



Senate

General Assembly

File No. 448

February Session, 2002

Substitute Senate Bill No. 20

Senate, April 11, 2002

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT REVISING CERTAIN MOTOR VEHICLE LAWS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 14-1 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2002*):

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

8 (1) "Agricultural tractor" means a tractor or other form of
9 nonmuscular motive power used for transporting, hauling, plowing,
10 cultivating, planting, harvesting, reaping or other agricultural
11 purposes on any farm or other private property, or used for the
12 purpose of transporting, from one farm to another, agricultural
13 implements and farm products, provided the agricultural tractor is not

14 used on any highway for transporting a pay load or for some other
15 commercial purpose;

16 (2) "Antique, rare or special interest motor vehicle" means a motor
17 vehicle twenty-five years old or older which is being preserved
18 because of historic interest and which is not altered or modified from
19 the original manufacturer's specifications;

20 (3) "Apparent candle power" means an illumination equal to the
21 normal illumination in foot candles produced by any lamp or lamps,
22 divided by the square of the distance in feet between the lamp or
23 lamps and the point at which the measurement is made;

24 (4) "Authorized emergency vehicle" means (A) a fire department
25 vehicle, (B) a police vehicle, or (C) a public service company or
26 municipal department ambulance or emergency vehicle designated or
27 authorized for use as an authorized emergency vehicle by the
28 commissioner;

29 (5) "Auxiliary driving lamp" means an additional lighting device on
30 a motor vehicle used primarily to supplement the general illumination
31 in front of a motor vehicle provided by the motor vehicle's head lamps;

32 (6) "Bulb" means a light source consisting of a glass bulb containing
33 a filament or substance capable of being electrically maintained at
34 incandescence;

35 (7) "Camp trailer" includes any trailer designed and used
36 exclusively for camping or recreational purposes;

37 (8) "Camper" means any motor vehicle designed or permanently
38 altered in such a way as to provide temporary living quarters for
39 travel, camping or recreational purposes;

40 (9) "Combination registration" means the type of registration issued
41 to a motor vehicle used for both private passenger and commercial
42 purposes if such vehicle does not have a gross vehicle weight rating in
43 excess of ten thousand pounds;

44 (10) "Commercial driver's license" or "CDL" means a license issued
45 to an individual in accordance with the provisions of sections 14-44a to
46 14-44m, inclusive, which authorizes such individual to drive a
47 commercial motor vehicle;

48 (11) "Commercial motor vehicle" means a vehicle designed or used
49 to transport passengers or property, except a vehicle used within one
50 hundred fifty miles of a farm in connection with the operation of such
51 farm, fire fighting apparatus or other authorized emergency vehicles,
52 or a recreational vehicle in private use, which (A) has a gross vehicle
53 weight rating of twenty-six thousand and one pounds or more; (B) is
54 designed to transport sixteen or more passengers, including the driver,
55 or is designed to transport more than ten passengers, including the
56 driver, and is used to transport students under the age of twenty-one
57 years to and from school; or (C) is transporting hazardous materials
58 and is required to be placarded in accordance with the Code of Federal
59 Regulations Title 49, Part 172, Subpart F, as amended;

60 (12) "Commercial registration" means the type of registration
61 required for any motor vehicle designed or used to transport
62 merchandise, freight or persons in connection with any business
63 enterprise, unless a more specific type of registration is authorized and
64 issued by the commissioner for such class of vehicle;

65 (13) "Commercial trailer" means a trailer used in the conduct of a
66 business to transport freight, materials or equipment whether or not
67 permanently affixed to the bed of the trailer;

68 (14) "Commissioner" includes the Commissioner of Motor Vehicles
69 and any assistant to the Commissioner of Motor Vehicles who is
70 designated and authorized by, and who is acting for, the
71 Commissioner of Motor Vehicles under a designation; except that the
72 Deputy Commissioners of Motor Vehicles and the Attorney General
73 are deemed, unless the Commissioner of Motor Vehicles otherwise
74 provides, to be designated and authorized by, and acting for, the
75 Commissioner of Motor Vehicles under a designation;

76 (15) "Controlled substance" has the same meaning as in section 21a-
77 240 and the federal laws and regulations incorporated in chapter 420b;

78 (16) "Conviction" means an unvacated adjudication of guilt, or a
79 determination that a person has violated or failed to comply with the
80 law in a court of original jurisdiction or an authorized administrative
81 tribunal, an unvacated forfeiture of bail or collateral deposited to
82 secure the person's appearance in court, the payment of a fine or court
83 cost, or violation of a condition of release without bail, regardless of
84 whether or not the penalty is rebated, suspended or probated;

85 (17) "Dealer" includes any person actively engaged in buying,
86 selling or exchanging motor vehicles or trailers who has an established
87 place of business in this state and who may, incidental to such
88 business, repair motor vehicles or trailers, or cause them to be repaired
89 by persons in his or her employ;

90 (18) "Disqualification" means a withdrawal of the privilege to drive
91 a commercial motor vehicle, which occurs as a result of (A) any
92 suspension or revocation by the commissioner of the privilege to
93 operate a motor vehicle; (B) a determination by the Federal Highway
94 Administration, under the rules of practice for motor carrier safety
95 contained in the Code of Federal Regulations Title 49, Part 386, as
96 amended, that a person is no longer qualified to operate a commercial
97 motor vehicle under the standards of the Code of Federal Regulations
98 Title 49, Part 391, as amended; or (C) the loss of qualification which
99 automatically follows any of the convictions specified in section 14-
100 44k;

101 (19) "Drive" means to drive, operate or be in physical control of a
102 motor vehicle, including a motor vehicle being towed by another;

103 (20) "Driver" means any person who drives, operates or is in
104 physical control of a commercial motor vehicle, or who is required to
105 hold a commercial driver's license;

106 (21) "Driver's license" or "operator's license" means a valid

107 Connecticut motor vehicle operator's license or a license issued by
108 another state or foreign jurisdiction authorizing the holder thereof to
109 operate a motor vehicle on the highways;

110 (22) "Employee" means any operator of a commercial motor vehicle,
111 including full-time, regularly employed drivers, casual, intermittent or
112 occasional drivers, drivers under contract and independent, owner-
113 operator contractors, who, while in the course of operating a
114 commercial motor vehicle, are either directly employed by, or are
115 under contract to, an employer;

116 (23) "Employer" means any person, including the United States, a
117 state or any political subdivision thereof, who owns or leases a
118 commercial motor vehicle, or assigns a person to drive a commercial
119 motor vehicle;

120 (24) "Farm implement" means a vehicle designed and adapted
121 exclusively for agricultural, horticultural or livestock-raising
122 operations and which is not operated on a highway for transporting a
123 pay load or for any other commercial purpose;

124 (25) "Felony" means any offense as defined in section 53a-25 and
125 includes any offense designated as a felony under federal law;

126 (26) "Foreign jurisdiction" means any jurisdiction other than a state
127 of the United States;

128 (27) "Fuels" means (A) all products commonly or commercially
129 known or sold as gasoline, including casinghead and absorption or
130 natural gasoline, regardless of their classification or uses, (B) any liquid
131 prepared, advertised, offered for sale or sold for use, or commonly and
132 commercially used, as a fuel in internal combustion engines, which,
133 when subjected to distillation in accordance with the standard method
134 of test for distillation of gasoline, naphtha, kerosene and similar
135 petroleum products by "American Society for Testing Materials
136 Method D-86", shows not less than ten per cent distilled (recovered)
137 below 347 Fahrenheit (175 Centigrade) and not less than ninety-five

138 per cent distilled (recovered) below 464 Fahrenheit (240 Centigrade);
139 provided the term "fuels" shall not include commercial solvents or
140 naphthas which distill, by "American Society for Testing Materials
141 Method D-86", not more than nine per cent at 176 Fahrenheit and
142 which have a distillation range of 150 Fahrenheit, or less, or liquefied
143 gases which would not exist as liquids at a temperature of 60
144 Fahrenheit and a pressure of 14.7 pounds per square inch absolute,
145 and (C) any liquid commonly referred to as "gasohol" which is
146 prepared, advertised, offered for sale or sold for use, or commonly and
147 commercially used, as a fuel in internal combustion engines, consisting
148 of a blend of gasoline and a minimum of ten per cent by volume of
149 ethyl or methyl alcohol;

150 (28) "Garage" includes every place of business where motor vehicles
151 are, for compensation, received for housing, storage or repair;

152 (29) "Gross vehicle weight rating" or "GVWR" means the value
153 specified by the manufacturer as the maximum loaded weight of a
154 single or a combination (articulated) vehicle, or its registered gross
155 weight, whichever is greater. The GVWR of a combination (articulated)
156 vehicle commonly referred to as the "gross combination weight rating"
157 or GCWR is the GVWR of the power unit plus the GVWR of the towed
158 unit or units;

159 (30) "Gross weight" means the light weight of a vehicle plus the
160 weight of any load on the vehicle, provided, in the case of a tractor-
161 trailer unit, "gross weight" means the light weight of the tractor plus
162 the light weight of the trailer or semitrailer plus the weight of the load
163 on the vehicle;

164 (31) "Hazardous materials" has the same meaning as in Section 103
165 of the Hazardous Materials Transportation Act, Section 1801 et seq.,
166 Title 49, United States Code;

167 (32) "Head lamp" means a lighting device affixed to the front of a
168 motor vehicle projecting a high intensity beam which lights the road in
169 front of the vehicle so that it can proceed safely during the hours of

170 darkness;

171 (33) "High-mileage vehicle" means a motor vehicle having the
172 following characteristics: (A) Not less than three wheels in contact with
173 the ground; (B) a completely enclosed seat on which the driver sits; (C)
174 a single or two cylinder, gasoline or diesel engine or an electric-
175 powered engine; and (D) efficient fuel consumption;

176 (34) "Highway" includes any state or other public highway, road,
177 street, avenue, alley, driveway, parkway or place, under the control of
178 the state or any political subdivision of the state, dedicated,
179 appropriated or opened to public travel or other use;

180 (35) "Intersecting highway" includes any public highway which
181 joins another at an angle whether or not it crosses the other;

182 (36) "Light weight" means the weight of an unloaded motor vehicle
183 as ordinarily equipped and ready for use, exclusive of the weight of
184 the operator of the motor vehicle;

185 (37) "Limited access highway" means a state highway so designated
186 under the provisions of section 13b-27;

187 (38) "Local authorities" includes the board of aldermen, common
188 council, chief of police, warden and burgesses, board of selectmen or
189 other officials having authority for the enactment or enforcement of
190 traffic regulations within their respective towns, cities or boroughs;

191 (39) "Maintenance vehicle" means any vehicle in use by the state or
192 by any town, city, borough or district, any state bridge or parkway
193 authority or any public service company, as defined in section 16-1, in
194 the maintenance of public highways or bridges and facilities located
195 within the limits of public highways or bridges;

196 (40) "Manufacturer" means (A) a person, whether a resident or
197 nonresident, engaged in the business of constructing or assembling
198 motor vehicles of a type required to be registered under section 14-12,
199 as amended by this act, who offers the motor vehicles for sale in this

200 state, or (B) a person who distributes new motor vehicles to licensed
201 new car dealers in this state;

202 (41) "Median divider" means an intervening space or physical
203 barrier or clearly indicated dividing section separating traffic lanes
204 provided for vehicles proceeding in opposite directions;

205 (42) "Minibike" or "minicycle" means any two or three wheel
206 motorcycle having one or more of the following characteristics: (A)
207 Ten inches (254 mm) or less nominal wheel rim diameter; (B) forty
208 inches or less wheel base; (C) twenty-five inches or less seat height
209 measured at the lowest point on the top of the seat cushion without
210 rider; (D) a propelling engine having a piston displacement of 50 c.c. or
211 less;

212 (43) "Modified antique motor vehicle" means a motor vehicle
213 twenty-five years old or older which has been modified for safe road
214 use, including but not limited to, modifications to the drive train,
215 suspension, braking system and safety or comfort apparatus;

216 (44) "Motor bus" includes any motor vehicle, except a taxicab, as
217 defined in section 13b-95, operated in whole or in part on any street or
218 highway in a manner affording a means of transportation by
219 indiscriminately receiving or discharging passengers, or running on a
220 regular route or over any portion of a regular route or between fixed
221 termini;

222 (45) "Motor home" means a vehicular unit designed to provide
223 living quarters and necessary amenities which are built into an integral
224 part of, or permanently attached to, a truck or van chassis;

225 (46) "Motorcycle" means a motor vehicle, with or without a side car,
226 having not more than three wheels in contact with the ground and a
227 saddle or seat on which the rider sits or a platform on which the rider
228 stands and includes bicycles having a motor attached, except bicycles
229 propelled by means of a helper motor as defined in section 14-286, but
230 does not include a vehicle having or designed to have a completely

231 enclosed driver's seat and a motor which is not in the enclosed area;

232 (47) "Motor vehicle" means any vehicle propelled or drawn by any
233 nonmuscular power, except aircraft, motor boats, road rollers, baggage
234 trucks used about railroad stations or other mass transit facilities,
235 electric battery-operated wheel chairs when operated by physically
236 handicapped persons at speeds not exceeding fifteen miles per hour,
237 golf carts operated on highways solely for the purpose of crossing
238 from one part of the golf course to another, golf cart type vehicles
239 operated on roads or highways on the grounds of state institutions by
240 state employees, agricultural tractors, farm implements, such vehicles
241 as run only on rails or tracks, self-propelled snow plows, snow blowers
242 and lawn mowers, when used for the purposes for which they were
243 designed and operated at speeds not exceeding four miles per hour,
244 whether or not the operator rides on or walks behind such equipment,
245 bicycles with helper motors as defined in section 14-286, special mobile
246 equipment as defined in subsection (i) of section 14-165 and any other
247 vehicle not suitable for operation on a highway;

248 (48) "New motor vehicle" means a motor vehicle, the equitable or
249 legal title to which has never been transferred by a manufacturer,
250 distributor or dealer to an ultimate consumer;

251 (49) "Nonresident" means any person whose legal residence is in a
252 state other than Connecticut or in a foreign country;

253 (50) "Nonresident commercial driver's license" or "nonresident CDL"
254 means a commercial driver's license issued by a state to an individual
255 who resides in a foreign jurisdiction;

256 (51) "Nonskid device" means any device applied to the tires, wheels,
257 axles or frame of a motor vehicle for the purpose of increasing the
258 traction of the motor vehicle;

259 (52) "Number plate" means any sign or marker furnished by the
260 commissioner on which is displayed the registration number assigned
261 to a motor vehicle by the commissioner;

262 (53) "Officer" includes any constable, state marshal, inspector of
263 motor vehicles, state policeman or other official authorized to make
264 arrests or to serve process, provided the officer is in uniform or
265 displays [his] the officer's badge of office in a conspicuous place when
266 making an arrest;

267 (54) "Operator" means any person who operates a motor vehicle or
268 who steers or directs the course of a motor vehicle being towed by
269 another motor vehicle and includes a driver as defined in subdivision
270 (20) of this section;

271 (55) "Out-of-service order" means a temporary prohibition against
272 driving a commercial motor vehicle or any other vehicle subject to the
273 federal motor carrier safety regulations enforced by the commissioner
274 pursuant to [his] the commissioner's authority under section 14-8;

275 (56) "Owner" means any person holding title to a motor vehicle, or
276 having the legal right to register the same, including purchasers under
277 conditional bills of sale;

278 (57) "Parked vehicle" means a motor vehicle in a stationary position
279 within the limits of a public highway;

280 (58) "Passenger and commercial motor vehicle" means a motor
281 vehicle used for private passenger and commercial purposes which is
282 eligible for combination registration;

283 (59) "Passenger motor vehicle" means a motor vehicle used for the
284 private transportation of persons and their personal belongings,
285 designed to carry occupants in comfort and safety, with not less than
286 fifty per cent of the total area enclosed by the outermost body contour
287 lines, excluding the area enclosing the engine, as seen in a plan view,
288 utilized for designated seating positions and necessary legroom with a
289 capacity of carrying not more than ten passengers including the
290 operator thereof;

291 (60) "Passenger registration" means the type of registration issued to
292 a passenger motor vehicle unless a more specific type of registration is

293 authorized and issued by the commissioner for such class of vehicle;

294 (61) "Person" includes any individual, corporation, limited liability
295 company, association, copartnership, company, firm, business trust or
296 other aggregation of individuals but does not include the state or any
297 political subdivision thereof, unless the context clearly states or
298 requires;

299 (62) "Pneumatic tires" means tires inflated or inflatable with air;

300 (63) "Pole trailer" means a trailer which is (A) intended for
301 transporting long or irregularly shaped loads such as poles, logs, pipes
302 or structural members, which loads are capable of sustaining
303 themselves as beams between supporting connections, and (B)
304 designed to be drawn by a motor vehicle and attached or secured
305 directly to the motor vehicle by any means including a reach, pole or
306 boom;

307 (64) "Recreational vehicle" includes the camper, camp trailer and
308 motor home classes of vehicles;

309 (65) "Registration" includes the certificate of motor vehicle
310 registration and the number plate or plates used in connection with
311 such registration;

312 (66) "Registration number" means the identifying number or letters,
313 or both, assigned by the commissioner to a motor vehicle;

314 (67) "Resident", for the purpose of registering motor vehicles,
315 includes any person having a [legal] place of residence in this state,
316 occupied by such person for more than six months in a year, or any
317 person, firm or corporation owning or leasing a motor vehicle used or
318 operated in intrastate business in this state, or a firm or corporation
319 having its principal office or place of business in this state;

320 (68) "School bus" means any school bus, as defined in section 14-275;

321 (69) "Second" violation or "subsequent" violation means an offense

322 committed not more than three years after the date of an arrest which
323 resulted in a previous conviction for a violation of the same statutory
324 provision, except in the case of a violation of section 14-215 or 14-224
325 or subsection (a) of section 14-227a, "second" violation or "subsequent"
326 violation means an offense committed not more than ten years after
327 the date of an arrest which resulted in a previous conviction for a
328 violation of the same statutory provision;

329 (70) "Semitrailer" means any trailer type vehicle designed and used
330 in conjunction with a motor vehicle so that some part of its own weight
331 and load rests on or is carried by another vehicle;

332 (71) "Serious traffic violation" means a conviction, when operating a
333 commercial motor vehicle, of any violation (A) of section 14-218a or 14-
334 219, if the speed was fifteen miles per hour or more over the posted
335 speed limit, (B) of section 14-222, (C) of section 14-240 or 14-240a, (D)
336 of section 14-236, or (E) arising in connection with an accident related
337 to the operation of a commercial motor vehicle and which resulted in
338 the death of any person;

339 (72) "Service bus" includes any vehicle except a vanpool vehicle or a
340 school bus designed and regularly used to carry ten or more
341 passengers when used in private service for the transportation of
342 persons without charge to the individual;

343 (73) "Service car" means any motor vehicle used by a manufacturer,
344 dealer or repairer for emergency motor vehicle repairs on the
345 highways of this state, for towing or for the transportation of necessary
346 persons, tools and materials to and from the scene of such emergency
347 repairs or towing;

348 (74) "Shoulder" means that portion of a highway immediately
349 adjacent and contiguous to the travel lanes or main traveled portion of
350 the roadway;

351 (75) "Solid tires" means tires of rubber, or other elastic material
352 approved by the Commissioner of Transportation, which do not

353 depend on confined air for the support of the load;

354 (76) "Spot lamp" or "spot light" means a lighting device projecting a
355 high intensity beam, the direction of which can be readily controlled
356 for special or emergency lighting as distinguished from ordinary road
357 illumination;

358 (77) "State" means any state of the United States and the District of
359 Columbia unless the context indicates a more specific reference to the
360 state of Connecticut;

361 (78) "Stop" means complete cessation of movement;

362 (79) "Tail lamp" means a lighting device affixed to the rear of a
363 motor vehicle showing a red light to the rear and indicating the
364 presence of the motor vehicle when viewed from behind;

365 (80) "Tank vehicle" means any commercial motor vehicle designed
366 to transport any liquid or gaseous material within a tank that is either
367 permanently or temporarily attached to the vehicle or its chassis which
368 shall include, but not be limited to, a cargo tank and portable tank, as
369 defined in the Code of Federal Regulations Title 49, Section 383.5, as
370 amended, provided it shall not include a portable tank with a rated
371 capacity not to exceed one thousand gallons;

372 (81) "Tractor" or "truck tractor" means a motor vehicle designed and
373 used for drawing a semitrailer;

374 (82) "Tractor-trailer unit" means a combination of a tractor and a
375 trailer or a combination of a tractor and a semitrailer;

376 (83) "Trailer" means any rubber-tired vehicle without motive power
377 drawn or propelled by a motor vehicle;

378 (84) "Truck" means a motor vehicle designed, used or maintained
379 primarily for the transportation of property;

380 (85) "Ultimate consumer" means, with respect to a motor vehicle, the
381 first person, other than a dealer, who in good faith purchases the

382 motor vehicle for purposes other than resale;

383 (86) "United States" means the fifty states and the District of
384 Columbia;

385 (87) "Used motor vehicle" includes any motor vehicle which has
386 been previously separately registered by an ultimate consumer;

387 (88) "Utility trailer" means a trailer designed and used to transport
388 personal property, materials or equipment, whether or not
389 permanently affixed to the bed of the trailer, with a manufacturer's
390 GVWR of ten thousand pounds or less;

391 (89) "Vanpool vehicle" includes all motor vehicles, the primary
392 purpose of which is the daily transportation, on a prearranged
393 nonprofit basis, of individuals between home and work, and which:
394 (A) If owned by or leased to a person, or to an employee of the person,
395 or to an employee of a local, state or federal government unit or agency
396 located in Connecticut, are manufactured and equipped in such
397 manner as to provide a seating capacity of at least seven but not more
398 than fifteen individuals, or (B) if owned by or leased to a regional ride-
399 sharing organization in the state recognized by the Commissioner of
400 Transportation, are manufactured and equipped in such manner as to
401 provide a seating capacity of at least six but not more than nineteen
402 individuals;

403 (90) "Vehicle" includes any device suitable for the conveyance,
404 drawing or other transportation of persons or property, whether
405 operated on wheels, runners, a cushion of air or by any other means.
406 The term does not include devices propelled or drawn by human
407 power or devices used exclusively on tracks;

408 (91) "Vehicle identification number" or "VIN" means a series of
409 Arabic numbers and Roman letters that is assigned to each new motor
410 vehicle that is manufactured within or imported into the United States,
411 in accordance with the provisions of the Code of Federal Regulations,
412 Title 49, Part 565, unless another sequence of numbers and letters has

413 been assigned to a motor vehicle by the commissioner, in accordance
414 with the provisions of section 14-149;

415 [(91)] (92) "Wrecker" means a vehicle which is registered, designed,
416 equipped and used for the purposes of towing or transporting
417 wrecked or disabled motor vehicles for compensation or for related
418 purposes by a person, firm or corporation licensed in accordance with
419 the provisions of subdivision (D) of part III of this chapter.

420 Sec. 2. Subsection (b) of section 14-44k of the general statutes is
421 repealed and the following is substituted in lieu thereof (*Effective July*
422 *1, 2002*):

423 (b) In addition to any other penalties provided by law, and except as
424 hereinafter provided in subsection (d) of this section, a person is
425 disqualified from operating a commercial motor vehicle (1) for one
426 year if convicted of one violation of [(1)] (A) operating any motor
427 vehicle under the influence of intoxicating liquor or drugs or both
428 under section 14-227a, [(2)] (B) evasion of responsibility, involving a
429 commercial motor vehicle, under section 14-224, or [(3)] (C) using a
430 commercial motor vehicle in the commission of any felony as defined
431 in section 14-1, and (2) for sixty days if convicted of one violation of
432 section 14-249 or 14-250, (3) for one hundred twenty days if convicted
433 of a second violation of section 14-249 or 14-250, and (4) for one year if
434 convicted of a third or subsequent violation of section 14-249 or 14-250
435 during any three-year period.

436 Sec. 3. Section 14-165 of the general statutes, as amended by section
437 163 of public act 01-132, is repealed and the following is substituted in
438 lieu thereof (*Effective July 1, 2002*):

439 Except when the context otherwise requires, as used in this chapter:

440 [(a)] (1) "Dealer" means a person engaged in the business of buying,
441 selling or exchanging vehicles who is licensed under the provisions of
442 chapter 246; [.]

443 [(b)] (2) "Commissioner" means the Commissioner of Motor

444 Vehicles; [.]

445 [(c)] (3) "Identification number" means the [numbers and letters, if
446 any, on a vehicle designated by the commissioner for the purpose of
447 identifying the vehicle.] vehicle identification number of a motor
448 vehicle, as defined in subdivision (91) of subsection (a) of section 14-1,
449 as amended by this act;

450 [(d)] (4) "Implement of husbandry" means a vehicle registered as a
451 farm vehicle or a vehicle designated and adapted exclusively for
452 agricultural, horticultural or livestock-raising operations or for lifting
453 or carrying an implement of husbandry; [.]

454 [(e)] (5) "Lienholder" means a person holding a security interest in a
455 vehicle; [.]

456 [(f)] (6) "Owner" means a person, other than a lienholder, having the
457 property in or title to a vehicle. The term includes a person entitled to
458 the use and possession of a vehicle subject to a security interest in
459 another person, but excludes a lessee under a lease not intended as
460 security; [.]

461 [(g)] (7) "Security agreement" means a "security agreement" as
462 defined in subdivision (78) of subsection (a) of section 42a-9-102; [.]

463 [(h)] (8) "Security interest" means a "security interest" as defined in
464 subdivision (37) of section 42a-1-201; [.]

465 [(i)] (9) "Special mobile equipment" means a vehicle not designed for
466 the transportation of persons or property upon a highway and only
467 incidentally operated or moved over a highway, including, but not
468 limited to, ditch-digging apparatus, well-boring apparatus and road
469 construction and maintenance machinery such as asphalt spreaders,
470 bituminous mixers, bucket loaders, street sweepers, tractors other than
471 truck tractors, ditchers, leveling graders, finishing machines, motor
472 graders, road rollers, scarifiers, earth moving carry-alls and scrapers,
473 power shovels and drag lines, and self-propelled cranes and earth
474 moving equipment. The term does not include house trailers, dump

475 trucks, truck-mounted transit mixers, cranes or shovels, or other
476 vehicles designed for the transportation of persons or property to
477 which machinery has been attached; [.]

478 [(j)] (10) "State" means a state, territory or possession of the United
479 States, the District of Columbia, the Commonwealth of Puerto Rico or
480 a province of the Dominion of Canada; [.]

481 [(k)] (11) "Vehicle" means a motor vehicle as defined by section 14-1;
482 [.]

483 [(l)] (12) "Manufacturer's or importer's certificate of origin" means
484 the original written instrument or document required to be executed
485 and delivered by the manufacturer to the manufacturer's agent or
486 dealer, or a person purchasing direct from the manufacturer, certifying
487 the origin of the vehicle; and

488 (13) "Electronic title file" means the file maintained by the
489 commissioner in an electronic media format for the purpose of
490 recording and storage of the evidence of a lienholder's security interest
491 in a vehicle.

492 Sec. 4. Section 14-172 of the general statutes is repealed and the
493 following is substituted in lieu thereof (*Effective July 1, 2002*):

494 (a) The commissioner, upon receiving application for a first
495 certificate of title, shall check the identification number of the vehicle
496 shown in the application against the records of vehicles required to be
497 maintained by section 14-173 and against the record of stolen and
498 converted vehicles required to be maintained by section 14-197.

499 (b) The commissioner may participate in the National Motor Vehicle
500 Title Information System, established in accordance with the
501 provisions of Sections 30501 to 30503, inclusive, Title 49, United States
502 Code, and may rely on the information contained in such system as
503 prima facie evidence of the facts upon which the commissioner grants
504 or denies such application for a certificate of title that may be issued, in
505 accordance with the provisions of section 14-174, as amended by this

506 act.

507 Sec. 5. Section 14-174 of the general statutes is repealed and the
508 following is substituted in lieu thereof (*Effective July 1, 2002*):

509 (a) Each certificate of title issued by the commissioner shall contain:
510 (1) The date issued; (2) the name and address of the owner; (3) the
511 names and addresses of any lienholders, in the order of priority as
512 shown on the application or, if the application is based on a certificate
513 of title, as shown on the certificate; (4) the title number assigned to the
514 vehicle; (5) a description of the vehicle including, so far as the
515 following data exists, its make, model, identification number, type of
516 body, number of cylinders, whether new or used, and, if a new vehicle,
517 the date of the first sale of the vehicle for use; (6) the mileage reading
518 as shown on the application; and (7) any other data the commissioner
519 prescribes.

520 (b) Unless a bond is filed as provided in subdivision (b) of section
521 14-176, as amended by this act, a distinctive certificate of title shall be
522 issued for a vehicle last previously registered in another state or
523 country the laws of which do not require that lienholders be named on
524 a certificate of title to perfect their security interests. The certificate
525 shall contain the legend "This vehicle may be subject to an undisclosed
526 lien" and may contain any other information the commissioner
527 prescribes. If no notice of a security interest in the vehicle is received
528 by the commissioner within four months from the issuance of the
529 distinctive certificate of title, [he] the commissioner shall, upon
530 application and surrender of the distinctive certificate, issue a
531 certificate of title in ordinary form.

532 (c) The certificate of title shall contain forms for assignment and
533 warranty of title by the owner and for assignment and warranty of title
534 by a dealer, and may contain forms for applications for a certificate of
535 title by a transferee, the naming of a lienholder and the assignment or
536 release of the security interest of a lienholder.

