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Special Operator's Permits

Sec. 14-37a-1. Definitions

In sections 14-37a-2 through 14-37a-10 the following words shall have the following meanings:

(1) "Accreditation" means the authorization of the Board of Governors of Higher Education, established pursuant to section 10a-2 of the Connecticut General Statutes, to operate a program or institution of higher learning or the equivalent authorization to operate a program or institution of higher learning granted by an equivalent board or authority in another state;

(2) "Alcohol-related offense" means a conviction of a violation of section 14-227a of the Connecticut General Statutes, or conviction of a violation involving substantially similar conduct in another state, as reported to the commissioner in accordance with the provisions of section 14-111n [c] of the Connecticut General Statutes, or conviction of a violation of section 30-88 or 30-89 or 53a-56b or 53a-60d of the Connecticut General Statutes;

(3) "Classes or other required educational activities" means components of a program of higher learning sponsored and conducted by an accredited institution of higher education and attested to by the registrar of such institution of higher education;

(4) "Commissioner" means Commissioner of Motor Vehicles or his or her designee;

(5) "Degree" means any letters or words, diploma, certificate or other symbol or document which signifies satisfactory completion of the requirements of a program of higher learning;

(6) "Department" means Department of Motor Vehicles;

(7) "Education permit" means the special operator's permit issued to a student for purposes of attending classes at an accredited institution of higher education issued in accordance with section 14-37a of the Connecticut General Statutes;

(8) "Institution of higher education" means an entity which is licensed or accredited to offer one or more programs of higher learning leading to one or more degrees;

(9) "Program of higher learning" means any course of instruction for which it is stated or implied that college or university-level credit may be given or may be received by transfer;

(10) "Registrar" means the officer of an institution of higher education, or such officer's designee, who creates and maintains records on the enrollment and academic standing of students;

(11) "Student" means a person enrolled in a program of higher learning at an institution of higher education within the United States but does not include a person enrolled in a secondary school who is participating in advance placement or similar courses for which college or university level credit is provided;

(12) "Work Permit" means the special operator's permit for purposes of employment issued in accordance with section 14-37a of the Connecticut General Statutes.

(Adopted effective May 5, 2000; amended November 3, 2010)

Sec. 14-37a-2. Eligibility for special operator's permit

(a) Except as provided in subsection (b), any person whose motor vehicle operator's license or nonresident operating privilege is suspended pursuant to any provision of chapter 246 or 248 of the Connecticut General Statutes may make application for a special operator's permit.

(b) The following persons shall not be eligible for a special operator's permit:

(1) A person whose motor vehicle operator's license or nonresident operating privilege is under suspension pursuant to section 14-215 of the Connecticut General Statutes;

(2) A person whose motor vehicle operator's license or nonresident operating privilege is under suspension pursuant to section 14-140 of the Connecticut General Statutes;

(3) A person whose motor vehicle operator's license or nonresident operating privilege is under suspension pursuant to subsection (i) of section 14-227b of the Connecticut General Statutes, if such person's operator's license or nonresident operating privilege has been suspended previously pursuant to subsection (i) of section 14-227b of the Connecticut General Statutes;

(4) A person whose motor vehicle operator's license or nonresident operating privilege is suspended due to a second or subsequent violation committed after a prior conviction pursuant to section 14-227a of the Connecticut General Statutes or section 14-111n(b)(2) of the Connecticut General Statutes.

(c) The commissioner shall not issue a special operator's permit in the following situations unless the person has a driving history, including motor vehicle violations, license suspensions and accidents, which indicates in the sole discretion of the commissioner that the person is a safe and responsible driver, and the commissioner finds that denial of a special operator's permit will cause a significant hardship to such person or his or her dependents:

(1) A person whose motor vehicle operator's license or nonresident operating privilege is under suspension for a violation of section 14-222 of the Connecticut General Statutes, or for a violation of section 14-223(b) of the Connecticut General Statutes, or for a violation of section 14-224 of the Connecticut General Statutes, and such person has on his or her official driving history, as maintained at the department, either two or more moving violations, as defined in section 14-111g of the Connecticut General Statutes or included in section 14-137a-5 of the Regulations of Connecticut State Agencies, or any previous violation resulting in an operator's license suspension, where such moving violation or such suspension occurred prior to the violation which resulted in the operator's license suspension of the person;

