

**Sec. 9-174a-32. Disaster procedure**

In the event of any disaster, natural or otherwise, including, but not limited to, chemical emergencies, dam failures, earthquakes, exposure to hazardous materials, floods, extreme heat, hurricanes, tornados, or severe winter weather the registrars of voters shall follow the procedures in the most recent local Emergency Plan of Operations that each town or city has developed pursuant to section 28-7(a) of the Connecticut General Statutes, or subsequent state law.

**Sec. 9-174a-33. Security threat procedure**

In the event of any security threats near the polling location, including, but not limited to, the discovery of a suspicious object, a bomb threat, an explosion, a biological threat, a chemical threat, or a nuclear blast, the registrars of voters shall follow the procedures in the most recent local Emergency Plan of Operations that each town or city has developed pursuant to section 28-7(a) of the Connecticut General Statutes, or subsequent state law.

**Sec. 9-174a-34. Nuclear disaster procedure**

In the event of any threat of the release of radioactive material or any nuclear power plant emergency, the registrars of voters for any city or town designated as an emergency planning zone community or host community by the Department of Emergency Maintenance and Homeland Security, or subsequent state agency, shall follow the procedure on the most recent plans and guidelines set by the Radiological Emergency Preparedness Unit, or any subsequent division that handles radiological preparedness.

**Statement of purpose:** The purpose of this regulation is to conform to the requirements of CGS Section 9-174a, "An Act Concerning the Integrity of Elections." Subsection (d) reads "The Secretary of the State shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, as the Secretary deems necessary to implement the provisions of this section. Such regulations shall include a model plan that municipalities may adopt." The plan will detail the contingencies that need to be put in place by each municipality such that the orderly process of voting can occur even during an emergency.

Be it known that the foregoing regulations are adopted by the aforesaid agency pursuant to Sec. 9-174a of the General Statutes, after publication in the Connecticut Law Journal on April 3, 2012, 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: August 7, 2012, Denise W. Merrill, Secretary of the State.

Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, Connecticut General Statutes: August 8, 2012.

Approved by the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes: September 25, 2012.

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 28, 2012.

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**DEPARTMENT OF MOTOR VEHICLES**

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**Commercial Driving School**

Section 1. Sections 14-78-20 through 14-78-42, inclusive, of the Regulations of Connecticut State Agencies are amended to read as follows:

**Sec. 14-78-20. Definitions**

As used in section 14-78-20 to section 14-78-52, inclusive, of the Regulations of Connecticut State Agencies:

(1) "Behind-the-wheel instruction" means instruction or training provided to a student by a commercial driving instructor, which permits the student to obtain driving experience on public roads and highways, in a motor vehicle equipped and registered as required by law, while the student is operating the motor vehicle, in accordance with the provisions of section 14-78-34 of the Regulations of Connecticut State Agencies, or in accordance with section 14-78-42a of the Regulations of Connecticut State Agencies;

(2) "Classroom instruction" means group instruction of students in a classroom or similar group situation by a commercial driving instructor, in accordance with section 14-78-33 of the Regulations of Connecticut State Agencies;

(3) "Clock hour" means sixty (60) minutes;

(4) "Commercial driving instructor" means a person who has an instructor's license as provided in section 14-73 of the Connecticut General Statutes and is employed by a commercial driving school licensed by the commissioner in accordance with section 14-69 of the Connecticut General Statutes;

(5) "Commercial driving school" means a person, firm, corporation, or other business entity that engages in the business of providing driver education and that is licensed by the Commissioner in accordance with section 14-69 of the Connecticut General Statutes;

(6) "Commissioner" means the commissioner of motor vehicles or the commissioner's designee;

(7) "Department" means the department of motor vehicles;

(8) "Driver's education certificate" means a form approved by the commissioner, which evidences successful completion of course requirements as required by sections 14-78-35 or 14-78-36 of the Regulations of Connecticut State Agencies;

(9) "Driver education program" means an organized system of instruction in safe driving procedures and practice, approved by the commissioner, permitting a student to obtain behind-the-wheel or classroom instruction, or both;

(10) "Dual control vehicle" means a motor vehicle having dual controls on the foot-brake and on the clutch if so equipped, installed and maintained in accordance with the recommendations of the manufacturer thereof, operable by a person in the front seat of the vehicle other than the driver;

(11) "Full course" means a minimum of thirty (30) classroom hours and eight (8) hours of behind-the-wheel instruction received from a commercial driving school in accordance with section 14-78-33 of the Regulations of Connecticut State Agencies;

(12) "License certificate" means the document issued by the commissioner authorizing a driver education program to be conducted;

(13) "Master instructor" means a person approved by the commissioner to provide instructor training, and who meets the requirements of section 14-78-49 of the Regulations of Connecticut States Agencies;

(14) "Place of business" means the physical location where driver education, or other business associated with operating a commercial driving school, is conducted; and

(15) "Simulator" means a machine that simulates specific conditions or the characteristics of the real process of driving a motor vehicle for the purposes of driver education;

(16) "Student" means a person enrolled in a course of classroom instruction, behind the wheel instruction, or both in motor vehicle operation and highway safety at a commercial driving school.

#### **Sec. 14-78-21. Driving school license required**

No person shall engage in the business of conducting a commercial driving school without a license. A license shall be issued by the commissioner only upon approval of an application filed in accordance with the provisions of section 14-78-22 of the Regulations of Connecticut State Agencies.

#### **Sec. 14-78-22. Application**

(a) An application for a license to conduct a commercial driving school shall be in writing, and provide information required by the commissioner, on a form or in a format as determined by the commissioner.

