

Agency Legislative Proposal - 2013 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):
Proposal 1 2013
092812_DMV_GenRevisions

(If submitting an electronically, please label with date, agency, and title of proposal -
092611_SDE_TechRevisions)

State Agency:

Department of Motor Vehicles

Liaison: Michael Bzdyra

Phone: 860-263-5032 (office); 860-881-8735 (cell)

E-mail: Michael.Bzdyra@ct.gov

Lead agency division requesting this proposal: Legal Services

Agency Analyst/Drafter of Proposal: Sharon Geanuracos, Chief Legal Counsel

Phone: 860-263-5026

Email: Sharon.Geanuracos@ct.gov

Title of Proposal

An Act Concerning Revisions to the Motor Vehicle Laws

Statutory Reference

Various - Please see specific summaries

Proposal Summary

Sec. 1. Amends section 1-24 - Would add sworn Department of Motor Vehicle inspectors to the list of officers who may administer oaths for reports, statements, affidavits and other official documents. This proposal would eliminate the need to find a notary, attorney or clerk of the court to perform this function on forms related to motor vehicle arrests made by sworn inspectors.

Sec. 2. Amends section 1-217 - Would include sworn Department of Motor Vehicle inspectors in the list of law enforcement individuals whose residential addresses would not be subject to disclosure. These inspectors are sworn law enforcement officers similar



to DEEP's sworn personnel. This proposal would afford the same protections currently provided to DEEP, DESPP and municipal law enforcement officials.

Sec. 3. Amends sections 14-1 and 14-286 - This proposal modifies one component of the definition of a "motor-driven cycle" (moped). The definition of a motor-driven cycle is changed to a cycle having a capacity of less than 50 cubic centimeters rather than the current definition of producing five (5) brake horsepower or less. This proposed change will assist law enforcement and ease DMV registration and inspection activities. Currently there is no easy way to verify brake horse power while the cubic centimeters (CCs) are typically marked on the engine's data plate. Also changes the definition of "out-of-service order" (see section 32) and "serious traffic violation" (see section 39).

Sec. 4. Amends section 14-9a - This proposal would place Connecticut in compliance with recently enacted federal law (49CFR Section 384.228) that requires all DMV employees who perform Commercial Driver License (CDL) knowledge and skills testing to obtain an annual criminal background check. The compliance deadline is 7-8-2014.

Sec. 5. Amends section 14-12b - This is a companion proposal to sections 41 and 42 herein which would require that motor vehicle insurance identification cards contain the National Association of Insurance Commissioner's (NAIC) code for the insurance company providing insurance coverage on the vehicle. This proposal would afford DMV more efficient processing of insurance compliance cases. DMV employees would no longer be required to look up NAIC code numbers when processing cases resulting in significant time savings. This will also result in fewer errors, enable DMV to process more cases, reduce backlogs and phone calls and result in other efficiencies.

Sec. 6. Amends section 14-15 - This proposal would require blanket insurance coverage on all vehicles for all leasing companies rather than allow for individual coverage on each vehicle. This proposal would allow DMV and its IT Modernization system (CIVLS) to properly function and handle leasing, would reduce data entry time and errors and streamline the insurance process.

Sec. 7. Amends section 14-20 - (Resubmittal) - This would phase out year of manufacture plates. These plates have become problematic for law enforcement and DMV because the vehicle registrant is allowed to display a license plate on their vehicle that does not reflect the actual registration number of the vehicle.

Sec. 8. and Sec. 9. Amends sections 14-33 and 33a - This would change the information that municipalities are required to provide DMV for the motor vehicle delinquent tax file program and would also block the registration of ATVs and boats for individuals



who are delinquent on their motor vehicle or snowmobile property tax payments.

Sec. 10. Amends section 14-36a - Adds the definition of a Q endorsement to the list of endorsements available for a driver's license. A "Q" endorsement means the holder has been properly trained to operate fire apparatus in accordance with standards established by the Commission on Fire Prevention and Control.

Sec. 11. Amends subsection (a) of section 14-36h to give the commissioner the option of using a non-color photograph on an operator's license or identity card.

Sec. 12. Amends section 14-37a- This proposal would broaden the definition of a special operator's permit for "education" to include any institution of higher education (post-secondary) licensed by the State. Current law allows only those individuals enrolled at an accredited institution of higher education to be eligible for a special operator permit to drive to school while his/her driver's license is under suspension. This proposal would allow individuals enrolled in private occupational schools, such as trade schools, to be eligible as well as those enrolled in a two-year or four-year accredited institution of higher education.

Sec. 13. Amends section 14-40a - This proposal would allow the DMV Commissioner to waive the examination for motorcycle endorsement applicants who are active members of the military stationed out of state or country as long as they have successfully completed an approved Motorcycle Safety Foundation course. DMV regularly receives inquiries on this issue from active military members and this would accommodate those who are out of state.

Sec. 14. Amends section 14-41 to eliminate the yearly rate for driver's licenses that are issued for a period longer than six years. The fee for a new license will be \$72.00 for all applicants. It also increases from two dollars to three dollars the service fee that automobile clubs are permitted to charge for a transaction.

Sec. 15. Amends section 14-41a to make the fee for a two year license for a person over age 65 proportionate to the original license fee of \$72.00 (changed in 2011) and the renewal fee of \$72.00 (for six years), which is proposed herein.

Sec. 16. Amends section 14-44i to increase the renewal fee for a four year CDL to \$70.00. This corresponds to a change that was made in 2011 to the original license fee for CDL which went to \$17.50 per year.



Sec. 17. and Sec. 18. These sections amend 14-44k - This proposal would place Connecticut in compliance with federal law. The Federal Motor Carrier Safety Administration (FMSCA) recently amended the Commercial Driver's License Testing and Commercial Learner's Permit Standards. This clarifies that commercial learner's permit holders are subject to the disqualification criteria that are applicable to those who hold a CDL.

Sec. 19. Amends section 14-49(f) - Electric vehicle registration fee changed to biennial rather than annual and fee adjusted accordingly from \$18 per year to \$36 biennially.

Sec. 20. Amends section 14-50 (see also section 14) - Changes the driver's license renewal fee from \$65 to \$72 for the six year renewal period. The fee for issuing an original driver's license was increased in 2011 from \$66 to \$72 and this corresponds with that increase, establishing a uniform fee for licenses.

Sec. 21. Amends section 14-52- Proposal establishes leasing or rental company license bond for those companies that lease or rent for periods less than thirty (30) days. This proposal also deletes the terms "person" and "party" and adds "customer" in each place to limit the intended coverage as proposed by the legislature. In 1984, the legislature stated that the bond was created to protect certain "consumers". Using the term "persons" creates a window for parties whom the bond was not intended to protect to seek restitution under the bond (e.g. floor plan financiers and wholesale dealers).

Sec. 22. Amends section 14-60(a) and (b) - This proposal attempts to reduce improper use and abuse of dealer plates by clarifying the language related to their use. Also, it adopts a definition of a "part-time employee" to ensure the person is actually an employee of the dealer or repairer.

Sec. 23. This amends section 14-62

- Amends section 14-62(d) by making any licensed dealer violating subsection (d) guilty of a class B misdemeanor. Subsection (d) states that dealers cannot sell any motor vehicle to a buyer without providing a valid title and disclosing the existence of any lien or other security interest in the vehicle
- Amends section 14-62(g) by making any licensed dealer violating this subsection guilty of a class B misdemeanor. Subsection (g) was adopted last year and requires a dealer to provide a buyer a written safety inspection document upon the sale of a used vehicle. This also requires the dealer to provide a copy of the inspection report to the purchaser, and corrects a statutory citation.



- Adds a new subsection (h) to 14-62 that would prevent a licensed dealer from delivering a used vehicle to a consumer unless the consumer has approved financing on the vehicle or the vehicle has been paid for. A licensed dealer would be guilty of a class B misdemeanor if it violates this proposed subsection.

Sec. 24. Amends section 14-63(b)(2) – This would provide the DMV Commissioner discretionary authority rather than mandatory authority to mediate complaints in cases where the DMV does not have jurisdiction. Under the current system, DMV is mediating complaints in which there is no violation of law by the dealer. Using resources for this detracts from efforts that should be made on behalf of customers whose cases are the result of dealer violations.

Sec. 25. Amends section 14-65f – This proposal would provide DMV additional authority to take action against motor vehicle auction houses who sell vehicles knowing from the last title assignment that the odometers have been turned back.

Sec. 26. Amends section 14-66 – (Resubmittal) – This provides additional towing exceptions for legitimate businesses engaged in contract towing (consensual towing performed under contract with another business, such as an auction or a recycler) for which they use commercial plates. Car carriers that engage in the interstate hauling of vehicles would also be considered an exception. Back in 2010, the General Assembly made changes to this statute governing towing to limit all towing in the state to dealers with licensed wreckers. As a result of those changes, DMV received numerous complaints.

Sec. 27. and Sec. 28. These sections amend section 14-69, driving schools' license fees. These sections change the duration of the license from annual to biennial. They also clarify that a driving school is charged \$88 (half of the total fee) for opening a new location if there is less than one year remaining on the term of the license.

Sec. 29. Amends section 14-73 to remove a requirement that a driving school instructor's license remain valid only for the school or schools specified thereon. A valid license will enable the instructor to teach at any properly licensed driving school. It also allows an instructor who fails a test to be retested after five days as opposed to waiting one month.

Sec. 30. Amends section 14-145(b) – Proposal would require towers to notify local police departments in writing, including fax and e-mail, regarding private property tows. Current law allows towers to telephonically notify municipal police departments;



however, there is often no record when there is a dispute regarding storage charges. By providing written notification, both towers and the public will be protected regarding the commencement and calculation of vehicle storage charges.

Sec. 31. Amends section 14-150(e) - Proposal adds language that the owner or keeper of any garage where a vehicle is towed must notify the owner and any lienholder of the vehicle within 48 hours of when it is taken into custody. Current law only requires the local police departments or parking authority to give written notice. They frequently do not notify the owner or lienholder resulting in the sale of the vehicle without the owner's knowledge or the accrual of storage charges when the owner does not know the location of the towed vehicle.

Sec. 32. Amends section 14-163c (see also section 3) - This proposal places Connecticut in compliance with MCSAP Review conducted June 11 and 12, 2012 that included a Regulatory Review of Connecticut's program. CT Regulatory Review Findings, item 1a and item 2 and other noted items with the Regulatory Review.

This clarifies the declaration of out-of-service (OOS) as it is used today. OOS declarations are performed in accordance with the Commercial Vehicle Safety Alliance's *North American Standard Out-Of-Service Criteria*, which has been adopted by RCSA 14-163c-5 and 14-163c-7. This would make Connecticut's statutes and regulations compatible with the FMCSRs and HMRs so that the Department is in compliance with the MCSAP Review findings and recommendations.

Sec. 33. Amends section 14-188 - This addresses motor vehicle liens greater than 10 years old. With older vehicles that have no lien release recorded, it may be difficult to trace the lienholder and the existence of the loan. This proposal creates a presumption in favor of the vehicle owner after a period of ten years.

Sec. 34. Amends section 14-267a(h) - Road signs direct "trucks" to stop at Connecticut's weigh stations, but not all trucks are required to do so. This proposal clarifies what vehicles must stop at weigh stations, and seeks to provide a mechanism for uniform enforcement of the statutory requirement. The proposal also adds DMV's weight and safety inspectors to the subsection because they are now DMV employees and no longer employees of DOT or DESPP.

Sec. 35. Amends section 14-267c - This proposal makes Connecticut compliant with the federal re-authorization, MAP-21, Section 1510. It increases the weight tolerance exemption from 400 pounds to 550 pounds in order to be consistent with the federal



changes for Auxiliary Power Units (APUs) in Map-21, Section 1510.

Sec. 36. Amends section 14-286 (see section 3) - This change corresponds to the proposed new definition of motor-driven cycle engine size.

Sec. 37. Expands on the items in section 14-286b that are prohibited from being attached to and pulled by a motor vehicle.

Sec. 38. Amends section 14-289d - This proposal amends section 14-289d by adding motor-driven cycle (moped) operators to those who must use vision protecting devices (e.g. goggles).

Sec. 39. Amends section 14-296aa (see also section 3 for a change in the definition of "serious traffic violation"). This corresponds to a change in the federal law prohibiting a commercial motor vehicle operator from using a hand held mobile telephone or other electronic device. In the 2012 session, a distinct section of the cell phone statute was added for CMV operators who text while driving. This expands that section to include the prohibition on using a hand-held cell phone. The section added in 2012 created a distinct violation for CMV operators that, along with the change in the definition of "serious traffic violation," will assist in enforcing the federal CDL disqualification requirements.

Sec. 40. Amends section 14-381 - Changes the biennial registration expiration date for snowmobiles and ATVs from March 31 to two years from the registration date.

Sec. 41. and Sec. 42. These amend section 38a-364 (see also section 5) - These proposals would require that motor vehicle insurance identification cards and temporary cards contain the National Association of Insurance Commissioner's (NAIC) code of the insurance company providing insurance coverage on the vehicle.