(2) A person whose motor vehicle operator's license or nonresident operating privilege is under suspension for a violation of 53a-56b of the Connecticut General Statutes, or for a violation of section 53a-60d of the Connecticut General Statutes, or whose suspension has been specifically recommended by a judge of the superior court pursuant to the provisions of section 14-141 of the Connecticut General Statutes following the conviction of any other violation related to the safe operation of a motor vehicle;

(3) A person to whom a special operator's permit has previously been issued in connection with an alcohol-related suspension of his or her operator's license or non-resident operating privilege;

(4) A person who has on his or her official driving history three (3) or more moving violations included in section 14-111g of the Connecticut General Statutes or section 14-137a-5 of the Regulations of Connecticut State Agencies;

(5) A person who, at the time of application for the special operator's permit has on his or her official driving history an operator's license suspension for an indefinite period, except that upon resolution of such indefinite suspension, such person may be issued a special operator's permit if he is otherwise qualified; or

(6) A person whose driving history indicates that such person has been convicted of more than one alcohol related offense.

(d) In exercising the discretion granted in section (c) of this section, the commissioner may consider a conviction of an offense in another state, if the commissioner determines that the essential elements of such offense are substantially the same as any of the offenses enumerated in section (c) of this section.

(Adopted effective May 5, 2000; amended April 13, 2007, November 3, 2010)

Sec. 14-37a-3. Application for special operator's permit

(a) Application for a work permit shall be made by the operator on a form approved by the commissioner. Such form may be obtained from the department, and shall contain information required by the commissioner including the following:

(1) Applicant's name;

(2) Applicant's residence and mailing addresses;

(3) Applicant's operator's license number and date of birth;

(4) Applicant's employer and place of employment including a business telephone number where his or her employment can be verified;

(5) Applicant's occupation or a description of his or her duties;

(6) Applicant's hours of employment;

(7) The approximate distance from applicant's present residence to his or her place of employment;

(8) If applicant's place of employment and/or hours of employment are not fixed, an explanation of his or her duties and normal work schedule;

(9) A statement indicating whether any public or alternative form of transportation, such as a car pool or vanpool, is available between the applicant's residence and place of employment, and, if not, what efforts have been made to secure other transportation;

(10) An explanation of the significant hardship that would occur if a work permit is not issued;

(11) The name, signature and phone number of the person's employer or of a person who can verify his or her employment schedule; and

(12) The signature of the applicant together with a statement that the application, its attachments, and the statements therein are made under penalty of false statement as provided in sections 14-110 and 53a-157b of the Connecticut General Statutes. If the applicant has more than one employer, such information shall pertain to each employer.

(b) Application for an education permit shall be made by the operator on a form approved by the commissioner. Such form may be obtained from the department, and shall contain information required by the commissioner, including the following:

(1) Applicant's name;

(2) Applicant's student identification number;

(3) Applicant's permanent residence and mailing addresses as well as any nonpermanent address that may be applicable relative to the applicant's status as a student;

(4) Applicant's operator's license number and date of birth;

(5) The name and address of the institution of higher education at which the applicant is enrolled in classes or other required educational activities;

(6) The name of the registrar and a telephone number where the applicant's enrollment and schedule can be verified;

(7) A certified copy of the applicant's schedule of classes or other required educational activities along with a fully executed release allowing such records to be provided to and confirmed by the Department;

(8) The approximate distance from applicant's present residence to the location(s) where classes or other required educational activities are conducted;

(9) The starting and ending dates of the applicant's classes or other required educational activities;

(10) A statement indicating whether any public or alternative form of transportation, such as a car pool or vanpool, is available between the applicant's residence and the location of his or her classes or other required educational activities, and, if not, what efforts have been made to secure other transportation;

(11) An explanation of the significant hardship that would occur if an education permit is not issued; and

(12) The signature of the applicant together with a statement that the application, its attachments, and the statements therein are made under penalty of false statement as provided in sections 14-110 and 53a-157b of the Connecticut General Statutes. If the applicant is enrolled in more than one institution of higher education, such information shall pertain to each such institution.