(b) The applicant shall sign the application under penalty of false statement in accordance with the provisions of sections 14-110 and 53a-157b of the Connecticut General Statutes.

(c) Each applicant, and all partners, officers, directors and principals, in addition to any person whose name appears on the application, upon initial application shall be fingerprinted and be subject to a state and national records check and a check of the state child abuse registry pursuant to section 17a-101k of the Connecticut General Statutes. If there is a criminal record or listing on the state child abuse and neglect registry, the commissioner shall make a determination whether to issue a license using the standards set out in section 14-44 of the Connecticut General Statutes and the regulations adopted pursuant to said section.

(d) The applicant shall pay the fee required by section 14-69 of the Connecticut General Statutes.

(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. The commercial driving school shall execute such bond in the name of the State of Connecticut. On order of the commissioner, and after a hearing held before said commissioner, the bond may be invoked pursuant to section 14-69 of the Connecticut General Statutes in accordance with the provisions of chapter 54 of the Connecticut General Statutes. Lapse or cancellation of any 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.

(f) The applicant shall certify and submit evidence as required by the commissioner that every place of business conforms to the requirements of section 14-78-23 of the Regulations of Connecticut States Agencies.

(g) The applicant shall submit with the application a proposed driver education program curriculum.

(h) The applicant shall file with the application a schedule of maximum rates charged for services provided in the instruction of drivers.

(i) An applicant which is a corporation or other business entity shall provide proof of its status as maintained by the Connecticut Secretary of the State and list any trade names under which the business is conducted.

**Sec. 14-78-23. Place of business**

(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 shall have a minimum of two hundred square feet of space, except for any place of business established prior to February 24, 1997. Each place of business that offers classroom instruction shall provide a suitable classroom environment with reasonable and adequate space and seating to conduct such instruction. Any driving school whose place of business is in a shared commercial location shall have a physically separate and distinct area within the location. Each place of business shall have adequate signage, as allowed by the board or authority designated by local charter, regulation or ordinance of the town, city or borough wherein the business is located. Such signage shall reflect the name and ownership of said business.

(c) Each place of business shall meet governmental zoning, safety, fire code and accessibility requirements.

(d) The licensee shall provide the commissioner with a scale map, sketch or drawing showing the dimensions, doors, windows, classrooms, and other characteristics for each place of business.

(e) The applicant or the licensee shall notify the responsible fire marshal 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 and to the commissioner.

**Sec. 14-78-24. Issuing of license. Display**

(a) Upon approval of an application for a license by the commissioner, one or more license certificates shall be issued to the applicant. The license period shall be valid in accordance with section 14-69 of the Connecticut General Statutes and the expiration date shall appear on the license certificate.

(b) A licensee shall display the license certificate at each place of business in a conspicuous place.

(c) If a commercial driving school agrees to provide classroom instruction, or the eight (8) hour safe driving practices program, as provided in Section 14-78-33 of the Regulations of Connecticut State Agencies, for a secondary school, and such classroom instruction or safe driving practices program is performed at such secondary school or another municipal site, such site shall be licensed as an additional place of business.

(d) A duplicate of a license certificate shall be issued to a licensee upon proof of loss, mutilation or destruction of the original license certificate, and payment of the fee as provided in section 14-69 of the Connecticut General Statutes.

**Sec. 14-78-25. Denial of application**

The commissioner may deny an application for a commercial driving school license or its renewal as provided in sections 14-70 and 14-72 of the Connecticut General Statutes. A denial shall be in writing and mailed to the applicant, and shall include the reason or reasons for such denial.

**Sec. 14-78-26. License renewal**

(a) 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

with the commissioner a renewal application in accordance with the provisions of section 14-78-22 of the Regulations of Connecticut State Agencies.

(b) Each renewal applicant shall submit a renewal application forty-five days prior to his or her license expiration date, according to a schedule established by the commissioner. The commissioner may adopt a schedule for license renewal that results in expiration dates distributed throughout the calendar year, with fees prorated accordingly for the initial licensing period.

(c) Each renewal applicant, and all partners, officers, managers, principals, in addition to any person whose name appears on the renewal application, shall be subject to a state records check and a check of the state child abuse and neglect registry pursuant to section 14-69 of the Connecticut General Statutes. If there is a criminal record or listing on the state child abuse and neglect registry, the commissioner shall make a determination whether to issue a license using the standards set forth in section 14-69 of the Connecticut General Statutes.

(d) A renewal applicant who files a late renewal application shall pay a late fee in accordance with section 14-69(b) of the Connecticut General Statutes.

#### **Sec. 14-78-27. Revocation or suspension of license; civil penalty**

(a) The commissioner may suspend or revoke a commercial driving school license or impose a civil penalty for any violation of any state or federal law that is reasonably related to the conduct of driving schools.

(b) A person whose commercial driving school license has been revoked or suspended or whose application or application for renewal has been denied, may request a hearing. Such hearing shall be scheduled promptly, and shall be conducted in accordance with the provisions of chapter 54 of the Connecticut General Statutes and sections 14-137-36 to 14-137-39, inclusive, of the Regulations of Connecticut State Agencies.

#### **Sec. 14-78-28. Change in ownership or address**

(a) A licensee shall notify the commissioner immediately by certified mail, if there is a change in the ownership of the business, including a change in partners or corporate officers, or a change in members or managers in the case of a limited liability company.

(b) Upon a change in ownership or discontinuance of the commercial driving school, all license certificates are void, and shall be returned to the commissioner, and the licensee shall not provide driving instruction or related activities.

(c) A licensee shall report any change in the residence address of the licensee, or any owner, partner, officer, director or principal, or any person employed by the licensee to provide instruction, immediately to the commissioner in writing.