Sec. 43. Amends section 38a-683 - This proposal would clarify that schools or businesses can offer an accident prevention course that is longer than four (4) hours and still qualify for the insurance premium discount established in 38a-683. Current law specifies that the course is four (4) hours and only refers to schools offering the course. Also, removes the approval by DMV of "instructors" and replaces with "businesses."

Sec. 44. Amends section 54-33a - Sworn DMV officers are currently able to apply for warrants but are unable to serve them in connection with motor vehicle crimes and offenses. This amendment authorizes sworn DMV inspectors to serve warrants in the same manner as a police officer or a conservation officer.

Sec. 45. Amends section 54-56e(c) - (Resubmittal) - Required by FMCSA CDL program



audit to prohibit commercial driver's license holders or commercial motor vehicle operators from participating in the pre-trial accelerated rehabilitation program for serious traffic violations. Connecticut was found not to be in compliance with 49 C.F.R. §384.226 due to "masking" of these convictions through the use of diversionary programs, and has been cautioned about the loss of federal funds.

Sec. 46. Amends section 54-56g - (Resubmittal) - Required by FMCSA CDL program audit to prohibit commercial driver's license holders from participation in the pre-trial alcohol education program for a first DUI while operating any motor vehicle. Connecticut was found not to be in compliance with 49 C.F.R. §384.226 due to "masking" of these convictions through the use of diversionary programs, and has been cautioned about the loss of federal funds.

Sec. 47. (NEW) Makes the violations of section 14-65f,g,h,i an infraction, and 14-65j a misdemeanor. This will result in swift enforcement action against dealers as well as create efficiencies for DMV.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

• **Reason for Proposal**

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

Please refer to specific section summaries.

- **Origin of Proposal** X **New Proposal** X **Resubmission**
(sections 7, 26, 45, and 46)

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*



(4) *What was the last action taken during the past legislative session?*

Section 7

- (1) Section 7 was submitted in DMV's legislative package in 2012 and was removed by the Legislature before the final legislation was voted upon.
- (2) No.
- (3) CT Council of Car Clubs opposed; Transportation Committee Chairs and Ranking Members involved.
- (4) Passed by Transportation Committee but removed from package before final House and Senate approval.

Section 26

- (1) Section 26 was submitted in DMV's legislative package in 2012 and was removed by the Legislature before the final legislation was voted upon.
- (2) No.
- (3) Transportation Committee Chairs and Ranking Members involved
- (4) Passed by Transportation Committee but removed from package before final House and Senate approval

Sections 45 and 46

- (1) Sections 45 and 46 were submitted in DMV's legislative package in 2009, 2010, 2011 and 2012. In 2011 and 2012, these were rejected by OPM and/or the Governor's Office and were deleted from DMV's package. DMV is resubmitting these two proposals because the agency has been cited in 2009 and 2012 in federal CDL audits conducted by the Federal Motor Carrier Safety Administration for violations of federal regulations pertaining to CDL holders and operators. DMV most recently has been cautioned in 2012 about the loss of federal funds. These two proposals exclude CDL holders from participating in the pre-trial accelerated rehabilitation program (for serious motor vehicle offenses) and the pre-trial alcohol education program (for DUI) when operating any motor vehicle. The federal auditors consider diversionary programs as "masking" violations of the law that would subject CDL holders to disqualifications of their CDL.
- (2) No. N/A
- (3) Transportation Committee Chairs involved.
- (4) In 2009 and 2010, these sections were rejected by the Transportation Committee Chairs.



PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Section 2

Agency Name: Freedom of Information (Office of Governmental Accountability)
Agency Contact (name, title, phone): Colleen Murphy, Executive Director, 860-566-5682
Date Contacted: August 27, 2012

Approve of Proposal YES NO Talks Ongoing

Section 12

Agency Name: Office of Higher Education
Agency Contact (name, title, phone): Jane Ciarleglio, Executive Director, 860-947-1801
Date Contacted: September 21, 2012

Approve of Proposal YES NO Talks Ongoing

Sections 5, 41, 42 and 43

Agency Name: Department of Insurance
Agency Contact (name, title, phone): Deb Korta, Legislative Program Manager, 860-297-3864
Date Contacted: Section 5, 41, 42 in September 2012; Section 43 in August 2012

Approve of Proposal YES for Section 43 NO Talks Ongoing for
Sections 5, 41, 42

Summary of Affected Agency's Comments

Section 2 - Expressed concerns that additional exceptions to non-disclosure of residential addresses dilutes of freedom of information statutes.

Section 12 - Supports the proposal but waiting to get confirmation on the drafted language.

Sections 5, 41, 42, 43 - Waiting for comments for sections 5, 41, 42; approve of section 43



| |
|--|
| <p>Section 2 - Will there need to be further negotiation? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>Section 12 - Will there need to be further negotiation? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>Section 5, 41, 42, 43 - Will there need to be further negotiation? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO for section 43</p> |
|--|

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

| |
|--|
| <p>Municipal (please include any municipal mandate that can be found within legislation) Sections 3, 21, 22, 23, 25, 26, 37, 38, 39 and 47- Potential revenue gain from enforcement action.</p> |
| <p>State Sections 3, 21, 22, 23, 25, 26, 37, 38, 39 and 47(infractions, misdemeanors, fines) - Potential revenue gain from enforcement action.</p> <p>Sections 14 and 20- These two sections equalize licensing fees for new licenses and renewals at \$72. Section 14 eliminates the \$12 per year fee for driver licenses issued for a period that amounts to more than 6 years because an expiration date is six years from the operator's birthday rather than the date of issue. The estimated revenue loss for section 14 is: FY14 \$211,250; FY15 \$422,500; Section 20 increases the renewal fee to make it consistent with the fee for a new license. The estimated revenue gain is: FY14 \$1,239,560; FY15 \$2,479,120.</p> <p>Section 15- Prorates renewal fee for a two year license for persons age 65 or older to a six year renewal fee of \$72. - Estimated Revenue Gain - FY14 \$8,739; FY15 \$11,652</p> <p>Section 16- Adjusts CDL renewal fee to correspond to what is charged for a new CDL - Estimated Revenue Gain - FY14 \$227,295; FY15 \$303,060</p> |
| <p>Federal</p> |
| <p>Additional notes on fiscal impact</p> |



- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

N/A

Insert fully drafted bill here

Sec. 1. Section 1-24 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

The following officers may administer oaths: (1) The clerks of the Senate, the clerks of the House of Representatives and the chairpersons of committees of the General Assembly or of either branch thereof, during its session; (2) state officers, as defined in subsection (t) of section 9-1, judges and clerks of any court, family support magistrates, judge trial referees, justices of the peace, commissioners of the Superior Court, notaries public, town clerks and assistant town clerks, in all cases where an oath may be administered, except in a case where the law otherwise requires; (3) commissioners on insolvent estates, auditors, arbitrators and committees, to parties and witnesses, in all cases tried before them; (4) assessors and boards of assessment appeals, in cases coming before them; (5) commissioners appointed by governors of other states to take the acknowledgment of deeds, in the discharge of their official duty; (6) the moderator of a school district meeting, in such meeting, to the clerk of such district, as required by law; (7) the first selectman, in any matter before the board of selectmen; (8) the Chief Medical Examiner, Deputy Medical Examiner and assistant medical examiners of the Office of the Medical Examiner, in any matter before them; (9) registrars of vital statistics, in any matter before them; (10) any chief inspector or inspector appointed pursuant to section 51-286; (11) registrars of voters, deputy registrars, assistant registrars, and moderators, in any matter before them; (12) special assistant registrars, in matters provided for in subsections (b) and (c) of section 9-19b and section 9-19c; (13) the Commissioner of Emergency Services and Public Protection and any sworn member of any local police department or the Division of State Police within the Department of Emergency Services and Public Protection, in all affidavits, statements, depositions, complaints or reports made to or by any member of any local police department or said Division of State Police or any constable who is under the supervision of said commissioner or any of such officers of said Division of State Police and who is certified under the provisions of sections 7-294a to 7-294e, inclusive, and performs criminal law enforcement duties;



(14) judge advocates of the United States Army, Navy, Air Force and Marine Corps, law specialists of the United States Coast Guard, adjutants, assistant adjutants, acting adjutants and personnel adjutants, commanding officers, executive officers and officers whose rank is lieutenant commander or major, or above, of the armed forces, as defined in section 27-103, to persons serving with or in the armed forces, as defined in said section, or their spouses; (15) investigators, deputy investigators, investigative aides, secretaries, clerical assistants, social workers, social worker trainees, paralegals and certified legal interns employed by or assigned to the Public Defender Services Commission in the performance of their assigned duties; (16) bail commissioners employed by the Judicial Department in the performance of their assigned duties; (17) juvenile matter investigators employed by the Division of Criminal Justice in the performance of their assigned duties; (18) the chairperson of the Connecticut Siting Council or the chairperson's designee; (19) the presiding officer at an agency hearing under section 4-177b; (20) family relations counselors employed by the Judicial Department and support enforcement officers and investigators employed by the Department of Social Services Bureau of Child Support Enforcement and the Judicial Department, in the performance of their assigned duties; (21) the chairperson, vice-chairperson, members and employees of the Board of Pardons and Paroles, in the performance of their assigned duties; (22) the Commissioner of Correction or the commissioner's designee; and (23) sworn law enforcement officers, appointed under section 26-5, within the Department of Energy and Environmental Protection, in all affidavits, statements, depositions, complaints or reports made to or by any such sworn law enforcement officer; (24) sworn motor vehicle inspectors acting under the authority of section 14-8.

Sec. 2. Subsection (a) of section 1-217 of the general statutes as amended by section 2 of public act 12-3 is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) No public agency may disclose, under the Freedom of Information Act, from its personnel, medical or similar files, the residential address of any of the following persons employed by such public agency:

(1) A federal court judge, federal court magistrate, judge of the Superior Court, Appellate Court or Supreme Court of the state, or family support magistrate;

(2) A sworn member of a municipal police department, a sworn member of the Division of State Police within the Department of Emergency Services and Public Protection, [or] a sworn law enforcement officer within the Department of Energy and Environmental Protection or a sworn motor vehicle inspector under section 14-8;



- (3) An employee of the Department of Correction;
- (4) An attorney-at-law who represents or has represented the state in a criminal prosecution;
- (5) An attorney-at-law who is or has been employed by the Division of Public Defender Services or a social worker who is employed by the Division of Public Defender Services;
- (6) An inspector employed by the Division of Criminal Justice;
- (7) A firefighter;
- (8) An employee of the Department of Children and Families;
- (9) A member or employee of the Board of Pardons and Paroles;
- (10) An employee of the judicial branch;
- (11) An employee of the Department of Mental Health and Addiction Services who provides direct care to patients; or
- (12) A member or employee of the Commission on Human Rights and Opportunities.

Sec. 3. Section 14-1 of the general statutes as amended by section 28 of public act 12-81 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

Terms used in this chapter shall be construed as follows, unless another construction is clearly apparent from the language or context in which the term is used or unless the construction is inconsistent with the manifest intention of the General Assembly:.....

(52) "Motor-driven cycle" means any motorcycle, motor scooter, or bicycle with attached motor with a seat height of not less than twenty-six inches and a motor [that produces five brake horsepower or less] having a capacity of less than fifty cubic centimeters piston displacement;

(63) "Out-of-service order" means an order (A) issued by a [police officer, state policeman, or motor vehicle inspector under the authority of section 14-8] person having inspection authority as defined in regulations adopted by the commissioner under the authority of section 14-163c, or by an authorized official of the United States



Department of Transportation Federal Motor Carrier Safety Administration pursuant to any provision of federal law, to prohibit [a commercial] any motor vehicle specified in subsection (a) of section 14-163c from being operated on any highway, or to prohibit a driver from operating [a commercial] any motor vehicle specified in subsection (a) of section 14-163c, or (B) issued by the United States Department of Transportation Federal Motor Carrier Safety Administration, pursuant to any provision of federal law, to prohibit any motor carrier, as defined in Section 386.2 of Title 49 of the Code of Federal Regulations, from engaging in commercial motor vehicle operations;

(80) "Serious traffic violation" means a conviction of any of the following offenses: (A) Excessive speeding, involving a single offense in which the speed is fifteen miles per hour or more above the posted speed limit, in violation of section 14-218a or 14-219; (B) reckless driving in violation of section 14-222; (C) following too closely in violation of section 14-240 or 14-240a; (D) improper or erratic lane changes, in violation of section 14-236; (E) using a hand-held mobile telephone or other electronic device or typing, reading or sending text or a text message with or from a mobile telephone or mobile electronic device in violation of subsection (e) of section 14-296aa while operating a commercial motor vehicle; (F) driving a commercial motor vehicle without a valid commercial driver's license in violation of section 14-36u or 14-44a; (G) failure to carry a commercial driver's license in violation of section 14-44a; (H) failure to have the proper class of license or endorsement, or violation of a license restriction in violation of section 14-44a; or (I) a violation of any provision of chapter 248 [while operating a commercial motor vehicle,] that is committed by an operator who holds a commercial driver's license or instruction permit and results in the death of another person;

Sec. 4. Section 14-9a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) The Department of Motor Vehicles shall, subject to the provisions of section 31-51i, require each external applicant for a position of employment with the department (1) to state whether the applicant has ever been convicted of a crime, to state whether criminal charges are pending against the applicant at the time of the application and, if so, to identify the charges and court in which they are pending, and (2) if offered employment with the department, to be fingerprinted and to submit to state and national criminal history records checks. The criminal history records checks required by this section shall be in accordance with section 29-17a.