537 (d) A certificate of title issued by the commissioner is prima facie

538 evidence of the facts appearing on it. In any criminal proceeding, a
539 certified copy of a certificate of title shall be prima facie evidence as to
540 the ownership of a motor vehicle.

541 (e) A certificate of title for a vehicle is not subject to garnishment,
542 attachment, execution or other judicial process, but this subsection
543 does not prevent a lawful levy upon the vehicle.

544 (f) The commissioner shall place a legend on any new or duplicate
545 certificate of title in accordance with the requirements of section 14-
546 172, as amended by this act, section 14-178, as amended by this act, or
547 section 14-16c, 14-179 or 42-179. The commissioner shall place a legend
548 on any new or duplicate certificate of title that the commissioner issues
549 concerning the mileage on a motor vehicle in accordance with the
550 requirements of the Federal Odometer Act, Sections 32701 to 32711,
551 inclusive, Title 49, United States Code, and any federal regulation
552 adopted under the authority of said act. The commissioner may adopt
553 regulations, in accordance with the provisions of chapter 54, to provide
554 for the placement of additional legends on any certificate of title,
555 concerning the past or present condition of any motor vehicle or the
556 status of the title to any motor vehicle, including legends to indicate
557 that a motor vehicle has been rebuilt, damaged by flood, or is
558 unrepairable, or that a bond has been posted to obtain the title, as
559 provided in section 14-176, as amended by this act. Such regulations,
560 as may be adopted by the commissioner, shall provide for an
561 opportunity for a hearing, in accordance with the provisions of chapter
562 54, and section 14-194, as amended by this act, for any person
563 aggrieved by any action, omission or decision of the commissioner
564 made pursuant to this subsection.

565 Sec. 6. Section 14-175 of the general statutes is repealed and the
566 following is substituted in lieu thereof (*Effective July 1, 2002*):

567 [The] (a) Except as provided in subsection (b) of this section, the
568 certificate of title shall be presented or mailed to the first lienholder
569 named in it or, if none, to the owner.

570 (b) The commissioner may maintain an electronic title file for the
571 recording and storage of the evidence of any lienholder's security
572 interest. When the first lienholder's security interest is satisfied and
573 released, the commissioner shall present or mail the certificate of title
574 to the owner, unless another security interest has been recorded by the
575 commissioner.

576 Sec. 7. Section 14-176 of the general statutes is repealed and the
577 following is substituted in lieu thereof (*Effective July 1, 2002*):

578 If the commissioner is not satisfied as to the ownership of the
579 vehicle or that there are no undisclosed security interests in it, the
580 commissioner may register the vehicle but shall either: [(a)] (1)
581 Withhold issuance of a certificate of title until the applicant presents
582 documents reasonably sufficient to satisfy the commissioner as to the
583 applicant's ownership of the vehicle and that there are no undisclosed
584 security interests in it; or [(b)] (2) as a condition of issuing a certificate
585 of title, require the applicant to file with the commissioner a bond in
586 the form prescribed by the commissioner and executed by the
587 applicant, and either accompanied by the deposit of cash with the
588 commissioner or also executed by a person authorized to conduct a
589 surety business in this state. The bond shall be in an amount equal to
590 [one and one-half times] twice the value of the vehicle as determined
591 by the commissioner and conditioned to indemnify any prior owner
592 and lienholder and any subsequent purchaser of the vehicle or person
593 acquiring any security interest in it, and their respective successors in
594 interest, against any expense, loss or damage, including reasonable
595 attorney's fees, by reason of the issuance of the certificate of title of the
596 vehicle or on account of any defect in or undisclosed security interest
597 upon the right, title and interest of the applicant in and to the vehicle.
598 Any such interested person has a right of action to recover on the bond
599 for any breach of its conditions, but the aggregate liability of the surety
600 to all persons shall not exceed the amount of the bond. The bond, and
601 any deposit accompanying it, shall be returned at the end of [three]
602 five years or prior thereto if the vehicle is no longer registered in this
603 state and the currently valid certificate of title is surrendered to the

604 commissioner, unless the commissioner has been notified of the
605 pendency of an action to recover on the bond.

606 Sec. 8. Subsection (a) of section 14-178 of the general statutes is
607 repealed and the following is substituted in lieu thereof (*Effective July*
608 *1, 2002*):

609 (a) If a certificate of title is lost, stolen, mutilated or destroyed or
610 becomes illegible, the first lienholder or, if none, the owner or legal
611 representative of the owner named in the certificate, as shown by the
612 records of the commissioner, shall promptly make application for and
613 may obtain a duplicate upon furnishing information, including
614 personal identification acceptable and satisfactory to the
615 commissioner. The duplicate certificate of title shall contain the legend
616 "This is a duplicate certificate and may be subject to the rights of a
617 person under the original certificate." [It] Except as provided in
618 subsection (b) of section 14-175, as amended by this act, the
619 commissioner shall [be presented or mailed] present or mail the
620 duplicate certificate to the first lienholder named in [it] the duplicate
621 certificate or, if none, to the owner.

622 Sec. 9. Subsection (a) of section 14-183 of the general statutes is
623 repealed and the following is substituted in lieu thereof (*Effective July*
624 *1, 2002*):

625 (a) The commissioner, upon receipt of a properly assigned certificate
626 of title, with an application for a new certificate of title, the required fee
627 and any other documents required by law, shall issue a new certificate
628 of title in the name of the transferee as owner and, except as provided
629 in subsection (b) of section 14-175, as amended by this act, present or
630 mail [it] the new certificate of title to the first lienholder named in [it]
631 the new certificate of title or, if none, to the owner.

632 Sec. 10. Subsection (c) of section 14-185 of the general statutes, as
633 amended by section 165 of public act 01-132, is repealed and the
634 following is substituted in lieu thereof (*Effective July 1, 2002*):

635 (c) The rules of priority stated in sections 42a-9-322 to 42a-9-324,
636 inclusive, and the other sections therein referred to, shall, to the extent
637 appropriate, apply to conflicting security interests in a vehicle of a type
638 for which a certificate of title is required. [or in a "previously registered
639 vehicle", as defined in section 14-201.] A security interest perfected
640 under this section [or under section 14-201] is a security interest
641 perfected otherwise than by filing for the purposes of sections 42a-9-
642 322 to 42a-9-324, inclusive.

643 Sec. 11. Subsection (d) of section 14-186 of the general statutes is
644 repealed and the following is substituted in lieu thereof (*Effective July*
645 *1, 2002*):

646 (d) Upon receipt of the certificate of title, the application and the
647 required fee, the commissioner shall either endorse the certificate or
648 issue a new certificate containing the name and address of the new
649 lienholder, and, except as provided in section (b) of section 14-175, as
650 amended by this act, mail the certificate to the first lienholder named
651 in it.

652 Sec. 12. Subsection (b) of section 14-187 of the general statutes is
653 repealed and the following is substituted in lieu thereof (*Effective July*
654 *1, 2002*):

655 (b) The assignee may, but need not to perfect the assignment, have
656 the certificate of title endorsed or issued with the assignee named as
657 lienholder, upon delivering to the commissioner the certificate and an
658 assignment by the lienholder [named in the certificate] of record in the
659 form the commissioner prescribes. If the security interest of the
660 lienholder is maintained in the electronic title file pursuant to
661 subsection (b) of section 14-175, as amended by this act, the lienholder
662 may submit evidence of the assignment of the security interest, in such
663 form and manner as the commissioner directs, and may request the
664 commissioner to issue a certificate of title with the assignee named as
665 lienholder.

666 Sec. 13. Section 14-188 of the general statutes is repealed and the

667 following is substituted in lieu thereof (*Effective July 1, 2002*):

668 (a) Upon the satisfaction of a security interest in a vehicle for which
669 the certificate of title is in the possession of the lienholder, [he] the
670 lienholder shall, within ten days after demand and, in any event,
671 within thirty days, execute a release of [his] the security interest, in the
672 space provided therefor on the certificate or as the commissioner
673 prescribes, and mail or deliver the certificate and release to the next
674 lienholder named therein, or, if none, to the owner or any person who
675 delivers to the lienholder an authorization from the owner to receive
676 the certificate. The owner, other than a dealer holding the vehicle for
677 resale, shall promptly cause the certificate and release to be mailed or
678 delivered to the commissioner, who shall release the lienholder's rights
679 on the certificate or issue a new certificate.

680 (b) If the security interest of the lienholder is maintained in the
681 electronic title file pursuant to subsection (b) of section 14-175, as
682 amended by this act, such lienholder shall, upon the satisfaction of
683 such security interest, notify the commissioner within ten days of such
684 satisfaction. Such notification shall be in such form and manner and
685 shall contain such information necessary to evidence the release of the
686 lien and to identify the motor vehicle and the record of the certificate
687 of title, as the commissioner prescribes. The commissioner shall issue a
688 certificate of title and present or mail such certificate to the owner or to
689 the second lienholder, if any.

690 [(b)] (c) Upon the satisfaction of a security interest in a vehicle for
691 which the certificate of title is in the possession of a prior lienholder,
692 the lienholder whose security interest is satisfied shall within ten days
693 after demand and, in any event, within thirty days execute a release in
694 the form the commissioner prescribes and deliver the release to the
695 owner or any person who delivers to the lienholder an authorization
696 from the owner to receive it. The lienholder in possession of the
697 certificate of title shall either deliver the certificate to the owner, or the
698 person authorized by [him] the owner, for delivery to the
699 commissioner or, upon receipt of the release, mail or deliver it with the

700 certificate to the commissioner, who shall release the subordinate
701 lienholder's rights on the certificate or issue a new certificate.

702 ~~[(c)]~~ (d) A lienholder who does not comply with subsection ~~[(b)]~~ (c)
703 of this section and who has disappeared and cannot be located by the
704 debtor shall be deemed for purposes of this section only to have
705 released such security interest, if evidence satisfactory to the
706 commissioner is filed concerning the disappearance of the lienholder,
707 and the commissioner shall so note on the records of the department.

708 Sec. 14. Section 14-189 of the general statutes is repealed and the
709 following is substituted in lieu thereof (*Effective July 1, 2002*):

710 A lienholder named in a certificate of title, or whose security interest
711 is maintained in the electronic title file pursuant to subsection (b) of
712 section 14-175, as amended by this act, shall, upon written request of
713 the owner or of another lienholder named on the certificate or having a
714 recorded interest, disclose any pertinent information as to [his] such
715 lienholder's security agreement and the indebtedness secured by it.

716 Sec. 15. Section 14-192 of the general statutes is repealed and the
717 following is substituted in lieu thereof (*Effective July 1, 2002*):

718 (a) The commissioner shall be paid the following fees: (1) For filing
719 an application for a certificate of title, [twenty dollars, and on and after
720 July 1, 1993,] twenty-five dollars; (2) for each security interest noted
721 upon a certificate of title or maintained in the electronic title file
722 pursuant to subsection (b) of section 14-175, as amended by this act,
723 ten dollars; (3) for each record copy search, [five dollars and seventy-
724 five cents, and on and after July 1, 1993,] seven dollars; (4) for each
725 assignment of a security interest noted upon a certificate of title [, three
726 dollars, and on and after July 1, 1993] or maintained in the electronic
727 title file, three dollars and fifty cents; (5) for an application for a
728 duplicate certificate of title, twenty-five dollars, provided such fee shall
729 not be required for any such duplicate certificate of title (A) which is
730 requested on a form prepared and signed by the assessor in any town
731 for purposes of such proof of ownership of a motor vehicle as may be

732 required in accordance with section 12-71b, or (B) in connection with
733 an application submitted by a licensed dealer in accordance with the
734 provisions of subsection (c) of section 14-12, as amended, or section 14-
735 61, as amended; (6) for an ordinary certificate of title issued upon
736 surrender of a distinctive certificate, [three dollars, and on and after
737 July 1, 1993,] three dollars and fifty cents; (7) for filing a notice of
738 security interest, [three dollars, and on and after July 1, 1993,] three
739 dollars and fifty cents; (8) for a certificate of search of the records of the
740 Department of Motor Vehicles, for each name or identification number
741 searched against, [fourteen dollars, and on and after July 1, 1993,]
742 seventeen dollars and fifty cents; (9) for filing an assignment of
743 security interest, [three dollars, and on and after July 1, 1993,] three
744 dollars and fifty cents; [and] (10) for search of a motor vehicle
745 certificate of title record, requested by a person other than the owner of
746 such motor vehicle, ten dollars; and (11) for a bond filing under section
747 14-176, as amended by this act, twenty-five dollars.

748 (b) If an application, certificate of title or other document required to
749 be mailed or delivered to the commissioner under any provision of this
750 chapter is not delivered to the commissioner within ten days from the
751 time it is required to be mailed or delivered, the commissioner shall
752 collect, as a penalty, an amount equal to the fee required for the
753 transaction.

754 (c) Motor vehicles leased to an agency of this state [on or after June
755 4, 1982,] and motor vehicles owned by the state or an agency of the
756 state shall be exempt from the fees imposed by this section.

757 Sec. 16. Section 14-194 of the general statutes is repealed and the
758 following is substituted in lieu thereof (*Effective July 1, 2002*):

759 A person aggrieved by an act or omission to act of the commissioner
760 under this chapter is entitled, upon request, to a hearing in accordance
761 with [subsection (e) of section 14-111] the provisions of chapter 54.

762 Sec. 17. Subdivision (40) of subsection (a) of section 14-1 of the
763 general statutes is repealed and the following is substituted in lieu

764 thereof (*Effective October 1, 2002*):

765 (40) "Manufacturer" means (A) a person, whether a resident or
766 nonresident, engaged in the business of constructing or assembling
767 new motor vehicles of a type required to be registered [under section
768 14-12, who offers the motor vehicles] by the commissioner, for
769 operation upon any highway, which are offered for sale in this state, or
770 (B) a person who distributes new motor vehicles to [licensed] new car
771 dealers licensed in this state.

772 Sec. 18. Subsection (a) of section 14-15 of the general statutes is
773 repealed and the following is substituted in lieu thereof (*Effective*
774 *October 1, 2002*):

775 (a) Any person, firm or corporation before engaging in the business
776 of leasing or renting motor vehicles without drivers in this state and
777 any person, firm or corporation which is the lessor of or rents any
778 vehicle required to be registered under the provisions of section 14-15a
779 shall make a sworn application to the Commissioner of Motor Vehicles
780 for a license to engage in such leasing or renting. Each such application
781 and each application for renewal shall be accompanied by a fee of [one
782 hundred fifty dollars and shall be renewed annually on the first day of
783 April] three hundred dollars. Each such license shall be renewed
784 biennially according to renewal schedules established by the
785 commissioner so as to effect staggered renewal of all such licenses. If
786 the adoption of a staggered system results in the expiration of any
787 license more or less than one year from its issuance, the commissioner
788 may charge a prorated amount for such license fee. Not less than forty-
789 five days prior to the date of expiration of each such license, the
790 commissioner shall mail to each licensee an application for renewal.
791 An application for renewal filed with the commissioner after the date
792 of expiration shall be accompanied by a late fee of one hundred dollars
793 provided the commissioner shall not renew any license under this
794 subsection that has expired for more than forty-five days. No such
795 license shall be transferred. Such licensee shall furnish proof of
796 financial responsibility satisfactory to the commissioner, as provided

797 by section 14-112 or 14-129, provided such licensee may furnish such
798 proof separately with respect to each vehicle or each group of vehicles
799 leased to any single lessee. Each application for such license shall
800 contain the name and address of the owner and shall be accompanied
801 by a surety bond as required pursuant to section 14-52, as amended by
802 this act. Each application for registration of a motor vehicle to be
803 leased for a period of more than thirty days shall contain the name and
804 address of the owner and the lessee of such vehicle. The owner of such
805 vehicle shall disclose the name and address of any subsequent lessee of
806 such vehicle to the commissioner in such manner as [he] the
807 commissioner may require. The commissioner shall ensure that such
808 information relative to the lessee is available to the Connecticut on-line
809 law enforcement communications teleprocessing system. Each person,
810 firm or corporation licensed under the provisions of this subsection
811 shall keep such books, records and accounts as the commissioner may
812 require provided each licensee shall retain a copy of each rental or
813 lease contract for a period of three years, which shall be subject to
814 inspection by the commissioner or [his] the commissioner's designee at
815 all reasonable times. The provisions of this subsection shall not apply
816 to any person, firm or corporation which, incidental to the conduct of
817 its principal business, leases or rents any motor vehicle without a
818 driver to other persons, firms or corporations whose principal business
819 is the same as that of the lessor. Violation of any provision of this
820 subsection shall be an infraction.

821 Sec. 19. Subsection (b) of section 14-15a of the general statutes is
822 repealed and the following is substituted in lieu thereof (*Effective*
823 *October 1, 2002*):

824 (b) (1) If the commissioner finds, upon investigation, that any motor
825 vehicle available for lease or rental in this state has been registered in
826 another state for the purpose of evading, or the effect of which is the
827 avoidance of, the motor vehicle laws of this state, for the purposes of
828 paying a lower registration fee or evading the payment of any tax
829 levied by this state or any Connecticut municipality, [he] said
830 commissioner may, in [his] said commissioner's discretion, [(1)] (A)

831 prohibit the lease or rental of any such motor vehicle in this state, [(2)]
832 (B) require that such motor vehicle be registered in this state in
833 accordance with the provisions of section 14-12, as amended by this
834 act, [(3)] (C) suspend or revoke a license to engage in such leasing or
835 renting issued under the provisions of section 14-15, as amended by
836 this act, or [(4)] (D) require a licensee to furnish a bond in the amount
837 of one thousand dollars for each vehicle registered in another state. (2)
838 If the commissioner finds, upon investigation, that any licensee has
839 failed to satisfy its obligations for payment of municipal property
840 taxes, the commissioner may, thirty days after the issuance of notice to
841 such licensee, and after notice and an opportunity for a hearing in
842 accordance with the provisions of chapter 54, suspend such license
843 until all such obligations are satisfied.

844 Sec. 20. Subsection (b) of section 14-35 of the general statutes is
845 repealed and the following is substituted in lieu thereof (*Effective July*
846 *1, 2002*):

847 (b) [(1)] The applicant shall, instead of registering each motor
848 vehicle owned by [him] such applicant or temporarily in [his] the
849 applicant's custody, have issued to [him] such applicant by the
850 commissioner a general distinguishing number. Thereupon, each
851 motor vehicle owned by the applicant or temporarily in [his] the
852 applicant's custody shall be regarded as registered under and having
853 assigned to it the distinguishing number. [(2) The commissioner shall
854 charge a fee at the rate of fifty-one dollars per annum for each number
855 plate furnished for use on passenger motor vehicles or house trailers.
856 On and after July 1, 1992, the fee shall be fifty-eight dollars. (3)] The
857 commissioner shall charge a fee at the rate of [one hundred dollars per
858 annum for each number plate furnished for use on trucks or other
859 motor vehicles with a commercial registration. On and after July 1,
860 1992, the fee shall be] one hundred fourteen dollars per annum for
861 each general distinguishing number.

862 Sec. 21. Section 14-51 of the general statutes is repealed and the
863 following is substituted in lieu thereof (*Effective October 1, 2002*):

864 [A "new car dealer"] (a) As used in this subpart (D):

865 (1) "New car dealer" includes any person, firm or corporation
866 engaged in the business of merchandising new motor vehicles under a
867 manufacturer's or importer's contract for each such make of vehicle
868 who may, incidental to such business, sell used motor vehicles and
869 repair motor vehicles. [or cause them to be repaired by qualified
870 persons in his employ. He shall be a person] Such person shall be
871 qualified to conduct such business [and have a suitable and adequate
872 place of business, which shall be determined to be such by the
873 commissioner. A "used car dealer"] in accordance with the
874 requirements of section 14-52a, as amended by this act.

875 (2) "Used car dealer" includes any person, firm or corporation
876 engaged in the business of merchandising motor vehicles other than
877 new who may, incidental to such business, repair motor vehicles. [or
878 cause them to be repaired by qualified persons in his employ. He shall
879 be a person] A used car dealer does not include any person, firm or
880 corporation engaged in the business of leasing or renting motor
881 vehicles that offers for sale or sells used motor vehicles incidental to its
882 primary business, if (A) such person, firm or corporation is licensed in
883 accordance with the provisions of section 14-15, as amended by this
884 act, and (B) the motor vehicles that it offers for sale were formerly the
885 subject of one or more lease agreements to which it was a party and
886 the actual or prospective purchaser is the original lessee pursuant to a
887 purchase option specified in a lease agreement. Such person shall be
888 qualified to conduct such business [and have a suitable and adequate
889 place of business, which shall be determined to be such by the
890 commissioner. A "repairer" includes any qualified person, having a
891 suitable place of business] in accordance with the requirements of
892 section 14-52a, as amended by this act.

893 (3) "Repairer" includes any person, firm or corporation qualified to
894 conduct such business in accordance with the requirements of section
895 14-52a, as amended by this act, having a suitable facility and having
896 adequate equipment, engaged in repairing, overhauling, adjusting,

897 assembling or disassembling any motor vehicle, but shall exclude a
898 person engaged in making repairs to tires, upholstering, glazing,
899 general blacksmithing, welding and machine work on motor vehicle
900 parts when parts involving such work are disassembled or
901 reassembled by a licensed repairer. [A "limited repairer"]

902 (4) "Limited repairer" includes any qualified person, having a
903 suitable place of business and adequate equipment engaged in the
904 business of minor repairs, including repairs and replacement of
905 cooling, electrical, fuel and exhaust systems, brake adjustments,
906 relining and repairs, wheel alignment and balancing, and repair and
907 replacement of shock absorbers. For the purpose of this section, the
908 place of business of a limited repairer shall be deemed to be suitable if
909 the building in which the work of the repairer is performed has space
910 capable of receiving at least one motor vehicle at any one time,
911 exclusive of a grease pit or rack, and has adequate space for an office
912 and for the storage of parts and accessories. A person shall be deemed
913 capable of performing the duties of a limited repairer if he is, in the
914 opinion of the commissioner, a qualified mechanic who has a thorough
915 knowledge of the services to be rendered, or has a certificate of
916 completion of a specialized course from a service school approved by
917 the commissioner, or satisfactory proof of previous employment by a
918 licensed repairer for a period of three years, or has successfully passed
919 an examination given by the Department of Motor Vehicles.

920 (b) The lubricating of motor vehicles, adding or changing of oil or
921 other motor vehicle fluids, changing of tires and tubes, including the
922 balancing of wheels, or installing of batteries or light bulbs, windshield
923 wiper blades [, spark plugs, fan belts or other similar service incidental
924 to the sale of motor vehicle fuels] or drive belts shall not be construed
925 as [constituting the holder of a gasoline pump license in this state a
926 repairer] the repairing of motor vehicles under the provisions of this
927 [subdivision] subpart (D).

928 Sec. 22. Section 14-52 of the general statutes is repealed and the
929 following is substituted in lieu thereof (*Effective October 1, 2002*):

930 (a) No person, firm or corporation may engage in the business of the
931 buying, selling, offering for sale or brokerage of any motor vehicle or
932 the repairing of any motor vehicle without having been issued either a
933 new car dealer's, a used car dealer's, a repairer's or a limited repairer's
934 license. The license fee for each such license, payable to the
935 Commissioner of Motor Vehicles, shall be as follows: (1) New motor
936 vehicle dealer, [five hundred sixty dollars, and on and after July 1,
937 1993,] seven hundred dollars; (2) used motor vehicle dealer, [four
938 hundred fifty dollars, and on and after July 1, 1993,] five hundred sixty
939 dollars; and (3) repairer or limited repairer, [two hundred seventy
940 dollars, and on and after July 1, 1993,] three hundred forty dollars.
941 [Each of said fees shall be paid to the Commissioner of Motor
942 Vehicles.] Each such license shall be renewed biennially according to
943 renewal schedules established by the commissioner so as to effect
944 staggered renewal of all such licenses. If the adoption of a staggered
945 system results in the expiration of any license more or less than one
946 year from its issuance, the commissioner may charge a prorated
947 amount for such license fee. Not less than forty-five days prior to the
948 date of expiration of each such license, the commissioner shall mail to
949 each licensee an application for renewal. Any licensee which has not
950 filed the application for renewal accompanied by the prescribed fee
951 prior to the date of expiration of its license shall cease to engage in
952 business. An application for renewal filed with the commissioner after
953 the date of expiration shall be accompanied by a late fee of one
954 hundred dollars. The commissioner shall not renew any license under
955 this subsection which has expired for more than forty-five days.

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

959 (2) [Each] Except as provided in subsection (c) of this section, each
960 applicant for a new car dealer's or a used car dealer's license shall
961 furnish a surety bond in the amount of twenty thousand dollars.

962 (3) Each applicant for a leasing or rental license issued pursuant to

963 section 14-15, as amended by this act, who is engaged in the leasing or
964 renting of motor vehicles for periods of thirty days or more shall
965 furnish a surety bond in the amount of ten thousand dollars.

966 (4) Each such bond required under subdivisions (1) to (3), inclusive,
967 of this subsection shall be conditioned upon the applicant or licensee
968 complying with the provisions of any state or federal law or regulation
969 relating to the conduct of such business and provided as indemnity for
970 any loss sustained by any person by reason of any acts of the licensee
971 constituting grounds for suspension or revocation of the license or
972 such licensee going out of business. Such bond shall be executed in the
973 name of the state of Connecticut for the benefit of any aggrieved party,
974 but the penalty of the bond shall not be invoked except upon order of
975 the commissioner after a hearing held before [him] said commissioner
976 in accordance with the provisions of chapter 54.

977 (c) The commissioner may request information from any applicant
978 for a repairer's license or used car dealer's license concerning the
979 financial status and ability of such applicant to comply with the
980 requirements of this subpart and the regulations adopted thereunder.
981 The commissioner shall review such information to determine if the
982 applicant has sufficient financial resources to conduct the business in a
983 manner consistent with the reasonable security and protection of its
984 customers in regard to the duties and responsibilities imposed by the
985 provisions of this subpart and the regulations adopted thereunder. The
986 commissioner may refuse to issue a license if the applicant fails to
987 provide any such information requested or, if, after review by the
988 commissioner, the commissioner is not satisfied as to such applicant's
989 financial status. The commissioner may, in any case deemed
990 appropriate, grant a license on condition that the applicant post a
991 surety bond, in accordance with the provisions of subsection (b) of this
992 section, in an amount prescribed by the commissioner that is greater
993 than the minimum amount required by the applicable provisions of
994 said subsection (b). Any applicant aggrieved by any decision of the
995 commissioner made pursuant to this subsection shall be afforded an
996 opportunity for hearing in accordance with the provisions of chapter

997 54. The commissioner may adopt regulations in accordance with
998 chapter 54 to carry out the provisions of this subsection.

999 [(c)] (d) Any person, firm or corporation engaging in the business of
1000 the buying, selling, offering for sale or brokerage of any motor vehicle
1001 or of the repairing of any motor vehicle without a license shall be
1002 guilty of a class B misdemeanor.

1003 [(d)] (e) The Commissioner of Motor Vehicles shall transmit to the
1004 Commissioners of Revenue Services and Environmental Protection a
1005 summary of any complaint that [he] the Commissioner of Motor
1006 Vehicles receives alleging that a person, firm or corporation is
1007 engaging in the business of the buying, selling, offering for sale or
1008 brokerage of any motor vehicle or of the repairing of any motor vehicle
1009 without a license.

1010 Sec. 23. Section 14-52a of the general statutes is repealed and the
1011 following is substituted in lieu thereof (*Effective October 1, 2002*):

1012 [(a)] The commissioner may, after notice and hearing, refuse to
1013 grant or renew a license to a person, firm or corporation to engage in
1014 the business of selling or repairing motor vehicles pursuant to the
1015 provisions of section 14-52, as amended by this act, if the applicant for
1016 or holder of such a license, or an officer or major stockholder if the
1017 applicant or licensee is a firm or corporation, has been convicted of a
1018 violation of any provision of laws pertaining to the business of a motor
1019 vehicle dealer or repairer including a motor vehicle recycler, or of any
1020 violation involving fraud, larceny or deprivation or misappropriation
1021 of property, in the courts of the United States or of any state. At the
1022 time of application for or renewal of such a license, each applicant or
1023 licensee shall make full disclosure of any such conviction within the
1024 last five years.

1025 [(b)] The commissioner shall not refuse to grant or renew a repairer's
1026 or limited repairer's license on the ground that (1) any licensed activity
1027 shall be conducted by the licensee on real property on which shall also
1028 be located one or more other businesses, enterprises or activities,

1029 whether or not licensed under section 14-319, owned or operated by
1030 one or more persons, firms or corporations, other than the licensee, or
1031 (2) the licensee shall make use of any common areas or facilities
1032 together with the owner or operator of any such other business,
1033 enterprise or activity.]

1034 Sec. 24. Section 14-52b of the general statutes is repealed and the
1035 following is substituted in lieu thereof (*Effective October 1, 2002*):

1036 (a) In the event a manufacturer licensed in accordance with the
1037 provisions of section 14-67a cancels, terminates or fails to renew any
1038 franchise, as defined in section 42-133r, with a new car dealer, as
1039 defined in section 14-51, as amended by this act, the Commissioner of
1040 Motor Vehicles, upon receipt of written notice of such action by the
1041 manufacturer, shall, unless the dealer holds one or more additional
1042 franchises, demand that such new car dealer surrender [his] such
1043 license to the commissioner. If such action is contested by such dealer
1044 in accordance with the provisions of sections 42-133r to 42-133ee,
1045 inclusive, the commissioner shall not demand surrender of such
1046 license, and no replacement motor vehicle dealer shall be named for
1047 the dealer's point or location, except in accordance with subdivision
1048 (10) of section 42-133cc, until the proceedings to contest such action by
1049 the manufacturer are finally determined after all means of
1050 administrative, judicial and appellate review have been exhausted and
1051 the decision is adverse to the dealer.

