



General Assembly

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**Amendment**

LCO No. 4829

Offered by:

SEN. CIOTTO, 9<sup>th</sup> Dist.

REP. COCCO, 127<sup>th</sup> Dist.

To: Subst. Senate Bill No. 98

File No. 253

Cal. No. 220

***"An Act Revising Certain Motor Vehicle Laws."***

1 In line 12, strike the brackets around "or motorcycle"

2 Strike lines 67 to 82, inclusive, in their entirety, and insert the  
3 following in lieu thereof:

4 "Sec. 4. Subsection (q) of section 14-49 of the general statutes is  
5 repealed and the following is substituted in lieu thereof:

6 (q) The commissioner shall collect a biennial fee of twenty-eight  
7 dollars for the registration of each motor vehicle used exclusively for  
8 farming purposes. No such motor vehicle may be used for the purpose  
9 of transporting goods for hire or taking the on-the-road skills test  
10 portion of the examination for a motor vehicle operator's license. No  
11 farm registration shall be issued to any person operating a farm that  
12 has gross annual sales of less than two thousand five hundred dollars  
13 in the calendar year preceding registration. The commissioner may  
14 issue a farm registration for a passenger motor vehicle under such  
15 conditions as [he] such commissioner shall prescribe in regulations

16 adopted in accordance with chapter 54. No motor vehicle issued a farm  
17 registration may be used to transport ten or more passengers on any  
18 highway unless such motor vehicle meets the requirements for  
19 equipment and mechanical condition set forth in this chapter, and, in  
20 the case of a vehicle used to transport more than fifteen passengers,  
21 including the driver, the applicable requirements of the Code of  
22 Federal Regulations, as adopted by the commissioner, in accordance  
23 with the provisions of subsection (a) of section 14-163c. The operator of  
24 such motor vehicle used to transport ten or more passengers shall hold  
25 a public transportation permit or endorsement issued in accordance  
26 with the provisions of section 14-44. Any farm registration used  
27 otherwise than as provided by this subsection shall be revoked."

28 In line 97, after "or" insert "brake"

29 After line 602, insert the following:

30 "Sec. 27. Section 14-163b of the general statutes is repealed and the  
31 following is substituted in lieu thereof:

32 Any person who is the owner or who becomes the owner of any  
33 motor vehicle originally designed for use primarily as an ambulance  
34 and who ceases to use such vehicle for its original or former purpose  
35 shall remove therefrom all exterior indication of and all exterior  
36 equipment solely used or related to the original or former use of such  
37 vehicle. The provisions of this section shall not apply to any motor  
38 vehicle registered as an antique, rare or special interest motor vehicle,  
39 in accordance with section 14-20, as amended by this act.

40 Sec. 28. Subsection (b) of section 14-261b of the general statutes is  
41 repealed and the following is substituted in lieu thereof:

42 (b) Notwithstanding the provisions of sections 31-51t to 31-51aa,  
43 inclusive, (1) any person employing a driver of a commercial motor  
44 vehicle, as defined in section 14-1, operating in intrastate commerce in  
45 the state shall require such driver to submit to testing as provided by  
46 federal law pursuant to 49 USC [3102] 31306 and 49 CFR Parts 382 and

47 391, and (2) any person employing a driver of a motor vehicle with a  
48 gross vehicle weight rating of ten thousand and one pounds or more  
49 but not more than twenty-six thousand pounds, a mechanic who  
50 repairs or services such a vehicle or a commercial motor vehicle, as  
51 defined in section 14-1, or a forklift operator may require such driver,  
52 mechanic or operator to submit to testing as provided by federal law  
53 pursuant to 49 USC 3102 and 49 CFR Parts 382 and 391.

54 Sec. 29. Subsection (d) of section 14-164c of the general statutes is  
55 repealed and the following is substituted in lieu thereof:

56 (d) No motor vehicle shall be operated upon the highways of this  
57 state unless such vehicle has evidence of inspection and compliance  
58 with subsection (c) of this section in accordance with a schedule for  
59 inspection and compliance as established by the commissioner. The  
60 commissioner shall grant waivers from compliance with standards for  
61 vehicles which fail any required inspection and require an  
62 unreasonable cost of repair to bring the vehicle into compliance. The  
63 commissioner may determine compliance of a vehicle that has failed a  
64 [transient] emissions retest by means of a complete physical and  
65 functional diagnosis and inspection of the vehicle, in accordance with  
66 the provisions of 40 CFR Part 51.360, showing that no additional  
67 emissions-related repairs are needed. [For purposes of this chapter, a  
68 transient emissions test or retest means a procedure performed in  
69 accordance with the provisions of 40 CFR Part 51.357.] An extension of  
70 time, not to exceed the period of inspection frequency, may be granted  
71 to obtain needed repairs on a vehicle in the case of economic hardship  
72 of the owner. Only one such extension may be granted for any vehicle.  
73 The commissioner shall design a sticker to be affixed to the windshield  
74 of such vehicle which shall bear the date of expiration of the assigned  
75 inspection period on both sides. As used in this section, "unreasonable  
76 cost of repair" means cost of repair in excess of the amounts required  
77 to be expended by Title 40, Part 51.360 of the Code of Federal  
78 Regulations, as amended.

79 Sec. 30. Subsection (e) of section 14-164c of the general statutes is

80 repealed and the following is substituted in lieu thereof:

81 (e) In order to provide for emissions inspection facilities, the  
82 commissioner shall enter into a negotiated inspection agreement or  
83 agreements, notwithstanding chapters 50, ~~58~~, 59 and 60, with an  
84 independent contractor or contractors, to provide for the leasing,  
85 construction, equipping, maintenance or operation of a system of  
86 official emissions inspection stations in such numbers and locations as  
87 may be required to provide vehicle owners reasonably convenient  
88 access to inspection facilities. The commissioner may employ such  
89 system and the services of such contractor or contractors to conduct  
90 safety inspections as provided by section 14-16a, as amended by this  
91 act, subsection (g) of section 14-12, as amended and section 14-103a.  
92 The commissioner is prohibited from entering into an inspection  
93 agreement with any independent contractor who: (1) Is engaged in the  
94 business of maintaining or repairing vehicles in this state, except that  
95 the independent contractor shall not be precluded from maintaining or  
96 repairing any vehicle owned or operated by the independent  
97 contractor; or (2) does not have the capability, resources or technical  
98 and management skill to adequately conduct, equip, operate and  
99 maintain a sufficient number of official emissions inspection stations.  
100 All persons employed by the independent contractor in the  
101 performance of an inspection agreement are deemed to be employees  
102 of the independent contractor and not of this state. The inspection  
103 agreement or agreements authorized by this section shall be subject to  
104 other provisions as follows: (A) [Contracts for performance of  
105 inspections for a minimum term of five years; (B)] minimum  
106 requirements for staff, equipment, management and hours and place  
107 of operation of official emissions inspection stations; [(C)] (B) reports  
108 and documentation concerning the operation of official emissions  
109 inspection stations as the commissioner may require; [(D)] (C)  
110 surveillance privileges for the commissioner to ensure compliance with  
111 standards, procedures, rules, regulations and laws; and [(E)] (D) any  
112 other provision deemed necessary by the commissioner for the  
113 administration of the inspection agreement. Nothing in the inspection

114 agreement shall require the state to purchase any asset or assume any  
115 liability if such agreement is not renewed.

116 Sec. 31. Subsection (g) of section 14-164c of the general statutes, as  
117 amended by section 18 of public act 99-268 is repealed and the  
118 following is substituted lieu thereof:

119 (g) The commissioner, with approval of the Secretary of the Office of  
120 Policy and Management, shall establish, and from time to time modify,  
121 the inspection fees, not to exceed ten dollars per [inspection] annual  
122 inspection or twenty dollars for each biennial inspection or  
123 reinspection required pursuant to this chapter for inspections  
124 performed at official emissions inspection stations. If the costs to the  
125 state of the emissions inspection program, including administrative  
126 costs and payments to any independent contractor, exceed the income  
127 from such inspection fees, such excess costs shall be borne by the state.  
128 Any person whose vehicle has been inspected at an official emissions  
129 inspection station shall, if such vehicle is found not to comply with any  
130 required standards, have the vehicle repaired and have the right  
131 within thirty consecutive calendar days to return such vehicle for one  
132 reinspection without charge, provided, where the thirtieth day falls on  
133 any day when the official emissions inspection station is closed for  
134 business, such person may return his vehicle for reinspection on the  
135 next day on which such station is open for business. The commissioner  
136 shall assess a late fee of twenty dollars for the emissions inspection of a  
137 motor vehicle performed at an official emissions inspection station  
138 later than thirty days after the expiration date of the assigned  
139 inspection period provided the commissioner may waive such late fee  
140 when it is proven to his satisfaction that the failure to have the vehicle  
141 inspected within thirty days of the assigned inspection period was due  
142 to exigent circumstances. If ownership of the motor vehicle has been  
143 transferred subsequent to the expiration date of the assigned  
144 inspection period and the new owner has such motor vehicle inspected  
145 within thirty days of the registration of such motor vehicle, the  
146 commissioner shall waive the late fee. If the thirtieth day falls on any  
147 day when the official emissions inspection station is closed for