(b) The Department of Motor Vehicles, subject to the provisions of section 31-51i and the standards set forth in 6 CFR Section 37.45, shall require each employee who is involved in the manufacture or production of drivers' licenses or identity cards or who has the



ability to affect the identity information that appears on a driver's license or an identity card to submit to a background check that includes name-based and fingerprint-based criminal history records checks of federal and state repository records. Upon receipt of the criminal history record of any such employee, the department shall evaluate such record by applying the criteria set forth in 6 CFR Section 37.45(b)(1). The department shall not employ any such employee with a disqualifying criminal offense, as set forth in 6 CFR Section 37.45(b)(1)(i) or 37.45(b)(1)(ii), in a position described in this subsection, and shall not employ any such employee with a disqualifying condition, as set forth in 6 CFR Section 37.45(b)(1)(iii) or 37.45(b)(1)(iv), in such a position, until such condition is no longer applicable. The department shall reassign any such person to a different position in the department.

(c) In accordance with 49 CFR Section 384.228 and subject to the provisions of section 31-51i, the Department of Motor Vehicles shall: (1) require any person who is to be employed as a knowledge or skills test examiner for commercial driver license applicants to submit to a nationwide criminal background check prior to certifying such person to administer such tests; (2) require each employee who administers the knowledge or skills test to commercial driver license applicants to submit to an annual nationwide criminal background check. Each such check shall include name-based and fingerprint-based criminal history records checks of federal and state repository records. The Department of Motor Vehicles shall maintain a record of the results of such criminal background checks, and rescind the certification to administer commercial driver license tests of any examiner who: (1) has any felony conviction within the last ten years; or (2) has any conviction involving fraudulent activities.

Sec. 5. Subsection (a) of section 14-12b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) No motor vehicle registration shall be issued by the commissioner for any private passenger motor vehicle, as defined in subsection (e) of section 38a-363, or a vehicle with a commercial registration, as defined in section 14-1, unless (1) the application for registration is accompanied by a current automobile insurance identification card containing the information required in section 38a-364 or a copy of a current insurance policy or endorsement issued by a company licensed to issue such insurance in this state or an approved self-insurer or issued pursuant to the plan established under section 38a-329, verifying that the applicant has the required security coverage, and (2) the applicant signs and files with the commissioner, under penalty of false statement as provided for in section 53a-157b, a statement on a form approved by the commissioner that the owner of the vehicle has provided and will continuously maintain throughout



the registration period the minimum security required by section 38a-371. In the case of an owner with a vehicle located outside of the United States or Canada, the commissioner may accept in lieu of the insurance identification card required to be presented for issuance of the registration, an affidavit, in such form as the commissioner shall require, executed by the owner and stating that the vehicle will not be operated in the United States or Canada. In the case of a special use registration issued pursuant to subsection (j) of section 14-12, the commissioner may, in lieu of proof of insurance as otherwise required by this section, accept proof, satisfactory to the commissioner, of substantially equivalent or similar insurance issued by an insurer licensed to transact business in the state in which the motor vehicle is to be registered. The commissioner may require an applicant for renewal of a motor vehicle registration for any private passenger motor vehicle or vehicle with a commercial registration to sign and file with the commissioner, under penalty of false statement as provided for in section 53a-157b, a statement on a form approved by the commissioner that the owner of the vehicle will continuously maintain throughout the registration period the minimum security required by said section 38a-371. Such form shall call for and contain the name of the applicant's insurance company and policy number.

Sec. 6. Subsection (a) of section 14-15 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) Any person, firm or corporation before engaging in the business of leasing or renting motor vehicles without drivers in this state and any person, firm or corporation which is the lessor of or rents any vehicle required to be registered under the provisions of section 14-15a shall make a sworn application to the Commissioner of Motor Vehicles for a license to engage in such leasing or renting. Each such application and each application for renewal shall be accompanied by a fee of three hundred dollars. Each such license shall be renewed biennially according to renewal schedules established by the commissioner so as to effect staggered renewal of all such licenses. If the adoption of a staggered system results in the expiration of any license more or less than one year from its issuance, the commissioner may charge a prorated amount for such license fee. Not less than forty-five days prior to the date of expiration of each such license, the commissioner shall mail to each licensee an application for renewal. An application for renewal filed with the commissioner after the date of expiration shall be accompanied by a late fee of one hundred dollars provided the commissioner shall not renew any license under this subsection that has expired for more than forty-five days. No such license shall be transferred. Such licensee shall furnish proof of financial responsibility satisfactory to the commissioner specifying that coverage is for all owned vehicles, as provided by section 14-112 or 14-129, [provided such licensee may furnish such proof



separately with respect to each vehicle or each group of vehicles leased to any single lessee] regardless of the duration of the lease or rental period. Each application for such license shall contain the name and address of the owner and shall be accompanied by a surety bond as required pursuant to section 14-52. Each application for registration of a motor vehicle to be leased for a period of more than thirty days shall contain the name and address of the owner and the lessee of such vehicle. The owner of such vehicle shall disclose the name and address of any subsequent lessee of such vehicle to the commissioner in such manner as the commissioner may require. The commissioner shall ensure that such information relative to the lessee is available to the Connecticut on-line law enforcement communications teleprocessing system. Each person, firm or corporation licensed under the provisions of this subsection shall keep such books, records and accounts as the commissioner may require provided each licensee shall retain a copy of each rental or lease contract for a period of three years, which shall be subject to inspection by the commissioner or the commissioner's designee at all reasonable times. The provisions of this subsection shall not apply to any person, firm or corporation which, incidental to the conduct of its principal business, leases or rents any motor vehicle without a driver to other persons, firms or corporations whose principal business is the same as that of the lessor. Violation of any provision of this subsection shall be an infraction.

Sec. 7. Section 14-20 of the general statutes is repealed, and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) The Commissioner of Motor Vehicles may issue special number plates for antique, rare or special interest motor vehicles, including antique, rare or special interest motor vehicles that have been modified, such special number plates to be issued on a permanent basis. The commissioner shall charge a fee for such plates which shall cover the entire cost of making the same. An owner of such antique, rare or special interest motor vehicle may use such owner's own porcelain number plate in place of the plates issued by the commissioner provided (1) such plate was originally issued by the department, and (2) such owner files with the commissioner a description and the number of such plate and any additional information the commissioner may require.

[(b) Notwithstanding the provisions of subsection (a) of this section, section 14-18 and section 14-21b, the owner of such antique, rare or special interest motor vehicle may be authorized by the commissioner to display a number plate originally issued by the Commissioner of Motor Vehicles corresponding to the year of manufacture of such antique, rare or special interest motor vehicle. The commissioner shall issue a certificate of registration, as provided in section 14-12. Such registration shall be valid, subject to



renewal, as long as the commissioner permits. Thereafter, the registration number and number plates, if any, which were assigned to such motor vehicle before such registration and number plates were issued under this section, shall be in effect. Each such number plate authorized for use by the commissioner shall be displayed in a conspicuous place at the rear of such motor vehicle at all times while the vehicle is in use or operation upon any public highway. A sticker shall be affixed to each such number plate to denote the expiration date of the registration, unless the commissioner authorizes the sticker, or other evidence of the period of the registration, to be placed elsewhere or carried in such motor vehicle. Such sticker may contain the corresponding letters and numbers of the registration and number plate. The commissioner may adopt regulations, in accordance with chapter 54, to implement the provisions of this section].

(b) For purposes of this subsection, "year of manufacture plate" means a number plate originally issued by the Commissioner of Motor Vehicles, which corresponds to a plate issued in the year of manufacture of an antique, rare or special interest motor vehicle, but which does not reflect the actual registration number assigned to the antique, rare or special interest motor vehicle upon which it is displayed. On and after July 1, 2013, the commissioner shall not authorize the display of a year of manufacture plate. Any owner of an antique, rare, or special interest motor vehicle who was authorized prior to July 1, 2013 to display a year of manufacture plate may continue to display such plate until the expiration of such owner's registration period that is in effect on July 1, 2013. Upon renewal of the registration for such antique, rare or special interest motor vehicle, the owner shall be required to display the plates that correspond to such owner's registration number. In no case shall a year of manufacture plate be displayed after June 30, 2015.

Sec. 8. Subsection (a) of section 14-33 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) Subject to the provisions of subsection (e) of this section, if any property tax, or any installment thereof, laid by any city, town, borough or other taxing district upon a registered motor vehicle or snowmobile remains unpaid, the tax collector of such city, town, borough or other taxing district shall notify the Commissioner of Motor Vehicles of such delinquency in accordance with [listings and schedules of dates] guidelines and procedures established by the commissioner [and on forms prescribed and furnished by the commissioner, specifying the name and address of the person against whom such tax has been assessed, the date when such tax was due and the registration number, if known to the collector]. The commissioner shall not issue registration for such motor vehicle or snowmobile for the next registration period if, according to the



commissioner's records, it is then owned by the person against whom such tax has been assessed or by any person to whom such vehicle has not been transferred by bona fide sale. Unless notice has been received by the commissioner under the provisions of section 14-33a, no such registration shall be issued until [a receipt evidencing the payment of such tax or certificate of abatement of such tax or other satisfactory evidence] the commissioner receives notification that the tax obligation has been legally discharged [has been presented to the commissioner]; nor shall the commissioner register any other motor vehicle or snowmobile or any all-terrain vehicle or vessel in the name of such person [until a receipt evidencing the payment of such tax or a certificate of abatement of such tax or other satisfactory evidence that the tax obligation has been legally discharged has been presented to the commissioner], except that the commissioner may continue to register other vehicles owned by a leasing or rental firm licensed pursuant to section 14-15[, if the commissioner is satisfied that arrangements have been made to discharge such tax obligation,] and may issue such registration to any private owner of three or more paratransit vehicles in direct proportion to the percentage of total tax due on such vehicles which has been paid and notice of payment on which has been received. The Commissioner of Motor Vehicles may immediately suspend or cancel all motor vehicle, [or] snowmobile, all-terrain vehicle or vessel registrations issued in the name of any person (1) who has been reported as delinquent and whose registration was renewed through an error or through the production of false evidence that the delinquent tax on any motor vehicle or snowmobile had been paid, or (2) who has been reported by a tax collector as having paid a property tax on a motor vehicle or snowmobile with a check which was dishonored by a bank and such tax remains unpaid. Any person aggrieved by any action of the commissioner under this section may appeal therefrom in the manner provided in section 14-134. For the purposes of this subsection, "paratransit vehicle" means a motor bus, taxicab or motor vehicle in livery service operated under a certificate of convenience and necessity issued by the Department of Transportation or by a transit district and which is on call or demand or used for the transportation of passengers for hire.

Sec. 9. Section 14-33a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

When a taxpayer who was reported to the Commissioner of Motor Vehicles as delinquent in taxes by a tax collector in accordance with section 14-33 is no longer delinquent, the tax collector shall immediately notify the Commissioner of Motor Vehicles[, on forms prescribed and furnished by him, specifying the name, address and registration number to be removed from the motor vehicle delinquent tax list] in accordance with guidelines and procedures established by the commissioner.



Sec. 10. Section 14-36a of the 2012 supplement to the general statutes and as amended by section 58 of public act 12-80 and section 25 of public act 12-81 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) A commercial driver's license issued in accordance with section 14-44c shall be designated as class A, B or C, in accordance with the provisions of subsection (b) of section 14-44d. All other operators' licenses shall be designated as class D. A license of any class that also authorizes the operation of a motorcycle shall contain the designation "M". [A license of any class that contains the designation "Q" indicates eligibility to operate fire apparatus].

(b) A commercial driver's license which contains the endorsement "S" evidences that the holder meets the requirements of section 14-44 to operate a school bus or any vehicle described in subsection (c) of this section. A commercial driver's license may contain any of the following additional endorsements:

"P"- authorizes the operation of commercial motor vehicles designed to carry passengers;

"H"- authorizes the operation of vehicles transporting hazardous materials;

"N"- authorizes the operation of tank vehicles;

"X"- authorizes both hazardous materials and tank vehicles; and

"T"- authorizes the operation of vehicles with up to three trailing, nonpower units.

The commissioner may establish one or more restrictions on commercial driver's licenses of any class, in regulations adopted in accordance with the provisions of chapter 54. Subject to the provisions of subsection (b) of section 14-44d, a commercial driver's license of any class authorizes the holder of such license to operate any motor vehicle that may be operated by the holder of a class D operator's license.