(d) Upon a change in ownership or sale of an existing commercial driving school, the new owner or owners may apply for a license prior to termination of the license of the previous licensee.

#### **Sec. 14-78-29. Change in location**

(a) No business office or classroom of a licensee may be moved to a new location or utilized without prior approval of the commissioner. The licensee shall submit proof that the new location meets governmental zoning, safety and fire code and accessibility requirements. Each place of business shall meet the requirements of section 14-78-23 of the Regulations of Connecticut State Agencies.

(b) When a licensee discontinues the use of any place of business, the licensee shall immediately notify the commissioner by certified mail, and the licensee shall immediately return the license certificate or certificates to the commissioner.

**Sec. 14-78-30. Advertising**

(a) No commercial driving school shall, through its advertising, or in any other manner, hold out to the public or to any individual that such school can guarantee or assure the issuance of an operator's license. No commercial driving school shall use any advertising which is misleading or misrepresents the course content or quality of instruction available from such school.

(b) Unless authorized by the commissioner, no commercial driving school shall solicit business, or cause business to be solicited on its behalf, or display or distribute any advertising material, within one thousand five hundred (1500) feet of any full service branch of the department of motor vehicles.

(c) A licensed commercial driving school may advertise that it is licensed by the State of Connecticut, but it may not state or imply that it is in any manner approved or recommended by the State of Connecticut or the department.

**Sec. 14-78-31. Change in curriculum**

No substantial deviation in the curriculum approved by the commissioner, as provided in subsection (g) of section 14-78-22 of the Regulations of Connecticut State Agencies, shall be made by the licensee or its employees without the prior approval of the commissioner. The commissioner may require submission of a new curriculum for good cause shown.

**Sec. 14-78-32. Records**

(a) Each driving school shall maintain written records, updated at least monthly, in a permanently bound book, with pages consecutively numbered, or in a computer data base or the like. The licensee shall maintain such records in a format that can immediately be printed or copied. If requested by the commissioner, the licensee shall immediately provide a copy or printing of any records required to be kept by the licensee. The records shall include each student's name, date of birth, residence address, mailing address if different, telephone number, starting date of instruction, ending date of instruction, learner's permit number, and driver education certificate number.

(b) The following additional records shall be maintained on file at the commercial driving school:

(1) In the event that a vision screening is administered, the date of the student's vision screening required in accordance with section 14-78-43 of the Regulations of Connecticut State Agencies, the name of the person who administered the vision screening, and whether the student meets the vision standards of sections 14-45a-1 to 14-45a-4, inclusive, of the Regulations of Connecticut State Agencies;

(2) The types of instruction, including the date each type of instruction was given and the number of hours for each type of instruction received by the student;

(3) Registration information for each vehicle in which the student received behind-the-wheel instruction;

(4) The fees paid by the student for any classroom instruction, behind-the-wheel instruction, or safe driving practices instruction;

(5) The name or names of the instructor or instructors for each instructional or training session, or both;

(6) The date, location of test, motor vehicle used (if a vehicle owned or leased by a licensed commercial driving school is used) and results of each driving test administered by the department and taken in such vehicle owned or leased by a licensed commercial driving school;

(7) Any additional fees paid by the student; and

(8) A class attendance list, which shall include the date, time, location, names of students, and the instructor or instructors, for all driver education classes.

(c) All records required by subsections (a) and (b) shall be retained by the commercial driving school for three (3) years. Such records shall be made available to the commissioner, or other law enforcement officer, during reasonable business hours.

(d) If any records are lost, mutilated or destroyed, the licensee shall immediately notify the commissioner in writing, and, upon request, shall provide under oath a written explanation of the circumstances of the loss, mutilation or destruction. The licensee shall also make a reasonable attempt to restore such records.

#### **Sec. 14-78-33. Classroom instruction and full course offering for students**

(a) No commercial driving school shall offer any classroom instruction intended to meet the driver education requirements for persons under the age of eighteen (18) years, as provided in section 14-36 of the Connecticut General Statutes, unless such school has been licensed by the commissioner to give such instruction.

(b) Each commercial driving school offering a full course of driver education shall provide such course of instruction as defined in subsection (11) of section 14-78-20 of the Regulations of Connecticut State Agencies. The commercial driving school may offer classroom instruction only, which shall consist of a minimum of thirty (30) hours of such instruction, but such course is not a full course of instruction. At any time, the commissioner may require the review and approval of any curriculum used by the licensee. An approved curriculum shall include the following:

(1) The development of driver skills which shall be presented in a simple-to-complex structure of concepts and behavioral patterns;

(2) A variety of instructional methods which shall demonstrate student centered activities for participative education to include low-risk driving values, knowledge for development of safe driving habits, and mental readiness for correct in-vehicle performance;

(3) Presentation of content in the classroom which parallels the presentation of in-vehicle content. The driving related skills and concepts presented in the classroom shall be conducted in a motor vehicle as soon after the classroom activities as possible. All concepts, and where possible, skills to be practiced in the motor vehicle, shall first be presented in the classroom; and

(4) Appropriate content for the classroom and in-vehicle sessions which shall include the following topics: the highway transportation system; analysis of crashes; roadway designs and markings; Connecticut motor vehicle laws and regulations; basic control tasks; parking maneuvers; the structure of driving tasks; restraint systems; risk management; perceptual skills development; space management; natural laws and vehicle control; winter driving techniques; handling vehicle emergencies; night driving techniques; effects of alcohol and drugs on driving, emotions and operator fitness; interacting with other vehicle types; the purpose and procedures of procurement organizations, as defined in section 19a-279a of the Connecticut General Statutes, as amended from time to time; and managing high risk locations, including intersections and curves.