148 business, such vehicle may be inspected on the next day on which such  
149 station is open for business and no late fee shall be assessed. [Fifty per  
150 cent of such late fees received by the commissioner pursuant to this  
151 subsection shall be deposited in the General Fund and the remainder  
152 shall be deposited in the Emissions Enterprise Fund.] The ten-dollar  
153 fee imposed pursuant to this subsection shall terminate at the  
154 expiration of the negotiated agreement in effect [on June 1, 1992] on the  
155 effective date of this act. The commissioner shall then establish a  
156 temporary inspection fee to remain in effect until such time as the  
157 General Assembly establishes a new fee.

158 Sec. 32. Subsection (j) of section 14-164c of the general statutes is  
159 repealed and the following is substituted in lieu thereof:

160 (j) No person, firm or corporation shall operate or allow to be  
161 operated any motor vehicle that has not been inspected and found to  
162 be in compliance with the provisions of subsections (c), (d) and (f) and  
163 the regulations adopted by the commissioner. Operation in violation of  
164 subsections (c), (d) and (f) and the regulations adopted by the  
165 commissioner shall be an infraction for each violation, except that the  
166 fine for a first violation shall be thirty-five dollars. [, and the  
167 commissioner may suspend the registration of any vehicle in violation  
168 of the provisions of said subsections or regulations until the owner has  
169 complied with the requirements of this section.] The commissioner  
170 may deny the issuance of registration to the owner of a motor vehicle,  
171 or the renewal of registration to any such owner, or suspend any  
172 registration that has been issued, if such motor vehicle is not in  
173 compliance with the inspection requirements of this chapter.

174 Sec. 33. Section 14-10 of the general statutes, as amended by section  
175 2 of public act 99-77, section 1 of public act 99-232 and section 28 of  
176 public act 99-268, is repealed and the following is substituted in lieu  
177 thereof:

178 (a) For the purposes of this section:

179 (1) "Disclose" means to engage in any practice or conduct to make

180 available and make known, by any means of communication, personal  
181 information contained in a motor vehicle record pertaining to an  
182 individual to any other individual, organization or entity;

183 (2) "Motor vehicle record" means any record that pertains to an  
184 operator's license, learner's permit, identity card, registration,  
185 certificate of title or any other document issued by the Department of  
186 Motor Vehicles;

187 (3) "Personal information" means information that identifies an  
188 individual and includes an individual's photograph or computerized  
189 image, Social Security number, operator's license number, name,  
190 address other than the zip code, telephone number, or medical or  
191 disability information, but does not include information on motor  
192 vehicle accidents or violations, or information relative to the status of  
193 an operator's license, registration or insurance coverage; and

194 (4) ["Consent" means a written authorization signed] "Express  
195 consent means an affirmative agreement given by the individual who  
196 is the subject of personal information that specifically grants  
197 permission to the department to release such information to the  
198 requesting party. Such agreement shall (A) be in writing or such other  
199 form as the commissioner may determine in regulations adopted in  
200 accordance with the provisions of chapter 54, and (B) specify a  
201 procedure for the individual to withdraw such consent, as provided in  
202 regulations adopted in accordance with the provisions of chapter 54.

203 (b) A number shall be assigned to each motor vehicle registration  
204 and operator's license and a record of all applications for motor vehicle  
205 registrations and operators' licenses issued shall be kept by the  
206 commissioner at the main office of the Department of Motor Vehicles.

207 (c) (1) All records of the Department of Motor Vehicles pertaining to  
208 the application for registration, and the registration, of motor vehicles  
209 of the current or previous three years shall be maintained by the  
210 commissioner at the main office of the department. Any such records  
211 over three years old may be destroyed at the discretion of the

212 commissioner. (2) Before disclosing personal information pertaining to  
213 an applicant or registrant from such motor vehicle records or allowing  
214 the inspection of any such record containing such personal information  
215 in the course of any transaction conducted at such main office, the  
216 commissioner shall ascertain whether such disclosure is authorized  
217 under subsection (f) of this section, and require the person or entity  
218 making the request to (A) complete an application that shall be on a  
219 form prescribed by the commissioner, (B) provide two forms of  
220 acceptable identification and (C) pay a fee of fifteen dollars to the  
221 commissioner in addition to any fee required under section 14-50a. An  
222 attorney-at-law admitted to practice in this state may provide juris  
223 number to the commissioner in lieu of the requirements of  
224 subparagraph (B) of this subdivision. The commissioner may disclose  
225 such personal information or permit the inspection of such record  
226 containing such information only if such disclosure is authorized  
227 under subsection (f) of this section.

