

of the Code of Federal Regulations, Title 49, Section 391.49 or 391.64, thereby requiring the licensee to have in his or her possession the original or copy of the medical variance documentation at all times while on duty; and

“W” –indicates the licensee has qualified for a medical waiver for the operation of an intrastate commercial motor vehicle based upon medical certification or a Skill Performance Evaluation.

**Statement of purpose:** To clarify and enumerate the list of possible restrictions that may be used to limit the scope of an operator’s use of a vehicle in the State of Connecticut. Limitations listed include restrictions regarding type vehicle, time of day, type of road and medical limits.

Be it known that the foregoing regulations are amended as hereinabove stated by the aforesaid agency pursuant to Sec. 14-36a of the General Statutes, after publication in the Connecticut Law Journal on February 22, 2011, 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 2, 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: April 3, 2012.

Approved by the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes: July 24, 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: July 26, 2012.

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## DEPARTMENT OF MOTOR VEHICLES

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### Suspension of Operator’s License for History of Unsafe Operation

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Section 14-137-82 of the Regulations of Connecticut State Agencies is amended and the following is substituted in lieu thereof:

**Sec. 14-137-82. Suspension of operator’s license for history of unsafe operation**

(a) Pursuant to subsection (a) of Section 14-111 of the Connecticut General Statutes, the Commissioner of Motor Vehicles is authorized to suspend or revoke any operator’s license issued under the provisions of any statute relating to motor vehicles for any cause that said commissioner deems sufficient. All orders made by the commissioner under Section 14-111 (a) shall find their sanction in conduct which if persisted in by the operator of a motor vehicle, would, in general, evoke a reasonable apprehension of danger resulting to the operator himself and to others lawfully upon the public highways.

(b) Each holder of a motor vehicle operator’s license shall be deemed to have engaged in conduct in the manner of operation of a motor vehicle that is unsafe, and that, if continued, will cause an unreasonable danger to such license holder and to others lawfully upon the public highways if such license holder:

(1) Has a driving record on file with the commissioner which contains convictions for three (3) unsafe moving traffic violations as hereinafter defined in subsection (d); and

(2) Is convicted of one (1) such additional unsafe moving traffic violation within two (2) years of the date of conviction for the first such unsafe traffic violation.

(c) Any such license holder who engages in such conduct shall be subject to a suspension of such holder's operator's license for a period of thirty (30) days.

(d) An unsafe moving traffic violation is a conviction of a violation of one of the following Connecticut statutes:

- (1) Sec. 14-218a. Traveling unreasonably fast.
- (2) Sec. 14-219. Speeding.
- (3) Sec. 14-223 (a). Disobeying orders of officer.
- (4) Sec. 14-224 (c). Wagering, speed record.
- (5) Sec. 14-231. Vehicles in opposite directions to pass on right.
- (6) Sec. 14-232. Passing.
- (7) Sec. 14-233. Passing on right.
- (8) Sec. 14-234. Determination of no-passing zones.
- (9) Sec. 14-235. Vehicle not to be driven on left side of highway on curve or upgrade.
- (10) Sec. 14-237. Driving on divided highways.
- (11) Sec. 14-238. Controlled-access highways.
- (12) Sec. 14-238a. Illegal entry on limited access highway.
- (13) Sec. 14-239. One-way streets. Rotaries or roundabouts.
- (14) Sec. 14-240. Failure to drive reasonable distance apart.
- (15) Sec. 14-240a. Failure to drive reasonable distance apart, intent to harass.
- (16) Sec. 14-241. Turns.
- (17) Sec. 14-242. Turns restricted.
- (18) Sec. 14-243. Starting or backing a vehicle.
- (19) Sec. 14-244. Signals.
- (20) Sec. 14-245. Intersection. Right-of-way.
- (21) Sec. 14-246a. Right-of-way at junction of highways.
- (22) Sec. 14-247. Right-of-way at driveway or private road.
- (23) Sec. 14-247a. Right-of-way yielded by one emerging from alley, driveway, or building.
- (24) Sec. 14-249. Stopping at grade crossings.
- (25) Sec. 14-250. Certain motor vehicles to stop at railroad crossing.
- (26) Sec. 14-279. Passing stopped school bus.
- (27) Sec. 14-281a. Operation of school bus at unreasonable speed.
- (28) Sec. 14-283. Rights of emergency vehicles. Obstruction of.
- (29) Sec. 14-296aa. Use of hand held mobile telephones and mobile electronic devices.
- (30) Sec. 14-299. Failure to obey control signals.
- (31) Sec. 14-300. Crosswalks. Pedestrian-control signals.
- (32) Sec. 14-301. Failure to obey stop sign.
- (33) Sec. 14-303. Designation of one-way streets.

(e) Prior to the imposition of such suspension the license holder shall be given an opportunity for a hearing on the proposed suspension of such holder's license, but such hearing shall be limited to the identity of such license holder, and whether such license holder has in fact been convicted of four (4) such serious violations within a two (2) year period.

(f) For the purpose of this regulation, the terms "conviction" or "convicted" shall be as defined in subdivision (21) of subsection (a) of Section 14-1 of the Connecticut General Statutes, and shall include payment of a fine to the Centralized Infraction Bureau in accordance with Section 51-164n of the Connecticut General Statutes.

**Statement of purpose:** To amend the enumerated listing of unsafe operation to include several unsafe moving traffic violations in order to better target unsafe drivers for the welfare and safety of the general public.

Be it known that the foregoing regulations are amended as hereinabove stated by the aforesaid agency pursuant to Sec. 14-111 of the General Statutes, after publication in the Connecticut Law Journal on January 31, 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: March 20, 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: April 30, 2012.

Approved by the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes: July 24, 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: July 26, 2012.

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## DEPARTMENT OF PUBLIC HEALTH

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### Short-term Hospitals, Special, Hospice and Hospice Inpatient Facilities

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Section 1. The Regulations of Connecticut State Agencies are amended by adding sections 19a-495-5a and 19a-495-5b as follows:

#### **Sec. 19a-495-5a. Applicability**

(a) Any person, group of persons, association, organization, corporation, institution or agency, public or private, initially licensed prior to the effective date of this section under Connecticut General Statutes section 19a-495 to operate a hospice as defined in section 19-13-D1(b)(1)(c) of the Regulations of Connecticut State Agencies shall comply with the requirements set forth in section 19a-495-5b of the Regulations of Connecticut State Agencies. Any such person or entity operating a hospice under said regulations may file an application with the Department of Public Health for an initial license to operate a hospice inpatient facility in accordance with section 19a-495-6b of the Regulations of Connecticut State Agencies. Upon issuance of said license, the hospice inpatient facility shall comply with sections 19a-495-6a to 19a-495-6m, inclusive, of the Regulations of Connecticut State Agencies and shall immediately surrender its pre-existing license to operate a hospice.

(b) Any person, group of persons, association, organization, corporation, institution or agency, public or private applying for licensure to operate a hospice inpatient facility on or after the effective date of this section shall comply with sections 19a-495-6a to 19a-495-6m, inclusive, of the Regulations of Connecticut State Agencies.

#### **Sec. 19a-495-5b. Short-term hospitals, special, hospice**

##### **(a) Physical plant:**

##### **(1) General**

(A) A free-standing hospice facility or a distinct hospice unit shall provide all the elements described in this section and shall be built in accordance with the construction requirements described in this section. Appropriate modifications or deletions in space and other physical requirements may be made to these requirements when services are permitted by the Department of Public Health to be shared or purchased, or waived because of a distinct unit's size. Distinct units of hospice facilities, including outpatient, in-patient and hospice-based care programs, shall