(c) Each commercial driving school licensed to conduct classroom instruction in accordance with subsection (a) of this section may provide, with prior written approval of the commissioner for any student to whom a learner's permit was issued on or after August 1, 2008, a safe driving practices program of the eight (8) hours which shall include and comply with the following requirements:

(1) Four (4) hours concerning the nature and effects of alcohol and drugs, as specified in subparagraph (B) of subdivision (1) of subsection (d) of section 14-36 of the Connecticut General Statutes;

(2) Two (2) hours on subjects directed to safe driving practices, which shall include the following topics: the slow down for work zones pursuant to section 14-

212a of the Connecticut General Statutes; the move over law pursuant to section 14-283b of the Connecticut General Statutes; and not less than fifteen minutes concerning the disregard of a signal from a law enforcement officer under subsection (b) of section 14-223 of the Connecticut General Statutes, and the penalties for violating said section;

(3) Two (2) hours of instruction concerning the statutory provisions, including penalties, applicable to drivers who are less than eighteen years of age, the dangers of teenage driving, the cognitive development of adolescents, and the responsibilities and liabilities of parents of teenage drivers; and

(4) The eight (8) hour safe driving practices program of this subsection may be included as part of the thirty (30) hour course of instruction specified in subsection (a) of this section.

(d) Each commercial driving school licensed to conduct classroom instruction in accordance with subsection (a) of this section shall provide to a parent or legal guardian of any student receiving classroom instruction pursuant to subsection (c) of this section, the opportunity to attend, without additional charge, the two hours of instruction described in subdivision (3) of subsection (c) of this section.

(e) An official of the commercial driving school providing instruction to the parent or legal guardian and the student, referred to in subsection (d) of this section, shall issue an affidavit on a form approved by the commissioner, signed under penalty of false statement, to such student attesting to the fact that the student's parent or legal guardian attended the two hours of instruction described in subsection (d) of this section. Such student shall provide such affidavit to the commissioner prior to being allowed to take the driver's test.

(f) A student enrolled in the thirty (30) hour course of instruction described in subsection (b) of this section who is a secondary school student shall receive a maximum of two (2) hours of classroom instruction per day, except that on a day when school is not scheduled, the student may receive a maximum of two and one half (2 1/2) hours of classroom instruction. A student eighteen years of age or older enrolled in the eight (8) hour program described in subsection (c) of this section, who is a student in a secondary school, shall receive such instruction on at least two separate days, with a maximum of four (4) hours of instruction per day.

(g) Any fee charged by the commercial driving school for the eight (8) hour safe driving practices program described in subsection (c) of this section shall not exceed one hundred twenty-five dollars (\$125.00). Any charges in excess of the approved fee shall subject the licensee to action by the commissioner under section 14-79 of the Connecticut General Statutes.

(h) Each commercial driving school shall provide the four (4) hours of instruction concerning the nature and effects of alcohol and drugs in relation to the ability to safely operate a motor vehicle in compliance with the following:

(1) Separate course materials shall be provided for the use of students and instructors, in printed or electronic media format;

(2) Such course materials shall have been prepared by a person or persons with knowledge and expertise in the field of alcohol and drug abuse;

(3) Such course materials, as presented, shall cover the blood alcohol level limits prescribed by law, the effects of operating a motor vehicle at or near such per se limits, effective methods to avoid peer pressure concerning excessive alcohol consumption and the penalties and costs associated with violations of the laws concerning driving under the influence of alcohol or drugs;

(4) Such course materials shall be subject to the approval of the commissioner, prior to the issuance of a license to the school, and may be required to be reviewed and approved prior to any renewal, in accordance with section 14-78-22 of the Regulations of Connecticut State Agencies;

(5) The department may conduct one or more training sessions, to be attended by at least one instructor from each school, concerning the presentation of the course materials, and effective teaching methods and strategies for alcohol and drug education.

(i) Each student enrolled in the classroom phase of the driver education program shall have access to:

(1) A full-length, current driver education textbook for the purpose of the program, and special materials, which may include the use of video tapes, as approved by the commissioner of motor vehicles; and

(2) The Connecticut Driver's Manual, issued by the department of motor vehicles, which manual shall become the property of the student.

(j) Class size shall not exceed the capacity of instructional materials available and reasonable standards of safety and supervision. No classroom instruction shall be offered to a class exceeding forty (40) students.

(k) Each licensee, upon initial application and each renewal application shall provide to the commissioner an annual schedule of classroom instruction sessions including the date, time, and location of such instruction. Any change in the classroom schedule shall be forwarded in writing to the commissioner, and shall be received by the commissioner during reasonable business hours and prior to the effective date of any such change. Classroom sessions may be monitored by the commissioner at any time.

(l) The commissioner shall maintain a listing of all commercial driving schools licensed in accordance with section 14-69 of the Connecticut General Statutes, and a listing of all instructors licensed in accordance with the provisions of section 14-73 of the Connecticut General Statutes.

(m) Classroom instruction shall not be given to a person who has not reached the age of sixteen (16) years.

(n) A licensed instructor shall be physically present for all classroom instruction.

(o) A licensed instructor shall only conduct one class session at a time.

(p) A licensed instructor shall maintain a professional demeanor while providing all driver education.

(q) A student who misses any portion of the approved curriculum shall complete the portion missed.