(c) A commercial driver's license or a class D license that contains any of the following endorsements evidences that the holder meets the requirements of section 14-44:

"V"- authorizes the transportation of passengers in a student transportation vehicle, as defined in section 14-212, or any vehicle that requires an "A" or "F" endorsement; "A" authorizes the transportation of passengers in an activity vehicle, as defined in section 14-1, as amended by this act, or any vehicle that requires an "F" endorsement; and



"F"- authorizes the transportation of passengers in a taxicab, motor vehicle in livery service, service bus or motor bus. The commissioner may establish one or more endorsements or restrictions on class D licenses, in accordance with regulations adopted in accordance with the provisions of chapter 54.

(d) A license of any class that contains the designation "Q" indicates eligibility to operate fire apparatus. A "Q" endorsement shall signify that the holder has been trained to operate fire apparatus in accordance with standards established by the Commission on Fire Prevention and Control. No such endorsement shall be issued to any person until he or she demonstrates personally to the commissioner, or the commissioner's designee, by means of testing in a representative vehicle that such person possesses the skills necessary for operation of fire apparatus. For purposes of this subsection, "commissioner's designee" shall include the Connecticut State Fire Academy, any regional fire school or the local fire official of any municipality as defined in section 7-323j.

[(d)] (e) No person shall operate a motor vehicle in violation of the classification of the license issued to such person.

[(e)] (f) No employer shall knowingly require or permit an employee who is acting within the scope of such employee's employment to operate a motor vehicle in violation of the classification of such employee's license.

[(f)] (g) (1) Any person who violates any provision of subsection (d) of this section shall, for a first offense, be deemed to have committed an infraction and be fined fifty dollars and, for a subsequent offense, be guilty of a class D misdemeanor.

(2) Any employer who violates subsection (e) of this section shall be subject to a civil penalty of not more [that] than one thousand dollars for a first violation and not more than two thousand five hundred dollars for a second or subsequent violation.

[(g)] (h) The revocation, suspension or withdrawal of, or refusal to issue or renew an "S" endorsement, or any endorsement described in subsection (c) of this section, shall prohibit the licensee from operating any public service passenger vehicle for which a passenger endorsement is required under this section. During the period of such revocation, suspension or withdrawal of, or after a refusal to issue or renew an "S" endorsement, or any endorsement described in subsection (c) of this section, the commissioner shall not issue any other passenger endorsement to such licensee.

Sec. 11. Subsection (a) of section 14-36h of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):



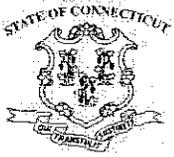
(a) Each motor vehicle operator's license issued by the Commissioner of Motor Vehicles in accordance with section 14-36 and each identity card issued by said commissioner in accordance with section 1-1h shall contain the following: (1) The person's full legal name; (2) the person's date of birth; (3) the person's gender; (4) the person's height and eye color; (5) the person's assigned operator's license or identity card number; (6) the person's address of principal residence in this state; (7) the person's signature; (8) the person's [color] photograph or digital image; and (9) if applicable, the person's status as a veteran, as provided in subsection (d) of this section.

Sec. 12. Subsection (a) of section 14-37a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) Any person whose operator's license has been suspended pursuant to any provision of this chapter or chapter 248, except pursuant to section 14-215 for operating under suspension or pursuant to section 14-140 for failure to appear for any scheduled court appearance, and any person identified in subsection (g) of this section may make application to the Commissioner of Motor Vehicles for (1) a special "work" permit to operate a motor vehicle to and from such person's place of employment or, if such person is not employed at a fixed location, to operate a motor vehicle only in connection with, and to the extent necessary, to properly perform such person's business or profession, or (2) a special "education" permit to operate a motor vehicle to and from an [accredited] institution of higher education or a post-secondary institution licensed to operate by the state in which such person is enrolled. Such application shall be accompanied by an application fee of one hundred dollars.

Sec. 13. Subsection (c) of section 14-40a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(c) Before granting a motorcycle endorsement to any applicant who has not held such an endorsement at any time within the preceding two years, the commissioner shall require the applicant to present evidence satisfactory to the commissioner that such applicant has successfully completed a novice motorcycle training course conducted by the Department of Transportation with federal funds available for the purpose of such course, or by any firm or organization that conducts such a course that uses the curriculum of the Motorcycle Safety Foundation or other safety or educational organization that has developed a curriculum approved by the commissioner. If such applicant has not obtained [a training] an instruction permit pursuant to subsection (b) of this section, the applicant shall also pass an examination, other than the driving skills test, demonstrating that the applicant is a proper person to operate a motorcycle, has sufficient knowledge of the mechanism of a motorcycle to ensure its safe operation by



such applicant, and has satisfactory knowledge of the law concerning motorcycles and other motor vehicles and the rules of the road. The commissioner may waive such examination for an applicant who presents proof: (1) that he or she is on active military duty with the armed forces of the United States; (2) is stationed outside of the state; and (3) has completed, within the previous two years, a novice motorcycle training course conducted by any firm or organization using the curriculum of the Motorcycle Safety Foundation. When the commissioner is satisfied as to the ability and competency of the applicant, the commissioner may issue an endorsement to such applicant, either unlimited or containing such limitations as the commissioner deems advisable. If an applicant or motorcycle endorsement holder has any health problem which might affect such person's ability to operate a motorcycle safely, the commissioner may require the applicant or endorsement holder to demonstrate personally that, notwithstanding the problem, such person is a proper person to operate a motorcycle, and the commissioner may further require a certificate of the applicant's condition, signed by a medical authority designated by the commissioner, which certificate shall, in all cases, be treated as confidential by the commissioner. An endorsement, containing such limitation as the commissioner deems advisable may be issued or renewed in any case, but nothing in this section shall be construed to prevent the commissioner from refusing an endorsement, either limited or unlimited, to any person or suspending an endorsement of a person whom the commissioner deems incapable of safely operating a motorcycle.

Sec. 14. Subsection (b) of section 14-41 of the general statutes as amended by section 4 of public act 12-81 is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(b) An original operator's license shall expire within a period not exceeding six years following the date of the operator's next birthday. The fee for such license shall be seventy-two dollars [and twelve dollars per year or any part of a year]. The commissioner may authorize an automobile club or association, licensed in accordance with the provisions of section 14-67 on or before July 1, 2007, to issue duplicate licenses and identity cards pursuant to section 14-50a, renew licenses, renew identity cards issued pursuant to section 1-1h and conduct registration transactions at its office facilities. The commissioner may authorize such automobile clubs or associations to charge a convenience fee, which shall not exceed [two] three dollars, to each applicant for a license or identity card renewal or duplication, or for a registration transaction.

Sec. 15. Section 14-41a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):



An individual sixty-five years of age or older may renew a motor vehicle operator's license for either a two-year period or a six-year period. The fee for any license issued for a two-year period shall be [~~twenty-two~~] twenty-four dollars.

Sec. 16. Subsection (a) of section 14-44i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) There shall be charged a fee of [~~sixty~~] seventy dollars for each renewal of a commercial driver's license.

Sec. 17. Subsection (h) of section 14-44k of the general statutes as amended by section 5 of public act 12-81 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(h) A person is disqualified for life if such person commits two or more of the offenses specified in subsection (b) of this section, or if such person is the subject of two or more findings by the commissioner under subsection (c) of this section, or any combination of those offenses or findings, arising from two or more separate incidents. A person is disqualified for life if the commissioner takes suspension actions against such person for two or more alcohol test refusals or test failures, or any combination of such actions, arising from two or more separate incidents. Any person disqualified for life, except a person disqualified under subsection (g) of this section, who has both voluntarily enrolled in and successfully completed an appropriate rehabilitation program, as determined by the commissioner, may apply for reinstatement of such person's commercial driver's license or instruction permit, provided any such applicant shall not be eligible for reinstatement until such time as such person has served a minimum disqualification period of ten years. An application for reinstatement shall be accompanied by documentation satisfactory to the commissioner that such person has both voluntarily enrolled in and successfully completed a program established and operated by the Department of Mental Health and Addiction Services pursuant to chapter 319j, a program operated through a substance abuse treatment facility licensed in accordance with section 19a-491 or the equivalent of either program offered in another state. The commissioner shall not reinstate a commercial driver's license or instruction permit that was disqualified for life unless an applicant for reinstatement requests an administrative hearing in accordance with chapter 54, and offers evidence



that the reinstatement of such applicant's commercial driver's license or instruction permit does not endanger the public safety or welfare. Such evidence shall include, but not be limited to, proof that such applicant has not been convicted of any offense involving alcohol, a controlled substance or a drug during a period of ten years following the date of such applicant's most recent lifetime disqualification. If a person whose commercial driver's license or instruction permit is reinstated under this subsection is subsequently convicted of another disqualifying offense, such person shall be permanently disqualified for life and shall be ineligible to reapply for a reduction of the lifetime disqualification. The following shall remain on the driving history record of a commercial motor vehicle operator or commercial driver's license or instruction permit holder for a period of fifty-five years, as required by 49 CFR Part 384, as amended from time to time: (1) Any offense specified in subsection (b) or (c) of this section, provided such offense occurred on or after December 29, 2006; (2) each of two or more offenses specified in subsection (b) or (c) of this section that occur within ten years of each other and result in a lifetime disqualification, regardless of when such offenses occur; (3) any conviction under subsection (g) of this section for using a motor vehicle in the commission of a felony involving the manufacture, distribution or dispensing of a controlled substance, committed on or after January 1, 2005.

Sec. 18. Subsection (k) of section 14-44k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(k) After taking disqualification action, or suspending, revoking or cancelling a commercial driver's license or instruction permit, the commissioner shall update the commissioner's records to reflect such action within ten days. After taking disqualification action, or suspending, revoking or cancelling the operating privileges of a commercial motor vehicle operator or a commercial driver who is licensed or has an instruction permit in another state, the commissioner shall notify the licensing state of such action within ten days. Such notification shall identify the violation that caused such disqualification, suspension, cancellation or revocation.

Sec. 19. Subsection (f) of section 14-49 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(f) For the registration of each electric motor vehicle, the commissioner shall charge a fee of [fifteen dollars for each year or part thereof. On and after July 1, 1992, the fee shall be eighteen dollars] thirty-six dollars biennially.



Sec. 20. Subsection (a) of section 14-50 of the general statutes as amended by section 6 of public act 12-81 is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) Subject to the provisions of subsection (c) of section 14-41, there shall be charged a fee of [~~sixty-five~~] seventy-two dollars for each renewal of a motor vehicle operator's license issued for a period of six years and an additional fee of twelve dollars for each year or part thereof for each passenger endorsement.

Sec. 21. Section 14-52 as amended by section 7 of public act 12-81 is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) No person, firm or corporation may engage in the business of the buying, selling[, or offering for sale [or brokerage of] any motor vehicle or the repairing of any motor vehicle without having been issued either a new car dealer's, a used car dealer's, a repairer's or a limited repairer's license. No person, firm or corporation that holds such license shall sell any motor vehicle on consignment or as a broker for any person, firm or corporation. The license fee for each such license, payable to the Commissioner of Motor Vehicles, shall be as follows: (1) New motor vehicle dealer, seven hundred dollars; (2) used motor vehicle dealer, five hundred sixty dollars; and (3) repairer or limited repairer, three hundred forty dollars. Each such license shall be renewed biennially according to renewal schedules established by the commissioner so as to effect staggered renewal of all such licenses. If the adoption of a staggered system results in the expiration of any license more or less than one year from its issuance, the commissioner may charge a prorated amount for such license fee. Not less than forty-five days prior to the date of expiration of each such license, the commissioner shall send or transmit to each licensee, in a manner determined by the commissioner, an application for renewal. Any licensee which has not filed the application for renewal accompanied by the prescribed fee prior to the date of expiration of its license shall cease to engage in business. An application for renewal filed with the commissioner after the date of expiration shall be accompanied by a late fee of one hundred dollars. The commissioner shall not renew any license under this subsection which has expired for more than forty-five days.

(b) (1) Except as provided in subsection (c) of this section, each applicant for a repairer's or a limited repairer's license shall furnish a cash bond or a surety bond in the amount of five thousand dollars.



(2) Except as provided in subsection (c) of this section, each applicant for a new car dealer's or a used car dealer's license shall furnish a cash bond or a surety bond in the amount of fifty thousand dollars.

(3) Each applicant for a leasing or rental license issued pursuant to section 14-15, who is engaged in the leasing or renting of motor vehicles [for periods of thirty days or more] shall furnish a cash bond or a surety bond in the amount of ten thousand dollars. After October 1, 2013, any person firm or corporation that holds a leasing or rental license and has not previously provided such bond shall provide such bond with its next license renewal.

(4) Each such bond required under subdivisions (1) to (3), inclusive, of this subsection shall be conditioned upon the applicant or licensee complying with the provisions of any state or federal law or regulation relating to the conduct of such business and provided as indemnity for any loss sustained by any [person] customer by reason of any acts of the licensee constituting grounds for suspension or revocation of the license or such licensee going out of business. Each cash bond shall be deposited with the commissioner and each surety bond shall be executed in the name of the state of Connecticut for the benefit of any aggrieved [party] customer, but the penalty of the bond shall not be invoked except upon order of the commissioner after a hearing held before said commissioner in accordance with the provisions of chapter 54. For purposes of this subdivision, "customer" does not include any person, firm or corporation that finances a licensed dealer's motor vehicle inventory or any licensed dealer that buys motor vehicles from or sells motor vehicles to another licensed dealer.

