

## DEPARTMENT OF MOTOR VEHICLES

### Operator License Endorsements Required to Operate Certain Motor Vehicles Transporting Passengers and Students

Section 1. Sections 14-44-3 to 14-44-6, inclusive, of the Regulations of Connecticut State Agencies are amended to read as follows:

#### Sec. 14-44-3. Required endorsements

(a) (1) On or after January 9, 2006, any operator shall hold or obtain the following license endorsements before operating the following listed types of vehicles when transporting passengers, including passengers who are students:

Vehicle	License Class	Endorsement	Restriction
School Bus	CDL	P*,S	
Student Transportation Vehicle (STV)			
(to-from school)	Any class	V	
(school-related activities)	Any class	A	
Motor Bus	CDL	P*,F	
Taxicab	Any class	F	
Service Bus	CDL, if designed to: Transport 16 or more passengers;	P*,F	
	Any class if transporting less than 16 passengers.	F	

\*authorizes driving commercial motor vehicles carrying passengers in accordance with section 14-36a, of the Connecticut General Statutes.

(2) Any operator who holds an operator's license issued before January 9, 2006, which contains any of the following license endorsements, or endorsements with restrictions, may continue to operate the following listed types of vehicles when transporting passengers, including passengers who are students, until said operator's license is renewed:

Vehicle	License Class	Endorsement	Restriction
School Bus	CDL	P*,S	with or without Z
Student Transportation Vehicle (STV)			
(to-from school)	Any class	S	
(school-related activities)	Any class	S	V
Motor Bus	CDL	P*	T
Taxicab	Any class	P**	T
Service Bus	CDL, if designed to: Transport 16 or more passengers;	P*	T
	Any class if transporting less than 16 passengers.	P**	T

\* authorizes driving commercial motor vehicles carrying passengers in accordance with section 14-36a of the Connecticut General Statutes.

\*\*state issued “P” authorized under subsection (b) of section 14-36a of the Connecticut General Statutes for Class 1 and Class 2 operators (repealed under P.A. 04-217).

(3) Any operator who possesses an operator’s license, referred to in subdivision (2) of this subsection, must comply with the provisions of subdivision (1) of this subsection upon renewal of his/her operator’s license.

(b) As used in sections 14-44-2 to 14-44-7, inclusive, of the Regulations of Connecticut State Agencies, the term “school” refers to any primary or secondary, public, private or charter educational institution, and the term “student” refers to any student under twenty-one years of age. “Student Transportation Vehicle” has the meaning set forth in section 14-212 of the Connecticut General Statutes.

#### **Sec. 14-44-4. Conditions and requirements for endorsements**

(a) In addition to meeting all requirements for a class D operator’s license or a commercial driver’s license, as applicable, each licensed driver who transports passengers, including passengers who are students, in a motor vehicle listed in section 14-44-3 of the Regulations of Connecticut State Agencies, shall satisfy the following conditions and requirements to be issued and to retain the appropriate endorsement:

(1) The driver shall not have four or more moving violations arising from separate incidents occurring within a two-year period. As used in this subdivision, “moving violations” refers to convictions for violations specified in section 14-137-82 of the Regulations of Connecticut State Agencies, in addition to those violations referenced in sections 14-219 and 14-300f of the Connecticut General Statutes.

(2) The driver shall not have a conviction or administrative license suspension, occurring within the preceding five years, of a violation of sections 53a-56b, 53a-60d, 14-227a, 14-227b or subsection (a) or (b) of 14-224 of the Connecticut General Statutes, or of any statute of another state which is determined by the commissioner to prohibit the same or substantially similar acts or conduct as said sections of the Connecticut General Statutes.

(3) The driver shall not have a conviction, occurring within the preceding three years, of a violation of sections 14-215, 14-222 or 14-222a of the Connecticut General Statutes.

(4) The driver shall not have a conviction of a serious criminal offense, which adversely reflects on his or her moral character.

(5) The driver shall not have engaged in any act or conduct which adversely reflects on his or her moral character. An arrest of the driver for any felony or a violation of sections 53a-73a or 53a-63 of the Connecticut General Statutes shall be prima facie evidence of an act or conduct which adversely reflects on his or her moral character, unless there has been a disposition of such charge(s) in favor of the driver.

(b) In addition to meeting the requirements of subsection (a) of this section, a driver who applies for or holds an “S” or “V” endorsement, shall not have a conviction of a serious criminal offense, including, but not limited to, any of the offenses listed in subsection (c) of this section.

(c) Convictions under any of the following listed sections of the Connecticut General Statutes, and convictions under the laws of any other state or territory, or under federal law for offenses which are deemed by the commissioner to involve conduct which is substantially similar to conduct in violation of any of the following listed sections, are regarded as serious criminal offenses, for the purposes of determining the qualifications of an individual to hold an “S” or “V” endorsement, in accordance with the provisions of this section.