1052 (b) Except as provided in subsections (c) and (d) of this section, no
1053 person, firm or corporation licensed as a manufacturer in accordance
1054 with the provisions of section 14-67a may be the holder of a new or
1055 used car dealer license issued in accordance with the provisions of
1056 section 14-52, as amended by this act, except a manufacturer may
1057 operate as a dealer on a temporary basis in accordance with the
1058 provisions of subdivision (8) of section 42-133cc. The provisions of this
1059 subsection shall apply to any firm or corporation that is owned or
1060 controlled by a manufacturer, as determined by the commissioner.
1061 Any applicant for a new or used car dealer license that is denied a

1062 license under the provisions of this subsection shall be entitled to a
1063 hearing in accordance with the provisions of chapter 54.

1064 (c) Notwithstanding the provisions of subsection (b) of this section,
1065 the commissioner may issue a used car dealer's license to a person,
1066 firm or corporation, owned or controlled by a manufacturer, engaged
1067 primarily in the business of rental of motor vehicles and industrial and
1068 construction equipment, provided: (1) Motor vehicles offered for sale
1069 by any such person, firm or corporation are limited to motor vehicles
1070 that have been previously used exclusively and regularly in the
1071 conduct of the business or motor vehicles traded in by purchasers of
1072 such previously used motor vehicles, (2) any warranty repairs
1073 performed by such person, firm or corporation are limited to motor
1074 vehicles that such person, firm or corporation owns, has previously
1075 owned, or has taken in trade, and (3) any retail financing provided or
1076 arranged by such person, firm or corporation is limited to vehicles sold
1077 by such person, firm or corporation.

1078 (d) The commissioner may extend the period of a license issued to a
1079 manufacturer to operate a dealership on a temporary basis, in
1080 accordance with the provisions of subsection (b) of this section and
1081 subdivision (8) of section 42-133cc, as amended by this act, for not
1082 more than one additional year, up to a maximum period of two years,
1083 if the commissioner is satisfied that such manufacturer has made and
1084 is continuing to make bona fide efforts to sell and transfer the
1085 dealership to a person, firm or corporation that is qualified to hold a
1086 new or used dealer's license.

1087 Sec. 25. Section 14-55 of the general statutes is repealed and the
1088 following is substituted in lieu thereof (*Effective October 1, 2002*):

1089 In any town, city or borough the local authorities referred to in
1090 section 14-54 shall, upon receipt of an application for a certificate of
1091 approval referred to in said section, assign the same for hearing within
1092 sixty-five days of the receipt of such application. Notice of the time and
1093 place of such hearing shall be published in a newspaper having a
1094 general circulation in such town, city or borough at least twice, at

1095 intervals of not less than two days, the first not more than fifteen, nor
1096 less than ten days, and the last not less than two days before the date
1097 of such hearing and sent by certified mail to the applicant not less than
1098 fifteen days before the date of such hearing. All decisions on such
1099 certificate of approval shall be rendered within sixty-five days of such
1100 hearing. The applicant may consent to one or more extensions of any
1101 period specified in this section, provided the total extension of any
1102 such period shall not be for longer than the original period as specified
1103 in this section. The reasons for granting or denying such application
1104 shall be stated by the board or official. Notice of the decision shall be
1105 published in a newspaper having a general circulation in such town,
1106 city or borough and sent by certified mail to the applicant within
1107 fifteen days after such decision has been rendered. Such applicant shall
1108 pay a fee of ten dollars, together with the costs of publication and
1109 expenses of such hearing, to the treasurer of such town, city or
1110 borough. No such certificate shall be issued until the application has
1111 been approved and such location has been found suitable for the
1112 business intended, with due consideration to its location in reference to
1113 schools, churches, theaters, traffic conditions, width of highway and
1114 effect on public travel. [In any case in which such approval has been
1115 previously granted for any location, the local authority may, in its
1116 discretion, waive the requirement of a hearing on a subsequent
1117 application. In addition, the local authority may, in its discretion,
1118 waive the requirement of a hearing on an application wherein the
1119 previously approved location of a place of business is to be enlarged to
1120 include adjoining or adjacent property.]

1121 Sec. 26. Section 14-57 of the general statutes is repealed and the
1122 following is substituted in lieu thereof (*Effective October 1, 2002*):

1123 Any person aggrieved by the performance of any act provided for in
1124 this subdivision (D) by such local authority [or by the commissioner]
1125 may take an appeal therefrom to the superior court for the judicial
1126 district within which such town or city is situated, or in accordance
1127 with the provisions of section 4-183, [, except venue for such appeal
1128 shall be in the judicial district of New Britain if such act was performed

1129 by the commissioner.] Any such appeal shall be privileged.

1130 Sec. 27. Section 14-58 of the general statutes is repealed and the
1131 following is substituted in lieu thereof (*Effective October 1, 2002*):

1132 (a) Each new car dealer, used car dealer or repairer before engaging
1133 in such business shall make a separate sworn application to the
1134 commissioner for a license to engage in such business in each place of
1135 business conducted by [him] such dealer. The application shall include
1136 any information that may be required by the commissioner on blanks
1137 to be furnished by [him] said commissioner. Each application shall be
1138 accompanied by a fee of one hundred forty dollars for each place of
1139 business conducted by the applicant, together with the [annual] fee for
1140 the type of license for which [he] the applicant is making application,
1141 and such fee or fees shall not be subject to prorating and shall not be
1142 subject to refund. [On and after July 1, 1985, such application fee shall
1143 be sixty dollars, on and after July 1, 1989, ninety dollars, on and after
1144 July 1, 1991, one hundred thirteen dollars, and on and after July 1,
1145 1993, one hundred forty dollars.] No such license shall be transferable.
1146 When such licensee adds buildings or adjacent land to [his] such
1147 licensee's licensed place of business, [he shall apply to the
1148 commissioner for inclusion of such building or land in his license to
1149 engage in such business. Such additions to an existing license shall be
1150 considered as the same place of business of the licensee and no
1151 additional license fee shall be required by the commissioner] the
1152 commissioner may require the licensee to furnish satisfactory evidence
1153 of compliance with the provisions of sections 14-54 and 14-55, as
1154 amended by this act, or with other applicable provisions of law,
1155 administered by the municipality wherein such business is located,
1156 concerning building or zoning requirements. When a change of officers
1157 of a corporation engaged in such business is made, a notice of the
1158 change shall be sent to the commissioner within a period of fifteen
1159 days from the date of the change. The commissioner may suspend the
1160 license of any corporation, after notice and hearing, when the newly
1161 appointed or elected officers cannot be considered as qualified to
1162 conduct the business as provided in section 14-51, as amended by this

1163 act.

1164 (b) Each such licensee shall, instead of registering each motor
1165 vehicle owned by [him] such licensee or temporarily in [his] such
1166 licensee's custody, make application to the commissioner for a general
1167 distinguishing number and mark, and the commissioner may issue to
1168 the applicant a certificate or certificates of registration containing the
1169 distinguishing number and mark assigned to such applicant, and
1170 made in a form and containing any further information that the
1171 commissioner may determine, and, thereupon, each motor vehicle
1172 owned by the applicant or temporarily in [his] the applicant's custody
1173 shall be regarded as registered under and having assigned to it such
1174 general distinguishing number and mark until sold. For the
1175 registration of all motor vehicles, registered under a general
1176 distinguishing number and mark, the commissioner shall charge a fee
1177 at the rate of [twenty dollars per annum or any part thereof for each
1178 number plate furnished. On and after July 1, 1985, the fee shall be
1179 thirty dollars, on and after July 1, 1989, forty-five dollars, on and after
1180 July 1, 1991, fifty-six dollars, and on and after July 1, 1993,] seventy
1181 dollars per year. No new car dealer may be issued more than one such
1182 registration for each ten sales transactions in a year or no repairer or
1183 limited repairer may be issued more than three registrations in a year,
1184 unless such licensee makes application for an additional registration to
1185 the commissioner, in such form and containing such information as
1186 [he] the commissioner may require to substantiate such request. No
1187 used car dealer may be issued more than three such registrations in a
1188 year, provided an additional registration may be issued for each ten
1189 sales transactions in excess of thirty such transactions upon submission
1190 of such application for an additional registration. The commissioner
1191 may issue to each such licensee such additional registrations as [he] the
1192 commissioner deems necessary. The commissioner may withdraw any
1193 registration previously issued or may limit the number of registrations
1194 which any licensee is eligible to receive or to hold, in any case where
1195 the licensee has been found to be in violation of any of the provisions
1196 of section 14-64, as amended by this act.

1197 (c) Registration certificates issued under the provisions of this
1198 section shall not be required to be carried upon such motor vehicles
1199 when upon the public highways as required under subsection (a) of
1200 section 14-13, except that the licensee shall issue to each person driving
1201 such motor vehicle a document indicating that such person is validly
1202 entrusted with such vehicle which document shall be carried in the
1203 motor vehicle. The commissioner shall determine the form and
1204 contents of this document. Legible photostatic copies of such
1205 registration certificates may be carried in such vehicles as proof of
1206 ownership. The licensee shall furnish financial responsibility
1207 satisfactory to the commissioner as defined in section 14-112, provided
1208 such financial responsibility shall not be required from a licensee when
1209 the commissioner finds that the licensee is of sufficient financial
1210 responsibility to meet such legal liability. The commissioner may issue
1211 such license upon presentation of evidence of such financial
1212 responsibility satisfactory to [him] the commissioner.

1213 Sec. 28. Section 14-63 of the general statutes is repealed and the
1214 following is substituted in lieu thereof (*Effective October 1, 2002*):

1215 (a) The commissioner may make, alter or repeal regulations
1216 governing the administration of all statutes relating to the license and
1217 business of dealers and repairers [after notice and hearing, provided
1218 such regulations shall not require the place of business of a repairer to
1219 have more than two bays] in accordance with the provisions of chapter
1220 54. Each such regulation shall become effective ten days after a copy
1221 thereof has been mailed to all licensees affected thereby.

1222 (b) The Commissioner of Motor Vehicles shall adopt regulations in
1223 accordance with the provisions of chapter 54 establishing (1) a
1224 procedure whereby customers of dealers and repairers may file
1225 complaints with the Department of Motor Vehicles concerning the
1226 operations of and services provided by any such licensees, and (2) a
1227 procedure specifying the circumstances under which a licensee may
1228 stipulate to a complaint and waive [his] such licensee's right to an
1229 administrative hearing. Such regulations shall provide for the

1230 commissioner to contact each licensee that is the subject of a complaint
1231 in order to notify such licensee of the complaint and to relate to such
1232 licensee the particular matters alleged by the complainant. The
1233 commissioner shall attempt to mediate a voluntary resolution of the
1234 complaint acceptable to the complainant and the licensee. Such
1235 regulations shall also provide that, if an acceptable resolution to the
1236 complaint is not achieved, the commissioner shall complete the
1237 commissioner's investigation of the facts and shall, if the commissioner
1238 has reason to believe that the licensee has violated any provision of
1239 section 14-64, as amended by this act, proceed to take any action
1240 authorized under the provisions of section 14-64, as amended by this
1241 act. If, after such an investigation, the commissioner elects not to take
1242 action against the licensee, the commissioner shall notify both the
1243 complainant and the licensee in writing. Such notice shall include a
1244 brief statement of the reasons why the commissioner has taken no
1245 action. The commissioner shall also inform the complainant and the
1246 licensee that an unresolved complaint exists and that, unless the
1247 commissioner has determined that the allegations, even if true, fail to
1248 state a violation of applicable statutory or regulatory standards, the
1249 same shall be recorded in the records of the department pertaining to
1250 such licensee until such time as the licensee submits to the
1251 commissioner satisfactory evidence, signed by the complainant or the
1252 complainant's attorney, that the claim has been resolved by agreement
1253 with the complainant or submits to the department satisfactory
1254 evidence of final adjudication in favor of such licensee. An agreement
1255 between the licensee and the complainant shall not preclude the
1256 commissioner from proceeding to take action if the commissioner has
1257 reason to believe that the licensee has violated any provision of section
1258 14-64, as amended by this act. A decision by the commissioner not to
1259 take action against the licensee shall be without prejudice to the claim
1260 of the customer; and neither the fact that the department has
1261 determined not to proceed nor the notice furnished to the parties, in
1262 accordance with this subsection, shall be admissible in any civil action.

1263 Sec. 29. Section 14-64 of the general statutes is repealed and the
1264 following is substituted in lieu thereof (*Effective October 1, 2002*):

1265 The commissioner may suspend or revoke the license or licenses of
1266 any licensee or impose a civil penalty of not more than one thousand
1267 dollars for each violation on any licensee or both, when, after notice
1268 and hearing, [he] the commissioner finds that the licensee (1) has
1269 [violated] been convicted of a violation of, or has failed to comply with
1270 the terms of a final decision and order of any other state department or
1271 federal agency concerning any provision of any statute or regulation
1272 [of any state or any federal statute or regulation] pertaining to [his] its
1273 business as a licensee; or (2) has failed to maintain such records of
1274 transactions concerning the purchase, sale or repair of motor vehicles
1275 or major component parts, as required by such regulations as shall be
1276 adopted by the commissioner, for a period of two years after such
1277 purchase, sale or repairs, provided the records shall include the vehicle
1278 identification number and the name and address of the person from
1279 whom each vehicle or part was purchased and to whom each vehicle
1280 or part was sold, if a sale occurred; or (3) has failed to allow inspection
1281 of such records by the commissioner or [his] the commissioner's
1282 representative during normal business hours, provided written notice
1283 stating the purpose of the inspection is furnished to the licensee, or has
1284 failed to allow inspection of such records by any representative of the
1285 Division of State Police within the Department of Public Safety or any
1286 organized local police department, which inspection may include
1287 examination of the premises to determine the accuracy of such records;
1288 or (4) has made a false statement as to the condition, prior ownership
1289 or prior use of any motor vehicle sold, exchanged, transferred, offered
1290 for sale or repaired if the licensee knew or should have known that
1291 such statement was false; or (5) is not qualified to conduct the licensed
1292 business, applying the standards of section 14-51, as amended by this
1293 act, and the applicable regulations; or (6) has violated any provision of
1294 sections 42-221 to 42-226, inclusive; or (7) has failed to fully execute or
1295 provide the buyer with (A) an order as described in section 14-62, (B)
1296 the properly assigned certificate of title, or (C) a temporary transfer or
1297 new issue of registration; or (8) has failed to deliver a motor vehicle
1298 free and clear of all liens, unless written notification is given to the
1299 buyer stating such motor vehicle shall be purchased subject to a lien; or

1300 (9) has violated any provision of sections 14-65f to 14-65j, inclusive; [. 1301 Where the commissioner has made such finding, he shall require the 1302 licensee, as a condition to his continued licensure or the reinstatement 1303 of the license following its suspension or revocation, to furnish to the 1304 commissioner a bond satisfactory to him in the amount of one 1305 thousand dollars, conditioned upon compliance with all laws 1306 pertaining to the business of the licensee and the regulations of the 1307 commissioner, which bond may be forfeited for further violation and 1308 the claim arising therefrom shall be settled or compromised subject to 1309 the approval of the commissioner. The commissioner shall return any 1310 bond furnished pursuant to this section if one year has elapsed from 1311 the date the bond was filed with the commissioner and no finding has 1312 been made by him of additional violations and no hearing is pending 1313 which could result in the forfeiture of the bond or if the licensee is no 1314 longer engaged in the business for which he was licensed. The] or (10) 1315 has used registration number plates issued by the commissioner, in 1316 violation of the provisions and standards set forth in sections 14-59 1317 and 14-60 and the applicable regulations. In addition to, or in lieu of 1318 the imposition of any other penalties authorized by this section, the 1319 commissioner may [also] order any such licensee to make restitution to 1320 any aggrieved customer.

1321 Sec. 30. (NEW) (*Effective from passage*) The Commissioner of Motor 1322 Vehicles may permit any motor vehicle dealer who is authorized to 1323 issue temporary registrations, in accordance with the provisions of 1324 subsection (c) of section 14-12 of the general statutes, as amended, and 1325 section 14-61 of the general statutes, as amended, to file the application 1326 for the permanent registration and the certificate of title by electronic 1327 transmission in a format prescribed by the commissioner provided 1328 such dealer complies with procedures established by the commissioner 1329 to ensure the timely payment of all applicable fees and tax remittances.

1330 Sec. 31. Subsection (e) of section 14-73 of the general statutes is 1331 repealed and the following is substituted in lieu thereof (*Effective* 1332 *October 1, 2002*):

1333 (e) The licensee shall be reexamined [prior to the issuance of a
1334 renewal of his instructor's license or at any time during the license
1335 period that an examination would, in the opinion of the commissioner,
1336 be in the interest of public welfare and safety] periodically in
1337 accordance with standards specified in regulations adopted under
1338 section 14-78. Persons licensed for the first time as instructors [after
1339 January 1, 1972,] shall, in the three years following their initial
1340 licensure, attend seminars, annually, in traffic safety sponsored by the
1341 Department of Motor Vehicles or take an advanced instructor course of
1342 not less than forty-five clock hours in traffic safety. The course shall
1343 have been approved by the commissioner. Proof of compliance with
1344 the requirement for attendance at seminars or the taking of instruction
1345 shall be made before license renewals are issued. The seminars shall be
1346 self-sustaining.

1347 Sec. 32. Subsection (a) of section 14-99h of the general statutes is
1348 repealed and the following is substituted in lieu thereof (*Effective from*
1349 *passage*):

1350 (a) Each new car dealer or used car dealer, as defined in section 14-
1351 51, as amended by this act, or lessor licensed under the provisions of
1352 section 14-15 shall offer the purchaser or lessee of a new or used motor
1353 vehicle, at the time of sale or lease, the optional service of etching the
1354 complete identification number of the vehicle on a lower corner of the
1355 windshield and on each side or rear window in such vehicle. Each
1356 such dealer or lessor may etch the complete identification number of a
1357 motor vehicle on any such vehicle in its inventory prior to its sale or
1358 lease provided it specifies the charge for such service separately on the
1359 [label required by the federal Automobile Information Disclosure Act,
1360 15 USC 1231 et seq] order for the sale of the motor vehicle as
1361 prescribed by the provisions of section 14-62.

1362 Sec. 33. Subdivision (8) of section 42-133cc of the general statutes is
1363 repealed and the following is substituted in lieu thereof (*Effective*
1364 *October 1, 2002*):

1365 (8) Unfairly compete with a dealer in the same line make operating

1366 under an agreement or franchise from such manufacturer or
1367 distributor in the relevant market area. A manufacturer or distributor
1368 shall not, however, be deemed to be competing when operating a
1369 dealership for a temporary period not to exceed one year, or such
1370 additional period of time as may be permitted by the Commissioner of
1371 Motor Vehicles, in accordance with the provisions of section 14-52b, as
1372 amended by this act, or in a bona fide retail operation which is for sale
1373 to any qualified person at a fair and reasonable price, or in a bona fide
1374 relationship in which an independent person has made a significant
1375 investment subject to loss in the dealership and can reasonably expect
1376 to acquire full ownership of such dealership on reasonable terms and
1377 conditions.

1378 Sec. 34. (NEW) (*Effective January 1, 2003*) As used in sections 34 to 43,
1379 inclusive, of this act, the following terms and their derivatives shall
1380 have the following meanings:

1381 (1) "Administrative action" means a final determination by a duly
1382 authorized administrative agency that a person has violated laws
1383 related to the operation of a motor vehicle, or that a person is incapable
1384 of safely operating a motor vehicle;

1385 (2) "Citation" means any summons, complaint or other official
1386 document issued to a person by a duly authorized law enforcement
1387 officer or judicial official for any violation relating to conduct to be
1388 reported under the driver license agreement;

1389 (3) "Conviction" shall have the meaning stated in subdivision (16) of
1390 subsection (a) of section 14-1 of the general statutes, as amended by
1391 this act, and shall include a judgment by default, or in absentia;

1392 (4) "Driver control record" means the driving history record
1393 maintained by the jurisdiction of record in accordance with the driver
1394 license agreement;

1395 (5) "Failure to comply" means failure to appear or to answer a
1396 citation in the manner required by law or the failure to pay fines,

1397 penalties or costs related to the disposition of the violation for which
1398 the citation has been issued;

1399 (6) "Jurisdiction" means a state, territory or possession of the United
1400 States, the District of Columbia, a territory or province of Canada or
1401 any state of the Republic of Mexico or the federal district of Mexico;

1402 (7) "Jurisdiction of record" means the jurisdiction that has issued the
1403 last driver's license to a person or if the person has not been issued a
1404 driver's license, the jurisdiction of the person's most current address, as
1405 shown on the citation, or record of conviction or on any associated
1406 report;

1407 (8) "License", "driver's license" or "operator's license" means an
1408 authorization or privilege to operate a motor vehicle in accordance
1409 with the laws of a jurisdiction that is recognized by all member
1410 jurisdictions;

1411 (9) "Licensing authority" means the official organization or entity
1412 responsible for administering the driver licensing laws of a member
1413 jurisdiction, and with reference to this state, means the Commissioner
1414 of Motor Vehicles;

1415 (10) "Member jurisdiction" means a jurisdiction that has entered into
1416 the driver license agreement; and

1417 (11) "Withdrawal" means the suspension, revocation, cancellation or
1418 denial of a license or motor vehicle registration or of the privilege to
1419 operate a motor vehicle or to obtain a license or registration.

1420 Sec. 35. (NEW) (*Effective January 1, 2003*) The Commissioner of
1421 Motor Vehicles may enter into a driver license agreement with any
1422 other state legally joining in such agreement. The commissioner may
1423 exercise the powers and duties conferred by the provisions of sections
1424 34 to 43, inclusive, of this act and may adopt regulations, in accordance
1425 with the provisions of chapter 54 of the general statutes, as necessary
1426 to meet the obligations of membership and to fully participate with
1427 other member states in the driver license agreement.

1428 Sec. 36. (NEW) (*Effective January 1, 2003*) This state and the other
1429 party states to the driver license agreement find and declare that:

1430 (1) Each driver shall have one driver's license issued by a
1431 jurisdiction, that is recognized by all member jurisdictions, and shall
1432 have one driver control record;

1433 (2) All efforts shall be made to strengthen cooperation among
1434 member jurisdictions so that all drivers are required to answer charges
1435 of violation of motor vehicle and traffic laws, and to comply with the
1436 procedures for the disposition of such charges, regardless of the
1437 jurisdiction where any such violation occurs;

1438 (3) Reciprocal recognition of driver's licenses and of motor vehicle
1439 and traffic violations related to highway safety shall be facilitated, for
1440 the benefit of all member jurisdictions;

1441 (4) Compliance by each driver with all provisions of law pertaining
1442 to the safe operation of a motor vehicle shall be required as a condition
1443 to the issuance and to the retention of a driver's license;

1444 (5) Conviction of a driver or owner for any motor vehicle and traffic
1445 violation related to highway safety in any jurisdiction shall be treated
1446 as if the violation had occurred in the jurisdiction of record, for the
1447 purpose of maintaining the driver control record and of imposing
1448 administrative sanctions, as authorized by law;

1449 (6) All drivers shall be allowed to proceed on their way and shall
1450 not be required to appear in person before a court or other tribunal,
1451 regardless of their jurisdiction of record, after having been issued a
1452 citation for certain motor vehicle and traffic violations;

1453 (7) All efforts shall be made to achieve greater uniformity among all
1454 member jurisdictions regarding the exchange of information on
1455 drivers, licenses, and driver control records, including convictions of
1456 violations and license withdrawal actions; and

1457 (8) All member jurisdictions shall act in the best interests of

1458 highway safety and in a spirit of mutual cooperation to attain and
1459 monitor compliance with the driver license agreement and to resolve
1460 any dispute that may arise, at the administrative agency level of
1461 authority and decision-making.

1462 Sec. 37. (NEW) (*Effective January 1, 2003*) (a) Upon application for a
1463 motor vehicle operator's license, the Commissioner of Motor Vehicles
1464 shall determine whether the applicant has ever held, or is the holder
1465 of, a license issued by any other jurisdiction. The commissioner shall
1466 not issue a license to any applicant whose license is withdrawn in any
1467 other member jurisdiction for any conviction or administrative action
1468 required to be reported under the driver license agreement, as
1469 evidenced by the driver control record. The commissioner shall not
1470 issue a license to any applicant who is the subject of a notice of failure
1471 to comply, as reported by any other member jurisdiction. If the
1472 applicant is the holder of any unexpired license issued by another
1473 jurisdiction, the commissioner shall not issue a license unless the
1474 applicant surrenders such license document previously issued by such
1475 jurisdiction.

1476 (b) Notwithstanding the provisions of subsection (a) of this section,
1477 the commissioner may issue a class 1 or class 2 operator's license, or a
1478 motorcycle operator's license, to an applicant who is the subject of a
1479 withdrawal of a commercial driver's license in any other member
1480 jurisdiction if the conduct on which such withdrawal is based would
1481 not have resulted in the withdrawal of the privilege to operate any
1482 motor vehicle other than a commercial motor vehicle.

1483 (c) Notwithstanding the provisions of subsection (a) of this section,
1484 the commissioner may issue a motor vehicle operator's license to (1) an
1485 applicant who is the subject of a withdrawal that occurred five years or
1486 more before the date of application, or (2) an applicant whose license
1487 has been withdrawn for the period of time required by the jurisdiction
1488 of record, but whose license has not been returned or restored by such
1489 jurisdiction due to the failure or the alleged failure to fulfill
1490 reinstatement requirements, pertaining to the filing of proof of

1491 financial responsibility or necessitating personal attendance in such
1492 jurisdiction including, but not limited, to a requirement to complete an
1493 education or treatment program. In exercising the discretion to grant
1494 or deny an application for a license as conferred by the provisions of
1495 this subsection, the commissioner shall review and consider the entire
1496 driver control record of the applicant, and may require additional
1497 information and references from the applicant such as will attest to the
1498 applicant's present fitness and capability to safely operate a motor
1499 vehicle.

1500 Sec. 38. (NEW) (*Effective January 1, 2003*) (a) The Commissioner of
1501 Motor Vehicles shall maintain a driver control record for each person
1502 who has been issued a motor vehicle operator's license, until such time
1503 as the commissioner is notified by another member jurisdiction that
1504 such person has surrendered such license and has been issued a license
1505 by such other jurisdiction.

1506 (b) Upon notification of issuance of a license by another member
1507 jurisdiction, in accordance with subsection (a) of this section, the
1508 commissioner shall transfer the driver control record to the driver
1509 licensing authority of such new jurisdiction of record within thirty
1510 days.

1511 (c) Each driver control record shall contain the information
1512 prescribed by the commissioner, in accordance with the terms of the
1513 driver license agreement and as set forth in regulations adopted by the
1514 commissioner in accordance with the provisions of chapter 54 of the
1515 general statutes.

1516 (d) The commissioner shall maintain a record as to all convictions
1517 and administrative actions for motor vehicle and traffic violations
1518 committed in this state, and for any cases of failure to comply, as
1519 reported to the commissioner in accordance with the provisions of
1520 sections 14-140 and 14-141 of the general statutes, by any person who
1521 has not been issued a motor vehicle or motorcycle operator's license by
1522 the commissioner or by the licensing authority of any other member
1523 jurisdiction, or whose license has expired or been cancelled. The

1524 commissioner shall transmit such record to such licensing authority of
1525 another jurisdiction, upon notification of the issuance of a license to
1526 such person.

1527 Sec. 39. (NEW) (*Effective January 1, 2003*) (a) The Centralized
1528 Infractions Bureau of the Superior Court and each court having
1529 jurisdiction of each case involving a violation of any general statute
1530 relating to motor vehicles shall, in accordance with the provisions of
1531 section 14-141 of the general statutes, continue to report to the
1532 Commissioner of Motor Vehicles the name, operator's license number,
1533 jurisdiction that issued the operator's license and such other
1534 information as may be available concerning each nonresident owner or
1535 operator of a motor vehicle who has been convicted of a violation of
1536 any statute relating to motor vehicles, or has failed to appear for any
1537 scheduled court appearance, or has failed to submit a plea of not guilty
1538 by the answer date, or has not paid the full amount of any fine or
1539 additional fee required by law.

1540 (b) Except as provided in subsection (a) of section 14-140 of the
1541 general statutes, any person who has been charged by any law
1542 enforcement officer of this state with a violation of any provision of
1543 any general statute relating to motor vehicles may be released upon
1544 such person's own recognizance, without posting collateral or bond.

1545 (c) Upon receipt of each report made pursuant to subsection (a) of
1546 this section concerning a nonresident owner or operator of a motor
1547 vehicle, the commissioner shall notify the jurisdiction of record, in
1548 accordance with the procedures of the driver license agreement. Each
1549 notification of a conviction shall be made within thirty days of receipt
1550 by the commissioner. No such notification shall be made pursuant to
1551 this subsection more than six months later than the date of disposition
1552 by the court.

1553 (d) Upon receipt of a notice of failure to comply with a citation
1554 issued by any member jurisdiction, or administrative action taken by
1555 such jurisdiction concerning any person who is licensed to operate a
1556 motor vehicle in this state or who is the owner of a motor vehicle

1557 registered in this state, the commissioner shall proceed to suspend
1558 such person's operator's license and, if authorized or required by any
1559 provision of the general statutes, the registration of any motor vehicle
1560 owned by such person, or the privilege to register any motor vehicle,
1561 until such time as the commissioner is duly notified, in the manner
1562 provided by the procedures of the driver license agreement, that such
1563 person has complied with the terms of such citation.