(5) The commissioner shall assess a fee of fifty dollars against any licensee for failing to continuously maintain the bond requirements of this subsection. Such fee shall be in addition to the license suspension or revocation penalties and the civil penalties to which the licensee is subject pursuant to section 14-64.

(c) The commissioner may request information from any applicant for a repairer's license [or], used car dealer's license or leasing or rental license concerning the financial status and ability of such applicant to comply with the requirements of this subpart and the regulations adopted thereunder. The commissioner shall review such information to determine if the applicant has sufficient financial resources to conduct the business in a manner consistent with the reasonable security and protection of its customers in regard to the duties and responsibilities imposed by the provisions of this subpart and the regulations adopted thereunder. The commissioner may refuse to issue a license if the applicant fails to provide any such information requested or, if, after review by the commissioner, the commissioner is not satisfied as to such applicant's financial status.



The commissioner may, in any case deemed appropriate, grant a license on condition that the applicant post a cash bond or a surety bond, in accordance with the provisions of subsection (b) of this section, in an amount prescribed by the commissioner that is greater than the minimum amount required by the applicable provisions of said subsection (b). Any applicant aggrieved by any decision of the commissioner made pursuant to this subsection shall be afforded an opportunity for hearing in accordance with the provisions of chapter 54. The commissioner may adopt regulations in accordance with chapter 54 to carry out the provisions of this subsection.

(d) Any person, firm or corporation engaging in the business of the buying, selling[,] or offering for sale [or brokerage of] any motor vehicle or of the repairing of any motor vehicle without a license shall be guilty of a class B misdemeanor. Any licensee that sells a motor vehicle on consignment or as a broker for another person shall be guilty of a class B misdemeanor.

(e) The Commissioner of Motor Vehicles shall transmit to the Commissioner of Revenue Services and the Commissioner of Energy and Environmental Protection a summary of any complaint that the Commissioner of Motor Vehicles receives alleging that a person, firm or corporation is engaging in the business of the buying, selling[,] or offering for sale [or brokerage of] any motor vehicle or of the repairing of any motor vehicle without a license.

Sec. 22. Section 14-60 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) No dealer or repairer may rent or allow or cause to be rented, or operate or allow or cause to be operated for hire, or use or allow or cause to be used for the purpose of conveying passengers or merchandise or freight for hire, any motor vehicle registered under a general distinguishing number and mark. No dealer or repairer may loan a motor vehicle or number plate or both to any person except for the purpose of demonstration of a motor vehicle owned by such dealer, or when a motor vehicle owned by or lawfully in the custody of such person is undergoing repairs by such dealer or repairer[,] or when such person has purchased a motor vehicle from such dealer, the registration of which [by him] is pending, and in any case for not more than thirty days in any year, provided such person shall furnish proof to the dealer or repairer that he has liability and property damage insurance which will cover any damage to any person or property caused by the operation of the loaned motor vehicle, motor vehicle on which the loaned number plate is displayed or both. Such person's insurance shall be the prime coverage. If the person to whom the dealer or repairer loaned the motor vehicle or the number plate did not, at the time of such loan, have in force any such liability and property damage insurance, such person and such dealer or



repairer shall be jointly liable for any damage to any person or property caused by the operation of the loaned motor vehicle or a motor vehicle on which the loaned number plate is displayed. Each dealer or repairer shall keep a record of each loaned number plate showing the date loaned, the vehicle identification number of the vehicle on which such plate is displayed, the date returned and the name, address and operator's license number of the person operating any vehicle with such loaned number plate. Such dealer or repairer shall give a copy of this record to each person to whom such plate or vehicle and plate are loaned which shall be carried in the motor vehicle at all times when operated upon a public highway. This record shall be retained by the dealer or repairer for a period of six months from the date on which the number plate or motor vehicle or both were loaned and such record shall be available during business hours for examination by any police officer or inspector designated by the Commissioner of Motor Vehicles.

(b) Any licensed dealer or repairer may operate or cause to be operated only by a bona fide full-time employee [such] a motor vehicle owned by such dealer or repairer for (1) use in connection with [his] such dealer's or repairer's business, (2) the pickup and delivery of parts only for such dealer and repairer and (3) [his] such employee's personal use, or by a part-time employee for use only in connection with the business of such dealer or repairer. Each dealer or repairer shall maintain a record of the following: (A) Each number plate issued by the commissioner to such dealer or repairer, (B) the name, address and occupation of the bona fide full-time employee or part-time employee to whom such plate has been assigned, (C) the date of assignment of each such plate, and (D) the exact location of each unassigned plate. For the purposes of this subsection, "bona fide full-time employee" means a person who is employed by a licensed dealer or repairer for not less than thirty-five hours per week and appears on the records of such employer as an employee for whom social security, withholding tax and all deductions required by law have been made and "part-time employee" means a person who is employed by a licensed dealer or repairer for less than thirty-five hours per week and appears on the records of such employer as an employee for whom social security, withholding tax and all deductions required by law have been made.

Sec. 23. Section 14-62 of the general statutes as amended by section 35 of public act 12-81 is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) Each sale shall be evidenced by an order properly signed by both the buyer and seller, a copy of which shall be furnished to the buyer when executed, and an invoice upon delivery of the motor vehicle, both of which shall contain the following information: (1) Make of vehicle; (2) year of model, whether sold as new or used, and on invoice the identification number; (3) deposit, and (A) if the deposit is not refundable,



the words "No Refund of Deposit" shall appear at this point, and (B) if the deposit is conditionally refundable, the words "Conditional Refund of Deposit" shall appear at this point, followed by a statement giving the conditions for refund, and (C) if the deposit is unconditionally refundable, the words "Unconditional Refund" shall appear at this point; (4) cash selling price; (5) finance charges, and (A) if these charges do not include insurance, the words "No Insurance" shall appear at this point, and (B) if these charges include insurance, a statement shall appear at this point giving the exact type of coverage; (6) allowance on motor vehicle traded in, if any, and description of the same; (7) stamped or printed in a size equal to at least ten-point bold type on the face of both order and invoice one of the following forms: (A) "This motor vehicle not guaranteed", or (B) "This motor vehicle is guaranteed", followed by a statement as to the terms of such guarantee, which statement shall not apply to household furnishings of any trailer; (8) if the motor vehicle is new but has been subject to use by the seller or use in connection with his business as a dealer, the word "demonstrator" shall be clearly displayed on the face of both order and invoice; (9) any dealer conveyance fee or processing fee and a statement that such fee is not payable to the state of Connecticut printed in at least ten-point bold type on the face of both order and invoice. For the purposes of this subdivision, "dealer conveyance fee" or "processing fee" means a fee charged by a dealer to recover reasonable costs for processing all documentation and performing services related to the closing of a sale, including, but not limited to, the registration and transfer of ownership of the motor vehicle which is the subject of the sale.

(b) No dealer shall include in the selling price a dealer preparation charge for any item or service for which he is reimbursed by the manufacturer or any item or service not specifically ordered by the buyer and itemized on the invoice.

(c) Each dealer shall provide a written statement to the buyer or prominently display a sign in the area of his place of business in which sales are negotiated which shall specify the amount of any conveyance or processing fee charged by such dealer, the services performed by the dealer for such fee, that such fee is not payable to the state of Connecticut and that the buyer may elect, where appropriate, to submit the documentation required for the registration and transfer of ownership of the motor vehicle which is the subject of the sale to the Commissioner of Motor Vehicles, in which case the dealer shall reduce such fee by a proportional amount. The Commissioner of Motor Vehicles shall determine the size, typeface and arrangement of such information.

(d) No dealer licensed under the provisions of section 14-52 shall sell any used motor vehicle without furnishing to the buyer, at the time of sale, a valid certificate of title, the



assignment and warranty of title by such dealer or other evidence of title issued by another state or country, where applicable, disclosing the existence of any lien, security interest in or other encumbrance on the vehicle. Any dealer that violates this subsection shall be guilty of a class B misdemeanor.

(e) No person, firm or corporation shall sell a motor vehicle at a public or private auction without furnishing to the buyer, at the time of sale, a valid certificate of title, the assignment and warranty of title by such person, firm or corporation, or other evidence of title issued by another state or country, where applicable, disclosing the existence of any lien, security interest in or other encumbrance on the vehicle.

(f) The provisions of subsection (d) of this section shall not apply to the sale of any used motor vehicle by a new car dealer to a person, firm or corporation which, pursuant to a lease contract option, purchases such vehicle at the end of the lease term provided (1) such vehicle is registered in this state in accordance with the provisions of section 14-12, (2) the certificate of title for such vehicle is in the possession of a lessor licensed under the provisions of section 14-15, (3) subsequent to such sale, such vehicle is registered in the name of the prior lessee, and (4) such dealer obtains the certificate of title from such lessor and transmits all necessary documents and fees to the commissioner not later than five days following the issuance of a motor vehicle registration for such vehicle.

(g) Before offering any used motor vehicle for retail sale, the selling dealer shall complete a comprehensive safety inspection of such vehicle. Such safety inspection shall cover all applicable equipment and components contained in sections 14-80 to 14-106d, inclusive, and such inspection shall be evidenced on a form approved by the commissioner. The selling dealer shall attest to such form under the penalty of false statement, as prescribed in section 53a-157b, and shall state that the vehicle has undergone any necessary repairs and has been deemed to be in condition for legal operation on any highway of this state. In the event defects are found but not repaired, and the vehicle is not subject to any warranty under subsection [(a) of section 42-224] (b) of section 42-221, the selling dealer shall note all such defects on the form and may sell such vehicle in "as is" condition. Any vehicle sold in "as is" condition with one or more defects in the equipment or components shall have the retail purchase order, invoice, title and assignment documents prominently marked as "not in condition for legal operation on the highways" with an explanation of defects noted on such retail purchase order, invoice and safety inspection form. A dealer selling any vehicle pursuant to this subsection shall require a purchaser to acknowledge the vehicle condition by obtaining such purchaser's signature on the retail purchase order, invoice and safety inspection forms, copies of which shall be furnished to the buyer upon



execution. No dealer shall charge any fee to a customer for the completion of such safety inspection or for any repairs required to remedy defects discovered during such safety inspection pursuant to this subsection, except that nothing herein shall (1) limit or otherwise regulate the retail sales price charged by a dealer for a vehicle that has been inspected or repaired prior to sale; or (2) negate or preempt any provisions of chapter 743f. This subsection shall not apply to fees for any inspection or any work performed under the terms of a lease buy back. Any dealer that violates this subsection shall be guilty of a class B misdemeanor.

(h) A dealer licensed under section 14-52 shall not deliver or permit a retail purchaser to take possession or delivery of any used motor vehicle until such purchaser has paid in full for the vehicle or until vehicle financing offered by the dealer has been approved by the lending institution or other entity through which financing arrangements have been made. Any dealer that violates this subsection shall be guilty of a class B misdemeanor.

Sec. 24. Subsection (b) of section 14-63 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(b) The Commissioner of Motor Vehicles shall adopt regulations, in accordance with the provisions of chapter 54, establishing (1) a procedure whereby customers of dealers and repairers may file complaints with the Department of Motor Vehicles concerning the operations of and services provided by any such licensees, and (2) a procedure specifying the circumstances under which a licensee may stipulate to a complaint and waive such licensee's right to an administrative hearing. Such regulations shall provide for the commissioner to contact each licensee that is the subject of a complaint in order to notify such licensee of the complaint and to relate to such licensee the particular matters alleged by the complainant. If the commissioner determines that the facts as alleged give rise to one or more violations of law related to the licensee's business, [T]he commissioner [shall] may attempt to mediate a voluntary resolution of the complaint acceptable to the complainant and the licensee. Such regulations shall also provide that, if an acceptable resolution to the complaint is not achieved, the commissioner shall complete the commissioner's investigation of the facts and shall, if the commissioner has reason to believe that the licensee has violated any provision of section 14-64, proceed to take any action authorized under the provisions of section 14-64. If, after such an investigation, the commissioner elects not to take action against the licensee, the commissioner shall notify both the complainant and the licensee in writing. Such notice shall include a brief statement of the reasons why the commissioner has taken no action. The commissioner shall also inform the complainant and the licensee that an unresolved complaint exists and that, unless the commissioner has determined that the allegations, even if true, fail to state a violation of applicable statutory or



regulatory standards, the same shall be recorded in the records of the department pertaining to such licensee until such time as the licensee submits to the commissioner satisfactory evidence, signed by the complainant or the complainant's attorney, that the claim has been resolved by agreement with the complainant or submits to the department satisfactory evidence of final adjudication in favor of such licensee. An agreement between the licensee and the complainant shall not preclude the commissioner from proceeding to take action if the commissioner has reason to believe that the licensee has violated any provision of section 14-64. A decision by the commissioner not to take action against the licensee shall be without prejudice to the claim of the customer; and neither the fact that the department has determined not to proceed nor the notice furnished to the parties, in accordance with this subsection, shall be admissible in any civil action.