228 (d) The commissioner may disclose personal information from a  
229 motor vehicle record pertaining to an operator's license or a driving  
230 history or permit the inspection or copying of any such record or  
231 history containing such information in the course of any transaction  
232 conducted at the main office of the department only if such disclosure  
233 is authorized under subsection (f) of this section. Any such records  
234 over five years old may be destroyed at the discretion of the  
235 commissioner.

236 (e) In the event (1) a federal court judge, federal court magistrate or  
237 judge of the Superior Court, Appellate Court or Supreme Court of the  
238 state, (2) a member of a municipal police department or a member of  
239 the Division of State Police within the Department of Public Safety, (3)  
240 an employee of the Department of Correction, (4) an attorney-at-law  
241 who represents or has represented the state in a criminal prosecution,  
242 or (5) a member or employee of the Board of Parole submits a written  
243 request and furnishes such individual's business address to the  
244 commissioner, such business address only shall be disclosed or  
245 available for public inspection to the extent authorized by this section.

246 (f) The commissioner may disclose personal information from a  
247 motor vehicle record to (1) any federal, state or local government  
248 agency in carrying out its functions or to any individual or entity  
249 acting on behalf of any such agency, or (2) any individual, organization  
250 or entity that signs and files with the commissioner, under penalty of  
251 false statement as provided in section 53a-157b, a statement on a form  
252 approved by the commissioner, together with such supporting  
253 documentation or information as the commissioner may require, that  
254 such information will be used for any of the following purposes:

255 (A) In connection with matters of motor vehicle or driver safety and  
256 theft, motor vehicle emissions, motor vehicle product alterations,  
257 recalls or advisories, performance monitoring of motor vehicles and  
258 dealers by motor vehicle manufacturers and removal of nonowner  
259 records from the original owner records of motor vehicle  
260 manufacturers to implement the provisions of the federal Automobile  
261 Information Disclosure Act, 15 USC 1231 et seq., the Motor Vehicle  
262 Information and Cost Saving Act, 15 USC 1901 et seq., the National  
263 Traffic and Motor Vehicle Safety Act of 1966, 15 USC 1381 et seq., Anti-  
264 Car Theft Act of 1992, 15 USC 2021 et seq., and the Clean Air Act, 42  
265 USC 7401 et seq., as amended from time to time, and any provision of  
266 the general statutes enacted to attain compliance with said federal acts;

267 (B) In the normal course of business by the requesting party, but  
268 only to confirm the accuracy of personal information submitted by the  
269 individual to the requesting party;

270 (C) In connection with any civil, criminal, administrative or arbitral  
271 proceeding in any court or government agency or before any self-  
272 regulatory body, including the service of process, an investigation in  
273 anticipation of litigation and the execution or enforcement of  
274 judgments and orders, or pursuant to an order of any court provided  
275 the requesting party is a party in interest to such proceeding;

276 (D) In connection with matters of motor vehicle or driver safety and  
277 theft, motor vehicle emissions, motor vehicle product alterations,

278 recalls or advisories, performance monitoring of motor vehicles and  
279 motor vehicle parts and dealers, motor vehicle market research  
280 activities including survey research, motor vehicle product and service  
281 communications, and removal of nonowner records from the original  
282 owner records of motor vehicle manufacturers, provided the personal  
283 information is not published, disclosed or used to contact individuals  
284 except as permitted under subparagraph (A) of this subdivision;

285 (E) By any insurer or insurance support organization or by a self-  
286 insured entity or its agents, employees or contractors, in connection  
287 with the investigation of claims arising under insurance policies,  
288 antifraud activities, rating or underwriting;

289 (F) In providing any notice required by law to owners or lienholders  
290 named in the certificate of title of towed, abandoned or impounded  
291 motor vehicles;