1564 (e) The provisions of subsections (c) and (d) of this section shall
1565 apply only to citations issued for motor vehicle traffic or safety
1566 violations identified in the code of the driver license agreement, as set
1567 forth in regulations adopted by the commissioner, in accordance with
1568 the provisions of chapter 54 of the general statutes.

1569 Sec. 40. (NEW) (*Effective January 1, 2003*) (a) If the Commissioner of
1570 Motor Vehicles receives a report from any member jurisdiction of the
1571 conviction in such jurisdiction of any person licensed to operate a
1572 motor vehicle in this state, for acts or conduct of the nature described
1573 in subsection (b) of this section, the commissioner shall suspend the
1574 operator's license of such person for the period of time required for a
1575 conviction of the equivalent offense under the provisions of the
1576 general statutes, as listed in subsection (b) of this section, for the same
1577 acts or conduct occurring in this state.

1578 (b) For the purpose of the action required to be taken by the
1579 commissioner in accordance with subsection (a) of this section, the
1580 conviction in another member jurisdiction for an offense involving the
1581 following acts or conduct shall be treated as a conviction under the
1582 following subdivisions:

1583 (1) Manslaughter or assault with a motor vehicle or negligent
1584 homicide with a motor vehicle shall be deemed a conviction of a
1585 violation of section 53a-56b, 53a-60d or 14-222a of the general statutes;

1586 (2) Operation of a motor vehicle while under the influence of
1587 alcohol or drugs, or any combination thereof, shall be deemed a
1588 conviction of a violation of subsection (a) of section 14-227a of the

1589 general statutes;

1590 (3) Leaving the scene of an accident or failure to stop and render aid
1591 in the event of an accident or collision resulting in the death or
1592 personal injury of another shall be deemed a conviction of a violation
1593 of either subsection (a) or (b) of section 14-224 of the general statutes,
1594 depending on the acts or conduct reported and the circumstances as
1595 determined by the commissioner; or

1596 (4) Unsafe, dangerous or reckless operation of a motor vehicle shall
1597 be deemed a conviction of a violation of section 14-222 of the general
1598 statutes.

1599 (c) If the commissioner is notified by a member jurisdiction that a
1600 person who is the holder of a motor vehicle operator's license issued in
1601 this state has been convicted of a felony, in the commission of which a
1602 motor vehicle was used, the commissioner shall, if such person's acts
1603 or conduct would constitute an offense classified as a felony under
1604 section 53a-25 of the general statutes, suspend such person's operator's
1605 license for such period of time as may be determined by the
1606 commissioner.

1607 (d) If the commissioner is notified by a member jurisdiction that a
1608 person who is the holder of a motor vehicle operator's license has been
1609 convicted of driving under the influence of alcohol or drugs, in
1610 accordance with subdivision (2) of subsection (b) of this section, the
1611 commissioner may consider the conviction as a second or subsequent
1612 violation of section 14-227a of the general statutes, as amended by this
1613 act, if such person has been convicted previously of a violation of
1614 section 14-227a of the general statutes, as amended by this act, or has
1615 been convicted previously of a substantially similar offense in a
1616 member jurisdiction, as shown by such person's driver control record,
1617 within the past ten years, and the commissioner may impose the
1618 suspension for the period of time required for a second or subsequent
1619 offense by the provisions of subsection (h) of section 14-227a of the
1620 general statutes. It shall not be a defense to a suspension imposed
1621 pursuant to this subsection, or subdivision (2) of subsection (b) of this

1622 section, that the blood alcohol concentration of the person convicted in
1623 a member jurisdiction, or the blood alcohol concentration required for
1624 conviction of a per se offense in the member jurisdiction in which the
1625 person was convicted, is less than the blood alcohol concentration
1626 required for conviction of a per se offense in this state.

1627 Sec. 41. (NEW) (*Effective January 1, 2003*) (a) Any notice or copy of a
1628 record furnished to the Commissioner of Motor Vehicles by any
1629 member jurisdiction in accordance with the provisions and obligations
1630 of the driver license agreement and sections 34 to 43, inclusive, of this
1631 act, concerning any conviction, administrative action, withdrawal and
1632 the status of an operator's license or motor vehicle registration may be
1633 transmitted and received by electronic or documentary means. Any
1634 such notice or record shall, when certified, be admissible in any
1635 hearing conducted by the commissioner and in any appeal taken from
1636 a final decision of the commissioner, in accordance with the provisions
1637 of section 4-183 of the general statutes. Any such notice or record so
1638 transmitted and certified shall be accepted as proof of the facts
1639 contained therein, in the absence of evidence to the contrary.

1640 (b) A notice or record as referred to in subsection (a) of this section
1641 may be certified by electronic means in an electronic format and, when
1642 so certified, shall be accepted by the commissioner and by any court of
1643 this state as proof of the facts contained therein, in the absence of
1644 evidence to the contrary. As used in this section, the term "record"
1645 includes, but is not limited to, any paper, document, facsimile
1646 information, micro-photographically stored information or digitized
1647 image maintained, deposited or filed with a member jurisdiction.

1648 Sec. 42. (NEW) (*Effective January 1, 2003*) Any notification, report or
1649 record received from any state that is a member of the driver license
1650 compact may be used by the Commissioner of Motor Vehicles for any
1651 purpose authorized by section 34 to 41, inclusive, of this act in the
1652 same manner and to the same extent as any such notification, report or
1653 record received from any jurisdiction that is a member of the driver
1654 license agreement.

1655 Sec. 43. (NEW) (*Effective January 1, 2003*) Any person aggrieved by
1656 an action of the commissioner to withdraw (1) a license or registration,
1657 or (2) the privilege to operate a motor vehicle or to register a motor
1658 vehicle in this state, pursuant to sections 34 to 42, inclusive, of this act,
1659 shall be entitled, upon request, to a hearing conducted in accordance
1660 with the provisions of chapter 54 of the general statutes.

1661 Sec. 44. Subsection (e) of section 14-49 of the general statutes is
1662 repealed and the following is substituted in lieu thereof (*Effective*
1663 *October 1, 2002*):

1664 (e) (1) For the registration of a passenger motor vehicle used in part
1665 for commercial purposes, the commissioner shall charge a biennial fee
1666 of seventy-eight dollars. (2) For the registration of a school bus, the
1667 commissioner shall charge an annual fee of one hundred dollars for a
1668 type I school bus and sixty dollars for a type II school bus. (3) For the
1669 registration of a motor vehicle when used in part for commercial
1670 purposes and as a passenger motor vehicle or of a motor vehicle
1671 having a seating capacity greater than ten and not used for the
1672 conveyance of passengers for hire, the commissioner shall charge a
1673 biennial fee for gross weight as for commercial registration, as outlined
1674 in section 14-47, plus the sum of eight dollars. (4) A motor vehicle used
1675 in part for commercial purposes and used in part for private passenger
1676 purposes and registered pursuant to this section shall be issued a
1677 number plate bearing the word "combination". No vehicle registered as
1678 combination may have a gross vehicle weight [~~exceeding~~] rating in
1679 excess of ten thousand pounds.

1680 Sec. 45. Subsection (a) of section 42-133dd of the general statutes is
1681 repealed and the following is substituted in lieu thereof (*Effective*
1682 *October 1, 2002*):

1683 (a) In the event that a manufacturer or distributor seeks to enter into
1684 a franchise establishing a new dealer or relocating an existing dealer
1685 within or into a relevant market area where the same line make is then
1686 represented, the manufacturer or distributor shall in writing, by
1687 certified mail, first notify the commissioner and each dealer in such

1688 line make in the relevant market area of its intention to establish a new
1689 dealer or to relocate an existing dealer within or into that market area.
1690 Within twenty days of receiving such notice or within twenty days
1691 after the end of any appeal procedure provided by the manufacturer or
1692 distributor, any such dealer may file with the commissioner a protest
1693 concerning the [establishing or relocating] proposed establishment or
1694 relocation of such new or existing dealer. When such a protest is filed,
1695 the commissioner shall inform the manufacturer or distributor that a
1696 timely protest has been filed, and that the manufacturer or distributor
1697 shall not establish or relocate the proposed dealer until the
1698 commissioner has held a hearing, nor thereafter, if the commissioner
1699 determines that there is good cause for denying the establishment or
1700 relocation of such dealer. In any hearing held pursuant to this section,
1701 the manufacturer or distributor has the burden of proving that good
1702 cause exists for permitting the proposed establishment or relocation.
1703 This section shall not apply to the sale, lease or transfer of ownership
1704 of an active, existing dealer, nor shall any provision of this section
1705 prohibit a manufacturer from entering into a franchise arrangement
1706 with a successor dealer at the same location.

1707 Sec. 46. Section 14-51a of the general statutes is repealed and the
1708 following is substituted in lieu thereof (*Effective July 1, 2002*):

1709 The commissioner may, after notice and hearing, impose a civil
1710 penalty of not more than one thousand dollars on any person, firm or
1711 corporation who violates any provision of sections [14-53] 14-54 to 14-
1712 67a, inclusive, as amended by this act, or of not more than two
1713 thousand dollars on any person, firm or corporation who violates
1714 section 14-52.

1715 Sec. 47. Subsection (b) of section 14-111 of the general statutes is
1716 repealed and the following is substituted in lieu thereof (*Effective July*
1717 *1, 2002*):

1718 (b) (1) Whenever the holder of any motor vehicle operator's license
1719 has been convicted or has forfeited any bond taken or has received a
1720 suspended judgment or sentence for any of the following violations,

1721 the commissioner shall, without hearing, suspend his operator's license
1722 as follows: For a first violation of subsection (a) of section 14-224 or
1723 section 14-110, 14-215 or 53a-119b, for a period of not less than one
1724 year and, for a subsequent violation thereof, for a period of not less
1725 than five years; for a violation of subsection (a) of section 14-222, for a
1726 period of not less than thirty days nor more than ninety days and, for a
1727 subsequent violation thereof, for a period of not less than ninety days;
1728 [for a first violation of section 14-145, for a period of not less than six
1729 months and, for a subsequent violation thereof, for a period of not less
1730 than five years;] for a violation of subsection (b) of section 14-224, for a
1731 period of not less than ninety days; for a first violation of subsection
1732 (b) of section 14-147, for a period of not less than ninety days and, for a
1733 subsequent violation thereof, for a period of not less than five years;
1734 for a first violation of subsection (c) of section 14-147, for a period of
1735 not less than thirty days and, for a subsequent violation thereof, for a
1736 period of not less than one year.

1737 (2) The commissioner may suspend the motor vehicle operator's
1738 license of any person (A) who was arrested for a felony, and (B) for
1739 whom there is an outstanding warrant for rearrest for failing to appear
1740 when legally called with regard to such felony. The suspension shall
1741 terminate no later than the date on which such person appears before
1742 the court with regard to such felony or such failure to appear.

1743 Sec. 48. Subsection (k) of section 14-111 of the general statutes is
1744 repealed and the following is substituted in lieu thereof (*Effective July*
1745 *1, 2002*):

1746 (k) Whenever any person has been convicted of any violation of
1747 section 14-110, [14-145,] 14-147, 14-215, [14-219,] 14-222 [,] or 14-224 [or
1748 14-229 or has had his case nolleed or judgment or execution suspended
1749 or has forfeited his bond,] and [his] such person's license has been
1750 suspended [or revoked] by the commissioner, [he] or if such person
1751 has had his or her license suspended in accordance with the provisions
1752 of section 14-111c or section 40 of this act, such person may make
1753 application to the commissioner for the reversal or reduction of the

1754 term of such suspension. [or revocation.] Such application shall be in
1755 writing and shall state specifically the reasons why such applicant
1756 believes that [he] the applicant is entitled to such reversal or reduction.
1757 [If the commissioner determines to grant such hearing, he may require
1758 the applicant to file with him a trial fee, the amount of which shall be
1759 discretionary with the commissioner. Upon the deposit of such trial
1760 fee, the commissioner may make such further investigation as he
1761 deems necessary, may hear evidence presented and may return the
1762 registration certificate or operator's license to the applicant
1763 unconditionally or upon condition. The commissioner is further
1764 empowered to return part or all of such trial fee to such applicant after
1765 an opinion has been rendered by him. The amount of all trial fees not
1766 so returned shall be deposited at least once every three months with
1767 the State Treasurer. The commissioner may require such application,
1768 fee and hearing as a condition precedent to the return of any license
1769 suspended or revoked.] The commissioner shall consider each such
1770 application and the applicant's driver control record, as defined in
1771 section 34 of this act, and may grant a hearing to the applicant in
1772 accordance with the provisions of chapter 54 and section 14-4a.

1773 Sec. 49. Section 14-10 of the general statutes is repealed and the
1774 following is substituted in lieu thereof (*Effective from passage*):

1775 (a) For the purposes of this section:

1776 (1) "Disclose" means to engage in any practice or conduct to make
1777 available and make known, by any means of communication, personal
1778 information or highly restricted personal information contained in a
1779 motor vehicle record pertaining to an individual to any other
1780 individual, organization or entity;

1781 (2) "Motor vehicle record" means any record that pertains to an
1782 operator's license, learner's permit, identity card, registration,
1783 certificate of title or any other document issued by the Department of
1784 Motor Vehicles;

1785 (3) "Personal information" means information that identifies an

1786 individual and includes an individual's photograph or computerized
1787 image, Social Security number, operator's license number, name,
1788 address other than the zip code, telephone number, or medical or
1789 disability information, but does not include information on motor
1790 vehicle accidents or violations, or information relative to the status of
1791 an operator's license, registration or insurance coverage; [and]

1792 (4) "Highly restricted personal information" means an individual's
1793 photograph or computerized image, Social Security number or medical
1794 or disability information; and

1795 ~~[(4)]~~ (5) "Express consent" means an affirmative agreement given by
1796 the individual who is the subject of personal information that
1797 specifically grants permission to the department to release such
1798 information to the requesting party. Such agreement shall (A) be in
1799 writing or such other form as the commissioner may determine in
1800 regulations adopted in accordance with the provisions of chapter 54,
1801 and (B) specify a procedure for the individual to withdraw such
1802 consent, as provided in regulations adopted in accordance with the
1803 provisions of chapter 54.

1804 (b) A number shall be assigned to each motor vehicle registration
1805 and operator's license and a record of all applications for motor vehicle
1806 registrations and operators' licenses issued shall be kept by the
1807 commissioner at the main office of the Department of Motor Vehicles.

1808 (c) (1) All records of the Department of Motor Vehicles pertaining to
1809 the application for registration, and the registration, of motor vehicles
1810 of the current or previous three years shall be maintained by the
1811 commissioner at the main office of the department. Any such records
1812 over three years old may be destroyed at the discretion of the
1813 commissioner. (2) Before disclosing personal information pertaining to
1814 an applicant or registrant from such motor vehicle records or allowing
1815 the inspection of any such record containing such personal information
1816 in the course of any transaction conducted at such main office, the
1817 commissioner shall ascertain whether such disclosure is authorized
1818 under subsection (f) of this section, and require the person or entity

1819 making the request to (A) complete an application that shall be on a
1820 form prescribed by the commissioner, (B) provide two forms of
1821 acceptable identification, and (C) pay a fee of fifteen dollars to the
1822 commissioner in addition to any fee required under section 14-50a. An
1823 attorney-at-law admitted to practice in this state may provide his or
1824 her juris number to the commissioner in lieu of the requirements of
1825 subparagraph (B) of this subdivision. The commissioner may disclose
1826 such personal information or permit the inspection of such record
1827 containing such information only if such disclosure is authorized
1828 under subsection (f) of this section.

1829 (d) The commissioner may disclose personal information from a
1830 motor vehicle record pertaining to an operator's license or a driving
1831 history or permit the inspection or copying of any such record or
1832 history containing such information in the course of any transaction
1833 conducted at the main office of the department only if such disclosure
1834 is authorized under subsection (f) of this section. Any such records
1835 over five years old may be destroyed at the discretion of the
1836 commissioner.

1837 (e) In the event (1) a federal court judge, federal court magistrate or
1838 judge of the Superior Court, Appellate Court or Supreme Court of the
1839 state, (2) a member of a municipal police department or a member of
1840 the Division of State Police within the Department of Public Safety, (3)
1841 an employee of the Department of Correction, (4) an attorney-at-law
1842 who represents or has represented the state in a criminal prosecution,
1843 or (5) a member or employee of the Board of Parole submits a written
1844 request and furnishes such individual's business address to the
1845 commissioner, such business address only shall be disclosed or
1846 available for public inspection to the extent authorized by this section.

1847 (f) The commissioner may disclose personal information from a
1848 motor vehicle record to:

1849 (1) Any federal, state or local government agency in carrying out its
1850 functions or to any individual or entity acting on behalf of any such
1851 agency, or

1852 (2) Any individual, organization or entity that signs and files with
1853 the commissioner, under penalty of false statement as provided in
1854 section 53a-157b, a statement on a form approved by the
1855 commissioner, together with such supporting documentation or
1856 information as the commissioner may require, that such information
1857 will be used for any of the following purposes:

1858 (A) In connection with matters of motor vehicle or driver safety and
1859 theft, motor vehicle emissions, motor vehicle product alterations,
1860 recalls or advisories, performance monitoring of motor vehicles and
1861 dealers by motor vehicle manufacturers and removal of nonowner
1862 records from the original owner records of motor vehicle
1863 manufacturers to implement the provisions of the federal Automobile
1864 Information Disclosure Act, 15 USC 1231 et seq., the Motor Vehicle
1865 Information and Cost Saving Act, 15 USC 1901 et seq., the National
1866 Traffic and Motor Vehicle Safety Act of 1966, 15 USC 1381 et seq., Anti-
1867 Car Theft Act of 1992, 15 USC 2021 et seq., and the Clean Air Act, 42
1868 USC 7401 et seq., as amended from time to time, and any provision of
1869 the general statutes enacted to attain compliance with said federal acts;

1870 (B) In the normal course of business by the requesting party, but
1871 only to confirm the accuracy of personal information submitted by the
1872 individual to the requesting party;

1873 (C) In connection with any civil, criminal, administrative or arbitral
1874 proceeding in any court or government agency or before any self-
1875 regulatory body, including the service of process, an investigation in
1876 anticipation of litigation and the execution or enforcement of
1877 judgments and orders, or pursuant to an order of any court provided
1878 the requesting party is a party in interest to such proceeding;

1879 (D) In connection with matters of motor vehicle or driver safety and
1880 theft, motor vehicle emissions, motor vehicle product alterations,
1881 recalls or advisories, performance monitoring of motor vehicles and
1882 motor vehicle parts and dealers, motor vehicle market research
1883 activities including survey research, motor vehicle product and service
1884 communications, and removal of nonowner records from the original

1885 owner records of motor vehicle manufacturers, provided the personal
1886 information is not published, disclosed or used to contact individuals
1887 except as permitted under subparagraph (A) of this subdivision;

1888 (E) By any insurer or insurance support organization or by a self-
1889 insured entity or its agents, employees or contractors, in connection
1890 with the investigation of claims arising under insurance policies,
1891 antifraud activities, rating or underwriting;

1892 (F) In providing any notice required by law to owners or lienholders
1893 named in the certificate of title of towed, abandoned or impounded
1894 motor vehicles;

1895 (G) By an employer or its agent or insurer to obtain or verify
1896 information relating to a holder of a passenger endorsement or
1897 commercial driver's license required under the federal Commercial
1898 Motor Vehicle Safety Act of 1986, 49 USC 2304 et seq., and sections 14-
1899 44 to 14-44m, inclusive;

1900 (H) In connection with any lawful purpose of a labor organization,
1901 as defined in section 31-77, provided (i) such organization has entered
1902 into a contract with the commissioner, on such terms and conditions as
1903 the commissioner may require, and (ii) the information will be used
1904 only for the purposes specified in the contract other than campaign or
1905 political purposes;

1906 (I) For bulk distribution for surveys, marketing or solicitations
1907 provided the commissioner has obtained the express consent of the
1908 individual to whom such personal information pertains;

1909 (J) For the purpose of preventing fraud by verifying the accuracy of
1910 personal information contained in a motor vehicle record, including an
1911 individual's photograph or computerized image, as submitted by an
1912 individual to a legitimate business or an agent, employee or contractor
1913 of a legitimate business, provided the individual has provided express
1914 consent in accordance with subdivision (4) of subsection (a) of this
1915 section.

1916 (g) Any person receiving personal information from a motor vehicle
1917 record pursuant to subsection (f) of this section shall be entitled to use
1918 such information for any of the purposes set forth in said subsection.

1919 (h) Notwithstanding any provision of this section, the disclosure of
1920 personal information from a motor vehicle record pursuant to
1921 subsection (f) of this section shall be subject to the provisions of section
1922 14-50a concerning (1) the fees that shall be charged for copies of or
1923 information pertaining to motor vehicle records and (2) the authority
1924 of the commissioner to establish fees for information furnished on a
1925 volume basis in accordance with such terms and conditions regarding
1926 the use and distribution of such information as the commissioner may
1927 prescribe.

1928 (i) Notwithstanding any provision of this section that restricts or
1929 prohibits the disclosure of personal information from a motor vehicle
1930 record, the commissioner may disclose personal information contained
1931 in any such record to any individual who is the subject of such
1932 personal information or to any person who certifies under penalty of
1933 false statement that such person has obtained the express consent of
1934 the subject of such personal information.

1935 (j) Notwithstanding any provision of this section that permits the
1936 disclosure of personal information from a motor vehicle record, the
1937 commissioner may disclose highly restricted personal information
1938 contained in any such record only in accordance with the provisions of
1939 18 USC 2721 et seq., as amended.

1940 [(j)] (k) The commissioner may adopt regulations in accordance with
1941 chapter 54 to implement the provisions of this section.

1942 Sec. 50. Subsection (b) of section 14-20 of the general statutes, as
1943 amended by section 2 of public act 01-191, is repealed and the
1944 following is substituted in lieu thereof (*Effective July 1, 2002*):

1945 (b) Notwithstanding the provisions of subsection (a) of this section,
1946 section 14-18 and section 14-21b, the owner of an antique, rare or

1947 special interest motor vehicle may be authorized by the commissioner
1948 to display a number plate originally issued by the Commissioner of
1949 Motor Vehicles corresponding to the year of manufacture of such
1950 antique, rare or special interest motor vehicle. The commissioner shall
1951 issue a certificate of registration, as provided in section 14-12, as
1952 amended by this act. Such registration shall be valid, subject to
1953 renewal, [so] as long as the commissioner permits. Thereafter, the
1954 registration number and number plates, if any, which were assigned to
1955 such motor vehicle before such registration and number plates were
1956 issued under this section, shall be in effect. Each such number plate
1957 authorized for use by the commissioner shall be displayed in a
1958 conspicuous place at the rear of such motor vehicle at all times while
1959 the vehicle is in use or operation upon any public highway. A sticker
1960 shall be affixed to each such number plate to denote the expiration
1961 date of the registration, unless the commissioner authorizes the sticker,
1962 or other evidence of the period of the registration, to be placed
1963 elsewhere or carried in such motor vehicle. Such sticker may contain
1964 the corresponding letters and numbers of the registration and number
1965 plate. The commissioner may adopt regulations, in accordance with
1966 chapter 54, to implement the provisions of this subsection.

1967 Sec. 51. Subsection (q) of section 14-49 of the general statutes is
1968 repealed and the following is substituted in lieu thereof (*Effective July*
1969 *1, 2002*):

1970 (q) The commissioner shall collect a biennial fee of twenty-eight
1971 dollars for the registration of each motor vehicle used exclusively for
1972 farming purposes. No such motor vehicle may be used for the purpose
1973 of transporting goods for hire or taking the on-the-road skills test
1974 portion of the examination for a motor vehicle operator's license. No
1975 farm registration shall be issued to any person operating a farm that
1976 has gross annual sales of less than two thousand five hundred dollars
1977 in the calendar year preceding registration. The commissioner may
1978 issue a farm registration for a passenger motor vehicle under such
1979 conditions as [such] said commissioner shall prescribe in regulations
1980 adopted in accordance with chapter 54. No motor vehicle issued a farm

1981 registration may be used to transport ten or more passengers on any
1982 highway unless such motor vehicle meets the requirements for
1983 equipment and mechanical condition set forth in this chapter, and, in
1984 the case of a vehicle used to transport more than fifteen passengers,
1985 including the driver, the applicable requirements of the Code of
1986 Federal Regulations, as adopted by the commissioner, in accordance
1987 with the provisions of subsection (a) of section 14-163c. The operator of
1988 such motor vehicle used to transport ten or more passengers shall hold
1989 a public transportation permit or endorsement issued in accordance
1990 with the provisions of section 14-44. Any farm registration used
1991 otherwise than as provided by this subsection shall be revoked.

1992 Sec. 52. Subsection (e) of section 14-36 of the general statutes is
1993 repealed and the following is substituted in lieu thereof (*Effective*
1994 *January 1, 2003*):

1995 (e) (1) No motor vehicle operator's license shall be issued until (A)
1996 the applicant signs and files with the commissioner an application
1997 under oath, except that renewals from the year immediately preceding
1998 need not be under oath, stating such information as the commissioner
1999 requires, and (B) the commissioner is satisfied that the applicant is
2000 sixteen years of age or older and is a suitable person to receive the
2001 license. (2) An applicant for a new motor vehicle operator's license
2002 shall, in the discretion of the commissioner, file, with the application, a
2003 copy of his birth certificate or other prima facie evidence of his date of
2004 birth and evidence of identity. (3) Before granting a license to any
2005 applicant who has not previously held a Connecticut motor vehicle
2006 operator's license, or who has not operated a motor vehicle during the
2007 preceding two years, the commissioner shall require the applicant to
2008 demonstrate personally to him, his deputy or a motor vehicle inspector
2009 or an agent of the commissioner, in such manner as the commissioner
2010 directs, that the applicant is a proper person to operate motor vehicles
2011 of the class for which he has applied, has sufficient knowledge of the
2012 mechanism of the motor vehicles to ensure their safe operation by him
2013 and has satisfactory knowledge of the laws concerning motor vehicles
2014 and the rules of the road. If any such applicant has held a license from

2015 a state, territory or possession of the United States where a similar
2016 examination is required, or if any such applicant is a person honorably
2017 separated from the United States armed forces who applies within two
2018 years following the separation and who, prior to the separation, held a
2019 military operator's license for motor vehicles of the same class as that
2020 for which he has applied, the commissioner may waive part or all of
2021 the examination in his discretion. When the commissioner is satisfied
2022 as to the ability and competency of any applicant, he may issue to him
2023 a license, either unlimited or containing such limitations as the
2024 commissioner deems advisable, and specifying the class of motor
2025 vehicles which the licensee is eligible to operate. (4) If any applicant or
2026 operator license holder has any health problem which might affect
2027 such person's ability to operate a motor vehicle safely, the
2028 commissioner may require the applicant or license holder to
2029 demonstrate personally or otherwise establish that, notwithstanding
2030 such problem, he is a proper person to operate a motor vehicle, and he
2031 may further require a certificate of such applicant's condition, signed
2032 by a medical authority designated by him, which certificate shall in all
2033 cases be treated as confidential by the commissioner. A license,
2034 containing such limitation as the commissioner deems advisable, may
2035 be issued or renewed in any case, but nothing in this section shall be
2036 construed to prevent the commissioner from refusing a license, either
2037 limited or unlimited, to any person or suspending a license of a person
2038 whom he determines to be incapable of safely operating a motor
2039 vehicle. Consistent with budgetary allotments, each motor vehicle
2040 operator's license issued to or renewed by a deaf or hearing impaired
2041 person shall, upon the request of such person, indicate such
2042 impairment. Such person shall submit a certificate stating such
2043 impairment, in such form as the commissioner may require and signed
2044 by a licensed health care practitioner. (5) The issuance of a motor
2045 vehicle operator's license to any applicant who is the holder of a
2046 license issued by another state shall be subject to the provisions of
2047 section 14-111c and section 37 of this act.

2048 Sec. 53. Subsection (b) of section 14-171 of the general statutes is
2049 repealed and the following is substituted in lieu thereof (*Effective July*

2050 1, 2002):

2051 (b) If the application refers to a vehicle purchased from a dealer, it
2052 shall contain the name and address of any lienholder holding a
2053 security interest created or reserved at the time of the sale and the date
2054 of [his] such security agreement and be signed by the dealer as well as
2055 the owner, and the dealer shall promptly mail or deliver the
2056 application to the commissioner.

2057 Sec. 54. Subsection (a) of section 14-197 of the general statutes is
2058 repealed and the following is substituted in lieu thereof (*Effective July*
2059 *1, 2002*):

2060 (a) A police officer or constable who learns of the theft of a vehicle
2061 not since recovered, or of the recovery of a vehicle [whose] the theft or
2062 conversion [he] of which such officer or constable knows or has reason
2063 to believe has been reported to the commissioner, shall forthwith
2064 report the theft or recovery to the commissioner.