**Sec. 14-78-33a. Safe driving practices course for students eighteen years of age or older**

(a) Each commercial driving school offering classroom instruction in accordance with section 14-78-33 subsection (a) of the Regulations of Connecticut State Agencies may provide, with prior written approval of the commissioner or his representative, for any applicant for a motor vehicle operator's license eighteen (18) years of age or older, who has not previously held a Connecticut motor vehicle operator's license and who does not hold a valid motor vehicle operator's license issued by any other state, territory, possession of the United States, or any foreign country with which the commissioner has an agreement for reciprocal recognition of driver training requirements, a safe driving practices course pursuant to section 14-37b of the Connecticut General Statutes. Such safe driving practices course shall consist of not less than eight hours of instruction and shall comply with the following requirements:

(1) Four (4) hours concerning the nature and effects of alcohol and drugs, as provided in subparagraph (B) of subdivision (1) of subsection (d) of section 14-36 of the Connecticut General Statutes; and

(2) Four (4) hours of subjects directed to safe driving practices, which shall include the following topics: the slow down for work zones pursuant to section 14-

212a of the Connecticut General Statutes; the move over law pursuant to section 14-283b of the Connecticut General Statutes; not less than fifteen minutes concerning the disregard of a signal from a law enforcement officer under subsection (b) of section 14-223 of the Connecticut General Statutes, and the penalties for violating this section; and other topics relevant to drivers eighteen (18) years of age and older. The content of such safe driving practices course shall not include material regarding the dangers of teenage driving, the cognitive development of adolescents, and the responsibilities and liabilities of parents or teenage drivers.

(b) The commissioner may, in the interest of enhanced learning and absorption of course content, require that such eight (8) hours of instruction be conducted on at least two separate days, with a maximum of four (4) hours of instruction per day.

(c) Any fee for the eight (8) hour safe driving practices course, referred to in subsection (a) of this section, shall not exceed one hundred twenty-five dollars (\$125.00). Any charges in excess of the approved fee shall subject the licensee to action by the commissioner under section 14-79 of the Connecticut General Statutes.

#### **Sec. 14-78-34. Behind-the-wheel instruction**

(a) Behind-the-wheel instruction shall not be given to a student who has not reached the age of sixteen (16) years.

(b) Any student sixteen (16) or seventeen (17) years of age shall not be provided behind-the wheel instruction unless the student has obtained his or her Connecticut learner's permit.

(c) Behind-the-wheel instruction shall be given only by a licensed commercial driving instructor.

(d) Prior to any behind-the-wheel instruction for any student sixteen (16) or seventeen (17) years of age, a commercial driving instructor shall confirm that the student is in immediate possession of his or her learner's permit.

(e) No student shall receive more than two (2) hours of behind-the-wheel instruction per day.

(f) The vehicle used for behind-the-wheel instruction shall be occupied by the instructor and no more than one (1) student, unless the school has obtained written authorization, from the student, to conduct behind-the-wheel instruction with no more than two (2) additional students present in the vehicle. If said student is less than eighteen (18) years of age, such authorization shall be from a parent or legal guardian of the student. In no event shall behind-the-wheel instruction be performed with more than three (3) students in the vehicle.

(g) The brakes, lights and other safety features of each motor vehicle used for behind-the-wheel instruction shall be inspected by the instructor, and any defects shall be corrected prior to any such instruction.

(h) A licensed instructor shall maintain a professional demeanor while providing all driver education.

#### **Sec. 14-78-35. Drivers' education certificates for those sixteen and seventeen years of age**

(a) Each person sixteen (16) or seventeen (17) years of age upon completion of the driver education program, and being determined by the commercial driving school to be a safe and capable driver and qualified to hold an operator's license, shall be issued a drivers' education certificate by the commercial driving school indicating whichever of the following is or are applicable:

(1) The successful completion of a full course of driver education as provided for in section 14-78-33 of the Regulations of Connecticut State Agencies;

(2) The successful completion of a course consisting of a minimum of thirty (30) hours of classroom instruction only as provided in subsection (b) of section 14-78-

33 of the Regulations of Connecticut State Agencies, which includes successful completion of eight (8) hours of safe driving practices, of which two (2) hours were attended by a parent or legal guardian;

(3) The successful completion of eight (8) hours of safe driving practices classroom instruction only, as provided in subsections (c) of section 14-78-33 of the Regulations of Connecticut State Agencies; or

(4) The successful completion of the number of hours of behind-the-wheel instruction required by law.

(b) Where the student is issued a drivers' education certificate indicating successful completion of behind-the-wheel instruction only, the additional driver education requirements of section 14-36 of the Connecticut General Statutes may be met by successful completion of a minimum of thirty (30) classroom hours and, where appropriate, eight (8) hours of safe driving practices instruction, given by a licensed commercial driving school or by an approved driver education program in a secondary school. Such additional instruction shall be listed on a driver's education certificate issued by the commercial driving school or secondary school providing such training.

(c) Where a person sixteen (16) or seventeen (17) years of age is issued a drivers' education certificate indicating successful completion of thirty (30) hours of classroom instruction only, the additional driver education requirements of section 14-36 of the Connecticut General Statutes may be met by the successful completion of the number of hours of behind-the-wheel instruction required by law. Such additional instruction shall be listed on a driver's education certificate issued by the commercial driving school or the secondary school which provided such instruction, where such additional instruction was successfully completed by the student.

**Sec. 14-78-36. Driver's education certificates for those eighteen years of age or older**

A commercial driving school shall issue to a student eighteen (18) years of age or older a driver's education certificate indicating whichever of the following is or are applicable:

(1) Successful completion of eight (8) hours of safe driving practices as provided in subsection (a) of section 14-78-33a of the Regulation of Connecticut State Agencies; or

(2) Successful completion of two or more hours of behind-the-wheel instruction provided the driving school determined that such student is proficient in the operation of a motor vehicle and is a safe and capable driver.

