



General Assembly

February Session, 2000

Amendment

LCO No. 4611

Offered by:

SEN. CIOTTO, 9th Dist.

REP. COCCO, 127th 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 After line 602, insert the following:

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

4 After line 602, insert the following:

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 Section 14-163b of the general statutes is repealed and the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

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

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16 repealed and the following is substituted in lieu thereof:

17 (b) Notwithstanding the provisions of sections 31-51t to 31-51aa,
18 inclusive, (1) any person employing a driver of a commercial motor
19 vehicle, as defined in section 14-1, operating in intrastate commerce in
20 the state shall require such driver to submit to testing as provided by
21 federal law pursuant to 49 USC [3102] 31306 and 49 CFR Parts 382 and
22 391, and (2) any person employing a driver of a motor vehicle with a
23 gross vehicle weight rating of ten thousand and one pounds or more
24 but not more than twenty-six thousand pounds, a mechanic who
25 repairs or services such a vehicle or a commercial motor vehicle, as
26 defined in section 14-1, or a forklift operator may require such driver,
27 mechanic or operator to submit to testing as provided by federal law
28 pursuant to 49 USC 3102 and 49 CFR Parts 382 and 391.

29 Sec. 29. Subsection (q) of section 14-49 of the general statutes is
30 repealed and the following is substituted in lieu thereof:

31 (q) The commissioner shall collect a biennial fee of twenty-eight
32 dollars for the registration of each motor vehicle used exclusively for
33 farming purposes. No such motor vehicle may be used for the purpose
34 of transporting goods for hire or taking the on-the-road skills test
35 portion of the examination for a motor vehicle operator's license. No
36 farm registration shall be issued to any person operating a farm that
37 has gross annual sales of less than two thousand five hundred dollars
38 in the calendar year preceding registration. The commissioner may
39 issue a farm registration for a passenger motor vehicle under such
40 conditions as [he] such commissioner shall prescribe in regulations
41 adopted in accordance with chapter 54. No motor vehicle issued a
42 farm registration may be used to transport ten or more passengers on
43 any highway unless such motor vehicle meets the requirements for
44 equipment and mechanical condition set forth in this chapter, and, in
45 the case of a vehicle used to transport more than fifteen passengers,
46 including the driver, the applicable requirements of the Code of
47 Federal Regulations, as adopted by the commissioner, in accordance

48 with the provisions of subsection (a) of section 14-163c. The operator of
49 such motor vehicle used to transport ten or more passengers shall hold
50 a public transportation permit or endorsement issued in accordance
51 with the provisions of section 14-44. Any farm registration used
52 otherwise than as provided by this subsection shall be revoked.

53 Sec. 30. Subsection (d) of section 14-164c of the general statutes is
54 repealed and the following is substituted in lieu thereof:

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

78 Sec. 31. Subsection (e) of section 14-164c of the general statutes is
79 repealed and the following is substituted in lieu thereof:

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

115 Sec. 32. Subsection (g) of section 14-164c of the general statutes, as
116 amended by section 18 of public act 99-268 is repealed and the
117 following is substituted lieu thereof:

118 (g) The commissioner, with approval of the Secretary of the Office of
119 Policy and Management, shall establish, and from time to time modify,
120 the inspection fees, not to exceed ten dollars per [inspection] year,
121 required pursuant to this chapter for inspections performed at official
122 emissions inspection stations. If the costs to the state of the emissions
123 inspection program, including administrative costs and payments to
124 any independent contractor, exceed the income from such inspection
125 fees, such excess costs shall be borne by the state. Any person whose
126 vehicle has been inspected at an official emissions inspection station
127 shall, if such vehicle is found not to comply with any required
128 standards, have the vehicle repaired and have the right within thirty
129 consecutive calendar days to return such vehicle for one reinspection
130 without charge, provided, where the thirtieth day falls on any day
131 when the official emissions inspection station is closed for business,
132 such person may return his vehicle for reinspection on the next day on
133 which such station is open for business. The commissioner shall assess
134 a late fee of twenty dollars for the emissions inspection of a motor
135 vehicle performed at an official emissions inspection station later than
136 thirty days after the expiration date of the assigned inspection period
137 provided the commissioner may waive such late fee when it is proven
138 to his satisfaction that the failure to have the vehicle inspected within
139 thirty days of the assigned inspection period was due to exigent
140 circumstances. If ownership of the motor vehicle has been transferred
141 subsequent to the expiration date of the assigned inspection period
142 and the new owner has such motor vehicle inspected within thirty
143 days of the registration of such motor vehicle, the commissioner shall
144 waive the late fee. If the thirtieth day falls on any day when the official
145 emissions inspection station is closed for business, such vehicle may be
146 inspected on the next day on which such station is open for business
147 and no late fee shall be assessed. [Fifty per cent of such late fees
148 received by the commissioner pursuant to this subsection shall be