2065 Sec. 55. Subsection (b) of section 14-253a of the general statutes is
2066 repealed and the following is substituted in lieu thereof (*Effective July*
2067 *1, 2002*):

2068 (b) The Commissioner of Motor Vehicles shall accept applications
2069 and renewal applications for special license plates and removable
2070 windshield placards from (1) any person who is blind, as defined in
2071 section 1-1f; (2) any person with disabilities which limit or impair the
2072 ability to walk, as defined in 23 CFR Part 1235.2; (3) any parent or
2073 guardian of any blind person or person with disabilities who is under
2074 eighteen years of age at the time of application; and (4) any
2075 organization which meets criteria established by the commissioner and
2076 which certifies to the commissioner's satisfaction that the vehicle for
2077 which a plate or placard is requested is primarily used to transport
2078 blind persons or persons with disabilities which limit or impair their
2079 ability to walk. Such applications shall be on a form prescribed by the
2080 commissioner and shall include certification of disability from a
2081 licensed physician or of blindness from an ophthalmologist or an

2082 optometrist. In the case of persons with disabilities which limit or
2083 impair the ability to walk, the application shall also include
2084 certification from a licensed physician or a member of the handicapped
2085 driver training unit established pursuant to section 14-11b [.] that the
2086 applicant meets the definition of persons with disabilities which limit
2087 or impair the ability to walk, as defined in 23 CFR Section 1235.2. The
2088 commissioner, in said commissioner's discretion, may accept the
2089 discharge papers of a disabled veteran, as defined in section 14-254, in
2090 lieu of such certification. The commissioner may require additional
2091 certification at the time of the original application or at any time
2092 thereafter. If a person who has been requested to submit additional
2093 certification fails to do so within thirty days of the request, or if such
2094 additional certification is deemed by the commissioner to be
2095 unfavorable to the applicant, the commissioner may refuse to issue or,
2096 if already issued, suspend or revoke such special license plate or
2097 removable windshield placard. The fee for the issuance of a temporary
2098 removable windshield placard shall be five dollars. Any person whose
2099 application has been denied or whose special license plate or
2100 removable windshield placard has been suspended or revoked shall be
2101 afforded an opportunity for a hearing in accordance with the
2102 provisions of chapter 54.

2103 Sec. 56. Subsection (b) of section 14-15 of the general statutes is
2104 repealed and the following is substituted in lieu thereof (*Effective July*
2105 *1, 2002*):

2106 (b) Each person, firm or corporation licensed under the provisions
2107 of subsection (a) of this section [who] that in the opinion of the
2108 commissioner is qualified and [who] holds a current registration
2109 certificate for a motor vehicle used in connection with its business may
2110 issue a sixty-day temporary transfer of such registration to any other
2111 vehicle used in connection with its business with an official stamp
2112 issued by the commissioner to such licensee. The licensee, within five
2113 days from the issuance of such temporary registration, shall submit to
2114 the commissioner an application together with all necessary
2115 documents for a permanent registration for the vehicle transferred. The

2116 commissioner shall adopt regulations in accordance with the
2117 provisions of chapter 54 to implement the provisions of this
2118 subsection.

2119 Sec. 57. Section 14-103a of the general statutes is repealed and the
2120 following is substituted in lieu thereof (*Effective July 1, 2002*):

2121 Any motor vehicle, composed or assembled from the several parts
2122 of other motor vehicles, or the identification and body contours of
2123 which are so altered that the vehicle no longer bears the characteristics
2124 of any specific make of motor vehicle, or declared a total loss by any
2125 insurance carrier and subsequently rebuilt, shall be inspected by the
2126 commissioner to determine whether the vehicle is properly equipped,
2127 in good mechanical condition and in the possession of its lawful
2128 owner. Such vehicle shall be presented for inspection at any [state]
2129 Department of Motor Vehicles office or any official emissions
2130 inspection station authorized by the Commissioner of Motor Vehicles
2131 to conduct such inspection. The commissioner may require any person
2132 presenting any such reassembled, altered or rebuilt vehicle for
2133 inspection to provide proof of lawful purchase of any major
2134 component parts not part of the vehicle when first sold by the
2135 manufacturer. The fee for such inspection shall be eighty-eight dollars.
2136 The inspection fee shall be in addition to regular registration fees. All
2137 moneys received from the fee imposed pursuant to this section and
2138 collected at an official emissions inspection station shall be deposited
2139 in a separate safety inspection account within the Emissions Inspection
2140 Fund.

2141 Sec. 58. Subsection (g) of section 14-267a of the general statutes is
2142 repealed and the following is substituted in lieu thereof (*Effective July*
2143 *1, 2002*):

2144 (g) For the purpose of enforcing the provisions of this section, any
2145 state police officer, Department of Public Safety employee designated
2146 by the Commissioner of Public Safety, local police officer, Department
2147 of Motor Vehicles inspector, or [state] Department of Transportation
2148 employee designated by the Commissioner of Transportation, may

2149 require the driver to stop and submit to a weighing by means of either
2150 portable or stationary scales and may require that such vehicle be
2151 driven to a scale or safety inspection site.

2152 Sec. 59. Subsection (h) of section 14-267a of the general statutes is
2153 repealed and the following is substituted in lieu thereof (*Effective July*
2154 *1, 2002*):

2155 (h) Whenever signs are displayed on a public highway, indicating
2156 that a scale is in operation and directing the driver of a commercial
2157 vehicle to stop at the weighing area, the driver shall stop and, in
2158 accordance with the directions of any state police officer, Department
2159 of Public Safety employee designated by the Commissioner of Public
2160 Safety, local police officer, Department of Motor Vehicles inspector, or
2161 [state] Department of Transportation employee designated by the
2162 Commissioner of Transportation, allow [his] the vehicle to be weighed
2163 or inspected.

2164 Sec. 60. Subsection (a) of section 14-282 of the general statutes is
2165 repealed and the following is substituted in lieu thereof (*Effective July*
2166 *1, 2002*):

2167 (a) Any person who is the owner or becomes the owner of a motor
2168 vehicle formerly used as a school bus who discontinues the use of such
2169 vehicle for the transportation of school children as stated in sections
2170 14-275 and 14-280 shall cause the same to be painted another color,
2171 readily distinguishable from "National School Bus Chrome". On and
2172 after July 1, 1990, each such motor vehicle ten years old or older shall
2173 be presented for inspection every two years at any [state] Department
2174 of Motor Vehicles office.

2175 Sec. 61. Subsection (b) of section 14-290 of the general statutes is
2176 repealed and the following is substituted in lieu thereof (*Effective July*
2177 *1, 2002*):

2178 (b) The following provisions of the general statutes shall not apply
2179 to operators of maintenance vehicles or equipment of any

2180 governmental agency or agent thereof or to vehicles or equipment of
2181 any governmental agency or agent thereof, so far as such exemption is
2182 necessary, while such operators and equipment are engaged in or are
2183 preparing to engage in or are departing from highway maintenance
2184 operations on any highway, road or street, provided the [state]
2185 Department of Transportation shall not by reason of such exemption
2186 suffer any loss of revenue granted from any agency or department of
2187 the federal government for the federal Interstate Highway System or
2188 any other highway system: Sections 14-216, 14-230 to 14-233, inclusive,
2189 14-235 to 14-242, inclusive, 14-244 to 14-247, inclusive, 14-250a to 14-
2190 252, inclusive, 14-261, 14-262, 14-264 to 14-271, inclusive, as amended
2191 by this act, 14-299, 14-301 to 14-308, inclusive.

2192 Sec. 62. Subsection (a) of section 14-46b of the general statutes is
2193 repealed and the following is substituted in lieu thereof (*Effective*
2194 *October 1, 2002*):

2195 (a) There is established within the department a Motor Vehicle
2196 Operator's License Medical Advisory Board which shall advise the
2197 commissioner on the medical aspects and concerns of licensing
2198 operators of motor vehicles. This board shall consist of not less than
2199 [seven] eight members nor more than fifteen members appointed by
2200 the commissioner from a list of nominees submitted by the
2201 Connecticut State Medical Society and the Connecticut Association of
2202 Optometrists. The Connecticut State Medical Society shall submit
2203 nominees representing the specialties of (1) general medicine or
2204 surgery, (2) internal medicine, (3) cardiovascular medicine, (4)
2205 neurology or neurological surgery, (5) ophthalmology, (6) orthopedics,
2206 and (7) psychiatry. The Connecticut Association of Optometrists shall
2207 submit nominees representing the specialty of optometry.

2208 Sec. 63. Section 14-78 of the general statutes is repealed and the
2209 following is substituted in lieu thereof (*Effective October 1, 2002*):

2210 The commissioner may [make] adopt regulations, in accordance
2211 with chapter 54, for (1) the conduct of drivers' schools, including, but
2212 not limited to, requirements as to the inspection of the vehicles used by

2213 the drivers' schools in the conduct of their business, instructional
2214 standards and [procedure] procedures, including instruction of not
2215 less than fifteen minutes concerning the responsibilities of an operator
2216 of a motor vehicle under subsection (b) of section 14-223 and the
2217 penalty for a violation of the provisions of said subsection (b), the
2218 posting of rates charged for instruction, and the general form in which
2219 records shall be kept concerning persons under instruction and those
2220 who have completed their course of instruction, and (2) the
2221 establishment of requirements for a person to receive a license as an
2222 instructor in accordance with section 14-73, as amended by this act.
2223 The regulations shall require that the commissioner issue a license to
2224 any person who meets the requirements of section 14-73, as amended
2225 by this act, to act as an instructor in a classroom only, and not as an
2226 instructor behind the wheel of a vehicle, provided (A) the person has
2227 sufficient experience, as specified in the regulations, either in public
2228 safety, including, but not limited to, experience as a police officer or
2229 firefighter, or as a teacher, and (B) the person completes instructor
2230 training, as specified in the regulations.

2231 Sec. 64. Subsection (f) of section 14-267a of the general statutes is
2232 repealed and the following is substituted in lieu thereof (*Effective July*
2233 *1, 2002*):

2234 (f) (1) The penalties provided for in this subsection shall be assessed
2235 against the owner of a commercial motor vehicle when the owner, [his]
2236 the owner's agent or employee is the operator, or against the lessee of
2237 such vehicle when the lessee, [his] the lessee's agent or employee is the
2238 operator of a leased or rented commercial motor vehicle.

2239 (2) Any person who violates any provision of this section shall be
2240 subject to the following penalties: (A) For an overweight violation of
2241 not more than five per cent of the gross weight or axle weight limits in
2242 subsection (b) of this section, a fine of three dollars per hundred
2243 pounds or fraction thereof of such excess weight; (B) for an overweight
2244 violation of more than five per cent and not more than ten per cent of
2245 either such weight limit, a fine of five dollars per hundred pounds or

2246 fraction thereof of such excess weight or a minimum fine of fifty
2247 dollars; (C) for an overweight violation of more than ten per cent but
2248 not more than fifteen per cent of either such weight limit, a fine of six
2249 dollars per hundred pounds or fraction thereof of such excess weight
2250 or a minimum fine of one hundred dollars; (D) for an overweight
2251 violation of more than fifteen per cent but not more than twenty per
2252 cent of either such weight limit, a fine of seven dollars per hundred
2253 pounds or fraction thereof of such excess weight or a minimum fine of
2254 two hundred dollars; (E) for an overweight violation of more than
2255 twenty per cent but not more than twenty-five per cent of either such
2256 weight limit, a fine of ten dollars per hundred pounds or fraction
2257 thereof of such excess weight or a minimum fine of three hundred
2258 dollars; (F) for an overweight violation of more than twenty-five per
2259 cent but not more than thirty per cent of either such overweight limit, a
2260 fine of twelve dollars per hundred pounds or fraction thereof of such
2261 excess weight or a minimum fine of five hundred dollars; and (G) for
2262 an overweight violation of more than thirty per cent of either such
2263 overweight limit, a fine of fifteen dollars per one hundred pounds or
2264 fraction thereof of such excess weight or a minimum fine of one
2265 thousand dollars.

2266 (3) The court shall note on the record any conviction [or forfeiture of
2267 a bond for failure to appear] for an overweight violation in excess of
2268 fifteen per cent of the gross weight limits in subsection (b) of this
2269 section with respect to any vehicle with a gross vehicle weight of
2270 eighteen thousand pounds or more and shall cause such information to
2271 be transmitted to the Commissioner of Motor Vehicles. Upon receipt of
2272 such information with respect to a third or subsequent conviction for
2273 such overweight violation in a calendar year, the commissioner may
2274 schedule a hearing, in accordance with the provisions of chapter 54, to
2275 review the record of the motor vehicle registrant and shall notify the
2276 registrant of the hearing. In such cases, the Commissioner of Motor
2277 Vehicles [shall (A) demand of an out-of-state owner or lessee of such
2278 motor vehicle a bond, with sufficient surety, to the state, in the sum of
2279 two thousand dollars, which bond shall be forfeited to the state upon a
2280 second conviction or forfeiture of a bond for failure to appear for such

2281 violation, or (B) fine an in-state owner or lessee of such motor vehicle
2282 two thousand dollars upon a second conviction. In addition, the
2283 commissioner] may review information and evidence presented at the
2284 hearing including, but not limited to, frequency of the registrant's
2285 commercial vehicle operations, the size of the registrant's fleet and the
2286 culpability, if any, of the shipper. After the hearing, the commissioner
2287 may impose a civil penalty on the owner or lessee of such motor
2288 vehicle in the amount of two thousand dollars or revoke the
2289 registration, for a period of thirty days, of any commercial motor
2290 vehicle so operated and may refuse to issue a registration for such
2291 motor vehicle during such further time as the commissioner deems
2292 reasonable. [For any subsequent conviction or forfeiture of a bond for
2293 failure to appear, the commissioner shall revoke the registration for a
2294 period of thirty days. A bond posted pursuant to the provisions of this
2295 subdivision shall be held for a period of not more than one year from
2296 its posting. Where there is no second conviction or forfeiture of a bond
2297 for failure to appear for violation of the limits in subsection (b) of this
2298 section during that time, the bond shall be returned to such owner or
2299 lessee, as the case may be.]

2300 [(4) Upon the third conviction or forfeiture of a bond for failure to
2301 appear for overweight violations of subsection (b) of this section with
2302 respect to a vehicle with a gross vehicle weight of less than eighteen
2303 thousand pounds, the Commissioner of Motor Vehicles shall revoke
2304 the registration, for a period of thirty days, of any commercial motor
2305 vehicle so operated.]

2306 [(5)] (4) An owner or lessee who is assessed penalties pursuant to
2307 this subsection [or forfeits a bond for failure to appear] for an
2308 overweight violation in excess of fifteen per cent of the gross weight
2309 limits in subsection (b) of this section [four] five times during any
2310 calendar year shall be assessed by the court an additional [ten] five
2311 thousand dollars for the [fourth] fifth violation and an additional five
2312 thousand dollars for each subsequent overweight violation in excess of
2313 fifteen per cent of such limits in such calendar year.

2314 [(6)] (5) No more than twenty-five per cent of any fine imposed
2315 pursuant to this subsection may be remitted unless the court
2316 determines that there are mitigating circumstances and specifically
2317 states such circumstances for the record.

2318 Sec. 65. (NEW) (*Effective July 1, 2002*) Notwithstanding the
2319 provisions of section 14-22 of the general statutes and subsection (a) of
2320 section 14-49 of the general statutes concerning the biennial period for
2321 the registration of a passenger motor vehicle, and for the registration of
2322 certain other motor vehicles not used for commercial purposes, the
2323 commissioner may issue a registration for any such motor vehicle that
2324 is owned by a person, firm or corporation licensed in accordance with
2325 the provisions of section 14-15 of the general statutes, as amended by
2326 this act, and that is the subject of a lease agreement, for a period not to
2327 exceed five years, to coincide with the term of such lease agreement.
2328 The fee for any such registration shall be adjusted and prorated on the
2329 basis of the fee prescribed for a biennial registration. The commissioner
2330 may adopt regulations, in accordance with chapter 54 of the general
2331 statutes, to implement the provisions of this section.

2332 Sec. 66. Subsection (d) of section 14-36 of the general statutes is
2333 repealed and the following is substituted in lieu thereof (*Effective July*
2334 *1, 2002*):

2335 (d) (1) No motor vehicle operator's license shall be issued to any
2336 applicant who is sixteen or seventeen years of age unless the applicant
2337 has held a learner's permit and has satisfied the requirements specified
2338 in this subsection. The applicant shall (A) present to the commissioner
2339 a certificate of the successful completion in a public secondary school,
2340 a state vocational school or a private secondary school of a full course
2341 of study in motor vehicle operation prepared as provided in section 14-
2342 36e or of training of similar nature provided by a licensed drivers'
2343 school approved by the commissioner, including, in each case,
2344 successful completion of not less than eight clock hours of behind-the-
2345 wheel, on-the-road instruction; (B) present to the commissioner a
2346 certificate of the successful completion of a course of not less than five

2347 hours relative to safe driving practices, including a minimum of two
2348 hours on the nature and the medical, biological and physiological
2349 effects of alcohol and drugs and their impact on the operator of a
2350 motor vehicle, the dangers associated with the operation of a motor
2351 vehicle after the consumption of alcohol or drugs by the operator, the
2352 problems of alcohol and drug abuse and the penalties for alcohol and
2353 drug-related motor vehicle violations; and (C) pass an examination
2354 which shall include a comprehensive test as to knowledge of the laws
2355 concerning motor vehicles and the rules of the road and an on-the-road
2356 skills test as prescribed by the commissioner. At the time of application
2357 and examination for a motor vehicle operator's license, an applicant
2358 sixteen or seventeen years of age shall have held a learner's permit for
2359 not less than one hundred eighty days, except that an applicant who
2360 presents a certificate under subparagraph (A) of this subdivision shall
2361 have held a learner's permit for not less than one hundred twenty days
2362 and an applicant who is undergoing training and instruction by the
2363 handicapped driver training unit in accordance with the provisions of
2364 section 14-11b shall have held such permit for the period of time
2365 required by said unit. The Commissioner of Motor Vehicles shall
2366 approve the content of the safe driving instruction at drivers' schools,
2367 high schools and other secondary schools. Such five hours of
2368 instruction may be included as part of or in addition to any existing
2369 instruction programs. Any fee charged for the course required under
2370 subparagraph (B) of this subdivision shall not exceed [twenty-five]
2371 forty dollars. The commissioner may waive any requirement in this
2372 subdivision, except for that in subparagraph (C) of this subdivision, in
2373 the case of an applicant sixteen or seventeen years of age who holds a
2374 valid motor vehicle operator's license issued by any other state,
2375 provided the commissioner is satisfied that the applicant has received
2376 training and instruction of a similar nature. (2) The commissioner may
2377 accept as evidence of sufficient training under subparagraph (A) of
2378 subdivision (1) of this subsection home training as evidenced by a
2379 written statement signed by the spouse of a married minor applicant,
2380 or by a parent, grandparent, foster parent or the legal guardian of an
2381 applicant which states that the applicant has obtained a learner's

2382 permit and has successfully completed a driving course taught by the
2383 person signing the statement and that the signer has had an operator's
2384 license for at least four years preceding the date of the statement or, if
2385 the applicant has no spouse, parent, grandparent, foster parent or
2386 guardian so qualified and available to give the instruction, a statement
2387 signed by the applicant's stepparent, brother, sister, uncle or aunt, by
2388 blood or marriage, provided the person signing the statement is
2389 qualified. (3) If the commissioner requires a written test of any
2390 applicant under this section, the test shall be given in English or
2391 Spanish at the option of the applicant, provided the commissioner
2392 shall require that the applicant shall have sufficient understanding of
2393 English for the interpretation of traffic control signs. (4) The
2394 Commissioner of Motor Vehicles may adopt regulations, in accordance
2395 with the provisions of chapter 54, to implement the purposes of this
2396 subsection concerning the content of safe driving instruction at drivers'
2397 schools, high schools and other secondary schools.

2398 Sec. 67. Subsection (d) of section 14-35 of the general statutes is
2399 repealed and the following is substituted in lieu thereof (*Effective from*
2400 *passage*):

2401 (d) [No] Except as provided in this subsection, no registrant shall
2402 rent or allow or cause to be rented, operate or allow or cause to be
2403 operated for hire, use or cause to be used for the purpose of conveying
2404 passengers, merchandise or freight for hire, or operate as a commercial
2405 vehicle with a load, any motor vehicle registered under a
2406 [transportation] transporter number plate. The number plate shall not
2407 be loaned to any person and shall not be used by its holder for
2408 personal purposes. [, provided the holder] The registrant who holds a
2409 transporter number plate may operate, or cause to be operated by a
2410 bona fide employee, motor vehicles for the purpose of transportation
2411 or repossession of motor vehicles owned by him or temporarily in his
2412 custody. Such number plate may be used for the movement on a
2413 contract or other basis of a storage or office trailer, house trailer,
2414 modular building or similar, nonpower trailing unit having unitized
2415 construction and to which a removable axle assembly is attached. Any

2416 dealer in boats may use, or allow or cause to be used, any trailer so
2417 registered for the purpose of transporting a boat or boats, together
2418 with any necessary equipment, between a demonstration site and his
2419 established place of business.

2420 Sec. 68. Subsection (b) of section 14-145 of the general statutes is
2421 repealed and the following is substituted in lieu thereof (*Effective from*
2422 *passage*):

2423 (b) When such motor vehicle is towed or otherwise removed by a
2424 wrecker licensed under section 14-66, the licensee or operator of the
2425 wrecker shall notify the local police department of the tow or removal
2426 within [twenty-four] two hours. No such licensee or operator may
2427 charge a storage fee for such motor vehicle for the time it is stored
2428 prior to such notification. If the motor vehicle is not claimed by its
2429 owner within the time periods specified in subsection (e) of section 14-
2430 150, the licensee or operator of the wrecker or of the garage where such
2431 motor vehicle is stored may dispose of it in accordance with the
2432 provisions of subsection (e) of section 14-150.

2433 Sec. 69. Subsection (j) of section 14-227a of the general statutes is
2434 repealed and the following is substituted in lieu thereof (*Effective July*
2435 *1, 2002*):

2436 (j) (1) Each court shall report each conviction under subsection (a) of
2437 this section to the Commissioner of Motor Vehicles, in accordance with
2438 the provisions of section 14-141. The commissioner shall suspend the
2439 motor vehicle operator's license or nonresident operating privilege of
2440 the person reported as convicted for the period of time required by
2441 subsection (h) of this section. The commissioner shall determine the
2442 period of time required by said subsection (h) based on the number of
2443 convictions such person has had within the specified time period
2444 according to such person's driving history record, notwithstanding the
2445 sentence imposed by the court for such conviction. (2) The motor
2446 vehicle operator's license or nonresident operating privilege of a
2447 person found guilty under subsection (a) of this section who is under
2448 eighteen years of age shall be suspended by the commissioner for the

2449 period of time set forth in subsection (h) of this section, or until such
2450 person attains the age of eighteen years, whichever period is longer. (3)
2451 The motor vehicle operator's license or nonresident operating privilege
2452 of a person found guilty under subsection (a) of this section who, at the
2453 time of the offense, was operating a motor vehicle in accordance with a
2454 special operator's permit issued pursuant to section 14-37a shall be
2455 suspended by the commissioner for twice the period of time set forth
2456 in subsection (h) of this section. [(4) Whenever the motor vehicle
2457 operator's license of a person is suspended under subsection (h) of this
2458 section for conviction of a violation of subsection (a) of this section, the
2459 operator's license that is returned or reissued to such person by the
2460 Commissioner of Motor Vehicles upon completion of the period of
2461 suspension shall indicate on its reverse side that such person is an at-
2462 risk operator. For purposes of this subdivision, an "at-risk operator" is
2463 a person who has been convicted of a violation of subsection (a) of this
2464 section. (5)] (4) If an appeal of any conviction under subsection (a) of
2465 this section is taken, the suspension of the motor vehicle operator's
2466 license or nonresident operating privilege by the commissioner, in
2467 accordance with this subsection, shall be stayed during the pendency
2468 of such appeal.

2469 Sec. 70. Subdivision (6) of subsection (f) of section 14-12 of the
2470 general statutes is repealed and the following is substituted in lieu
2471 thereof (*Effective July 1, 2002*):

2472 (6) The commissioner shall not register any motor vehicle which is
2473 subject to the federal heavy vehicle use tax imposed under Section
2474 [448] 4481 of the Internal Revenue Code of [1986] 1954, or any
2475 subsequent corresponding internal revenue code of the United States,
2476 as from time to time amended, if the applicant fails to furnish proof of
2477 payment of such tax, in a form prescribed by the Secretary of the
2478 Treasury of the United States.

2479 Sec. 71. Subdivision (5) of subsection (f) of section 14-12 of the
2480 general statutes is repealed and the following is substituted in lieu
2481 thereof (*Effective July 1, 2002*):

2482 (5) On or after October 1, 1984, no motor vehicle registration shall be
2483 issued [or renewed] by the commissioner for any motorcycle unless the
2484 application for registration is accompanied by sufficient proof, as
2485 determined by the commissioner, that the motorcycle is insured for the
2486 amounts required by section 14-289f.

2487 Sec. 72. Subsection (c) of section 14-227b of the general statutes is
2488 repealed and the following is substituted in lieu thereof (*Effective July*
2489 *1, 2002*):

2490 (c) If the person arrested refuses to submit to such test or analysis or
2491 submits to such test or analysis, commenced within two hours of the
2492 time of operation, and the results of such test or analysis indicate that
2493 such person has an elevated blood alcohol content, the police officer,
2494 acting on behalf of the Commissioner of Motor Vehicles, shall
2495 immediately revoke and take possession of the motor vehicle
2496 operator's license or, if such person is a nonresident, suspend the
2497 nonresident operating privilege of such person, for a twenty-four-hour
2498 period. [and shall issue a temporary operator's license or nonresident
2499 operating privilege to such person valid for the period commencing
2500 twenty-four hours after issuance and ending thirty days after the date
2501 such person received notice of such person's arrest by the police
2502 officer.] The police officer shall prepare a written report of the incident
2503 and shall mail the report [together with a copy of the completed
2504 temporary license form, any operator's license taken into possession]
2505 and a copy of the results of any chemical test or analysis to the
2506 Department of Motor Vehicles within three business days. The report
2507 shall be made on a form approved by the Commissioner of Motor
2508 Vehicles and shall be subscribed and sworn to under penalty of false
2509 statement as provided in section 53a-157b by the arresting officer. If
2510 the person arrested refused to submit to such test or analysis, the
2511 report shall be endorsed by a third person who witnessed such refusal.
2512 The report shall set forth the grounds for the officer's belief that there
2513 was probable cause to arrest such person for operating a motor vehicle
2514 while under the influence of intoxicating liquor or any drug or both or
2515 while such person's ability to operate such motor vehicle is impaired

2516 by the consumption of intoxicating liquor, and shall state that such
2517 person had refused to submit to such test or analysis when requested
2518 by such police officer to do so or that such person submitted to such
2519 test or analysis, commenced within two hours of the time of operation,
2520 and the results of such test or analysis indicated that such person had
2521 an elevated blood alcohol content.

2522 Sec. 73. Subsection (d) of section 13b-59 of the general statutes is
2523 repealed and the following is substituted in lieu thereof (*Effective July*
2524 *1, 2002*):

2525 (d) "License, permit and fee revenues" means (1) all fees and other
2526 charges required by, or levied pursuant to sections 12-487, 13b-80 and
2527 13b-97, subsection (b) of section 14-12, sections 14-16a, 14-21c, 14-44h
2528 and 14-44i, subsection (v) of section 14-49, subsections (b) and (f) of
2529 section 14-50, subdivisions (5), (6), (7), (8), (11), (12) and (13) of
2530 subsection (a) of section 14-50a, sections 14-52, [14-53,] 14-58, as
2531 amended by this act, 14-67l and 14-69, subsection (e) of section 14-73,
2532 sections 14-96q and 14-103a, subsection (a) of section 14-164a,
2533 subsection (a) of section 14-192, subsection (d) of section 14-270,
2534 sections 14-319 and 14-320 and sections 13b-410a to 13b-410c, inclusive;
2535 (2) all aeronautics, waterways, and other fees and charges required by,
2536 or levied pursuant to sections 13a-80 and 13a-80a, subsection (b) of
2537 section 13b-42 and subsections (b) and (c) of section 15-13; and (3) all
2538 motor vehicle related fines, penalties or other charges as defined in
2539 subsection (g).