**Sec. 14-78-37. Duration of instruction**

Each clock hour of instruction in either classroom or behind-the-wheel instruction shall consist of sixty (60) minutes of instruction. Behind-the-wheel instruction shall not exceed two (2) clock hours per day. Classroom instruction shall not exceed the standards set forth in section 14-78-33 of the Regulations of Connecticut State Agencies.

**Sec. 14-78-38. Driving test**

(a) No commercial driving school shall rent or lease a motor vehicle for taking a driving test at any department approved testing site, unless the vehicle is a dual control motor vehicle and such person has had at least two (2) hours of behind-the-wheel instruction or evaluation, and has been determined by the driving school to be proficient in the operation of a motor vehicle, and a safe and capable driver.

**Sec. 14-78-39. Dual controls**

All motor vehicles used by a commercial driving school to instruct students in the operation of a motor vehicle shall be equipped with dual controls on the foot brake and on the clutch if so equipped, and located to enable an instructor seated in the front passenger's seat to control the vehicle in the event of an emergency. Vehicles to which dual controls are added or in which existing dual controls are modified shall be inspected by the department of motor vehicles before such vehicle may be used for behind-the-wheel instruction.

**Sec. 14-78-40. Inspection. Vehicle requirements**

(a) The department shall use its inspection lanes to inspect each motor vehicle designated for behind-the-wheel instruction to verify its fitness for use and that the required safety equipment is installed prior to any behind-the-wheel instruction or driver testing. Thereafter, the department shall inspect all motor vehicles on an annual basis using the department's inspection lanes. Upon passing inspection, the commissioner may affix an inspection decal to the windshield of each vehicle showing the inspection series. No motor vehicle shall be used for driver education or driver testing unless the motor vehicle has passed the required inspection by the department.

(b) Vehicles used in driver education programs shall be maintained in safe operating condition in accordance with law. Maintenance records for each vehicle shall be kept by the commercial driving school, and made available to the commissioner or other law enforcement officer during reasonable business hours. The commissioner, or other law enforcement officer may inspect any vehicle used in a driver education program at any reasonable time.

(c) Every vehicle used in a driver education program for the purpose of instructing a student in the operation of a motor vehicle shall be marked as required by section 14-292 of the Connecticut General Statutes. On vehicles where mounting of a sign on the front and rear of the vehicle itself is impractical, a secure roof-mounted sign clearly readable from a distance of at least two hundred (200) feet to the front and rear of the vehicle may be used.

(d) Each driver education vehicle shall be equipped with seat safety belts for each person in the vehicle, which belts shall be used by all occupants during driver instruction. Every vehicle when being used to provide behind-the-wheel instruction shall have its headlights or running lights turned on.

(e) Every vehicle used in a driver education program shall be equipped with at least three (3) mirrors which give the operator thereof a clear reflected view of the highway directly to the rear, on a line parallel to the left side of the vehicle body, and on a line parallel to the right side of the vehicle body. In addition to the driver's rear view mirror, each vehicle shall also be equipped with a second rear view mirror mounted to permit a clear view of the rear zone to an instructor seated in the front eight hand passenger seat. Such second rear view mirror may be mounted in a temporary manner.

(f) A commercial driving school shall notify the commissioner immediately and in writing when a vehicle is out of service and no longer used for behind-the wheel instruction or driver testing.

**Sec. 14-78-41. Vehicles failing inspection**

If a motor vehicle does not pass an inspection by the department, the commercial driving school shall repair such defects or discrepancies, or both, and such motor vehicle shall be re-inspected using the department's inspection lanes prior to any behind-the-wheel training or driver testing.

**Sec. 14-78-42. Safety equipment to remain intact**

No motor vehicle shall be used for behind-the-wheel instruction or driver testing if the seat belts, shoulder straps, warning equipment, air bags or other safety equipment with which the vehicle was originally required to be equipped has been dismantled, disconnected, removed or rendered inoperative.

Section 2. The Regulations of Connecticut State Agencies are amended to read as follows:

**Sec. 14-78-42a. Laboratory or simulator experience**

A student sixteen (16) or seventeen (17) years of age may be provided with driving practice in a laboratory setting using a driving simulator, but no more than eight (8) hours of such driving practice shall be counted towards meeting the total hours of behind-the-wheel instruction required by subsection (d) of section 14-36 of the Connecticut General Statutes. Such laboratory or simulator experience shall not count towards meeting the minimum eight (8) hours of behind-the-wheel instruction included in a full course of instruction, as described in subsection (b) of section 14-78-33 of the Regulations of Connecticut State Agencies.

Section 3. Sections 14-78-43 to 14-78-47, inclusive, of the Regulations of Connecticut State Agencies are amended to read as follows:

**Sec. 14-78-43. Students to meet minimum vision requirements**

(a) No driving school shall give any behind-the-wheel instruction to any person eighteen years of age or older until such person has passed a screening to determine that such person has vision meeting or exceeding the minimum vision standards, as established by the commissioner for the issuance of a motor vehicle operator's license. The driving school shall administer such vision test using a device approved by the commissioner that meets the standards contained in sections 14-45a-1 to 14-45a-4, inclusive, of the Regulations of Connecticut State Agencies. The following persons may administer this vision screening:

- (1) An optometrist;
- (2) An ophthalmologist, physician, physician's assistant or nurse practitioner;
- (3) A school nurse;
- (4) A motor vehicle inspector, agent or authorized employee at a department of motor vehicles office; or
- (5) A licensed commercial driving school instructor or qualified secondary school teacher.

A record of the results of the vision screening indicating whether the person passed or failed the screening shall be maintained by the commercial driving school. All records relating to vision screening and health matters of students shall be maintained in confidence except as required by law.