(c) In addition to the requirements of subsection (a) or (b) of this section, a person licensed in another state or country, whose nonresident operating privilege is under suspension in this state, shall present to the commissioner, with his or her application for a special operator's permit a recent certified driving history from his or her licensing state or country showing that he or she possesses a current, valid operator's license issued by such state or country, and listing any violations of motor vehicle laws or regulations. A license and driving history issued in a language other than English must be accompanied by an English translation of the information contained in each document. Said translation must be signed by the translator under penalty of false statement as provided in sections 14-110 and 53a-157b of the Connecticut General Statutes. A nonresident to whom a special operator's permit is issued shall inform the commissioner of any subsequent motor vehicle violations, suspensions, infractions or administrative actions in any state or country subsequent to the date of the certified driving history. The commissioner may require such nonresident to submit, at intervals to be determined in the sole discretion of the commissioner, an updated driving history or similar documentation showing the status of his or her operator's license in his or her licensing state or country.

(d) The application shall state thereon the penalties that could be incurred if a person is granted a special operator's permit and is found to be operating a vehicle for a purpose other than authorized, or for misuse of such permit.

(e) The completed application form and the information required pursuant to subsection (a) or (b), as applicable, shall be mailed or delivered to the Operator Control Section of the Department of Motor Vehicles. No copy of an application form without original signatures shall be accepted. No application shall be accepted by the department until the date of the suspension of the person's motor vehicle operator's license or nonresident operating privilege is determined.

(Adopted effective May 5, 2000; amended November 3, 2010)

Sec. 14-37a-4. Submission of application. Decision

(a) Upon receipt of the application, the commissioner shall review the application and determine if the application is in proper form.

(b) The commissioner may request additional relevant information prior to acting on such application.

(c) The commissioner shall determine whether or not to issue a special operator's permit within a reasonable time after receipt of the application and shall notify the applicant in writing of the decision.

(Adopted effective May 5, 2000; amended November 3, 2010)

Sec. 14-37a-5. Factors in considering application

In determining whether to grant a special operator's permit, in addition to considering the eligibility of the applicant in accordance with the provisions of section 14-37a-2 of the Regulations of Connecticut State Agencies and the applicant's driving history, the commissioner shall consider the information provided in the application, including the applicant's residence and the distance from his or her place of employment or location of classes or other required educational activities, the availability of other modes of transportation to and from the place of employment or location of classes or other required educational activities, the applicant's efforts to obtain alternate transportation, and the extent of the hardship to the applicant and his or her dependents if a special operator's permit is not issued. It shall be considered to be a significant hardship if the applicant submits proof that he has been unable, after reasonable effort, to obtain other reliable, regular transportation to and from his or her place of employment or location of classes or other required educational activities, and such transportation is necessary for the applicant to perform his or her work or profession or continue a program of higher learning.

(Adopted effective May 5, 2000; amended November 3, 2010)

Sec. 14-37a-6. Issuing of special operator's permit

(a) Upon the granting of an application for a special operator's permit, the department shall issue such permit by mail to the mailing address as indicated on the application.

(b) The permit shall be validated by the department.

(Adopted effective May 5, 2000; amended November 3, 2010)

Sec. 14-37a-7. Content of special operator's permit

(a) The special operator's permit shall be on a form approved by the commissioner.

(b) The permit shall contain:

(1) The legend "WORK ONLY" or "EDUCATION ONLY" conspicuously imprinted on the top of said form;

(2) The effective date and expiration date of the permit. The expiration date of the work permit shall be no later than the eligibility date for the person to have his or her motor vehicle operator's license or nonresident operating privilege restored, or the date the person's resident or nonresident operator's license expires, whichever is the earlier. The permit shall be valid for the period including both said effective date and said expiration date, except as provided hereinafter;

(3) An education permit shall expire no later than the last day of examinations or classes in the academic period for the program of higher learning of the institution of higher education at which the operator is enrolled or no later than the eligibility date for the person to have his motor vehicle operator's license or nonresident operating privilege restored, or the date the person's resident or nonresident operator's license expires, whichever is the earlier. The permit shall be valid for the period including both said effective date and said expiration date, except as provided hereinafter;

(4) A person whose operator's license expires during the period of suspension shall renew his or her license in accordance with law and shall submit proof of such renewal as required by the department. Such person shall thereupon be issued a new special operator's permit with a revised expiration date;

(5) A statement that the permit shall be carried by the operator at all times while operating a motor vehicle on the highways of this state;