(1) Any conviction of 53a-54b, capital felony: 53a-54c, felony murder: or 53a-54d, arson murder;

(2) Any conviction of a Class A felony;

(3) Any conviction of a Class B felony;

(4) Any conviction, regardless of the classification, of any of the following offenses:

21a-277, 21a-278, 21a-278a, 21a-279(a) or (b), 29-33, 29-34, 29-35, 53-20, 53-21, 53-21a, 53-23, 53-37a, 53-80a, 53-202b, 53-202c, 53a-56, 53a-56a, 53a-56b, 53a-57, 53a-60a, 53a-60b, 53a-60c, 53a-60d, 53a-61a, 53a-61aa, 53a-63, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-87, 53a-88, 53a-90a, 53a-95, 53a-99, 53a-102, 53a-102a, 53a-103a, 53a-113, 53a-123(a)(3), 53a-135, 53a-136a, 53a-165aa, 53a-166, 53a-167c, 53a-174(a), 53a-181c, 53a-189a, 53a-189b, 53a-191, 53a-196, 53a-196e, 53a-196f, 53a-211, 53a-212, 53a-216, 53a-217b.

(d) The following limitations and restrictions apply to any person who applies for or holds an "S" or "V" endorsement.

(1) Any conviction of a violation of any offense listed in subsection (c) of this section shall disqualify a person from holding an "S" or "V" endorsement, if the applicant or the license holder has finished serving the sentence for the conviction within five (5) years preceding the date of the application, or, in the case of license holders, five years preceding the date on which the conviction has become known to DMV.

(2) With reference to each applicant and each holder of an "S" or "V," if the sentence for the conviction of a violation of any offense listed in subsection (c) of this section has been completed more than five (5) years ago, the commissioner shall make an assessment of the nature of the offense, and of the entire criminal history of the individual, as these reflect on the current fitness of the individual to hold an endorsement to transport school children.

(3) If the applicant or holder of an "S" or "V" endorsement has been convicted of a violation of the laws of another state or of federal law, the commissioner shall determine if the conduct involved is substantially similar to conduct in violation of any of the sections listed in subsection (c) of this section.

(e) A driver who applies for or holds an "S" or "V" endorsement and who has an arrest for any felony, or a conviction of an offense that is not listed in subsection (c) of this section, may be subject to a denial or withdrawal of the "S" or "V" endorsement after a review and evaluation of the official records of any state or federal criminal justice agency, an official driving history record, and any application for the endorsement that is required in subsection (a) of section 14-44-5 of the Regulations of Connecticut State Agencies.

#### **Sec. 14-44-5. Evidence of meeting qualifications**

(a) Each driver who applies for an endorsement to transport passengers, including passengers who are students, shall be required to complete and execute, under penalty of false statement as provided in section 53a-157b of the Connecticut General Statutes, a written application in such form or manner as the commissioner directs, containing an attestation by the driver that he or she meets the standards set forth in section 14-44-4 of the Regulations of Connecticut State Agencies, and such additional information concerning the applicant as the commissioner may require. Each driver who applies for a renewal of such an endorsement to his or her license shall be required to attest, in such form and manner as the commissioner directs, that he or she continues to meet the standards of the above-referenced section.

(b) In reviewing any original application or renewal as submitted by a driver, the commissioner or his designee may review the driver's official driving history record, as maintained by the Department of Motor Vehicles, and the official records of any

state or federal criminal justice agency, as pertain to such driver. The contents of any such official record, duly transmitted and certified, shall be presumed to be complete and accurate, unless evidence to the contrary is presented. Each original application shall be supported by the applicant's fingerprints, in such format and media as the commissioner directs. All original applicants for an endorsement to transport passengers, including passengers who are students, shall be required to undergo a fingerprint based Federal Bureau of Investigation (FBI) criminal record check, in addition to the State Police Bureau of Identification criminal record check required for all applicants, and the commissioner may decline to issue any endorsement until the necessary checks are completed and an evaluation of their contents is made.

(c) Notwithstanding any other provision of this section, or of section 14-44-6 of the Regulations of Connecticut State Agencies, the commissioner shall deny any original application or application for renewal that is found to contain false, or substantially inaccurate or incomplete information, including, but not limited to, a failure to disclose on the application any matter pertaining to a criminal arrest or conviction.

(d) In performing a criminal record check in accordance with the requirements of section 14-44 of the Connecticut General Statutes and subsection (b) of this section, the commissioner or his designee shall make inquiries, based on sufficient personal identification information provided by the applicant, to the electronic systems maintained by the State Police Bureau of Identification (SPBI), the National Criminal Information Center (NCIC), and the Federal Bureau of Investigation (FBI). In any case where the SPBI, NCIC or FBI check is positive and warrants a denial of the endorsement on the part of the commissioner, the applicant shall be notified promptly in writing. Such notice may include a summary withdrawal or suspension of the endorsement, as necessary and in accordance with the standards of section 4-182 of the Connecticut General Statutes.

