail prior to business use of the facility, and any substantial change in any facility or in its use shall be reported in writing to the responsible fire marshal(s) and to the commissioner.

Sec. 3. Section 14-78-26 of the Regulations of Connecticut State Agencies is amended to read as follows:

A licensee may renew a license to conduct a commercial driving school by paying the renewal fee, providing the prescribed cash deposit or surety bond pursuant to Section 14-78-22(e) of the Regulations of Connecticut State Agencies, and filing a renewal application with the commissioner.

**Statement of purpose:** Currently, applicants for a commercial driving school license and licensees of said schools are required to provide a surety bond in the amount of one thousand dollars (\$1,000.00) to the commissioner. Said amount is per driving school license, regardless of the number of places of business owned by the school. This amount is insufficient to indemnify customers, in the event a licensee fails to satisfy any execution in accordance with Section 14-69 of the Connecticut General Statutes. As such, the Department of Motor Vehicles proposed that the cash deposit or surety bond be increased.

Be it known that the foregoing regulations are amended as hereinabove stated by the aforesaid agency pursuant to Sec. 14-69 of the General Statutes, after publication in the Connecticut Law Journal on February 2, 2010, of the notice of the proposal to amend such regulations.

Wherefore, the foregoing regulations are hereby amended as hereinabove stated, effective when filed with the Secretary of the State.

In Witness Whereof: July 6, 2010, Robert M. Ward, Commissioner.

Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, Connecticut General Statutes: July 15, 2010.

Approved by the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes: September 28, 2010.

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Sec. 4-172, as amended, of the General Statutes, Secretary of the State: October 4, 2010.

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## DEPARTMENT OF MOTOR VEHICLES

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### Teen Driving Exemptions for Single Parents Under Eighteen Years of Age

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The Regulations of Connecticut State Agencies are amended by adding sections 14-36g-1 and 14-36g-2 as follows:

#### Sec. 14-36g-1. Definitions

The following definition shall apply to Section 14-36g-2 of the Regulations of Connecticut State Agencies:

“Single parent” means the holder of a valid motor vehicle operator’s license who is (1) under eighteen years of age; (2) the mother or father of a child who is currently being transported; and (3) otherwise in compliance with the provisions of section 14-36g of the Connecticut General Statutes.

#### Sec. 14-36g-2. Exemptions

A single parent shall be exempt from the passenger restrictions contained in section 14-36g(a)(1) of the Connecticut General Statutes solely for the purpose of transporting her or his child to day care, to child care and educational facilities, to medical appointments, in medical emergencies or in order to secure goods necessary for the health and welfare of her or his child.

**Statement of purpose:** Under the authority of section 14-36g of the Connecticut General Statutes, the purpose of the regulation is to provide single parents under the age of eighteen with the opportunity to transport her or his child under certain conditions.

Be it known that the foregoing regulations are adopted by the aforesaid agency pursuant to Sec. 14-36g(6)(c) of the General Statutes, after publication in the Connecticut Law Journal on April 27, 2010, of the notice of the proposal to adopt such regulations.

Wherefore, the foregoing regulations are hereby adopted, effective when filed with the Secretary of the State.

In Witness Whereof: July 8, 2010, Robert M. Ward, Commissioner.

Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, Connecticut General Statutes: July 23, 2010.

Approved by the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes: September 28, 2010.

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Sec. 4-172, as amended, of the General Statutes, Secretary of the State: October 4, 2010.

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## DEPARTMENT OF SOCIAL SERVICES

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### Notice of Proposed Changes to the State Medicaid Plan

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The Department of Social Services (DSS) proposes to amend its Medicaid State Plan effective November 1, 2010 to implement changes pursuant to the state budget.

Under state plan amendment 09-026, the Department of Social Services has proposed to amend Attachments 3.1-A and 3.1-B of the Connecticut Medicaid State Plan pertaining to dental services. The Department has proposed requirements that dental providers obtain prior authorization for identified dental services and to document the medical necessity for high cost procedures. The Department will

perform utilization review assessments to determine whether services delivered to members are appropriate.

The Department now intends to apply these requirements for prior authorization of services and post procedure authorization on services provided by hospital dental clinics and freestanding dental clinics. Federally qualified health centers are not included in the requirements at this time. The projected cost savings are \$4.4 million in SFY 11 and \$4.7 million in SFY 12.

Copies of the proposed changes may be obtained at each of the DSS's regional offices and on the DSS web site: [www.dss.state.ct.us](http://www.dss.state.ct.us). Go to "Publications" and then to "News and Updates." For problems, please contact 860-424-5112.

Written comments must be received by November 9, 2010 at the following address:

Director of Medical Care Administration  
Re: State Plan Amendment for Dental Services  
Department of Social Services  
25 Sigourney Street, 11<sup>th</sup> Floor  
Hartford, CT 06106

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