149 deposited in the General Fund and the remainder shall be deposited in
150 the Emissions Enterprise Fund.] The ten-dollar fee imposed pursuant
151 to this subsection shall terminate at the expiration of the negotiated
152 agreement in effect [on June 1, 1992] on the effective date of this act.
153 The commissioner shall then establish a temporary inspection fee to
154 remain in effect until such time as the General Assembly establishes a
155 new fee.

156 Sec. 33. Subsection (j) of section 14-164c of the general statutes is
157 repealed and the following is substituted in lieu thereof:

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

172 Sec. 34. Section 14-10 of the general statutes, as amended by section
173 2 of public act 99-77, section 1 of public act 99-232 and section 28 of
174 public act 99-268, is repealed and the following is substituted in lieu
175 thereof:

176 (a) For the purposes of this section:

177 (1) "Disclose" means to engage in any practice or conduct to make
178 available and make known, by any means of communication, personal
179 information contained in a motor vehicle record pertaining to an
180 individual to any other individual, organization or entity;

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

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

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

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

205 (c) (1) All records of the Department of Motor Vehicles pertaining to
206 the application for registration, and the registration, of motor vehicles
207 of the current or previous three years shall be maintained by the
208 commissioner at the main office of the department. Any such records
209 over three years old may be destroyed at the discretion of the
210 commissioner. (2) Before disclosing personal information pertaining to
211 an applicant or registrant from such motor vehicle records or allowing
212 the inspection of any such record containing such personal information

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

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

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

244 (f) The commissioner may disclose personal information from a
245 motor vehicle record to (1) any federal, state or local government

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

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

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

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

274 (D) In connection with matters of motor vehicle or driver safety and
275 theft, motor vehicle emissions, motor vehicle product alterations,
276 recalls or advisories, performance monitoring of motor vehicles and
277 motor vehicle parts and dealers, motor vehicle market research

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

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

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

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

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

301 (I) For bulk distribution for surveys, marketing or solicitations
302 provided the commissioner has [entered into a contract with the
303 requesting individual, organization or entity under the provisions of
304 subsection (b) of section 14-50a and the Department of Motor Vehicles
305 has implemented methods and procedures that ensure that (i)
306 individuals are provided an opportunity, in a clear and conspicuous
307 manner, to prohibit such uses, and (ii) the information will be used
308 only for the purposes specified in the contract, and such surveys,
309 marketing and solicitations will not be directed to any individual who

310 has requested in a timely manner that such material not be directed to
311 such individual.] obtained the express consent of the individual to
312 whom such personal information pertains;

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

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

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

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

336 [(j)] (i) Notwithstanding any provision of this section that restricts or
337 prohibits the disclosure of personal information from a motor vehicle
338 record, the commissioner may disclose personal information contained
339 in any such record to any individual who is the subject of such
340 personal information or to any person who certifies under penalty of
341 false statement that such person has obtained the express consent of

342 the subject of such personal information.

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

345 Sec. 35. Subsection (h) of section 14-253a of the general statutes, as
346 amended by sections 25 and 44 of public act 99-268, is repealed and the
347 following is substituted in lieu thereof:

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

359 Sec. 36. Subdivision (61) of subsection (a) of section 14-1 of the
360 general statutes is repealed and the following is substituted in lieu
361 thereof:

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

367 Sec. 37. This act shall take effect from its passage except that sections
368 1 to 31, inclusive, and sections 33 and 36 shall take effect October 1,
369 2000."