#### **Sec. 14-44-6. Suspension or revocation of passenger or student endorsement**

(a) Any endorsement to transport passengers, including passengers who are students, may be suspended, revoked or withdrawn if the holder thereof would be subject to having his or her renewal of such endorsement suspended, revoked or withdrawn. Any endorsement holder subject to suspension, revocation or withdrawal pursuant to this section shall be afforded an opportunity for a hearing as provided in Chapter 54 of the Connecticut General Statutes. Unless the commissioner determines that an imminent threat to public safety and welfare exists, by reason of a driver's continued possession of an endorsement to transport passengers, including passengers who are students, such opportunity for a hearing shall be granted prior to the effective date of suspension, revocation or withdrawal.

(b) When any holder of or applicant for an endorsement to transport passengers, as specified in section 14-36a of the Connecticut General Statutes, including passengers who are students, has had said endorsement or application denied, suspended, withdrawn or revoked as a result of a determination by the commissioner pursuant to sections 14-44-4 and 14-44-5 of the Regulations of Connecticut State Agencies, or as the result of a final decision from an administrative hearing pursuant to this section or section 14-44-7 of the Regulations of Connecticut State Agencies, or any appeal therefrom, the commissioner shall not accept an application for or permit any reinstatement of any endorsement to transport passengers from such person for the period stated in subdivision (1), (2) or (3) of subsection (a) of section 14-44-4 or subsection (d) of section 14-44-4, as applicable, or if no such period is stated, for two (2) years.

**Statement of purpose:** To amend the public service regulations to reflect recent legislative changes to the license classification system of the Department and to clarify the standards for applications made to the Commissioner for a license endorsement to transport students or other passengers.

**Summary of main provisions:** 1. For any operator applying or renewing after January 9, 2006, section 14-44-3(a)(1) will cause the endorsement letter designations to conform with the provisions of section 14-36a C.G.S;

2. Section 14-44-3(a)(2) would allow any operator, whose application was processed before January 9, 2006, to continue to operate using the endorsement or restriction issued at the time of processing, until that operator's license is renewed;

3. Section 14-44-3(a)(3) states that the provisions of 14-44-3(a)(1) would become applicable to an operator, referred to in section 14-44-3(a)(2), upon his/her license renewal;

4. Section 14-44-4(a)(2) adds a violation of the administrative per se law as a five year disqualification;

5. Section 14-44-4(a)(5) establishes that an arrest for certain violations is prima facie evidence of an act or conduct which adversely reflects on a driver's moral character, unless there has been a disposition of such charge(s) in favor of the driver;

6. Section 14-44-4(b) disqualifies an applicant for or holder of an "S" or "V" if he/she has been convicted of a serious criminal offense;

7. Section 14-44-4(c) defines a list of serious criminal offenses, which make operators ineligible to hold an "S" or "V" endorsement. Specific classes of offense, which make a driver ineligible for an endorsement, are created;

8. Section 14-44-4(d) establishes disqualification periods for individuals who have one or more offenses listed in subsection (c);

9. Section 14-44-4(e) deals with individuals who have been arrested for any felony or convicted of an offense not listed in subsection (c). These individuals may still be disqualified from being granted or retaining an "S" or "V" endorsement;

10. Section 14-44-5(c) deals with the denial of, or refusal to renew, an endorsement if an application is found to contain false, substantially inaccurate, or incomplete information;

11. Section 14-44-5(d) adds the State Police Bureau of Identification (SPBI) and the Federal Bureau of Investigation (FBI) as sources of information for criminal record checks; and

12. Section 14-44-6(b) establishes that, in any matter where an endorsement is suspended, withdrawn, or revoked by the commissioner or as the result of an administrative hearing, no application shall be accepted or reinstatement granted, for the period provided for in section 14-44-4. If no period of disqualification is stated, a two-year period will be applied.

**Legal effects of the regulation:** This regulation will allow the Department to more carefully scrutinize public service endorsement holders. It will facilitate the Department's enforcement and removal of endorsements from individuals who are unqualified or unsuitable to operate public service vehicles, particularly those transporting students. More definite and standardized disqualification periods are created.

Applicants will be better informed, without waiting for the decision in an administrative hearing, of the offenses that will prevent an endorsement from being granted.

Be it known that the foregoing regulations are amended as hereinabove stated by the aforesaid agency pursuant to Sec. 14-44 of the General Statutes, after publication in the Connecticut Law Journal on June 5, 2007, 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: May 28, 2008, Robert M. Ward, Commissioner.

Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, Connecticut General Statutes: May 29, 2008.

Approved by the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes: June 24, 2008.

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 8, 2008.

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