2540 Sec. 74. Subsections (a) to (g), inclusive, of section 13b-76 of the
2541 general statutes are repealed and the following is substituted in lieu
2542 thereof (*Effective July 1, 2002*):

2543 (a) Bonds and bond anticipation notes issued pursuant to sections
2544 13b-74 to 13b-77, inclusive, are hereby determined to be issued for
2545 valid public purposes in exercise of essential governmental functions.
2546 Such bonds and bond anticipation notes shall be special obligations of
2547 the state and shall not be payable from nor charged upon any funds
2548 other than the pledged revenues or other receipts, funds or moneys

2549 pledged therefor as provided in sections 3-21a, 3-27a, 3-27f, 12-458 and
2550 12-458d, subsection (c) of section 13a-80a, sections 13a-175p to 13a-
2551 175u, inclusive, subsection (f) of section 13b-42, sections 13b-59, as
2552 amended by this act, 13b-61, 13b-69, 13b-71, 13b-74 to 13b-77, inclusive,
2553 as amended by this act, 13b-80, subsection (a) of section 13b-97,
2554 subsection (a) of section 14-12, sections 14-15, 14-16a and 14-21c,
2555 subsection (a) of section 14-25a, section 14-28, subsection (b) of section
2556 14-35, subsection (b) of section 14-41, section 14-41a, subsection (a) of
2557 section 14-44, sections 14-47, 14-48b, 14-49 and 14-50, subsection (a) of
2558 section 14-50a, sections 14-52 [, 14-53] and 14-58, as amended by this
2559 act, subsection (c) of section 14-66, subsection (e) of section 14-67,
2560 sections 14-67a, 14-67d, 14-67i and 14-69, subsection (e) of section 14-
2561 73, subsection (c) of section 14-96q, sections 14-103a and 14-160,
2562 subsection (a) of section 14-164a, subsection (a) of section 14-192,
2563 sections 14-319, 14-320 and 14-381, subsection (b) of section 14-382 and
2564 sections 14-383, 15-14 and 16-299, nor shall the state or any political
2565 subdivision thereof be subject to any liability thereon, except to the
2566 extent of such pledged revenues or other receipts, funds or moneys
2567 pledged therefor as provided in said sections. As part of the contract of
2568 the state with the owners of said bonds and bond anticipation notes, all
2569 amounts necessary for punctual payment of the debt service
2570 requirements with respect to such bonds and bond anticipation notes
2571 shall be deemed to be appropriated, but only from the sources pledged
2572 pursuant to said sections, upon the authorization of issuance of such
2573 bonds and bond anticipation notes by the State Bond Commission, or
2574 the filing of a certificate of determination by the Treasurer in
2575 accordance with subsection (c) of this section, and the Treasurer shall
2576 pay such principal and interest as the same shall accrue, but only from
2577 such sources. The issuance of bonds or bond anticipation notes issued
2578 under sections 13b-74 to 13b-77, inclusive, shall not directly or
2579 indirectly or contingently obligate the state or any political subdivision
2580 thereof to levy or to pledge any form of taxation whatever therefor,
2581 except for taxes included in the pledged revenues, or to make any
2582 additional appropriation for their payment. Such bonds and bond
2583 anticipation notes shall not constitute a charge, lien or encumbrance,

2584 legal or equitable, upon any property of the state or of any political
2585 subdivision thereof other than the pledged revenues or other receipts,
2586 funds or moneys pledged therefor as provided in sections 3-21a, 3-27a,
2587 3-27f, 12-458 and 12-458d, subsection (c) of section 13a-80a, sections
2588 13a-175p to 13a-175u, inclusive, subsection (f) of section 13b-42,
2589 sections 13b-59, as amended by this act, 13b-61, 13b-69, 13b-71, 13b-74
2590 to 13b-77, inclusive, 13b-80, subsection (a) of section 13b-97, subsection
2591 (a) of section 14-12, sections 14-15, 14-16a and 14-21c, subsection (a) of
2592 section 14-25a, section 14-28, subsection (b) of section 14-35, subsection
2593 (b) of section 14-41, section 14-41a, subsection (a) of section 14-44,
2594 sections 14-47, 14-48b, 14-49 and 14-50, subsection (a) of section 14-50a,
2595 sections 14-52 [14-53] and 14-58, as amended by this act, subsection (c)
2596 of section 14-66, subsection (e) of section 14-67, sections 14-67a, 14-67d,
2597 14-67i and 14-69, subsection (e) of section 14-73, subsection (c) of
2598 section 14-96q, sections 14-103a and 14-160, subsection (a) of section
2599 14-164a, subsection (a) of section 14-192, sections 14-319, 14-320 and 14-
2600 381, subsection (b) of section 14-382 and sections 14-383 and 15-14, and
2601 the substance of such limitation shall be plainly stated on the face of
2602 each such bond and bond anticipation note. Bonds and bond
2603 anticipation notes issued pursuant to sections 13b-74 to 13b-77,
2604 inclusive, shall not be subject to any statutory limitation on the
2605 indebtedness of the state, and, when issued, shall not be included in
2606 computing the aggregate indebtedness of the state in respect to and to
2607 the extent of any such limitation.

2608 (b) Bonds issued pursuant to sections 13b-74 to 13b-77, inclusive, as
2609 amended by this act, may be executed and delivered at such time or
2610 times and shall be dated, bear interest at such rate or rates, including
2611 variable rates to be determined in such manner as set forth in the
2612 proceedings authorizing the issuance of the bonds, provide for
2613 payment of interest on such dates, whether before or at maturity, be
2614 issued at, above or below par, mature at such time or times not
2615 exceeding thirty years from their date, have such rank or priority, be
2616 payable in such medium of payment, be issued in such form, including
2617 without limitation registered or book-entry form, carry such
2618 registration and transfer privileges and be made subject to purchase or

2619 redemption before maturity at such price or prices and under such
2620 terms and conditions, including the condition that such bonds be
2621 subject to purchase or redemption on the demand of the owner
2622 thereof, all as may be provided by the State Bond Commission. The
2623 State Bond Commission shall determine the form of the bonds, the
2624 manner of execution of the bonds, the denomination or denominations
2625 of the bonds and the manner of payment of principal and interest.
2626 Prior to the preparation of definitive bonds, the State Bond
2627 Commission may, under like restrictions, authorize the issuance of
2628 interim receipts or temporary bonds, exchangeable for definitive bonds
2629 when such bonds have been executed and are available for delivery. If
2630 any of the officers whose signatures appear on the bonds cease to be
2631 officers before the delivery of any such bonds, such signatures shall,
2632 nevertheless, be valid and sufficient for all purposes, the same as if
2633 such officers had remained in office until delivery. Nothing herein
2634 shall prevent any series of bonds issued under sections 3-21a, 3-27a, 3-
2635 27f, 12-458 and 12-458d, subsection (c) of section 13a-80a, sections 13a-
2636 175p to 13a-175u, inclusive, subsection (f) of section 13b-42, sections
2637 13b-59, as amended by this act, 13b-61, 13b-69, 13b-71, 13b-74 to 13b-
2638 77, inclusive, as amended by this act, 13b-80, subsection (a) of section
2639 13b-97, subsection (a) of section 14-12, sections 14-15, 14-16a and 14-
2640 21c, subsection (a) of section 14-25a, section 14-28, subsection (b) of
2641 section 14-35, subsection (b) of section 14-41, section 14-41a, subsection
2642 (a) of section 14-44, sections 14-47, 14-48b, 14-49 and 14-50, subsection
2643 (a) of section 14-50a, sections 14-52 [14-53] and 14-58, as amended by
2644 this act, subsection (c) of section 14-66, subsection (e) of section 14-67,
2645 sections 14-67a, 14-67d, 14-67i and 14-69, subsection (e) of section 14-
2646 73, subsection (c) of section 14-96q, sections 14-103a and 14-160,
2647 subsection (a) of section 14-164a, subsection (a) of section 14-192,
2648 sections 14-319, 14-320 and 14-381, subsection (b) of section 14-382 and
2649 sections 14-383, 15-14 and 16-299 from being issued in coupon form, in
2650 which case references to the bonds herein also shall refer to the
2651 coupons attached thereto where appropriate, and references to owners
2652 of bonds shall include holders of such bonds where appropriate.

2653 (c) Any bonds issued pursuant to sections 13b-74 to 13b-77,

2654 inclusive, as amended by this act, may be sold at public sale on sealed
2655 proposals or by negotiation in such manner, at such price or prices, at
2656 such time or times and on such other terms and conditions of such
2657 bonds and the issuance and sale thereof as the State Bond Commission
2658 may determine to be in the best interests of the state, or the State Bond
2659 Commission may delegate to the Treasurer all or any part of the
2660 foregoing powers in which event the Treasurer shall exercise such
2661 powers unless the State Bond Commission, by adoption of a resolution
2662 prior to the exercise of such powers by the Treasurer shall elect to
2663 reassume the same. Such powers shall be exercised from time to time
2664 in such manner as the Treasurer shall determine to be in the best
2665 interests of the state and he shall file a certificate of determination
2666 setting forth the details thereof with the secretary of the State Bond
2667 Commission on or before the date of delivery of such bonds, the details
2668 of which were determined by him in accordance with such delegation.

2669 (d) The debt service requirements with respect to any bonds and
2670 bond anticipation notes issued pursuant to sections 13b-74 to 13b-77,
2671 inclusive, as amended by this act, shall be secured by (1) a first call
2672 upon the pledged revenues as they are received by the state and
2673 credited to the Special Transportation Fund established under section
2674 13b-68 and (2) a lien upon any and all amounts held to the credit of
2675 said Special Transportation Fund from time to time, provided said lien
2676 shall not extend to amounts held to the credit of such Special
2677 Transportation Fund which represent (A) amounts borrowed by the
2678 Treasurer in anticipation of state revenues pursuant to section 3-16 or
2679 (B) transportation-related federal revenues of the state. Any obligation
2680 of the state secured by said lien to pay the unrefunded principal of
2681 bond anticipation notes, including for this purpose any obligation of
2682 the state under a reimbursement agreement entered into in connection
2683 with a credit facility providing for payment of the unrefunded
2684 principal of bond anticipation notes, shall be subordinate to any
2685 obligation of the state secured by said lien to pay (i) the debt service
2686 requirements with respect to bonds or (ii) any debt service
2687 requirements with respect to bond anticipation notes other than debt
2688 service requirements relating to unrefunded principal of bond

2689 anticipation notes or to obligations under a credit facility for the
2690 payment of such unrefunded principal. The debt service requirements
2691 with respect to bonds and bond anticipation notes also may be secured
2692 by a pledge of reserves, sinking funds and any other funds and
2693 accounts, including proceeds from investment of any of the foregoing,
2694 established pursuant to sections 3-21a, 3-27a, 3-27f, 12-458 and 12-458d,
2695 subsection (c) of section 13a-80a, sections 13a-175p to 13a-175u,
2696 inclusive, subsection (f) of section 13b-42, sections 13b-59, as amended
2697 by this act, 13b-61, 13b-69, 13b-71, 13b-74 to 13b-77, inclusive, as
2698 amended by this act, 13b-80, subsection (a) of section 13b-97,
2699 subsection (a) of section 14-12, sections 14-15, 14-16a and 14-21c,
2700 subsection (a) of section 14-25a, section 14-28, subsection (b) of section
2701 14-35, subsection (b) of section 14-41, section 14-41a, subsection (a) of
2702 section 14-44, sections 14-47, 14-48b, 14-49 and 14-50, subsection (a) of
2703 section 14-50a, sections 14-52 [, 14-53] and 14-58, as amended by this
2704 act, subsection (c) of section 14-66, subsection (e) of section 14-67,
2705 sections 14-67a, 14-67d, 14-67i and 14-69, subsection (e) of section 14-
2706 73, subsection (c) of section 14-96q, sections 14-103a and 14-160,
2707 subsection (a) of section 14-164a, subsection (a) of section 14-192,
2708 sections 14-319, 14-320 and 14-381, subsection (b) of section 14-382 and
2709 sections 14-383, 15-14 and 16-299 or the proceedings authorizing the
2710 issuance of such bonds, and by moneys paid under a credit facility,
2711 including but not limited to, a letter of credit or policy of bond
2712 insurance, issued by a financial institution pursuant to an agreement
2713 authorized by such proceedings.

2714 (e) The proceedings under which bonds are authorized to be issued
2715 may, subject to the provisions of the general statutes, contain any or all
2716 of the following: (1) Provisions respecting custody of the proceeds
2717 from the sale of the bonds and any bond anticipation notes, including
2718 any requirements that such proceeds be held separate from or not be
2719 commingled with other funds of the state; (2) provisions for the
2720 investment and reinvestment of bond proceeds until used to pay
2721 transportation costs and for the disposition of any excess bond
2722 proceeds or investment earnings thereon; (3) provisions for the
2723 execution of reimbursement agreements or similar agreements in

2724 connection with credit facilities including but not limited to, letters of
2725 credit or policies of bond insurance, remarketing agreements and
2726 agreements for the purpose of moderating interest rate fluctuations,
2727 and of such other agreements entered into pursuant to section 3-20a;
2728 (4) provisions for the collection, custody, investment, reinvestment and
2729 use of the pledged revenues or other receipts, funds or moneys
2730 pledged therefor as provided in sections 3-21a, 3-27a, 3-27f, 12-458 and
2731 12-458d, subsection (c) of section 13a-80a, sections 13a-175p to 13a-
2732 175u, inclusive, subsection (f) of section 13b-42, sections 13b-59, as
2733 amended by this act, 13b-61, 13b-69, 13b-71, 13b-74 to 13b-77, inclusive,
2734 as amended by this act, 13b-80, subsection (a) of section 13b-97,
2735 subsection (a) of section 14-12, sections 14-15, 14-16a and 14-21c,
2736 subsection (a) of section 14-25a, section 14-28, subsection (b) of section
2737 14-35, subsection (b) of section 14-41, section 14-41a, subsection (a) of
2738 section 14-44, sections 14-47, 14-48b, 14-49 and 14-50, subsection (a) of
2739 section 14-50a, sections 14-52 [, 14-53] and 14-58, as amended by this
2740 act, subsection (c) of section 14-66, subsection (e) of section 14-67,
2741 sections 14-67a, 14-67d, 14-67i and 14-69, subsection (e) of section 14-
2742 73, subsection (c) of section 14-96q, sections 14-103a and 14-160,
2743 subsection (a) of section 14-164a, subsection (a) of section 14-192,
2744 sections 14-319, 14-320 and 14-381, subsection (b) of section 14-382 and
2745 sections 14-383, 15-14 and 16-299; (5) provisions regarding the
2746 establishment and maintenance of reserves, sinking funds and any
2747 other funds and accounts as shall be approved by the State Bond
2748 Commission in such amounts as may be established by the State Bond
2749 Commission, and the regulation and disposition thereof, including
2750 requirements that any such funds and accounts be held separate from
2751 or not be commingled with other funds of the state; (6) covenants for
2752 the establishment of pledged revenue coverage requirements for the
2753 bonds and bond anticipation notes, provided, that no such covenant
2754 shall obligate the state to provide coverage in any year with respect to
2755 any bonds or bond anticipation notes in excess of four times the
2756 aggregate debt service on bonds and bond anticipation notes, as
2757 described in subparagraph (A) of subdivision (3) of section 13b-75,
2758 during such year; (7) covenants for the establishment of maintenance

2759 requirements with respect to state transportation facilities and
2760 properties; (8) provisions for the issuance of additional bonds on a
2761 parity with bonds theretofore issued, including establishment of
2762 coverage requirements with respect thereto as herein provided; (9)
2763 provisions regarding the rights and remedies available in case of a
2764 default to the bondowners, noteowners or any trustee under any
2765 contract, loan agreement, document, instrument or trust indenture,
2766 including the right to appoint a trustee to represent their interests
2767 upon occurrence of an event of default, as defined in said proceedings,
2768 provided that if any bonds or bond anticipation notes shall be secured
2769 by a trust indenture, the respective owners of such bonds or notes shall
2770 have no authority except as set forth in such trust indenture to appoint
2771 a separate trustee to represent them, and (10) provisions or covenants
2772 of like or different character from the foregoing which are consistent
2773 with sections 3-21a, 3-27a, 3-27f, 12-458 and 12-458d, subsection (c) of
2774 section 13a-80a, sections 13a-175p to 13a-175u, inclusive, subsection (f)
2775 of section 13b-42, sections 13b-59, as amended by this act, 13b-61, 13b-
2776 69, 13b-71, 13b-74 to 13b-77, inclusive, as amended by this act, 13b-80,
2777 subsection (a) of section 13b-97, subsection (a) of section 14-12, sections
2778 14-15, 14-16a and 14-21c, subsection (a) of section 14-25a, section 14-28,
2779 subsection (b) of section 14-35, subsection (b) of section 14-41, section
2780 14-41a, subsection (a) of section 14-44, sections 14-47, 14-48b, 14-49 and
2781 14-50, subsection (a) of section 14-50a, sections 14-52 [, 14-53] and 14-
2782 58, as amended by this act, subsection (c) of section 14-66, subsection
2783 (e) of section 14-67, sections 14-67a, 14-67d, 14-67l and 14-69,
2784 subsection (e) of section 14-73, subsection (c) of section 14-96q, sections
2785 14-103a and 14-160, subsection (a) of section 14-164a, subsection (a) of
2786 section 14-192, sections 14-319, 14-320 and 14-381, subsection (b) of
2787 section 14-382 and sections 14-383, 15-14 and 16-299 and which the
2788 State Bond Commission determines in such proceedings are necessary,
2789 convenient or desirable in order to better secure the bonds or bond
2790 anticipation notes, or will tend to make the bonds or bond anticipation
2791 notes more marketable, and which are in the best interests of the state.
2792 Any provision which may be included in proceedings authorizing the
2793 issuance of bonds hereunder may be included in an indenture of trust

2794 duly approved in accordance with subsection (g) of this section which
2795 secures the bonds and any notes issued in anticipation thereof, and in
2796 such case the provisions of such indenture shall be deemed to be a part
2797 of such proceedings as though they were expressly included therein.

2798 (f) Any pledge made by the state shall be valid and binding from the
2799 time when the pledge is made, and any revenues or other receipts,
2800 funds or moneys so pledged and thereafter received by the state shall
2801 be subject immediately to the lien of such pledge without any physical
2802 delivery thereof or further act. The lien of any such pledge shall be
2803 valid and binding as against all parties having claims of any kind in
2804 tort, contract, or otherwise against the state, irrespective of whether
2805 such parties have notice thereof. Neither the resolution nor any other
2806 instrument by which a pledge is created need be recorded.

2807 (g) In the discretion of the State Bond Commission, bonds issued
2808 pursuant to sections 13b-74 to 13b-77, inclusive, including for this
2809 purpose any bond anticipation notes, may be secured by a trust
2810 indenture by and between the state and a corporate trustee, which may
2811 be any trust company or bank having the powers of a trust company
2812 within or without the state. Such trust indenture may contain such
2813 provisions for protecting and enforcing the rights and remedies of the
2814 bondowners and noteowners as may be reasonable and proper and not
2815 in violation of law, including covenants setting forth the duties of the
2816 state in relation to the exercise of its powers pursuant to sections 3-21a,
2817 3-27a, 3-27f, 12-458 and 12-458d, subsection (c) of section 13a-80a,
2818 sections 13a-175p to 13a-175u, inclusive, subsection (f) of section 13b-
2819 42, sections 13b-59, as amended by this act, 13b-61, 13b-69, 13b-71, 13b-
2820 74 to 13b-77, inclusive, as amended by this act, 13b-80, subsection (a) of
2821 section 13b-97, subsection (a) of section 14-12, sections 14-15, 14-16a
2822 and 14-21c, subsection (a) of section 14-25a, section 14-28, subsection
2823 (b) of section 14-35, subsection (b) of section 14-41, section 14-41a,
2824 subsection (a) of section 14-44, sections 14-47, 14-48b, 14-49 and 14-50,
2825 subsection (a) of section 14-50a, sections 14-52 [, 14-53] and 14-58, as
2826 amended by this act, subsection (c) of section 14-66, subsection (e) of
2827 section 14-67, sections 14-67a, 14-67d, 14-67l and 14-69, subsection (e)

2828 of section 14-73, subsection (c) of section 14-96q, sections 14-103a and
2829 14-160, subsection (a) of section 14-164a, subsection (a) of section 14-
2830 192, sections 14-319, 14-320 and 14-381, subsection (b) of section 14-382
2831 and sections 14-383, 15-14 and 16-299 and the custody, safeguarding
2832 and application of all moneys. The state may provide by such trust
2833 indenture for the payment of the pledged revenues or other receipts,
2834 funds or moneys to the trustee under such trust indenture or to any
2835 other depository, and for the method of disbursement thereof, with
2836 such safeguards and restrictions as it may determine. All expenses
2837 incurred in carrying out such trust indenture may be treated as
2838 transportation costs, as defined in section 13b-75.

2839 Sec. 75. Subsection (c) of section 13b-77 of the general statutes is
2840 repealed and the following is substituted in lieu thereof (*Effective July*
2841 *1, 2002*):

2842 (c) The state covenants with the purchasers and all subsequent
2843 owners and transferees of bonds and bond anticipation notes issued by
2844 the state pursuant to sections 13b-74 to 13b-77, inclusive, as amended
2845 by this act, in consideration of the acceptance of the payment for the
2846 bonds and bond anticipation notes, until such bonds and bond
2847 anticipation notes, together with the interest thereon, with interest on
2848 any unpaid installment of interest and all costs and expenses in
2849 connection with any action or proceeding on behalf of such owners,
2850 are fully met and discharged, or unless expressly permitted or
2851 otherwise authorized by the terms of each contract and agreement
2852 made or entered into by or on behalf of the state with or for the benefit
2853 of such owners, that the state will impose, charge, raise, levy, collect
2854 and apply the pledged revenues and other receipts, funds or moneys
2855 pledged for the payment of debt service requirements as provided in
2856 sections [13b-47] 13b-74 to 13b-77, inclusive, as amended by this act, in
2857 such amounts as may be necessary to pay such debt service
2858 requirements in each year in which bonds or bond anticipation notes
2859 are outstanding and further, that the state (1) will not limit or alter the
2860 duties imposed on the Treasurer and other officers of the state by
2861 sections 3-21a, 3-27a, 3-27f, 12-458 and 12-458d, subsection (c) of

2862 section 13a-80a, sections 13a-175p to 13a-175u, inclusive, subsection (f)
2863 of section 13b-42, sections 13b-59, as amended by this act, 13b-61, 13b-
2864 69, 13b-71, 13b-74 to 13b-77, inclusive, as amended by this act, 13b-80,
2865 subsection (a) of section 13b-97, subsection (a) of section 14-12, sections
2866 14-15, 14-16a and 14-21c, subsection (a) of section 14-25a, section 14-28,
2867 subsection (b) of section 14-35, subsection (b) of section 14-41, section
2868 14-41a, subsection (a) of section 14-44, sections 14-47, 14-48b, 14-49 and
2869 14-50, subsection (a) of section 14-50a, sections 14-52 [, 14-53] and 14-
2870 58, as amended by this act, subsection (c) of section 14-66, subsection
2871 (e) of section 14-67, sections 14-67a, 14-67d, 14-67l and 14-69,
2872 subsection (e) of section 14-73, subsection (c) of section 14-96q, sections
2873 14-103a and 14-160, subsection (a) of section 14-164a, subsection (a) of
2874 section 14-192, sections 14-319, 14-320 and 14-381, subsection (b) of
2875 section 14-382 and sections 14-383 and 15-14 and by the proceedings
2876 authorizing the issuance of bonds with respect to application of
2877 pledged revenues or other receipts, funds or moneys pledged for the
2878 payment of debt service requirements as provided in said sections; (2)
2879 will not issue any bonds, notes or other evidences of indebtedness,
2880 other than the bonds and bond anticipation notes, having any rights
2881 arising out of said sections or secured by any pledge of or other lien or
2882 charge on the pledged revenues or other receipts, funds or moneys
2883 pledged for the payment of debt service requirements as provided in
2884 said sections; (3) will not create or cause to be created any lien or
2885 charge on such pledged amounts, other than a lien or pledge created
2886 thereon pursuant to said sections, provided nothing in this subsection
2887 shall prevent the state from issuing evidences of indebtedness (A)
2888 which are secured by a pledge or lien which is and shall on the face
2889 thereof be expressly subordinate and junior in all respects to every lien
2890 and pledge created by or pursuant to said sections; or (B) for which the
2891 full faith and credit of the state is pledged and which are not expressly
2892 secured by any specific lien or charge on such pledged amounts or (C)
2893 which are secured by a pledge of or lien on moneys or funds derived
2894 on or after such date as every pledge or lien thereon created by or
2895 pursuant to said sections shall be discharged and satisfied; (4) will
2896 carry out and perform, or cause to be carried out and performed, each

2897 and every promise, covenant, agreement or contract made or entered
2898 into by the state or on its behalf with the owners of any bonds or bond
2899 anticipation notes; (5) will not in any way impair the rights,
2900 exemptions or remedies of such owners; and (6) will not limit, modify,
2901 rescind, repeal or otherwise alter the rights or obligations of the
2902 appropriate officers of the state to impose, maintain, charge or collect
2903 the taxes, fees, charges and other receipts constituting the pledged
2904 revenues as may be necessary to produce sufficient revenues to fulfill
2905 the terms of the proceedings authorizing the issuance of the bonds,
2906 including pledged revenue coverage requirements, and provided
2907 nothing herein shall preclude the state from exercising its power,
2908 through a change in law, to limit, modify, rescind, repeal or otherwise
2909 alter the character or amount of such pledged revenues or to substitute
2910 like or different sources of taxes, fees, charges or other receipts as
2911 pledged revenues if, for the ensuing fiscal year, as evidenced by the
2912 proposed or adopted budget of the state with respect to the Special
2913 Transportation Fund, the projected revenues meet or exceed the
2914 estimated expenses of the Special Transportation Fund including
2915 accumulated deficits, if any, debt service requirements and any
2916 pledged revenue coverage requirement. The State Bond Commission is
2917 authorized to include this covenant of the state in any agreement with
2918 the owner of any such bonds or bond anticipation notes.

2919 Sec. 76. Section 13b-79a of the general statutes is repealed and the
2920 following is substituted in lieu thereof (*Effective July 1, 2002*):

2921 Not later than October 1, 1984, and annually thereafter, the
2922 Commissioner of Transportation shall prepare a report on the current
2923 status and progress of the transportation infrastructure program
2924 authorized pursuant to special act 84-52 and sections 3-21a, 3-27a, 3-
2925 27f, 12-458 and 12-458d, subsection (c) of section 13a-80a, sections 13a-
2926 175p to 13a-175u, inclusive, subsection (f) of section 13b-42, sections
2927 13b-59, as amended by this act, 13b-61, 13b-69, 13b-71, 13b-74 to 13b-
2928 77, inclusive, as amended by this act, 13b-80, subsection (a) of section
2929 13b-97, subsection (a) of section 14-12, sections 14-15, 14-16a and 14-
2930 21c, subsection (a) of section 14-25a, section 14-28, subsection (b) of

2931 section 14-35, subsection (b) of section 14-41, section 14-41a, subsection
2932 (a) of section 14-44, sections 14-47, 14-48b, 14-49 and 14-50, subsection
2933 (a) of section 14-50a, sections 14-52 [, 14-53] and 14-58, as amended by
2934 this act, subsection (c) of section 14-66, subsection (e) of section 14-67,
2935 sections 14-67a, 14-67d, 14-67l and 14-69, subsection (e) of section 14-
2936 73, subsection (c) of section 14-96q, sections 14-103a and 14-160,
2937 subsection (a) of section 14-164a, subsection (a) of section 14-192,
2938 sections 14-319, 14-320 and 14-381, subsection (b) of section 14-382 and
2939 sections 14-383 and 15-14. Each report shall include, but not be limited
2940 to: Information on the number of lane miles of state and local roadway
2941 repaved, the status of the state and local bridge programs, the status of
2942 intrastate and interstate highway programs and the interstate trade-in
2943 program and mass transportation and aeronautics programs. The
2944 commissioner shall notify the joint standing committees of the General
2945 Assembly having cognizance of matters relating to finance, revenue
2946 and bonding and appropriations and the budgets of state agencies of
2947 the availability of the report. A requesting member of such a
2948 committee shall be sent a written copy or electronic storage media of
2949 the report by the commissioner.

2950 Sec. 77. Section 14-46c of the general statutes is repealed and the
2951 following is substituted in lieu thereof (*Effective October 1, 2002*):

2952 The board shall have the following responsibilities: (1) To advise the
2953 commissioner on health standards relating to the safe operation of
2954 motor vehicles; (2) to recommend to the commissioner procedures and
2955 guidelines for licensing individuals with impaired health; (3) to assist
2956 in developing medically acceptable standardized report forms; (4) to
2957 recommend a training course for motor vehicle examiners on the
2958 medical aspects of operator licensure; (5) to undertake any programs
2959 and activities the commissioner may request relating to the medical
2960 aspects of motor vehicle operator licensure; [,] and (6) to make
2961 recommendations and offer advice on individual health problem cases
2962 referred by the commissioner not later than sixty days from the date of
2963 such reference and to establish guidelines for dealing with such
2964 individual cases. In making such recommendations, the board may

2965 rely on medical or optometric records and reports, personally
2966 interview such individual or require a physical examination of such
2967 individual and a written medical report by a physician or a report by
2968 an optometrist designated by the board who shall not be a member of
2969 the board. Such individual may obtain a medical report by a physician
2970 or a report by an optometrist of his choice, licensed to practice in this
2971 state, which shall be given due consideration by the board in making
2972 any such recommendations.

2973 Sec. 78. Subsection (c) of section 14-100a of the general statutes is
2974 repealed and the following is substituted in lieu thereof (*Effective*
2975 *October 1, 2002*):

2976 (c) (1) The operator of and any front seat passenger in a [private
2977 passenger] motor vehicle [, as defined in subsection (e) of section 38a-
2978 363,] with a gross vehicle weight rating not exceeding ten thousand
2979 pounds or fire fighting apparatus [or a vanpool vehicle] originally
2980 equipped with seat safety belts complying with the provisions of the
2981 Code of Federal Regulations, Title 49, Section 571.209, as amended
2982 from time to time, shall wear such seat safety belt while the vehicle is
2983 being operated on the highways of this state, except that a child under
2984 the age of four years shall be restrained as provided in subsection (d)
2985 of this section. Each operator of such vehicle shall secure or cause to be
2986 secured in a seat safety belt any passenger four years of age or older
2987 and under sixteen years of age.

2988 (2) The provisions of subdivision (1) of this subsection shall not
2989 apply to (A) any person whose physical disability or impairment
2990 would prevent restraint in such safety belt, provided such person
2991 obtains a written statement from a licensed physician containing
2992 reasons for such person's inability to wear such safety belt and
2993 including information concerning the nature and extent of such
2994 condition. Such person shall carry the statement on his or her person
2995 or in the motor vehicle at all times when it is being operated, [.]

2996 [(3) As used in this subsection, "private passenger motor vehicle"
2997 does not mean] or (B) an authorized emergency vehicle, other than fire

2998 fighting apparatus, responding to an emergency call or a motor vehicle
2999 operated [(A)] by a rural letter carrier of the United States postal
3000 service while performing his or her official duties [] or [(B)] by a
3001 person engaged in the delivery of newspapers.