Sec. 25. Subsection (f) of section 14-65 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(f) A violation of subsection (a) of this section shall be a class B misdemeanor. Each person, firm or corporation that conducts an auction sale in accordance with any of the provisions of this section shall be subject to the provisions of sections 14-149 and 14-149a and to the penalties provided for violations of said sections. Each such person, firm or corporation that sells any motor vehicle with an odometer that has been turned back or changed on the most recent assignment of ownership prior to the auction sale shall be subject to the penalties in section 14-106b. The commissioner may, after notice and opportunity for a hearing, impose a civil penalty of two thousand dollars on any licensee who violates subsection (b) of this section or any regulation adopted pursuant to subsection (e) of this section.

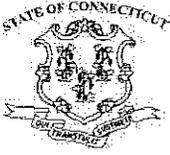
Sec. 26. Section 14-66 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) (1) No person, firm or corporation shall engage in the business of operating a wrecker for the purpose of towing or transporting motor vehicles, including motor vehicles which are disabled, inoperative or wrecked or are being removed in accordance with the provisions of section 14-145, 14-150 or 14-307, unless such person, firm or corporation is a motor vehicle dealer or repairer licensed under the provisions of subpart (D) of this part. (2) The commissioner shall establish and publish a schedule of uniform rates and charges for the nonconsensual towing and transporting of motor vehicles and for the storage of motor vehicles which shall be just and reasonable. Upon petition of any person, firm or corporation licensed in accordance with the provisions of



this section, but not more frequently than once every two years, the commissioner shall reconsider the established rates and charges and shall amend such rates and charges if the commissioner, after consideration of the factors stated in this subdivision, determines that such rates and charges are no longer just and reasonable. In establishing and amending such rates and charges, the commissioner may consider factors, including, but not limited to, the Consumer Price Index, rates set by other jurisdictions, charges for towing and transporting services provided pursuant to a contract with an automobile club or automobile association licensed under the provisions of section 14-67 and rates published in standard service manuals. The commissioner shall hold a public hearing for the purpose of obtaining additional information concerning such rates and charges. (3) With respect to the nonconsensual towing or transporting and the storage of motor vehicles, no such person, firm or corporation shall charge more than the rates and charges published by the commissioner. Any person aggrieved by any action of the commissioner under the provisions of this section may take an appeal therefrom in accordance with section 4-183, except venue for such appeal shall be in the judicial district of New Britain.

(b) The commissioner, or an inspector authorized by the commissioner, shall examine each wrecker, including its number, equipment and identification, and shall determine the mechanical condition of such wrecker and whether or not it is properly equipped to do the work intended. A wrecker shall be deemed properly equipped if there are two flashing yellow lights installed and mounted on such wrecker that (1) show in all directions at all times, and (2) indicate the full width of such wrecker. Such lights shall be mounted not less than eight feet above the road surface and as close to the back of the cab of such wrecker as practicable. Such lights shall be in operation when such wrecker is towing a vehicle and when such wrecker is at the scene of an accident or the location of a disabled motor vehicle. In addition, each wrecker shall be equipped with a spot light mounted so that its beam of light is directed toward the hoisting equipment in the rear of such wrecker. The hoisting equipment of each wrecker shall be of sufficient capacity to perform the service intended and shall be securely mounted to the frame of such vehicle. A fire extinguisher shall be carried at all times on each wrecker which shall be in proper working condition, mounted in a permanent bracket on each wrecker and have a minimum rating of eight bc. A set of three flares in operating condition shall be carried at all times on each wrecker and shall be used between the periods of one-half hour after sunset and one-half hour before sunrise when the wrecker is parked on a highway while making emergency repairs or preparing to pick up a disabled vehicle to remove it from a highway or adjoining property. No registrant or operator of any wrecker shall offer to give any gratuities or inducements of any kind to any police officer or other person in order to obtain towing business or



recommendations for towing or storage of, or estimating repairs to, disabled vehicles. No licensee shall require the owner to sign a contract for the repair of such owner's damaged vehicle as part of the towing consideration or to sign an order for the repair of, or authorization for estimate until the tow job has been completed. No licensee shall tow a vehicle in such a negligent manner as to cause further damage to the vehicle being towed.

(c) Each wrecker used for towing or transporting motor vehicles shall be registered as a wrecker by the commissioner for a fee of one hundred twenty-five dollars. Each such registration shall be renewed biennially according to renewal schedules established by the commissioner so as to effect staggered renewal of all such registrations. If the adoption of a staggered system results in the expiration of any registration more or less than two years from its issuance, the commissioner may charge a prorated amount for such registration fee.

(d) An owner of a wrecker may apply to the commissioner for a general distinguishing number and number plate for the purpose of displaying such number plate on a motor vehicle temporarily in the custody of such owner and being towed or transported by such owner. The commissioner shall issue such number and number plate to an owner of a wrecker (1) who has complied with the requirements of this section, and (2) whose wrecker is equipped in accordance with subsection (b) of this section. The commissioner shall charge a fee to cover the cost of issuance and renewal of such number plates.

(e) With respect to the nonconsensual towing or transporting of a motor vehicle, no licensee may tow or transport a vehicle to the premises of any person, firm or corporation engaged in the storage of vehicles for compensation unless such person, firm or corporation adheres to the storage charges published by the commissioner.

(f) The provisions of this section shall not apply to [:(1) Any] any person, firm, [or] corporation [licensed as a motor vehicle dealer under the provisions of subpart (D) of this part, towing] or association: (1) towing or transporting a motor vehicle, [for salvage purposes,] provided such person, firm, [or] corporation or association is licensed as a motor vehicle dealer pursuant to the provisions of subpart (D) of this part and does not offer direct towing or [wrecker service] transporting to the public or engage in nonconsensual towing or transporting; (2) [any person, firm or corporation] operating as an automobile club or automobile association licensed under section 14-67, as amended by this act; (3) [any person, firm or corporation] operating as a motor vehicle recycler licensed under section 14-67l or any contractor of such recycler, provided such recycler or its contractor does not offer towing or transporting to the public or engage in nonconsensual towing or transporting; (4) [any person, firm or corporation engaged]



engaging in the business of repossession of motor vehicles for lending institutions, provided it does not offer direct towing or transporting unless licensed as a motor vehicle dealer under the provisions of subpart (D) of this part; [or] (5) [any person, firm or corporation] towing motor vehicles owned or leased by such person, firm, association or corporation; (6) towing or transporting motor vehicles for hire, with the appropriate operating authority, as defined in 49 CFR 390.5, as amended from time to time, provided such person, firm, corporation or association does not offer towing or transporting to the public or engage in nonconsensual towing or transporting; or (7) towing motor vehicles to or from an auction conducted by a dealer licensed pursuant to the provisions of subpart (D) of this part, provided such person, firm, corporation or association does not offer direct towing or transporting to the public or engage in nonconsensual towing or transporting.

(g) For the purposes of this section, "nonconsensual towing or transporting" means the towing or transporting of a motor vehicle in accordance with the provisions of section 14-145 or for which arrangements are made by order of a law enforcement officer or traffic authority, as defined in section 14-297.

(h) Any person, firm, corporation or association that violates the provisions of this section shall, for a first offense, be deemed to have committed an infraction and for a second or subsequent offense shall be guilty of a class D misdemeanor.

Sec. 27. Subsection (a) of section 14-69 of the 2012 supplement to the general statutes is repealed, and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) No person shall engage in the business of conducting a drivers' school without being licensed by the Commissioner of Motor Vehicles. An application for a license shall be in writing and shall contain such information as the commissioner requires. Each applicant for a license shall be fingerprinted before such application is approved. The commissioner shall subject each applicant for a license to state and national criminal history records checks conducted in accordance with section 29-17a, and a check of the state child abuse and neglect registry established pursuant to section 17a-101k. If any such applicant has a criminal record or is listed on the state child abuse and neglect registry, the commissioner shall make a determination of whether to issue a license to conduct a drivers' school in accordance with the standards and procedures set forth in section 14-44 and the regulations adopted pursuant to said section. If the application is approved, the applicant shall be granted a license upon the payment of a fee of [three hundred fifty] seven hundred dollars and a deposit with the commissioner of cash or a bond of a surety company authorized to do business in this state, conditioned on the faithful performance by the applicant of any contract to furnish instruction, in either



case in such amount as the commissioner may require, such cash or bond to be held by the commissioner to satisfy any execution issued against such school in a cause arising out of failure of such school to perform such contract. For each additional place of business of such school, the commissioner shall charge a fee of [eighty-eight] one-hundred seventy-six dollars. If the licensee opens an additional place of business with one year or less remaining on the term of its license, the licensee shall pay eighty-eight dollars for each additional location for the year or any part thereof that remains on the license. No license shall be required in the case of any board of education, or any public, private or parochial school, which conducts a course in driver education established in accordance with sections 14-36e and 14-36f. A license so issued shall be valid for [one year] two years. The commissioner shall issue a license certificate or certificates to each licensee, one of which shall be displayed in each place of business of the licensee. In case of the loss, mutilation or destruction of a certificate, the commissioner shall issue a duplicate upon proof of the facts and the payment of a fee of twenty dollars.

Sec. 28. Subsection (b) of section 14-69 of the general statutes as amended by section 46 of public act 12-81 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

b) The biennial fee for the renewal of a license shall be seven hundred dollars and the biennial renewal fee for each additional place of business shall be one hundred seventy-six dollars. If the licensee opens an additional place of business with one year or less remaining on the term of its license, the licensee shall pay eighty-eight dollars for each additional location for the year or any part thereof that remains on the license. If the commissioner has not received a complete renewal application and all applicable renewal fees on or before the expiration date of an applicant's license, the commissioner shall charge such applicant, in addition to such renewal fees, a late fee of seven hundred dollars.

Sec. 29. Subsection (d) of section 14-73 of the general statutes as amended by section 43 of public act 12-81 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(d) The commissioner shall conduct such written, oral and practical examinations as he deems necessary to determine whether an applicant has sufficient skill in the operation of motor vehicles to ensure their safe operation, a satisfactory knowledge of the motor vehicle laws and the ability to impart such skill and knowledge to others. If the



applicant successfully completes the examinations and meets all other requirements of this section, the commissioner shall issue an instructor's license to such applicant. The license shall be valid for use only in connection with [the business of the] a drivers' school or schools [listed on the license] licensed under section 14-69. If the applicant fails the examination, such applicant may apply for reexamination after [one month] five days. The license and the license renewal shall be valid for two years.

Sec. 30. Subsection (b) of section 14-145 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(b) When such motor vehicle is towed or otherwise removed by a wrecker licensed under section 14-66, the licensee or operator of the wrecker shall notify the local police department of the tow or removal within two hours. Such notification shall be in writing, which shall include facsimile or electronic mail, and the record of such notification shall be retained by such licensee in accordance with section 14-66b. No such licensee or operator may charge a storage fee for such motor vehicle for the time it is stored prior to such notification. If the motor vehicle is not claimed by its owner within the time periods specified in subsection (e) of section 14-150, the licensee or operator of the wrecker or of the garage where such motor vehicle is stored may dispose of it in accordance with the provisions of subsection (e) of section 14-150.

Sec. 31. Subsection (e) of section 14-150 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(e) Within forty-eight hours of the time that a motor vehicle is taken into custody and stored pursuant to subsection (b) or (c) of this section, the affixing department or parking authority and the owner or keeper of any garage or other place where such motor vehicle is stored shall give written notice by certified mail to the owner and any lienholders of such motor vehicle, if the same appears on the records of the Department of Motor Vehicles, which notice shall state (1) that the motor vehicle has been taken into custody and stored, (2) the location of storage of the motor vehicle, (3) that, unless title has already vested in the municipality pursuant to subsection (d), such motor vehicle may be sold after fifteen days if the market value of such motor vehicle does not exceed one thousand five hundred dollars or after forty-five days if the value of such motor vehicle exceeds one thousand five hundred dollars, and (4) that the owner has a right to contest the validity of such taking by application, on a form prescribed by the Commissioner of Motor Vehicles, to the hearing officer named in such notice within ten days from the date of such notice. Such application forms shall be made readily available to the public at all offices of the Department of Motor Vehicles, parking



authorities authorized under an ordinance adopted pursuant to section 7-204a to enforce parking regulations and state and local police departments.

Sec. 32. Section 14-163c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) The Commissioner of Motor Vehicles may adopt regulations, in accordance with the provisions of chapter 54, which incorporate by reference the standards set forth in 49 CFR Parts 382 to 397, inclusive, as amended. Such regulations, adopted by reference to the provisions of 49 CFR Parts 382 to 397, inclusive, as amended, may be made applicable to any motor vehicle or motor carrier, as defined in 49 CFR Part 390, which (1) is in intrastate commerce and has a gross vehicle weight rating or gross combination weight rating or gross vehicle weight or gross combination weight of eighteen thousand one or more pounds; or (2) is in interstate commerce and has a gross vehicle weight rating or gross combination weight rating or gross vehicle weight or gross combination weight of ten thousand one or more pounds; or (3) (A) is designed or used to transport more than eight passengers, including the driver, for compensation[, except a student transportation vehicle, as defined in section 14-212], or (B) is designed or used to transport more than fifteen passengers, including the driver, and is not used to transport passengers for compensation; or (4) is used in the transportation of hazardous materials in a quantity requiring placarding under the Hazardous Materials Transportation Act, 49 USC App. 1801 to 1813, inclusive, unless exempted under the provisions of the code or the provisions of subsection (b) of this section.