(b) No student shall be given behind-the-wheel instruction if there is reliable evidence that the student does not meet the minimum health standards for operating a motor vehicle as provided in sections 14-45a-1 to 14-45a-17, inclusive, of the Regulations of Connecticut State Agencies. Any student not meeting minimum health standards shall be referred to the department for evaluation prior to any behind-the-wheel training. Students having disabilities shall be reasonably accommodated with regard to training and equipment in accordance with law.

**Sec. 14-78-44. Driver examinations**

(a) A student who wishes to take his or her driving test using a motor vehicle owned or leased by a licensed commercial driving school shall schedule such driving test in the manner prescribed by the commissioner.

(b) Each commercial driving school shall properly prepare its students for the driving test administered by the department by appropriately teaching all elements of safe driving. Failure of a driving school to properly prepare its students, as determined at the commissioner's discretion, may be grounds for suspension of its license in accordance with the provisions of chapter 54 of the Connecticut General Statutes.

#### **Sec. 14-78-45. Proficiency testing**

(a) Each commercial driving instructor licensed by the commissioner in accordance with section 14-73 of the Connecticut General Statutes and the regulations promulgated thereunder, shall be subject to periodic driving proficiency tests administered by the commissioner. Such driving proficiency tests shall be administered on a schedule determined by the commissioner, and no more than two (2) years shall pass between such driving proficiency tests. A licensed commercial driving instructor who fails any proficiency test shall not provide instruction to any student. A retest shall be conducted by the commissioner not earlier than five (5) business days from the date of such failure and until such licensed driving instructor has received additional instruction administered by a master instructor, and provided the commissioner with proof of such additional instruction. Any proficiency test may include knowledge of statutory and regulatory changes which affect motor vehicle operation.

(b) A commercial driving instructor may be issued a limited license to provide classroom instruction only. Each applicant for such a license shall have a high school diploma and shall have not less than five (5) years experience as a teacher or qualified member of a public safety organization. Each applicant shall provide at least two letters of reference. The holder of each such license shall undergo instructor training at least once every two years. Notwithstanding subsection (a) of this section, any commercial driving instructor licensed by the commissioner to provide classroom instruction only shall not be required by the commissioner to undergo driving proficiency testing unless the scope of such instructor's duties will be expanded to include behind-the-wheel instruction. After October 1, 2010, the commissioner shall not issue a license to act as an instructor in a classroom only. A classroom instructor licensed prior to October 1, 2010, may renew his or her classroom license according to the requirements of section 14-78-51 of the Regulations of Connecticut State Agencies.

#### **Sec. 14-78-46. Insurance**

(a) Every vehicle used in a driver education program shall be registered as required by law, and shall have a minimum liability insurance and uninsured motorist coverage for each vehicle of three hundred thousand dollars (\$300,000) per occurrence for bodily injury and property damage.

(b) If the commissioner receives notice of cancellation of the required insurance, the vehicle or vehicles for which the insurance has been canceled shall not be used in behind-the-wheel instruction, or examination of students, unless proof of a renewed or reinstated insurance policy is received by the commissioner.

(c) Any lapse or cancellation of any insurance policy may result in the suspension, revocation, or refusal to renew the driving school license or the imposition of a civil penalty pursuant to sections 14-72 and 14-79 of the Connecticut General Statutes.

#### **Sec. 14-78-47. Change in rates**

A driving school shall file with the commissioner an amended rate schedule at least five (5) business days prior to the effective date of any such rate change. Such rate schedule shall be on a form approved by the commissioner and sent by certified mail.

Section 4. The Regulations of Connecticut State Agencies are amended by adding section 14-78-47a as follows:

**Sec. 14-78-47a. Posting of rates**

A commercial driving school shall post its rates for instruction pursuant to section 14-78 of the Connecticut General Statutes. For each place of business, commercial driving schools shall display such sign in a conspicuous area where customers pay for services. This sign shall:

- (1) Not be less than 17 inches by 24 inches;
- (2) Clearly state the rate for each type of driver education offered by the commercial driving school;
- (3) The typeface shall be in a font style and size that is simple, clear, and readable, such as times new roman, size 48; and
- (4) Provide the telephone number and address of the department for any complaints.

Section 5. Section 14-78-48 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Sec. 14-78-48. Instructor requirements**

- (a) No person shall provide any instruction to a student in a driver education program unless such person complies with the requirements of section 14-73 of the Connecticut General Statutes, makes application to the commissioner, and is licensed by the commissioner.
- (b) An applicant for an instructor's license shall submit an application on a form approved by the commissioner; such application shall include all information required by the commissioner, the required fee, and be signed by the applicant.
- (c) An applicant for an instructor's license shall have held a valid operator's license for the past four (4) consecutive years.
- (d) An applicant for an instructor's license shall present to the commissioner certification by a physician licensed in this state that the instructor is physically fit to operate a motor vehicle and provide driver training. Such certification shall be on a form approved by the commissioner, and be based on a medical examination within the prior three (3) months, and shall be made with respect to the standards contained in 49 CFR 391.41. Any change in an instructor's medical condition, which may affect the safe operation of a motor vehicle, shall be reported in writing to the commissioner within five (5) business days.
- (e) An applicant for an instructor's license shall take and pass a behind-the-wheel driving test and written test as required by the commissioner. If an applicant fails an examination, the applicant may be reexamined not earlier than five (5) business days from the date of such failure upon the completion of additional training. An applicant shall provide proof of such additional training prior to any reexamination by the commissioner. The commissioner shall determine the schedule for all such reexaminations.
- (f) An applicant for an instructor's license shall take and pass a course in instructor training having at least three (3) semester hours of credit, of not less than forty-five (45) clock hours in length, which has been approved by the commissioner. Proficiency testing of each instructor shall be required by the commissioner.
- (g) An applicant for an instructor's license shall be fingerprinted prior to issuance of a license and be subject to a state and national records check and a check of the state child abuse and neglect registry pursuant to section 14-73 of the Connecticut General Statutes. If there is a criminal record or listing on the state child abuse and neglect registry, the commissioner shall make a determination whether to issue a

license using the standards set out in section 14-73 of the Connecticut General Statutes.