292 (G) By an employer or its agent or insurer to obtain or verify  
293 information relating to a holder of a passenger endorsement or  
294 commercial driver's license required under the federal Commercial  
295 Motor Vehicle Safety Act of 1986, 49 USC 2304 et seq., and sections 14-  
296 44 to 14-44m, inclusive, as amended;

297 (H) In connection with any lawful purpose of a labor organization,  
298 as defined in section 31-77, provided (i) such organization has entered  
299 into a contract with the commissioner, on such terms and conditions as  
300 the commissioner may require, and (ii) the information will be used  
301 only for the purposes specified in the contract other than campaign or  
302 political purposes;

303 (I) For bulk distribution for surveys, marketing or solicitations  
304 provided the commissioner has [entered into a contract with the  
305 requesting individual, organization or entity under the provisions of  
306 subsection (b) of section 14-50a and the Department of Motor Vehicles  
307 has implemented methods and procedures that ensure that (i)  
308 individuals are provided an opportunity, in a clear and conspicuous  
309 manner, to prohibit such uses, and (ii) the information will be used

310 only for the purposes specified in the contract, and such surveys,  
311 marketing and solicitations will not be directed to any individual who  
312 has requested in a timely manner that such material not be directed to  
313 such individual.] obtained the express consent of the individual to  
314 whom such personal information pertains;

315 (j) For the purpose of preventing fraud by verifying the accuracy of  
316 personal information contained in a motor vehicle record, including an  
317 individual's photograph or computerized image, as submitted by an  
318 individual to a legitimate business or an agent, employee or contractor  
319 of a legitimate business, provided the individual has provided express  
320 consent in accordance with subdivision (4) of subsection (a) of this  
321 section.

322 (g) Any person receiving personal information from a motor vehicle  
323 record pursuant to subsection (f) of this section shall be entitled to use  
324 such information for any of the purposes set forth in said subsection.

325 (h) Notwithstanding any provision of this section, the disclosure of  
326 personal information from a motor vehicle record pursuant to  
327 subsection (f) of this section shall be subject to the provisions of section  
328 14-50a concerning (1) the fees that shall be charged for copies of or  
329 information pertaining to motor vehicle records and (2) the authority  
330 of the commissioner to establish fees for information furnished on a  
331 volume basis in accordance with such terms and conditions regarding  
332 the use and distribution of such information as the commissioner may  
333 prescribe.

334 [(i) Notwithstanding the provisions of this section, the  
335 commissioner shall not, on or before June 30, 2000, offer for sale or sell  
336 individual photographs or computerized images collected for the  
337 purpose of producing motor vehicle operator licenses.]

338 [(j)] (i) Notwithstanding any provision of this section that restricts or  
339 prohibits the disclosure of personal information from a motor vehicle  
340 record, the commissioner may disclose personal information contained  
341 in any such record to any individual who is the subject of such

342 personal information or to any person who certifies under penalty of  
343 false statement that such person has obtained the express consent of  
344 the subject of such personal information.

345 [(k)] (j) The commissioner may adopt regulations in accordance with  
346 chapter 54 to implement the provisions of this section.

347 Sec. 34. Subsection (h) of section 14-253a of the general statutes, as  
348 amended by sections 25 and 44 of public act 99-268, is repealed and the  
349 following is substituted in lieu thereof:

350 (h) Parking spaces designated for the handicapped on or after  
351 October 1, 1979, shall be as near as possible to a building entrance or  
352 walkway and shall be [sixteen] fifteen feet wide including [seven]  
353 three feet of cross hatch, or parallel to a sidewalk on a public highway.  
354 Such spaces shall be designated by above grade signs with white  
355 lettering against a blue background and shall bear the words  
356 "handicapped parking permit required" and "violators will be fined".  
357 Such sign shall also bear the international symbol of access. When such  
358 a sign is replaced, repaired or erected it shall indicate the minimum  
359 fine for a violation of subsection (f) of this section. Such indicator may  
360 be in the form of a notice affixed to such a sign.

361 Sec. 35. Subdivision (61) of subsection (a) of section 14-1 of the  
362 general statutes is repealed and the following is substituted in lieu  
363 thereof:

364 (61) "Person" includes any individual, corporation, limited liability  
365 company, association, copartnership, company, firm, business trust or  
366 other aggregation of individuals but does not include the state or any  
367 political subdivision thereof, unless the context clearly states or  
368 requires.

369 Sec. 36. This act shall take effect from its passage except that sections  
370 1 to 30, inclusive, and sections 32 and 35 shall take effect October 1,  
371 2000."