(b) The provisions relative to maximum hours of service for drivers as set forth in 49 CFR Part 395, and as adopted by reference in regulations adopted pursuant to subsection (a) of this section, shall not apply to any driver of a utility service vehicle, as defined in 49 CFR Section 395.2, as amended.

(c) The Commissioner of Motor Vehicles may grant variations or exemptions from, or approve equivalent or alternate compliance with, particular provisions of 49 CFR Parts 382 to 397, inclusive, as amended, when strict compliance with such provisions would entail practical difficulty or unnecessary hardship or would be otherwise adjudged unwarranted, provided any such variation, exemption, approved equivalent or alternate compliance shall, in the opinion of the commissioner, secure the public safety.

(d) Any state or municipal police officer or motor vehicle inspector may (1) inspect any motor vehicle specified in subsection (a) of this section in operation and examine its operator to determine compliance with the provisions of 49 CFR Parts 100 to 199 and Parts 382 to 397, inclusive, as amended, (2) enter upon the premises of any motor



carrier, as defined in 49 CFR Section 390.5, as amended, for the purpose of inspecting and copying records maintained by such motor carrier, (3) conduct a safety rating procedure, safety audit or compliance review, in accordance with the provisions of 49 CFR Part 385, as amended, for any motor carrier that owns or operates any motor vehicle identified in subsection (a) of this section and, subject to notice and opportunity for hearing in accordance with the provisions of chapter 54, order any motor carrier with an unsatisfactory safety rating to cease operations until such time as it achieves a satisfactory rating, (4) declare a motor vehicle or its operator out of service [as provided in 49 CFR Section 395.13 and Section 396.9, as amended], or (5) issue an infractions complaint under the provisions of this section, provided such officer or inspector meets the standards established by the commissioner, in consultation with the Commissioner of [Public Safety] Emergency Services and Public Protection, in regulations adopted in accordance with the provisions of chapter 54.

(e) (1) Any person who violates the provisions of this section or any regulations adopted under this section shall, for a first violation, have committed an infraction. (2) The commissioner may impose a civil penalty on any person for a second or subsequent violation of the provisions of this section or any regulations adopted under this section if the acts or conduct on which the conviction is based arise out of the operation of a motor vehicle in intrastate commerce and would, if such acts or conduct had occurred with respect to operation of a motor vehicle in interstate commerce, have subjected such person to a civil penalty under the provisions of 49 CFR Parts 382 to 397, inclusive, as amended. The commissioner may adopt regulations, in accordance with the provisions of chapter 54, to specify the amount of such civil penalty provided such amount shall be not less than one thousand dollars nor more than ten thousand dollars. Any person notified of the assessment of a civil penalty under the provisions of this subsection shall be entitled to an opportunity for an administrative hearing in accordance with the provisions of chapter 54. If any person fails to comply with the terms of a final decision and order of the commissioner made pursuant to this subsection, the commissioner may suspend any motor vehicle registration issued to such person or such person's privilege to register any motor vehicle in this state, or prohibit the operation of any motor vehicle owned or operated by such person, until such person complies with the terms of such final decision and order. As used in this section, "person" includes any motor carrier, as defined in 49 CFR Section 390.5, as amended.

Sec. 33. Section 14-188 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):



(e) Any security interest in a vehicle that was originally perfected by a financial or other institution that is no longer in existence and has not executed a lien release in accordance with subsections (a) through (c) of this section, and for which the debtor's records cannot be located by any successor institution, shall be deemed to be dissolved after the passage of ten years from the date it was perfected.

Sec. 34. Subsection (h) of section 14-267a of the 2012 supplement to the general statutes is amended and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(h) Whenever signs are displayed on a public highway, indicating that a scale is in operation and directing the driver of a [commercial vehicle] motor vehicle described in subsection (a) of section 14-163c to stop at the weighing area, the driver shall stop and, in accordance with the directions of any state police officer[, Department of Emergency Services and Public Protection employee designated by the Commissioner of Emergency Services and Public Protection], local police officer, Department of Motor Vehicles inspector, or Department of [Transportation] Motor Vehicles employee designated by the [C]commissioner [of Transportation], allow the vehicle to be weighed or inspected.

Sec. 35. Section 14-267c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

The owner of a commercial motor vehicle that is equipped with an auxiliary power or idle reduction technology unit shall, subject to the conditions described in this section, be granted a weight tolerance exemption from the gross, total axle, total tandem or bridge formula weight limits established by section 14-267a. Such weight tolerance exemption shall authorize the operation of such commercial motor vehicle with additional weight equal to the actual weight of the auxiliary power or idle reduction technology unit, but not exceeding [four] five hundred fifty pounds. Such exemption may be granted by any official or law enforcement officer authorized to enforce the provisions of said section 14-267a. To qualify for a weight tolerance exemption, an owner may be required to produce a written certification of the weight of such unit, and to show, by means of a written certification or physical demonstration, that the unit is fully functional at all times. As used in this section, "auxiliary power or idle reduction technology unit" means an integrated system, other than the vehicle's engine, that provides heat, air conditioning, engine warming, electric components or power to do the work for which the vehicle is designed.

Sec. 36. Section 14-286 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):



(e) As used in this section: (1) "Sidewalk" means any sidewalk laid out as such by any town, city or borough, and any walk which is reserved by custom for the use of pedestrians, or which has been specially prepared for their use. "Sidewalk" does not include crosswalks and does not include footpaths on portions of public highways outside thickly settled parts of towns, cities and boroughs, which are worn only by travel and are not improved by such towns, cities or boroughs or by abutters; (2) "bicycle" includes all vehicles propelled by the person riding the same by foot or hand power; and (3) "motor-driven cycle" means any motorcycle, motor scooter or bicycle with an attached motor with a seat height of not less than twenty-six inches and a motor [that produces five brake horsepower or less] having a capacity of less than fifty cubic centimeters piston displacement.

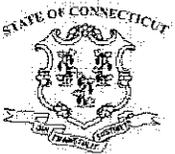
Sec. 37. Subsection (c) of section 14-286b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(c) No person riding upon any bicycle, motor driven cycle, roller skates, sled, skis, skateboard, coaster, [or] toy vehicle or any other vehicle not designed or intended to be towed shall attach the same or [himself] such person to any vehicle moving or about to move on a public roadway nor shall the operator of such vehicle knowingly permit any person riding a bicycle, motor-driven cycle, roller skates, skateboard, coaster, sled, skis, [or] toy vehicle or any other vehicle not designed or intended to be towed to attach the same or himself to such vehicle so operated or about to be operated, provided any person operating a bicycle solely by foot or hand power may attach a bicycle trailer or semitrailer thereto, provided such trailer or semitrailer is designed for such attachment.

Sec. 38. Section 14-289d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) The Commissioner of Motor Vehicles shall issue regulations, in accordance with nationally accepted standards, concerning specifications for vision-protecting devices, including but not limited to goggles, glasses, face shields, windshields and wind screens for use by operators of motorcycles and motor-driven cycles.

(b) Failure to wear either goggles, glasses or a face shield of a type which conforms to the minimum specifications as called for by such regulations shall be an infraction. The provisions of this subsection shall not apply to operators of motorcycles and motor-driven cycles equipped with a wind screen or windshield which conforms to the minimum specifications called for by such regulations.



Sec. 39. Subsection (e) of section 14-296aa of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(e) No person shall use a hand-held mobile telephone or other electronic device or type, read or send text or a text message with or from a mobile telephone or mobile electronic device while operating a commercial motor vehicle, as defined in section 14-1, except for the purpose of communicating with any of the following regarding an emergency situation: An emergency response operator; a hospital; physician's office or health clinic; an ambulance company; a fire department or a police department.

Sec. 40. Section 14-381 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

Any owner required to register a snowmobile or all-terrain vehicle shall apply to the commissioner and shall file evidence of ownership by affidavit or document. Upon receipt of an application in proper form and the registration fee, the commissioner shall assign an identification number and provide the owner with a certificate of registration and registration plate. The registration plate, which shall be affixed by the owner, shall be displayed on the snowmobile or all-terrain vehicle at a place and in a manner prescribed by the commissioner. In addition to such registration plate, each snowmobile and all-terrain vehicle so registered shall display its registration number on each side of its front section, midway between the top and bottom of said front section, in letters or numbers at least three inches in height and made of a reflective material. The certificate of registration shall be carried on such snowmobile or all-terrain vehicle and shall be available for inspection whenever such snowmobile or all-terrain vehicle is being operated. The owner shall pay a fee of twenty dollars for each snowmobile or all-terrain vehicle so registered. Each such certificate of registration shall expire [biennially on the last day of March] two years from the date of issue.

Sec. 41. Subsection (b) of section 38a-364 of the general statutes as amended by section 8 of public act 12-145 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(b) Each insurance company that issues private passenger motor vehicle liability insurance providing the security required by sections 38a-19 and 38a-363 to 38a-388, inclusive, shall issue annually to each such insured an automobile insurance identification card, in duplicate, for each insured vehicle, one of which shall be presented to the commissioner as provided in section 14-12b and the other carried in the vehicle as provided in section 14-13. Except as provided in subsection (c) of this section,



such card shall be effective for a period of one year and shall include the name of the insured and insurer, the policy number, the effective date of coverage, the year, make or model and vehicle identification number of the insured vehicle, the company code number assigned to the insurer by the National Association of Insurance Commissioners and an appropriate space wherein the insured may set forth the year, make or model and vehicle identification number of any private passenger motor vehicle that becomes covered as a result of a change in the covered vehicle during the effective period of the identification card. When an insured has five or more private passenger motor vehicles registered in this state, the insurer may use the designation "all owned vehicles" on each card in lieu of a specific vehicle description. Each insurance company that delivers, issues for delivery or renews such private passenger motor vehicle liability insurance in this state shall include on such card, the following notice, printed in capital letters and boldface type:

NOTICE:

YOU HAVE THE RIGHT TO CHOOSE THE LICENSED REPAIR SHOP WHERE THE DAMAGE TO YOUR MOTOR VEHICLE WILL BE REPAIRED.

Sec. 42. Subsection (c) of section 38a-364 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(c) Whenever a binder for such insurance is issued by an agent, the agent shall also issue a temporary identification card, in duplicate, for each covered vehicle effective for a period of sixty days from the date on which the binder becomes effective. Such temporary cards shall include the name of the insured and insurer, the company code number assigned to the insurer by the National Association of Insurance Commissioners, the printed name and signature of the agent or authorized representative, the effective date of the binder, the policy number or, if such number is not available, the agent's code number and the year, make or model and vehicle identification number of the insured vehicle.

Sec. 43. Subsection (a) of section 38a-683 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) The premium charges for a private passenger nonfleet automobile under an automobile liability or physical damage insurance policy for any principal operator who has attained the age of sixty years and has submitted proof of successful completion of [a four-hour] an accident prevention course approved by the Commissioner of Motor Vehicles, the duration of which is at least four hours, shall be appropriately modified to reflect such operator's reduced exposure to loss. Such course



shall be completed within one year prior to the initial application of the discount or, for subsequent applications of the discount, within one year of the expiration of the current discount period. If proof of successful completion of such course is submitted during the term of a policy, any premium modification shall become effective upon the next renewal. A minimum discount of five per cent shall be applicable to premium charges for such automobile for policies effective on and after July 1, 1983. The discount shall apply to the premium charges for the automobile for at least twenty-four months. This section shall not apply to any group automobile insurance policy issued pursuant to section 38a-803 under which premiums are broadly averaged for the group rather than determined individually.

Sec. 44. Subsection (c) of section 54-33a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(c) A warrant may issue only on affidavit sworn to by the complainant or complainants before the judge or judge trial referee and establishing the grounds for issuing the warrant, which affidavit shall be part of the arrest file. If the judge or judge trial referee is satisfied that grounds for the application exist or that there is probable cause to believe that they exist, the judge or judge trial referee shall issue a warrant identifying the property and naming or describing the person, place or thing to be searched. The warrant shall be directed to any police officer of a regularly organized police department or any state police officer, to an inspector in the Division of Criminal Justice, [or] to a conservation officer, special conservation officer or patrolman acting pursuant to section 26-6 or to a sworn motor vehicle inspector acting under section 14-8. The warrant shall state the date and time of its issuance and the grounds or probable cause for its issuance and shall command the officer to search within a reasonable time the person, place or thing named, for the property specified. The inadvertent failure of the issuing judge or judge trial referee to state on the warrant the time of its issuance shall not in and of itself invalidate the warrant.