(h) An applicant for an instructor's license shall have a driving history with no more than two (2) moving violations as listed in section 14-111g of the Connecticut General Statute or in section 14-137a-5 of the Regulations of Connecticut State Agencies within the previous three (3) year period.

(i) An applicant for an instructor's license or any licensed instructor, shall be disqualified from instructor status for a period of five (5) years upon a first conviction of section 14-224, 14-227a, 14-227b, 53a-56b, 53a-57, or 53a-60d of the Connecticut General Statutes, and upon a second or subsequent conviction occurring within ten (10) years of a prior conviction, shall be disqualified for ten (10) years.

(j) Within three (3) years following their initial licensure, an instructor shall annually attend seminars in traffic safety sponsored by the department or take an advanced instructor course of not less than forty-five hours in traffic safety pursuant to section 14-73 of the Connecticut General Statutes. The commissioner shall approve such advanced course. An instructor shall provide the commissioner with proof of compliance of the additional training prior to his or her license renewal.

Section 6. The Regulations of Connecticut State Agencies are amended by adding sections 14-78-49 to 14-78-52, inclusive, as follows:

**Sec. 14-78-49. Master driving instructor requirements**

No person shall be a master instructor unless such person complies with the requirements of section 14-73 of the Connecticut General Statutes, makes application to the commissioner, pays the required fee, and is licensed by the commissioner. Subsequent to the adoption of this section, no person shall be approved as a master instructor unless such person:

- (1) Has been a licensed commercial driving instructor or secondary school instructor for at least five years, and has continuously maintained such license in good standing with the department;
- (2) Provides a recommendation from a commercial driving school that the applicant is a proficient driver, has good oral and written communications skills, and shall be utilized as an instructor at such school; and
- (3) Shall take and pass a master examination that demonstrates proficiency in instructing driving instructors, as determined by the commissioner.

**Sec. 14-78-50. Denial of an instructor's application**

The commissioner may deny an application for an instructor's license or master instructor's license or its renewal, as provided in sections 14-74 and 14-75 of the Connecticut General Statutes. A denial shall be in writing and mailed to the applicant, and shall include the reason or reasons for such denial.

**Sec. 14-78-51. Instructor license renewal**

(a) A licensee may renew his or her instructor license or master instructor license by filing a renewal application in accordance with sections 14-78-48 or 14-78-49 or both, of the Regulations of Connecticut State Agencies, and paying the renewal fee pursuant to section 14-73 of the Connecticut General Statutes. A renewal applicant shall biannually submit a medical certification in accordance with 49 CFR 391.41. All renewal applicants shall be subject to a state records check and a check of the state child abuse and neglect registry pursuant to section 14-73 of the Connecticut General Statutes. If there is a criminal record or listing on the state child abuse and neglect registry, the commissioner shall make a determination whether to issue a license using the standards set out in section 14-73 of the Connecticut General Statutes.

(b) An applicant who files a late renewal application shall pay a late fee in accordance with the provisions of section 14-73 of the Connecticut General Statutes.

**Sec. 14-78-52. Revocation or suspension of instructor's license or imposition of civil penalty**

A person whose instructor's license or master instructor's license has been revoked or suspended, or whose application for renewal has been denied, may request a hearing. Such hearing shall be scheduled promptly, and shall be conducted in accordance with the provisions of chapter 54 of the Connecticut General Statutes and sections 14-137-36 to 14-137-39, inclusive, of the Regulations of Connecticut State Agencies.

**Statement of purpose:** The purpose of these amendments is to clarify and list the requirements for the operation of a commercial school for driver's education.

Be it known that the foregoing regulations are amended as hereinabove stated by the aforesaid agency pursuant to Sec. 14-78 of the General Statutes, after publication in the Connecticut Law Journal on April 3, 2012, 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: June 14, 2012, Melody A. Currey, Commissioner.

Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, Connecticut General Statutes: July 20, 2012.

Approved by the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes: September 25, 2012.

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 1, 2012.

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**DEPARTMENT OF SOCIAL SERVICES**

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**Requirements for Payment to Birth Centers**

Section 1. The Regulations of Connecticut State Agencies are amended by adding sections 17b-262-956 to 17b-262-965, inclusive, as follows:

**Sec. 17b-262-956. Scope**

Sections 17b-262-956 to 17b-262-965, inclusive, of the Regulations of Connecticut State Agencies set forth the Department of Social Services requirements for payment to birth centers that are medically necessary and are provided to clients who are determined to be eligible to receive such goods and services under Medicaid pursuant to section 17b-261 of the Connecticut General Statutes.

**Sec. 17b-262-957. Definitions**

As used in sections 17b-262-956 to 17b-262-965, inclusive, of the Regulations of Connecticut State Agencies:

- (1) "Birth center" means a free-standing, separately licensed health care facility that is not a hospital, where a licensed practitioner performs low-risk deliveries;
- (2) "Chronic disease hospital" has the same meaning as provided in section 19a-550 of the Connecticut General Statutes;
- (3) "Client" means a person eligible for goods or services under Medicaid;
- (4) "Commissioner" means the Commissioner of Social Services or the commissioner's designee;
- (5) "Department" means the Department of Social Services or its agent;