3002 [(4)] (3) Failure to wear a seat safety belt shall not be considered as
3003 contributory negligence nor shall such failure be admissible evidence
3004 in any civil action.

3005 [(5)] (4) On and after February 1, 1986, any person who violates the
3006 provisions of this subsection shall have committed an infraction and
3007 shall be fined fifteen dollars. Points may not be assessed against the
3008 operator's license of any person convicted of such violation.

3009 Sec. 79. Subsection (e) of section 14-163c of the general statutes is
3010 repealed and the following is substituted in lieu thereof (*Effective*
3011 *October 1, 2002*):

3012 (e) (1) Any person who violates the provisions of this section or any
3013 regulations adopted [hereunder] under this section shall have
3014 committed an infraction. (2) Any person who commits repeated
3015 violations of this section or regulations adopted under this section
3016 shall be assessed a civil penalty of not more than ten thousand dollars.
3017 The commissioner shall adopt regulations in accordance with chapter
3018 54 that specify criteria for the assessment of such penalty, including,
3019 but not limited to, the amount of the penalty depending on the number
3020 of violations.

3021 Sec. 80. Subdivision (5) of section 14-164b of the general statutes is
3022 repealed and the following is substituted in lieu thereof (*Effective from*
3023 *passage*):

3024 (5) "Official emissions inspection station" means an [exhaust]
3025 emissions inspection facility approved by the commissioner, whether
3026 placed in a permanent structure or in a mobile unit for conveyance
3027 among various locations within this state, including any such facility
3028 located on the premises of a licensed dealer or repairer, for the purpose

3029 of conducting exhaust emissions inspections of all vehicles required to
3030 be inspected pursuant to this chapter.

3031 Sec. 81. Section 14-164c of the general statutes, as amended by
3032 section 42 of public act 01-9 of the June special session, is repealed and
3033 the following is substituted in lieu thereof (*Effective from passage*):

3034 (a) No person shall fail to maintain in good working order or
3035 remove, dismantle or otherwise cause to be inoperative any equipment
3036 or feature constituting an operational element of the air pollution
3037 control system or mechanism of a motor vehicle required by
3038 regulations of the Commissioner of Environmental Protection to be
3039 maintained or on the vehicle. Any such failure to maintain in good
3040 working order or removal, dismantling or causing of inoperability
3041 shall subject the owner thereof to revocation of registration for such
3042 vehicle by the Commissioner of Motor Vehicles unless all parts and
3043 equipment constituting elements of air pollution control have been
3044 made operable and in good working order within thirty days of notice
3045 by said commissioner of such violation. Any such failure shall be
3046 considered a failure to comply with the periodic inspection
3047 requirements established under subsection (c) of this section. As used
3048 in this section, motor vehicle shall have the same meaning as is
3049 provided in section 14-1.

3050 (b) The Commissioner of Environmental Protection shall consult
3051 with the Commissioner of Motor Vehicles and furnish the
3052 commissioner with technical information, including testing techniques,
3053 standards and instructions for emission control features and
3054 equipment. The Commissioner of Environmental Protection shall
3055 furnish the Commissioner of Motor Vehicles with emission standards
3056 for all motor vehicles [designated as a 1968 or later model] subject to
3057 the inspection and maintenance requirements. Such standards shall be
3058 consistent with provisions of federal law, if any, relating to control of
3059 emissions from the vehicles concerned or any regulations adopted by
3060 the Commissioner of Environmental Protection which implement the
3061 low-emission vehicle and clean fuels regulations adopted by the state

3062 of California, as amended. Such standards shall be periodically
3063 reviewed by the Commissioner of Environmental Protection and
3064 revised, if necessary, to achieve the objectives of the vehicle emission
3065 inspection program.

3066 (c) The commissioner shall adopt regulations, in accordance with
3067 chapter 54, to implement the provisions of this section. Such
3068 regulations shall include provision for a periodic inspection of air
3069 pollution control equipment and compliance with or waiver [with] of
3070 exhaust emission standards or compliance with or waiver [with] of on-
3071 board diagnostic standards or other standards defined by the
3072 Commissioner of Environmental Protection and approved by the
3073 Administrator of the United States Environmental Protection Agency,
3074 compliance with or waiver [with] of, air pollution control system
3075 integrity standards defined by the Commissioner of Environmental
3076 Protection and compliance with or waiver [with] of purge system
3077 standards defined by the Commissioner of Environmental Protection.
3078 Such regulations may provide for an inspection procedure using an
3079 on-board diagnostic information system for all 1996 model year and
3080 newer motor vehicles. Such regulations shall apply to all motor
3081 vehicles registered or which will be registered in this state except: (1)
3082 Vehicles having a gross weight of more than ten thousand pounds; (2)
3083 vehicles powered by electricity; (3) bicycles with motors attached; (4)
3084 motorcycles; (5) vehicles operating with a temporary registration; (6)
3085 vehicles manufactured twenty-five or more years ago; (7) new vehicles
3086 at the time of initial registration; (8) vehicles registered but not
3087 designed primarily for highway use; (9) farm vehicles, as defined in
3088 subsection (q) of section 14-49; (10) antique, rare or special interest
3089 motor vehicles, as defined in section 14-1, as amended by this act; (11)
3090 diesel-powered type II school buses; or (12) a vehicle operated by a
3091 licensed dealer or repairer either to or from a location of the purchase
3092 or sale of such vehicle or for the purpose of obtaining an official
3093 emissions or safety inspection. On and after July 1, 2002, such
3094 regulations shall exempt from the periodic inspection requirement any
3095 vehicle four or less model years of age, beginning with model year
3096 2003 and the previous three model years, provided that such

3097 exemption shall lapse upon a finding by the Administrator of the
3098 United States Environmental Protection Agency or by the Secretary of
3099 the United States Department of Transportation that such exemption
3100 causes the state to violate applicable federal environmental or
3101 transportation planning requirements. Notwithstanding any
3102 provisions of this subsection, the commissioner may require an initial
3103 emissions inspection and compliance or waiver prior to registration of
3104 a new motor vehicle. If the Commissioner of Environmental Protection
3105 finds that it is necessary to inspect motor vehicles which are exempt
3106 under subdivision (1) or (4) of this subsection, or motor vehicles that
3107 are four or less model years of age in order to achieve compliance with
3108 federal law concerning emission reduction requirements, the
3109 Commissioner of Motor Vehicles may adopt regulations, in accordance
3110 with the provisions of chapter 54, to require the inspection of
3111 motorcycles, designated motor vehicles having a gross weight of more
3112 than ten thousand pounds or motor vehicles four or less model years
3113 of age.

3114 (d) No motor vehicle subject to the inspection requirements of this
3115 section shall be operated upon the highways of this state unless such
3116 vehicle has been presented for inspection in accordance with a
3117 schedule for inspection and compliance as established by the
3118 commissioner. The commissioner shall grant waivers from compliance
3119 with standards for vehicles which fail any required inspection and
3120 require an unreasonable cost of repair to bring the vehicle into
3121 compliance. The commissioner may determine compliance of a vehicle
3122 that has failed an emissions retest by means of a complete physical and
3123 functional diagnosis and inspection of the vehicle, in accordance with
3124 the provisions of 40 CFR Part 51.360, showing that no additional
3125 emissions-related repairs are needed. An extension of time, not to
3126 exceed the period of inspection frequency, may be granted to obtain
3127 needed repairs on a vehicle in the case of economic hardship of the
3128 owner. Only one such extension may be granted for any vehicle. The
3129 commissioner may design a sticker to be affixed to the windshield of
3130 each vehicle which shall bear the date of expiration of the assigned
3131 inspection period on both sides. The commissioner may also design a

3132 sticker to be affixed to the windshield of each vehicle that is exempt
3133 from the requirements of this chapter, which sticker shall bear the date,
3134 if any, on which such vehicle is no longer exempt and is required to be
3135 presented for inspection. As used in this section, "unreasonable cost of
3136 repair" means cost of repair in excess of the amounts required to be
3137 expended by Title 40, Part 51.360 of the Code of Federal Regulations,
3138 as amended.

3139 (e) In order to provide for emissions inspection facilities, the
3140 commissioner may enter into a negotiated inspection agreement or
3141 agreements, notwithstanding chapters 50, 58, 59 and 60, with an
3142 independent contractor or contractors, to provide for the leasing,
3143 construction, equipping, maintenance or operation of a system of
3144 official emissions inspection stations in such numbers and locations as
3145 may be required to provide vehicle owners reasonably convenient
3146 access to inspection facilities. The commissioner may employ such
3147 system and the services of such contractor or contractors to conduct
3148 safety inspections as provided by section 14-16a, as amended,
3149 subsection (g) of section 14-12, as amended, and section 14-103a. Such
3150 contractor or contractors, with the approval of the commissioner, may
3151 operate inspection stations at suitable locations owned or operated by
3152 other persons, firms or corporations, including retail business
3153 establishments with adequate facilities to accommodate and to
3154 perform inspections on motor vehicles. The commissioner is
3155 prohibited from entering into an inspection agreement with any
3156 independent contractor who: (1) Is engaged in the business of
3157 maintaining or repairing vehicles in this state, except that the
3158 independent contractor shall not be precluded from maintaining or
3159 repairing any vehicle owned or operated by the independent
3160 contractor; or (2) does not have the capability, resources or technical
3161 and management skill to adequately conduct, equip, operate and
3162 maintain a sufficient number of official emissions inspection stations.
3163 All persons employed by the independent contractor in the
3164 performance of an inspection agreement are deemed to be employees
3165 of the independent contractor and not of this state. The inspection
3166 agreement or agreements authorized by this section shall be subject to

3167 other provisions as follows: (A) Minimum requirements for staff,
3168 equipment, management and hours and place of operation of official
3169 emissions inspection stations including such additional testing
3170 facilities as may be established and operated in accordance with
3171 subsection (g) of this section; (B) reports and documentation
3172 concerning the operation of official emissions inspection stations and
3173 additional testing facilities as the commissioner may require; (C)
3174 surveillance privileges for the commissioner to ensure compliance with
3175 standards, procedures, rules, regulations and laws; and (D) any other
3176 provision deemed necessary by the commissioner for the
3177 administration of the inspection agreement. Nothing in the inspection
3178 agreement shall require the state to purchase any asset or assume any
3179 liability if such agreement is not renewed.

3180 (f) (1) The commissioner may authorize and appoint any motor
3181 vehicle dealer or repairer that is licensed in accordance with [section
3182 14-52] the provisions of subpart (D) of part III of chapter 246 and that
3183 has the qualifications established by the commissioner to conduct
3184 emissions inspections in a designated area of its licensed premises and
3185 to report the results thereof to the Department of Motor Vehicles,
3186 provided such licensee signs a statement that such licensee
3187 understands the provisions of this section and regulations adopted
3188 under authority of this section, understands the necessity to comply
3189 with administrative and technical directives and advisories that the
3190 commissioner issues and understands that any failure by such licensee
3191 to comply with this section, the regulations or the directives or
3192 advisories constitutes grounds for the commissioner to suspend or
3193 revoke the authority for such licensee to conduct inspections.

3194 (2) Each such licensee shall conduct an emissions inspection of any
3195 registered motor vehicle requiring such an inspection at any time
3196 during its normal and posted hours of operation or, at the discretion of
3197 the commissioner, at a predetermined or appointed time, when such
3198 motor vehicle is presented [by its owner] for inspection. No such
3199 licensee shall charge any fee for the inspection except the fee
3200 authorized by subsection [(i)] (k) of this section. The results of each

3201 emissions inspection performed in accordance with this subsection
3202 shall be evidenced by a written vehicle inspection report, containing
3203 such information and certification by the inspecting licensee as the
3204 commissioner shall prescribe. The licensee shall furnish a copy of such
3205 inspection report to the operator of the motor vehicle at the time of
3206 completion of the inspection.

3207 (3) No such licensee may be appointed by the commissioner nor
3208 may any such licensee conduct any inspection unless the licensee has
3209 in its employ one or more certified emissions inspectors and repair
3210 technicians. Such inspectors and technicians shall conduct all
3211 inspections and related emissions repair work, and shall meet the
3212 training and certification requirements in 40 CFR Part 51.367, and of
3213 the regulations adopted by the commissioner in accordance with this
3214 subsection.

3215 (4) The commissioner may suspend or revoke the authority to
3216 conduct emissions inspections by any such licensee that is authorized
3217 to conduct emissions inspections if the licensee fails to comply with the
3218 provisions of this section, regulations adopted under authority of this
3219 section, or administrative or technical directives or advisories that the
3220 commissioner issues.

3221 (5) The commissioner shall adopt regulations, in accordance with
3222 chapter 54, to establish the qualifications for such licensees to be
3223 authorized and appointed to conduct emissions inspections, and to
3224 establish standards and procedures for such inspections, reporting
3225 requirements by such licensees and training and certification
3226 requirements for inspectors and repair technicians.

3227 (g) The independent contractor or contractors retained by the state
3228 in accordance with the provisions of subsection (e) of this section may
3229 conduct emissions inspections at one or more facilities owned or
3230 operated by a motor vehicle dealer or dealers, licensed in accordance
3231 with section 14-52. No such inspection facility located on the premises
3232 of a licensed dealer shall be operated without the prior approval of the
3233 commissioner. The operation of each such facility shall be subject to

3234 such procedures and requirements, to be followed by the contractor
3235 and the licensee, as may be prescribed by the terms and conditions of
3236 the contract entered into in accordance with the provisions of
3237 subsection (e) of this section, and in regulations as may be adopted by
3238 the commissioner in accordance with chapter 54. The state shall not be
3239 a party to, or assume or incur any liability of any kind under any
3240 agreement entered into between the independent contractor and any
3241 dealer, in furtherance of the provisions of this subsection. The contract
3242 or contracts entered into by the state in accordance with the provisions
3243 of subsection (e) of this section shall provide for indemnification of the
3244 state with respect to the operation of any such inspection facility
3245 located at a motor vehicle dealership, in the same manner and to the
3246 same extent as the operation of an official emissions inspection station.

3247 (h) In order to provide for management and oversight of emissions
3248 inspection facilities established in accordance with subsection (e) of
3249 this section and to establish and maintain necessary electronic data
3250 capture and reporting systems for such facilities and for licensed
3251 dealers and repairers who may be authorized to perform inspections in
3252 accordance with the provisions of subsection (f) of this section, the
3253 commissioner may enter into a negotiated personal service agreement
3254 or agreements, in accordance with the provisions of chapter 55a, with
3255 any qualified person, firm or corporation. The responsibilities of any
3256 such contractor retained by the commissioner shall include, but need
3257 not be limited to, the following: (1) Review and analysis of data from
3258 all official emissions inspections performed, and provision to the
3259 commissioner of recommendations to improve the quality and
3260 integrity of such data, (2) provision of program information and
3261 standards to inspection facilities and locations, (3) provision to the
3262 commissioner of regular reports, assessments and recommendations to
3263 maintain or improve the effectiveness, efficiency, quality and integrity
3264 of such inspection operations, and (4) identification of measures to
3265 enhance public convenience, and compliance with the inspection
3266 requirements. No such contractor retained in accordance with the
3267 provisions of this subsection may be licensed as, or have any financial
3268 interest in any firm engaged in the business of selling or repairing

3269 motor vehicles, or may be a provider of emissions inspection
3270 equipment or facilities to the state.

3271 (i) The commissioner may license an owner or operator of a fleet of
3272 motor vehicles which are subject to emissions inspection pursuant to
3273 subsection (c) of this section or section 14-164i, to establish a fleet
3274 emissions inspection station, provided that the fleet owner or operator
3275 conforms with regulations for fleet emissions inspection stations
3276 adopted by the commissioner which shall specify the classes or other
3277 characteristics of vehicles eligible for inspection at such stations.

3278 (j) The commissioner may establish a program for the on-road
3279 testing of motor vehicles subject to this chapter. The program shall test
3280 not less than one-half of one per cent of the subject fleet state-wide or
3281 twenty thousand vehicles, [every] whichever is less, per inspection
3282 cycle under conditions of highway operation in order to provide
3283 information concerning the emission performance of such in-use
3284 vehicles. Testing may be performed by means of remote sensing
3285 devices, or roadside pullovers followed by tailpipe emissions testing
3286 using a suitable, portable device and recording system. Owners of
3287 vehicles that have previously been through scheduled periodic
3288 inspection and passed, and are found by on-road testing to be high
3289 emitters, in accordance with the standards established under
3290 subsection (b) of this section and the regulations adopted under
3291 subsection (c) of this section, [shall] may be notified that their vehicles
3292 are required to pass an out-of-cycle follow-up inspection at an
3293 inspection station. Notification may be made by mailing in the case of
3294 remote sensing on-road testing or through immediate notification if
3295 roadside pullovers are used. The commissioner may use the services of
3296 the independent contractor or contractors to implement the on-road
3297 testing program. If a method of roadside pullovers is used in the
3298 program, such method shall be employed with due regard to traffic
3299 safety considerations and performed with the assistance of inspectors
3300 of the Department of Motor Vehicles or members of state or municipal
3301 police forces.

3302 [(j)] (k) (1) The commissioner, with approval of the Secretary of the
3303 Office of Policy and Management, shall establish, and from time to
3304 time modify, the inspection fees, not to exceed ten dollars per annual
3305 inspection or twenty dollars for each biennial inspection or
3306 reinspection required pursuant to this chapter for inspections
3307 performed at official emissions inspection stations. Such fees shall be
3308 paid in a manner prescribed by the commissioner. If the costs to the
3309 state of the emissions inspection program, including administrative
3310 costs and payments to any independent contractor, exceed the income
3311 from such fees, such excess costs shall be borne by the state. Any
3312 person whose vehicle has been inspected at an official emissions
3313 inspection station shall, if such vehicle is found not to comply with any
3314 required standards, have the vehicle repaired and have the right
3315 within thirty consecutive calendar days to return such vehicle to the
3316 same official emissions inspection station for one reinspection without
3317 charge, provided, where the thirtieth day falls on [any day when the
3318 official emissions inspection station is closed for business] a Sunday,
3319 legal holiday or a day on which the commissioner has established that
3320 special circumstances or conditions exist that have caused emissions
3321 inspection to be impracticable, such person may return such vehicle for
3322 reinspection on the next day. [on which such station is open for
3323 business.] The commissioner shall assess a late fee of twenty dollars for
3324 the emissions inspection of a motor vehicle performed at an official
3325 emissions inspection station later than thirty days after the expiration
3326 date of the assigned inspection period provided the commissioner may
3327 waive such late fee when it is proven to the commissioner's satisfaction
3328 that the failure to have the vehicle inspected within thirty days of the
3329 assigned inspection period was due to exigent circumstances. If
3330 ownership of the motor vehicle has been transferred subsequent to the
3331 expiration date of the assigned inspection period and the new owner
3332 has such motor vehicle inspected within thirty days of the registration
3333 of such motor vehicle, the commissioner shall waive the late fee. If the
3334 thirtieth day falls on [any day when the official emissions inspection
3335 station is closed for business] a Sunday, legal holiday or a day on
3336 which the commissioner has established that special circumstances or

3337 conditions exist that have caused emissions inspection to be
3338 impracticable, such vehicle may be inspected on the next day [on
3339 which such station is open for business] and no late fee shall be
3340 assessed.

3341 (2) If the commissioner authorizes a licensed dealer or repairer to
3342 conduct emissions inspections of 1996 model year and newer vehicles
3343 required by this chapter, the commissioner may authorize such
3344 licensee to charge a fee, not to exceed twenty dollars for each biennial
3345 inspection or reinspection.

3346 (3) Upon the registration of each new motor vehicle subject to the
3347 inspection requirements of this chapter, or of each motor vehicle that is
3348 four or less model years of age that has not been registered previously
3349 in this state, the commissioner shall issue a sticker indicating the
3350 exempt status of such motor vehicle and the date on which the motor
3351 vehicle is scheduled to be presented for inspection. Such sticker shall
3352 be displayed on the motor vehicle in accordance with subsection (d) of
3353 this section. On and after July 1, 2002, the commissioner shall charge a
3354 fee of forty dollars in addition to any other fees required for such
3355 registration. All receipts from the payment of such fee shall be
3356 deposited in the Special Transportation Fund. [Any person whose
3357 vehicle is inspected by a licensed motor vehicle dealer or repairer
3358 appointed by the commissioner in accordance with the provisions of
3359 subsection (f) of this section shall, if such vehicle is found not to
3360 comply with any required standard, have the vehicle repaired and
3361 have the right no later than the thirtieth day following the date of the
3362 inspection to return such vehicle to the same facility for one
3363 reinspection without charge, provided, if the thirtieth day falls on any
3364 day when the inspection facility is closed for business, such person
3365 may return such vehicle for reinspection without charge on the next
3366 day on which such station is open for business.]

3367 [(k)] (l) The commissioner may acquire in the name of the state by
3368 purchase, lease, gift, devise or otherwise any special equipment, tools,
3369 materials or facilities needed to adequately administer, investigate or

3370 enforce the provisions of this chapter.

3371 [(l)] (m) A person shall not in any manner represent any place to be
3372 an official emissions inspection station unless such station has been
3373 established and is operated [under a valid inspection agreement with
3374 the commissioner] in accordance with the provisions of this section.

3375 [(m)] (n) No person, firm or corporation shall operate or allow to be
3376 operated any motor vehicle that has not been inspected and found to
3377 be in compliance with the provisions of subsections (c), (d) and [(h)] (i)
3378 of this section and the regulations adopted by the commissioner.
3379 Operation in violation of said subsections or the regulations adopted
3380 by the commissioner shall be an infraction for each violation, except
3381 that the fine for a first violation shall be thirty-five dollars. The
3382 commissioner may deny the issuance of registration to the owner of a
3383 motor vehicle, or the renewal of registration to any such owner, or
3384 suspend any registration that has been issued, if such motor vehicle is
3385 not in compliance with the inspection requirements of this chapter.

3386 Sec. 82. Subsection (b) of section 13b-61 of the general statutes, as
3387 amended by section 46 of public act 01-9 of the June special session, is
3388 repealed and the following is substituted in lieu thereof (*Effective from*
3389 *passage*):

3390 (b) Notwithstanding any provision of subsection (a) of this section
3391 to the contrary, there shall be paid promptly to the State Treasurer and
3392 thereupon, unless required to be applied by the terms of any lien,
3393 pledge or obligation created by or pursuant to the 1954 declaration,
3394 part III (C) of chapter 240, credited to the Special Transportation Fund:

3395 (1) On and after July 1, 1984, all moneys received or collected by the
3396 state or any officer thereof on account of, or derived from, sections 12-
3397 458 and 12-479, provided the State Comptroller is authorized to record
3398 as revenue to the General Fund for the fiscal year ending June 30, 1984,
3399 the amount of tax levied in accordance with said sections 12-458 and
3400 12-479, on all fuel sold or used prior to the end of said fiscal year and
3401 which tax is received no later than July 31, 1984;

3402 (2) On and after July 1, 1984, all moneys received or collected by the
3403 state or any officer thereof on account of, or derived from, motor
3404 vehicle receipts;

3405 (3) On and after July 1, 1984, all moneys received or collected by the
3406 state or any officer thereof on account of, or derived from, (A)
3407 subsection (a) of section 14-192, and (B) royalty payments for retail
3408 sales of gasoline pursuant to section 13a-80;

3409 (4) On and after July 1, 1985, all moneys received or collected by the
3410 state or any officer thereof on account of, or derived from, license,
3411 permit and fee revenues as defined in section 13b-59, except as
3412 provided under subdivision (3) of this subsection;

3413 (5) On or after July 1, 1989, all moneys received or collected by the
3414 state or any officer thereof on account of, or derived from, section 13b-
3415 70;

3416 (6) On and after July 1, 1984, all transportation-related federal
3417 revenues of the state;

3418 (7) On and after July 1, 1997, all moneys received or collected by the
3419 state or any officer thereof on account of, or derived from, fees for the
3420 relocation of a gasoline station under section 14-320;

3421 (8) On and after July 1, 1997, all moneys received or collected by the
3422 state or any officer thereof on account of, or derived from, section 14-
3423 319;

3424 (9) On and after July 1, 1997, all moneys received or collected by the
3425 state or any officer thereof on account of, or derived from, fees
3426 collected pursuant to section 14-327b for motor fuel quality registration
3427 of distributors;

3428 (10) On and after July 1, 1997, all moneys received or collected by
3429 the state or any officer thereof on account of, or derived from, annual
3430 registration fees for motor fuel dispensers and weighing or measuring
3431 devices pursuant to section 43-3;

3432 (11) On and after July 1, 1997, all moneys received or collected by
3433 the state or any officer thereof on account of, or derived from, fees for
3434 the issuance of identity cards pursuant to section 1-1h;

3435 (12) On and after July 1, 1997, all moneys received or collected by
3436 the state or any officer thereof on account of, or derived from, safety
3437 fees pursuant to subsection (w) of section 14-49;

3438 (13) On and after July 1, 1997, all moneys received or collected by
3439 the state or any officer thereof on account of, or derived from, late fees
3440 for the emissions inspection of motor vehicles pursuant to subsection
3441 [(j)] (k) of section 14-164c, as amended by this act;

3442 (14) On and after July 1, 1997, all moneys received or collected by
3443 the state or any officer thereof on account of, or derived from, the sale
3444 of information by the Commissioner of Motor Vehicles pursuant to
3445 subsection (b) of section 14-50a; and

3446 (15) On and after October 1, 1998, all moneys received by the state
3447 or any officer thereof on account of, or derived from, section 14-212b.

3448 Sec. 83. Section 14-44 of the general statutes, as amended by section
3449 1 of public act 01-175, is repealed and the following is substituted in
3450 lieu thereof (*Effective from passage*):

3451 (a) (1) No person shall operate a commercial motor vehicle used for
3452 passenger transportation on any public highway of this state until he
3453 has obtained a commercial driver's license with a passenger
3454 endorsement from the commissioner, except a nonresident who holds
3455 such license with such endorsement issued by another state. (2) No
3456 person shall operate a school bus until he has obtained a commercial
3457 driver's license with a passenger endorsement and a school
3458 endorsement, except that a person who holds such a license without
3459 such endorsements may operate a school bus without passengers for
3460 the purpose of road testing or moving the vehicle. (3) No person shall
3461 operate a student transportation vehicle, as defined in section 14-212,
3462 taxicab, motor vehicle in livery service, motor bus or service bus until

3463 he has obtained an operator's license bearing an endorsement of the
3464 appropriate type from the commissioner issued in accordance with the
3465 provisions of this section.

3466 (b) No public passenger transportation permit or operator's license
3467 bearing an endorsement shall be issued or renewed in accordance with
3468 the provisions of this section or section 14-36a, until the commissioner,
3469 or his authorized representative, is satisfied that the applicant is a
3470 proper person to receive such a permit or an operator's license bearing
3471 an endorsement, holds a valid motor vehicle operator's license, or, if
3472 necessary for the class of vehicle operated, a commercial driver's
3473 license and is at least eighteen years of age. Each applicant for such a
3474 permit, an operator's license bearing an endorsement or the renewal of
3475 such a license shall furnish the commissioner, or his authorized
3476 representative, with satisfactory evidence, which may be required to
3477 be under oath, to prove that he has no criminal record, that he has not
3478 been convicted of a violation of subsection (a) of section 14-227a within
3479 five years of the date of application, that he has received negative drug
3480 test results in two or more urine tests if any such tests were
3481 administered within one year of such date and that no reason exists for
3482 a refusal to grant or renew such a permit or an operator's license
3483 bearing an endorsement. Each applicant for such a permit, an
3484 operator's license bearing an endorsement, or the renewal of such a
3485 license shall submit with his application proof satisfactory to the
3486 commissioner that he has passed a physical examination which has
3487 been taken within ninety days prior to his application, and which is in
3488 compliance with safety regulations established from time to time by
3489 the United States Department of Transportation. Each applicant for
3490 such a permit or an operator's license bearing an endorsement shall be
3491 fingerprinted before the permit or the license bearing an endorsement
3492 is issued.

3493 (c) The commissioner may issue, withhold, renew, suspend, cancel
3494 or revoke, any passenger or school endorsement. The commissioner
3495 may, in making his decision, consider the age, accident and criminal
3496 record, moral character and physical condition of any such applicant

3497 or permittee and such other matters as the commissioner may
3498 determine. The commissioner may require any such applicant or
3499 permittee to furnish the statements of two or more reputable citizens,
3500 which may be required to be under oath, vouching for the good
3501 character or other qualifications of the applicant or permittee.

3502 (d) Upon the arrest of any person who holds a public passenger
3503 transportation permit or operator's license bearing an endorsement
3504 charged with a felony or class A misdemeanor, the arresting officer or
3505 department, within forty-eight hours, shall cause a report of such
3506 arrest to be made to the commissioner. The report shall contain the
3507 name and motor vehicle operator's license number of the person
3508 placed under arrest and such other information as the commissioner
3509 may prescribe and shall be subscribed and sworn to under penalty of
3510 false statement as provided in section 53a-157b by the arresting officer.
3511 The commissioner may adopt regulations, in accordance with chapter
3512 54, to implement the provisions of this subsection.