Sec. 45. Subsection (c) of section 54-56e of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(c) This section shall not be applicable: (1) To any person charged with a class A felony, a class B felony, except a violation of section 53a-122 that does not involve the use, attempted use or threatened use of physical force against another person, or a violation of section 14-227a, subdivision (2) of subsection (a) of section 53-21, section 53a-56b, 53a-60d, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b, 53a-90a, 53a-196e or 53a-196f, (2) to any person charged with a crime or motor vehicle violation who, as a result of the commission of such crime or motor vehicle violation, causes the death of another



person, (3) to any person accused of a family violence crime as defined in section 46b-38a who (A) is eligible for the pretrial family violence education program established under section 46b-38c, or (B) has previously had the pretrial family violence education program invoked in such person's behalf, (4) to any person charged with a violation of section 21a-267 or 21a-279 who (A) is eligible for the pretrial drug education program established under section 54-56i, or (B) has previously had the pretrial drug education program invoked in such person's behalf, (5) unless good cause is shown, to any person charged with a class C felony, [or] (6) to any person charged with a violation of section 9-359 or 9-359a or (7) to any person charged with a motor vehicle violation if such person holds a commercial driver's license or was operating a commercial motor vehicle, as defined in section 14-1 of the Connecticut General Statutes, at the time of the violation.

Sec. 46. Subsection (h) of section 54-56g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(h) The provisions of this section shall not be applicable in the case of any person charged with a violation of section 14-227a while operating a commercial motor vehicle, as defined in section 14-1, or who is the holder of a commercial driver's license or commercial driver's instruction permit.

Sec. 47. (NEW) (*Effective October 1, 2013*):

A violation of section 14-65f, 14-65g, 14-65h or 14-65i shall be an infraction. A violation of section 14-65j shall be a class B misdemeanor.



Agency Legislative Proposal - 2013 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

Proposal 2 2013

092812_DMV_GenRevisions

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency:

Department of Motor Vehicles

Liaison: Michael Bzdyra

Phone: 860-263-5032 (office); 860-881-8735 (cell)

E-mail: Michael.Bzdyra@ct.gov

Lead agency division requesting this proposal: Legal Services

Agency Analyst/Drafter of Proposal:

Sharon Geanuracos, Chief Legal Counsel

Phone: 860-263-5026

Email: Sharon.Geanuracos@ct.gov

Title of Proposal

An Act Concerning Ignition Interlock Device Restrictions

Statutory Reference

14-227a

Proposal Summary: During the 2012 session, section 14-227a was amended to place limitations on where a person with two convictions for operating under the influence (OUI) would be able to drive in his or her first year with an ignition interlock device (IID). This was done to bring Connecticut into compliance with existing federal law regarding repeat OUI offenders. The National Highway Traffic and Safety Administration (NHTSA) had urged passage of the law that included these limitations in order for Connecticut to avoid a transfer of federal funds. The Court Support Services Division had requested that we permit persons with limited IIDs to drive to probation appointments. That language was put into the original proposal in 2012. Late in the 2012 legislative session, NHTSA's Office of Chief Counsel indicated that including probation appointments was not consistent with the existing federal law, and that specific exception was removed from what became PA 12-178.

Shortly after the 2012 session ended, Congress passed the "Moving Ahead for Progress in the 21st Century Act" (MAP 21). It includes amendments to the repeat offender law. That law continues to require that limitations be placed on a repeat offender in his or her first year with an IID, but it authorizes states to impose the specific limitations



rather than dictating the limitations that states must include in their laws. Connecticut is now authorized to allow people with second convictions to be able to drive to probation appointments with an IID.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

• Reason for Proposal

Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary? Yes
(2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Yes/Unknown
(3) Have certain constituencies called for this action? Court Support Services Division
(4) What would happen if this was not enacted in law this session? Limits repeat offenders re: probation appointments

• Origin of Proposal ___ New Proposal ___x___ Resubmission

If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
(4) What was the last action taken during the past legislative session?

See Summary

PROPOSAL IMPACT

• Agencies Affected (please list for each affected agency)

Agency Name: Court Support Services Division (Judicial)
Agency Contact (name, title, phone): Deb Fuller, Dir. Of External Affairs 860.757.2270
Date Contacted: October 1, 2012
Approve of Proposal ___x___ YES ___NO ___Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? ___ YES ___x___ NO



• **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

| |
|---|
| Municipal (please include any municipal mandate that can be found within legislation) N/A |
| State N/A |
| Federal N/A |
| Additional notes on fiscal impact N/A |

• **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

| |
|-----|
| N/A |
|-----|

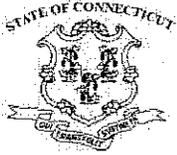
Insert fully drafted bill here

Sec. 1. Subsection (g) of section 14-227a as amended by section 2 of public act 12-178 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(g) Any person who violates any provision of subsection (a) of this section shall: (1) For conviction of a first violation, (A) be fined not less than five hundred dollars or more than one thousand dollars, and (B) be (i) imprisoned not more than six months, forty-eight consecutive hours of which may not be suspended or reduced in any manner, or (ii) imprisoned not more than six months, with the execution of such sentence of imprisonment suspended entirely and a period of probation imposed requiring as a condition of such probation that such person perform one hundred hours of community service, as defined in section 14-227e, and (C) have such person's motor vehicle



operator's license or nonresident operating privilege suspended for forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for the one-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j; (2) for conviction of a second violation within ten years after a prior conviction for the same offense, (A) be fined not less than one thousand dollars or more than four thousand dollars, (B) be imprisoned not more than two years, one hundred twenty consecutive days of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person: (i) Perform one hundred hours of community service, as defined in section 14-227e, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, and (iii) undergo a treatment program if so ordered, and (C) (i) if such person is under twenty-one years of age at the time of the offense, have such person's motor vehicle operator's license or nonresident operating privilege suspended for forty-five days or until the date of such person's twenty-first birthday, whichever is longer, and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for the three-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, except that for the first year of such three-year period, such person's operation of a motor vehicle shall be limited to such person's transportation to or from work or school, an alcohol or drug abuse treatment program, [or] an ignition interlock device service center or an appointment with a probation officer, or (ii) if such person is twenty-one years of age or older at the time of the offense, have such person's motor vehicle operator's license or nonresident operating privilege suspended for forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for the three-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, except that for the first year of such three-year period, such person's operation of a motor vehicle shall be limited to such person's transportation to or from work or school, an alcohol or drug abuse treatment program, [or] an ignition interlock device service center or an appointment with a probation officer; and (3) for conviction of a third and subsequent violation within ten years after a prior conviction for the same offense, (A) be fined not less than two thousand dollars or more than eight thousand dollars, (B) be



imprisoned not more than three years, one year of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person: (i) Perform one hundred hours of community service, as defined in section 14-227e, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, and (iii) undergo a treatment program if so ordered, and (C) have such person's motor vehicle operator's license or nonresident operating privilege permanently revoked upon such third offense, except that if such person's revocation is reversed or reduced pursuant to subsection (i) of section 14-111, as amended by this act, such person shall be prohibited from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, for the time period prescribed in subdivision (2) of subsection (i) of section 14-111. For purposes of the imposition of penalties for a second or third and subsequent offense pursuant to this subsection, a conviction under the provisions of subsection (a) of this section in effect on October 1, 1981, or as amended thereafter, a conviction under the provisions of either subdivision (1) or (2) of subsection (a) of this section, a conviction under the provisions of section 53a-56b or 53a-60d or a conviction in any other state of any offense the essential elements of which are determined by the court to be substantially the same as subdivision (1) or (2) of subsection (a) of this section or section 53a-56b or 53a-60d, shall constitute a prior conviction for the same offense.

Sec. 2. Subsection (i) of section 14-227a as amended by subsection 3 of public act 12-178 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(i) (1) The Commissioner of Motor Vehicles shall permit a person whose license has been suspended in accordance with the provisions of subparagraph (C) of subdivision (1) or subparagraph (C)(i) or (C)(ii) of subdivision (2) of subsection (g) of this section to operate a motor vehicle if (A) such person has served the suspension required under said subparagraph, notwithstanding that such person has not completed serving any suspension required under subsection (i) of section 14-227b, and (B) such person has installed an approved ignition interlock device in each motor vehicle owned or to be operated by such person, and verifies to the commissioner, in such manner as the commissioner prescribes, that such device has been installed. For a period of one year after the installation of an ignition interlock device by a person who is subject to subparagraph (C)(i) or (C)(ii) of subdivision (2) of subsection (g) of this section, such person's operation of a motor vehicle shall be limited to such person's transportation to or from work or school, an alcohol or drug abuse treatment program, or an ignition interlock device service center or an appointment with a probation officer. Except as



provided in sections 53a-56b and 53a-60d, no person whose license is suspended by the commissioner for any other reason shall be eligible to operate a motor vehicle equipped with an approved ignition interlock device.

(2) All costs of installing and maintaining an ignition interlock device shall be borne by the person required to install such device. No court sentencing a person convicted of a violation of subsection (a) of this section may waive any fees or costs associated with the installation and maintenance of an ignition interlock device.

(3) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this subsection. The regulations shall establish procedures for the approval of ignition interlock devices, for the proper calibration and maintenance of such devices and for the installation of such devices by any firm approved and authorized by the commissioner and shall specify acts by persons required to install and use such devices that constitute a failure to comply with the requirements for the installation and use of such devices, the conditions under which such noncompliance will result in an extension of the period during which such persons are restricted to the operation of motor vehicles equipped with such devices and the duration of any such extension. The commissioner shall ensure that such firm provide notice to both the commissioner and the Court Support Services Division of the Judicial Branch whenever a person required to install such device commits a violation with respect to the installation, maintenance or use of such device.

(4) The provisions of this subsection shall not be construed to authorize the continued operation of a motor vehicle equipped with an ignition interlock device by any person whose operator's license or nonresident operating privilege is withdrawn, suspended or revoked for any other reason.

(5) The provisions of this subsection shall apply to any person whose license has been suspended in accordance with the provisions of subparagraph (C) of subdivision (1) or subparagraph (C)(i) or (C)(ii) of subdivision (2) of subsection (g) of this section on or after January 1, 2012.

(6) Whenever a person is permitted by the commissioner under this subsection to operate a motor vehicle if such person has installed an approved ignition interlock device in each motor vehicle owned or to be operated by such person, the commissioner shall indicate in the electronic record maintained by the commissioner pertaining to such person's operator's license or driving history that such person is restricted to operating a motor vehicle that is equipped with an ignition interlock device and, if applicable, that such person's operation of a motor vehicle is limited to such person's



transportation to or from work or school, an alcohol or drug abuse treatment program, [or] an ignition interlock device service center or an appointment with a probation officer, and the duration of such restriction or limitation, and shall ensure that such electronic record is accessible by law enforcement officers. Any such person shall pay the commissioner a fee of one hundred dollars prior to the installation of such device.

(7) There is established the ignition interlock administration account which shall be a separate, nonlapsing account in the General Fund. The commissioner shall deposit all fees paid pursuant to subdivision (6) of this subsection in the account. Funds in the account may be used by the commissioner for the administration of this subsection.

(8) Notwithstanding any provision of the general statutes to the contrary, upon request of any person convicted of a violation of subsection (a) of this section whose operator's license is under suspension on January 1, 2012, the Commissioner of Motor Vehicles may reduce the term of suspension prescribed in subsection (g) of this section and place a restriction on the operator's license of such person that restricts the holder of such license to the operation of a motor vehicle that is equipped with an approved ignition interlock device, as defined in section 14-227j, for the remainder of such prescribed period of suspension.

(9) Any person required to install an ignition interlock device under this section shall be supervised by personnel of the Court Support Services Division of the Judicial Branch while such person is subject to probation supervision or by personnel of the Department of Motor Vehicles if such person is not subject to probation supervision, and such person shall be subject to any other terms and conditions as the commissioner may prescribe and any provision of the general statutes or the regulations adopted pursuant to subdivision (3) of this subsection not inconsistent herewith.

(10) Notwithstanding the periods prescribed in subsection (g) of this section and subdivision (2) of subsection (i) of section 14-111 during which a person is prohibited from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, such periods may be extended in accordance with the regulations adopted pursuant to subdivision (3) of this subsection.

Subsection (b) of section 14-36 as amended by section 37 of public act 12-81 is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

(b) (1) A person eighteen years of age or older who does not hold a motor vehicle operator's license may not operate a motor vehicle on the public highways of the state for the purpose of instruction until such person has applied for and obtained an adult instruction permit from the commissioner. Such person shall not be eligible for an adult instruction permit if such person has had a motor vehicle operator's license suspended or revoked. An adult instruction permit shall entitle the holder, while such holder has the permit in his or her immediate possession, to operate a motor vehicle on the public highways, provided such holder is under the instruction of, and accompanied by, a person who holds an instructor's license issued under the provisions of section 14-73 or a person twenty years of age or older who has been licensed to operate, for at least four years preceding the instruction, a motor vehicle of the same class as the motor vehicle being operated and who has not had his or her motor vehicle operator's license suspended by the commissioner during the four-year period preceding the instruction. A person must hold an adult instruction permit for a period of not less than ninety days as a condition of obtaining an operator's license. (2) A person holding a valid out-of-state motor vehicle operator's license may operate a motor vehicle for a period of thirty days following such person's establishment of residence in Connecticut, if the motor vehicle is of the same class as that for which his or her out-of-state motor vehicle operator's license was issued. (3) No person may cause or permit the operation of a motor vehicle by a person under sixteen years of age.