(6) The specification of the work schedule, based on the determination of the commissioner as to the normal work hours of the applicant or the hours applicable to the program of higher learning in which the applicant is enrolled as attested to by the registrar of the institution of higher education;

(7) In the case of a work permit, the name(s) and business telephone number(s) of the operator's employer(s) or supervisor(s) where the operator's employment may be verified during normal work hours, or of a person who can verify the person's employment schedule;

(8) In the case of an education permit, the name(s) and telephone number(s) of the registrar of the institution of higher education where the operator's enrollment and class schedule may be verified during normal business hours; and

(9) A statement of the penalties that may be imposed on the operator by law for operating a motor vehicle without such permit, or for a purpose or at a time or location not permitted by such permit, or for alteration or other misuse of such permit.

(c) The special operator's permit shall be a controlled document having a unique identifying number or other unique identifier.

(Adopted effective May 5, 2000; amended November 3, 2010)

Sec. 14-37a-8. Effect of special operator's permit

(a) A person to whom a special operator's permit is issued and who operates a motor vehicle shall carry such permit at all times when operating a vehicle. Any person to whom a special operator's permit is issued shall operate a motor vehicle only under the conditions of such permit.

(b) A person to whom a special operator's permit is issued shall have his or her motor vehicle operator's license or nonresident operating privilege remain under suspension except for the limited rights granted by the issuing of a special operator's permit. Such suspension and the issuance of the special operator's permit shall be listed on the person's official driving history.

(Adopted effective May 5, 2000; amended November 3, 2010)

Sec. 14-37a-9. Violation of terms and condition of special operator's permit

(a) If a person commits a violation as enumerated in section 14-37a-8 of the Regulations of Connecticut State Agencies, such special operator's permit shall be subject to revocation by the department.

(b) If a police officer has reasonable grounds to believe that a person to whom a special operator's permit has been issued is not abiding by the terms and conditions of the special operator's permit, the police officer may make a written report of the circumstances, on a form or in a format determined by the commissioner, take possession of the permit and shall return the permit to the commissioner together with the written report. The commissioner may, upon receipt of such report and after providing the operator with an opportunity for a hearing, revoke the permit and impose a civil penalty of up to five hundred dollars ($500.00).

(c) If an additional suspension of a person's motor vehicle operator's license or nonresident operating privilege is imposed during the time that a special operator's permit is effective, such permit shall be revoked upon the effective date of the additional suspension and shall become null and void. The special operator's permit holder shall return said permit to the commissioner upon the effective date of such revocation. Should the additional suspension arise from the same incident as the suspension for which the original special operator's permit was issued, the commissioner may stay such revocation and extend the expiration date of the original special

operator's permit, or may issue a special operator's permit for such additional suspension.

(Adopted effective May 5, 2000; amended November 3, 2010)

Sec. 14-37a-10. Miscellaneous

(a) No special operator's permit may be used in connection with the operation of a commercial motor vehicle as defined in section 14-1 of the Connecticut General Statutes, or the operation of a vehicle for which a passenger or school bus/student transportation vehicle endorsement is required as provided in accordance with section 14-44 of the Connecticut General Statutes.

(b) No special operator's permit shall be issued in connection with any disqualification from operation of a commercial motor vehicle as provided in section 14-44k of the Connecticut General Statutes.

(c) A special operator's permit shall be reissued if it is lost, mislaid, stolen or destroyed.

(d) Any change in the mailing or residence address, employment, work location, work hours or commuting distance of a person to whom a work permit has been issued shall be reported immediately by the permit holder to the department in writing. The department may, in its discretion, issue a revised work permit, and require return of the original work permit, but no change in the terms and conditions of the original work permit shall be effective until the commissioner has approved such change and such change appears on the records of the department.

(e) Any change in the mailing or residence address, schedule of classes or other required educational activities or commuting distance of a person to whom an education permit has been issued shall be reported immediately by the permit holder to the department in writing. The department may, in its discretion, issue a revised education permit, and require return of the original education permit, but no change in the terms and conditions of the original education permit shall be effective until the commissioner has approved such change and such change appears on the records of the department.

(f) A notation shall be made on the person's driving history maintained by the department when a special operator's permit is issued and when such permit expires, or is revoked.

(Adopted effective May 5, 2000; amended November 3, 2010)