3513 [(d)] (e) Prior to issuing an operator's license bearing a school
3514 endorsement, the commissioner shall require each applicant to submit
3515 to state and national criminal history records checks. The criminal
3516 history records checks required pursuant to this subsection shall be
3517 conducted in accordance with section 29-17a. If notice of a state
3518 criminal history record is received, the commissioner may refuse to
3519 issue an operator's license bearing such endorsement and, in such case,
3520 shall immediately notify the applicant, in writing, of such refusal.
3521 Subject to the provisions of section 46a-80, if notice of a national
3522 criminal history record is received, the commissioner may withdraw
3523 the operator's license bearing a school endorsement immediately and,
3524 in such case, shall immediately notify the holder of such license and
3525 the holder's employer, in writing, of such withdrawal.

3526 [(e)] (f) Any applicant who is refused an operator's license bearing
3527 an endorsement or the renewal of such a license, or whose operator's
3528 license bearing an endorsement or the renewal of such a license is
3529 withdrawn or revoked on account of a criminal record shall be entitled

3530 to a hearing, if requested in writing within twenty days. The hearing
 3531 shall be conducted in accordance with the requirements of chapter 54
 3532 and the applicant may appeal from the final decision rendered therein
 3533 in accordance with section 4-183.

3534 [(f)] (g) Violation of any provision of this section shall be an
 3535 infraction.

3536 Sec. 84. (Effective July 1, 2002) Sections 14-36c, 14-53 and 14-201 to 14-
 3537 209, inclusive, of the general statutes are repealed.

3538 Sec. 85. (Effective January 1, 2003) Sections 14-111c and 14-111d of the
 3539 general statutes are repealed.

This act shall take effect as follows:	
Section 1	July 1, 2002
Sec. 2	July 1, 2002
Sec. 3	July 1, 2002
Sec. 4	July 1, 2002
Sec. 5	July 1, 2002
Sec. 6	July 1, 2002
Sec. 7	July 1, 2002
Sec. 8	July 1, 2002
Sec. 9	July 1, 2002
Sec. 10	July 1, 2002
Sec. 11	July 1, 2002
Sec. 12	July 1, 2002
Sec. 13	July 1, 2002
Sec. 14	July 1, 2002
Sec. 15	July 1, 2002
Sec. 16	July 1, 2002
Sec. 17	October 1, 2002
Sec. 18	October 1, 2002
Sec. 19	October 1, 2002
Sec. 20	July 1, 2002
Sec. 21	October 1, 2002
Sec. 22	October 1, 2002
Sec. 23	October 1, 2002
Sec. 24	October 1, 2002

Sec. 25	<i>October 1, 2002</i>
Sec. 26	<i>October 1, 2002</i>
Sec. 27	<i>October 1, 2002</i>
Sec. 28	<i>October 1, 2002</i>
Sec. 29	<i>October 1, 2002</i>
Sec. 30	<i>from passage</i>
Sec. 31	<i>October 1, 2002</i>
Sec. 32	<i>from passage</i>
Sec. 33	<i>October 1, 2002</i>
Sec. 34	<i>January 1, 2003</i>
Sec. 35	<i>January 1, 2003</i>
Sec. 36	<i>January 1, 2003</i>
Sec. 37	<i>January 1, 2003</i>
Sec. 38	<i>January 1, 2003</i>
Sec. 39	<i>January 1, 2003</i>
Sec. 40	<i>January 1, 2003</i>
Sec. 41	<i>January 1, 2003</i>
Sec. 42	<i>January 1, 2003</i>
Sec. 43	<i>January 1, 2003</i>
Sec. 44	<i>October 1, 2002</i>
Sec. 45	<i>October 1, 2002</i>
Sec. 46	<i>July 1, 2002</i>
Sec. 47	<i>July 1, 2002</i>
Sec. 48	<i>July 1, 2002</i>
Sec. 49	<i>from passage</i>
Sec. 50	<i>July 1, 2002</i>
Sec. 51	<i>July 1, 2002</i>
Sec. 52	<i>January 1, 2003</i>
Sec. 53	<i>July 1, 2002</i>
Sec. 54	<i>July 1, 2002</i>
Sec. 55	<i>July 1, 2002</i>
Sec. 56	<i>July 1, 2002</i>
Sec. 57	<i>July 1, 2002</i>
Sec. 58	<i>July 1, 2002</i>
Sec. 59	<i>July 1, 2002</i>
Sec. 60	<i>July 1, 2002</i>
Sec. 61	<i>July 1, 2002</i>
Sec. 62	<i>October 1, 2002</i>
Sec. 63	<i>October 1, 2002</i>
Sec. 64	<i>July 1, 2002</i>
Sec. 65	<i>July 1, 2002</i>

Sec. 66	<i>July 1, 2002</i>
Sec. 67	<i>from passage</i>
Sec. 68	<i>from passage</i>
Sec. 69	<i>July 1, 2002</i>
Sec. 70	<i>July 1, 2002</i>
Sec. 71	<i>July 1, 2002</i>
Sec. 72	<i>July 1, 2002</i>
Sec. 73	<i>July 1, 2002</i>
Sec. 74	<i>July 1, 2002</i>
Sec. 75	<i>July 1, 2002</i>
Sec. 76	<i>July 1, 2002</i>
Sec. 77	<i>October 1, 2002</i>
Sec. 78	<i>October 1, 2002</i>
Sec. 79	<i>October 1, 2002</i>
Sec. 80	<i>from passage</i>
Sec. 81	<i>from passage</i>
Sec. 82	<i>from passage</i>
Sec. 83	<i>from passage</i>
Sec. 84	<i>July 1, 2002</i>
Sec. 85	<i>January 1, 2003</i>

Statement of Legislative Commissioners:

In section 19, the subsection was divided into subdivisions for clarity. The existing subdivision designators were replaced with subparagraph designators for consistency. In section 24, the phrase "Except as provided in subsections (c) and (d) of this section," was added in the beginning of subsection (b) for accuracy. In subsection (a) of section 39, the phrase "that issued the operator's license" was substituted for "of licensure" for clarity and consistency with the general statutes. In the first sentence of subsection (a) of section 41, the words "of issuance" were deleted for accuracy and the word "operator's" was added before "license" for consistency with the terms defined in section 34. The language in section 43 was restated for clarity. In the first line of subsection (d) in section 67, the phrase "in this subsection" was substituted for "herein" for clarity and consistency with the general statutes. In the third sentence of said subsection, brackets were inserted around the word "holder", the word "of" was deleted and the phrase "registrant who holds" was inserted after the closing bracket for clarity. In section 80, the second reference to "exhaust" was restored for accuracy and consistency with the general statutes. In section 85, the effective date of "January 1, 2003" was substituted for the former

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Fund-Type	Agency Affected	Current FY \$	FY 03 \$	FY 04 \$
TF - See Below	Motor Vehicle Dept.	None	See Below	See Below
GF - See Below	Judicial Department	None	See Below	See Below

Note: TF=Transportation Fund; GF=General Fund

Municipal Impact:

Potential Revenue Gain	All Municipalities	None	Indeterminate	Indeterminate
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Explanation

This bill consists of 85 sections. The bill primarily affects the Department of Motor Vehicles (DMV). Except for Sections 34 through 43 which has a potential and significant revenue gain through better enforcement of Connecticut citations issued to out-of-state motorists and Section 65 which has a potential significant cost to the DMV if it elects to issue registrations to leased vehicles that coincide with the term of the leased agreement, none of the other sections will have significant impacts.

Section 19 has a potential and indeterminate revenue gain to municipalities since the bill allows the DMV to suspend a company’s leasing license for failure to pay municipal property taxes. The suspension can run until tax obligations are satisfied.

Below is a brief description of each section with its associated fiscal impact.

Section 1 amends the definition of “resident” found in motor vehicle statutes to clarify that a person who occupies a place of residence in Connecticut for more than six months in one year must register their motor vehicles in Connecticut. (Current law reads a “person having a legal residence in the state”). It also adds the definition of “vehicle identification number” to the motor vehicle statutes.

No Fiscal Impact.

Section 2 incorporates provisions of the federal Motor Carrier Safety Improvement Act to disqualify persons from operating a commercial motor vehicle if they fail to stop at a railroad crossing. The first violation is a 60-day suspension from operating a commercial vehicle; 2nd violation is a 120-day suspension from operating a commercial vehicle, and 3rd and subsequent violations are one-year suspensions during any three-year period. It would impact only those commercial drivers convicted of failing to stop, look and listen at a railroad crossing.

Potential Minimal Revenue Gain from license restoration fees.

Sections 3 through 16 - Title Laws

-Allows the commissioner to maintain an electronic title file to provide for electronic recording and storage of the evidence of the lienholder’s security interest.

-Authorizes the commissioner to participate in the National Motor Vehicle Title Information System (Section 4). This is a federal requirement related to auto theft prevention.

-Clarifies the authority of the commissioner to place legends or “brands” on titles to convey certain information about the vehicle’s history (i.e. rebuilt, flood damaged, unrepairable, or that a bond has been posted to obtain the title. (Section 5).

-Increases the bond from one and one-half times to twice the value

of the vehicle when the commissioner is not satisfied as to ownership of the vehicle and allows the bond and any deposit to be returned at the end of five years instead of three. (Section 7)

-Adds a \$25 fee for bond filing when bond is required by the commissioner. (Section 15).

These changes will update Connecticut statutes governing motor vehicle titles, many of which have not been revised since the Uniform Motor Vehicle Certificate of Title and Antitheft Act was adopted in 1957. Specific changes will incorporate federal law (the Federal Truth in Mileage Act), and will enable the DMV to go forward with projects to begin electronic lien recording and to participated in the National Motor Vehicle Title Information System (NMVTIS).

Last year, the Title Division processed 441 bonds. At \$25 per filing, the revenue gain could be approximately \$11,025 annually. All other changes are discretionary. The department has no timeline as to when it will participate in NVVTIS or establish an electronic title file.

Sections 27 through 32 - Licensing of Motor Vehicle Lessors, Dealers, Repairers and Manufacturers

-Amends the definition of manufacturer to clarify they are not permitted to sell new vehicles directly to the public, (Section 17), except on a temporary basis, (Section 24).

No Fiscal Impact.

-Changes leasing license terms from annual to biennial to follow the format of dealers's license (and increases fee proportionately from \$150 to \$300) and adds a new \$100 late fee if a leasing company's license renewal is filed after the expiration date. There are about 1,350 leasing licenses issued in Connecticut.

Since almost all companies file on time, the revenue gain is expected to be minimal. (Section 18).

-Allows the DMV to suspend a company's leasing license for failure to pay municipal property taxes. The suspension can occur 30 days after notice was given and after opportunity for a hearing and can run until property tax obligations are satisfied. (Section 19).

Indeterminate Municipal Revenue Gain

-Eliminates the issuance of two classes of transporter registrations, with different fees, since the plate is currently only available for commercial or business purposes. (Section 20)

There are approximately 650 passenger transporter plates issued annually at \$58. These plates will need to be switched to commercial plates at \$114 annually. The anticipated revenue gain is \$36,400 annually.

-Excludes vehicle rental or leasing businesses that sell vehicles incidental to their primary business from being considered as used car dealers as long as: 1) the business is properly licensed as a leasing business, 2) the vehicles it sells were formerly subject to at least one lease with the business, and 3) the prospective purchaser is the original lessee pursuant to a purchase option specified in a lease agreement.

No Fiscal Impact

-Makes minor changes to the duties which can be performed without a repairer's license. (Section 21).

No Fiscal Impact

-Allows the DMV commissioner to refuse to grant or renew a dealer or repairer license if the applicant (or major stockholder in the business) has been convicted of any violation involving fraud, larceny or deprivation or misappropriation of property. (Section 23)

No Fiscal Impact

-Eliminates a restriction that prevented the commissioner from denying a repairer's license on the ground that their activities are

conducted on property that also includes another business or activity owned or operated by someone else or that the licensee makes use of any common area or facilities with another business or activity. (Section 23)

No Fiscal Impact

Allows a licensed manufacturer to hold a dealer's license on a temporary basis (up to one year) and allows the commissioner to extend the temporary license issued for up to one additional year if he believes the manufacturer has and continues to make bonafide efforts to sell or transfer the dealership to someone qualified to hold a dealer's license. (Section 24)

No Fiscal Impact

Authorizes the commissioner to issue a used car dealer's license to someone engaged primarily in the business of renting vehicles and industrial and construction equipment if: 1) the vehicles offered for sale are limited to those previously used exclusively and regularly to conduct the business or were traded in by purchasers of the previously used vehicles, 2) any warranty repairs the person performs are limited to vehicles that are previously owned or taken in trade, and 3) any retail financing provided or arranged for is limited to vehicles the person sells. This would allow certain major car rental companies to sell off their inventories. (Section 24)

No Fiscal Impact

Allows the DMV to withdraw or limit the number of dealer or repairer plates a licensee has been issued, or is by law eligible to receive, when he finds the licensee has committed any prohibited acts. (Section 27)

No Fiscal Impact

Requires the commissioner to notify a licensed dealer or repairer of a complaint made against him and allows the commissioner to attempt

to mediate voluntary settlements of unresolved complaints. (Section 28).

No Fiscal Impact

Adds misuse of dealer or repairer plates as one of the prohibited acts that can result in suspension or revocation of the dealer or repairer license, imposition of a civil penalty up to \$1,000 or both.

Potential Minimal Revenue Gain

Authorizes licensed dealers to issue permanent registrations via an electronic format. Section 30

No Fiscal Impact

Allows the commissioner to set the examination requirements for renewal of driving instructors' licenses. (Section 31)

No Fiscal Impact

Requires dealers or lessors to specify charges for VIN (vehicle identification number) etching on the sale order and invoice rather than on the price disclosure sticker required by federal law (Monroney Sticker). Section 32

No Fiscal Impact**Sections 34 through 43 - Driver License Agreement**

These sections replace current reciprocity agreements (the Driver License Compact and the Non Resident Violator Compact) that are currently enforced. By adopting this new standard, the exchanged of driver licensing information and the identification of drivers who fail to appear in court to answer citations for motor vehicle offenses will be facilitated. The current statutes, Sections 14-111c and 14-111d, are replaced by these sections which are substantially similar.

Participation in a national Driver License Compact (DLC) or

Agreement (DLS) gives states the ability to mutually reinforce traffic laws and the payment of fines through the reporting of specific, serious offenses; thereby ensuring, for example, a drunken driving arrest in New York does not go unnoticed or unpunished in Connecticut. The four offenses that Connecticut currently takes reciprocal suspension action will not change. They are: 1) manslaughter or negligent homicide with a motor vehicle, 2) drunken driving, 2) using a vehicle to commit a felony, and 4) evading responsibility following an accident. Failure of out-of-state drivers to pay fines in Connecticut, i.e. for speeding, will continue to be enforced by other party states.

Potential significant revenue gain through better enforcement of Connecticut citations issued to out-of-state motorists (payable to Central Infractions Bureau).

The department will also incur indeterminate costs for the modification of DMV's data systems which could be funded within available budgetary resources.

Section 44 requires vehicles with combination registrations to have a gross weight rating (as defined by the manufacturer) less than 10,000 pounds. Current statute requires a gross weight under 10,000 pounds (the vehicle's empty weight combined with the weight of any load for which it registers and pays the appropriate fee).

This will facilitate DMV's enforcement of the weight requirement for less expensive combination registrations and may require additional vehicles to obtain the more expensive commercial registration. (Costs for commercial registrations vary depending on vehicle weight).

Indeterminate Revenue Gain

Sections 45 and 46 - Hearing on the Proposed Establishment or Relocation of Motor Vehicle Franchises

These sections require that the manufacturer or distributor have the

burden of proving that good cause exists for permitting proposed establishment or relocation of a motor vehicle franchises (in DMV hearings held on proposed establishment or relocation of motor vehicle franchises).

No Fiscal Impact.

Sections 47, 48 and 52 - Additional Changes to Implement the Driver License Agreement

No Fiscal Impact

Section 49 incorporates the definition of “highly restricted personal information” into Connecticut statutes (as required by federal law) and defines such as: an individual’s photograph, computerized image, Social Security number or medical or disability information. Release of this information for any other reason is only permissible if the individual who is the subject of the record has given their explicit, express consent to disclosure to the DMV.

No Fiscal Impact. Ensures Connecticut will not be penalized (up to \$5,000 per day for substantial non-compliance).

Sections 50 and 51 - Technical changes. No Fiscal Impact

Sections 53 through 61 - Legislative Commissioners’ Office Recommendations for Technical Revisions to Motor Vehicle and Transportation Laws. No Fiscal Impact

Section 62 increases the minimum membership of the Motor Vehicle Operator’s License Medical Advisory Board from seven to eight (the maximum allowed is 15) and requires the Connecticut Association of Optometrists to submit a list of nominees representing the specialty of optometry to the commissioner.

No Fiscal Impact

Section 63 requires the DMV regulations for commercial driving schools to include requirements for a classroom-only instructor’s

license and for issuing such a license to those with public safety or teaching experience sufficient to meet the requirements.

No Fiscal Impact

Section 64 continues to require the court to transmit information to the DMV for an overweight truck violation in excess of 15% of the gross weight limits. Upon receipt of a third or subsequent violation within one year, this change will allow the DMV to schedule a hearing and impose a civil penalty of \$2,000.

Minimal Revenue Gain since penalties will only be assessed upon third or subsequent violations.

The Judicial Department would incur a minimal, absorbable cost for any programming related to notifications.

Section 65 allows the DMV to issue registrations for leased vehicles that coincide with the term of the lease agreement (not to exceed five years) and to charge a prorated fee.

This change is permissive, not mandated. Should the DMV elect to implement this action, there could be extensive costs to change the current registration system.

Section 66 increases the fee driving schools can charge students not participating in the full driver's education curriculum, but who take the required five-hour course on safe driving from \$25 to \$40. (The current fee of \$25 was set in 1988).

No fiscal impact since fees are paid by each individual directly to the driving schools.

Section 67 permits the use of transporter plates to move a storage or office trailer, house trailer, modular building, or similar non-power trailing unit to which a moveable axle assembly is attached.

No Fiscal Impact

Section 68 requires the operator of a wrecker to notify the police department of a “trespass” tow within two hours instead of 24 hours. This does not affect any other part of the sentence or penalties.

No Fiscal Impact

Section 69 clarifies that the number of convictions according to a person’s driving history record determines their license suspension by DMV for drunken driving.

No Fiscal Impact

Section 70 - Technical Revision. No Fiscal Impact

Section 71 eliminates the requirement that persons renewing a motorcycle registration provide an insurance identification card, thereby making this process the same as the motor vehicle registration renewal process.

Administrative Efficiencies. Facilitates registration renewal process for motorcycles.

Section 72 eliminates requirement that police departments issue a temporary license, good 24 hours after issuance and ending 30 days after the arrest to a person after being arrested for drunken driving or failing to submit to a sobriety test. This does not change current suspension requirements; it only eliminates the extra “paper license” which is subject to abuse.

Minimal Savings. Currently, the DMV uses about 25,000 temporary licenses annually. The cost is \$68.25 per 1,000 or approximately \$1,706 per year.

Sections 73 through 76 - Technical Changes. No Fiscal Impact

Section 77 requires the Medical Advisory Board to make recommendations and offer advice on individual health problem cases not later than 60 days from the date of reference by the commissioner.

No Fiscal Impact

Section 78 clarifies seat belt use laws to require the front seat passengers in a motor vehicle with a gross vehicle weight rating under 10,000 pounds or in fire fighting apparatus originally equipped with safety belts to wear them.

This change conforms with federal standards. No Fiscal Impact

However, the impact this action would have on the number of offenses and subsequent revenue is uncertain. In FY 01, there were 47,000 offenses resulting in about \$1.4 million of revenue.

Section 79 allows the Commissioner of Motor Vehicles to assess administrative penalties of up to \$10,000, in addition to court fines, against intrastate Connecticut truck operators who commit repeated violations of the Federal Motor Carrier Safety Regulations.

Potential Minimal Revenue Gain of approximately \$15,000. This change will allow the DMV the ability to assess civil penalties against intrastate carriers. (It is already able to with interstate carriers)

Sections 80 through 82 - Motor Vehicle Emissions Inspection Program

Makes small changes in the emissions program to allow grater flexibility in the administration of the motor vehicle emissions inspection program.

Removes specific references to the "exhaust" type of emissions test, as exhaust emissions testing for newer model motor vehicles may soon be obsolete.

Specifies the circumstances under which licensed dealers or repairers may perform emissions inspections.

Clarifies that if the 13th day following a failed emissions test falls on a Sunday, legal holiday or a day on which the commissioner has

established that conditions exist that have caused emissions inspection to be impractical, the vehicle may be presented for a free reinspection the next day, i.e. when stations are closed for a holiday or inclement weather, an individual may present the vehicle for testing the following day without being subject to a late fee).

No Fiscal Impact

Section 83 requires officers who arrest holder of public passenger transportation permits for a felony or class A misdemeanor to notify the DMV of such arrest within 48 hours.

No Fiscal Impact

Section 84 repeals obsolete statutes relating to the driver license classification system and the vehicle title laws and makes numerous technical changes and conforming changes.

No Fiscal Impact

OLR Bill Analysis

sSB 20

AN ACT REVISING CERTAIN MOTOR VEHICLE LAWS**SUMMARY:**

This bill:

1. eliminates the requirement that a police officer issue a 30-day temporary driver's license to someone subject an administrative license suspension for driving with an illegal blood-alcohol level under the implied consent law and forward the confiscated license to the Department of Motor Vehicles (DMV);
2. requires the DMV commissioner, upon receipt of the court's report of someone's conviction for driving under the influence of alcohol, to base the applicable license suspension period on the number of convictions in the person's DMV driving history record and not on the sentence the court imposed;
3. replaces current laws enabling DMV to participate in the interstate Driver License Compact (DLC) with more extensive requirements enabling DMV's participation in a successor interstate compact known as the Driver License Agreement (DLA);
4. substantially revises, and in some cases, eliminates, the additional penalties for repeat convictions for operating a truck at more than 15% above its applicable maximum gross weight and revises the process for assessing the additional sanctions for repeat offenses;
5. requires the commissioner to assess a civil penalty of up to \$10,000 on motor carriers who repeatedly violate state safety regulations, and to adopt regulations specifying the criteria for assessing the penalty;
6. tightens restrictions on availability of certain personal information from DMV records to reflect recent changes in federal law;
7. makes numerous changes in laws governing licensure and regulation of motor vehicle dealers, repairers, manufacturers, and car rental or leasing companies;
8. limits the commissioner's authority to impose disciplinary licensing actions or civil penalties against dealer and repairer licensees only to situations where a licensee has been convicted of a violation of Connecticut law or regulation pertaining to his business as a licensee, but also allows disciplinary action based on a licensee's

- failure to comply with a final decision and order of any state department or federal agency concerning a law or regulation that pertains to its licensed business;
9. makes buying, selling, offering for sale or brokerage of any motor vehicle without a DMV license a Class B misdemeanor and requires the commissioner to transmit a summary of any complaint he receives alleging this to the revenue services and environmental protection commissioners (both requirements currently apply to unlicensed vehicle repair);
 10. disqualifies someone who must by law hold a commercial drivers license (CDL) from driving a commercial motor vehicle for a specified period if convicted of failing to stop at a railroad crossing;
 11. allows the commissioner to issue up to a five-year registration and charge an appropriately prorated registration fee for any vehicle owned by a licensed motor vehicle leasing company and subject to a lease agreement, in order to coincide with the period of the lease;
 12. modifies the title laws to, among other things, provide for agreements with lienholders for electronic lien filing and recording, authorize the commissioner to participate in the National Motor Vehicle Title Information System, and require the commissioner to place legends or "brands" on titles to convey certain information on its history;
 13. requires the officer or law enforcement agency that arrests someone for a felony or Class A misdemeanor who holds a public passenger transportation permit or a driver's license with an endorsement to report the arrest to the commissioner within 48 hours;
 14. conforms the law on issuance of transporter plates to current DMV policy;
 15. makes several changes to the motor vehicle emissions inspections laws;
 16. requires a tow truck operator called to remove a vehicle left on private property without the property owner's permission to notify the local police department within two, rather than 24, hours of removing the vehicle;
 17. revises the basis for issuing a "combination" registration from the vehicle's gross weight to its gross vehicle weight rating;
 18. when a vehicle manufacturer proposes to establish or relocate a motor vehicle franchise, places the burden of proof at the DMV hearing on the manufacturer to show that good cause exists to permit it;
 19. eliminates the requirement that DMV certify that the location of a dealer or repairer business does not imperil public safety, thus

- leaving location approval during the licensing process entirely with local officials;
20. applies the mandatory seat belt use law to vehicles based on their gross weight rating (10,000 pounds or less) instead of to the specific types of vehicles conforming to the definition of a private passenger motor vehicle under the no-fault motor vehicle insurance laws;
 21. increases the minimum membership of the Motor Vehicle Operator's License Medical Advisory Board from seven to eight (maximum allowed is 15) and requires the Connecticut Association of Optometrists to submit to the commissioner a list of nominees representing the specialty of optometry and (b) requires the board to make its required recommendations on cases referred to it by the commissioner within 60 days of his referral;
 22. requires DMV regulations for commercial driving schools to include requirements for a classroom-only instructor's license and for issuing such a license to those with public safety or teaching experience sufficient to meet the requirements and (b) allows the commissioner to determine reexamination requirements for renewal of driving instructor licenses by specifications in regulations instead of, as currently required, automatically prior to renewal or at other times during the license period when he deems it in the interest of public welfare and safety;
 23. increases, from \$25 to \$40, the maximum fee that may be charged for the mandatory five-hour safe driving practices instruction course all 16- and 17-year olds must complete before they can receive a driver's license; and
 24. eliminates the requirement that someone renewing a motorcycle registration submit an insurance identification card, thus making the process the same for motorcycles and other types of motor vehicles;
 25. for purposes of vehicle registration requirements, defines a "resident" as someone with a place of residence in Connecticut that he occupies for more than six months in a year instead of someone with a "legal" residence in Connecticut; and
 26. repeals obsolete statutes relating to the driver license classification system and the vehicle title laws and makes numerous technical changes and conforming changes.

EFFECTIVE DATE: July 1, 2002 except (1) the provisions making substantive changes to the allowable uses of transporter plates (but not the change in the fee), authorizing the commissioner to permit dealers

to file permanent registration and title applications electronically, requiring window etching service price disclosure, further restricting the availability of certain personal information from DMV records, decreasing the time limit for reporting tows from private property, making changes to the emissions inspection program laws, and requiring reports to DMV of felony and certain misdemeanor arrests for specified driver licensees are effective upon passage; (2) the remaining provisions affecting the motor vehicle leasing agencies, manufacturers, dealers and repairers, commercial driving school instructors, combination registration, DMV Medical Advisory Board, seat belt law, and civil penalties for repeated violations of motor carrier safety requirements are effective October 1, 2002; and (3) the provisions relating to the DLA and repeal of the enabling laws for the DLC are effective on January 1, 2003

ELIMINATION OF TEMPORARY DRIVER'S LICENSE FOLLOWING ENFORCEMENT ACTION UNDER IMPLIED CONSENT LAW

By law, a police officer can ask a driver submit to a chemical test of his blood-alcohol content (BAC) after placing him under arrest for driving a motor vehicle while under the influence of alcohol or drugs, informing him of his constitutional rights and the license suspension consequences if he refuses to take the test or the test results show an illegal BAC, and following certain other procedures. If the person refuses to be tested or the test results show an illegal BAC, the police officer, on behalf of the commissioner, must immediately revoke and take possession of the person's license for a 24-hour period.

Currently, the police officer must also issue him a temporary license valid 24 hours later and good for 30 days during which time the person may request a hearing on the suspension. The police officer must then mail to the commissioner within three days of the arrest report, a copy of the temporary license, the actual confiscated license, and, if there are any, the results of the BAC test. The bill eliminates the requirement for the police officer to issue the temporary license and forward the confiscated license to the DMV. It does not specify what must be done with the license or that it is returned to the arrested person. By law, it is an infraction for anyone to drive a motor vehicle without carrying his driver's license (CGS § 14-213).

DRIVERS LICENSE AGREEMENT

The bill replaces current laws allowing the DMV commissioner to participate in the DLC with new ones allowing him to participate in its successor, the DLA. Both the DLC and the DLA are administered by the American Association of Motor Vehicle Administrators.

Under the DLA, all participating states must have one driver's license that is recognized by all other member states and maintain one driver control record (a driver history). A conviction for any motor vehicle or traffic violation in any jurisdiction must be treated as if it occurred in the violator's home state for purposes of maintaining a driver history and imposing administrative sanctions. A driver must be allowed to proceed on his way and cannot be required to appear in a court or other tribunal after having been issued a citation for the violation.

Requirements for Licensure

Under the DLA, when someone applies for a driver's license, the commissioner must determine if he has ever held or presently holds a license issued by another jurisdiction. The commissioner cannot issue a license to any applicant whose license has been withdrawn (i.e., has been subject to an "administrative action") by another member jurisdiction for a violation required to be reported under the DLA or who is subject to a notice of failure to comply under the compact. The commissioner must take an applicant's unexpired out-of-state license before issuing a Connecticut license.

The commissioner may issue certain classes of Connecticut license (Class 1 or 2 driver's or a motorcycle) to an applicant who is subject to withdrawal of a CDL in another jurisdiction if the conduct would not have disqualified him from operating a motor vehicle other than a commercial motor vehicle.

The commissioner may, at his discretion, issue a license to an applicant (1) who is the subject of a license withdrawal occurring five or more years before the application date or (2) whose license has been withdrawn for the time period required by the jurisdiction of record but has not been restored due to a failure or alleged failure to fulfill reinstatement requirements, such as a financial responsibility filing or personal attendance requirement (for example, completion of an education or treatment program). In exercising this discretion, the commissioner must review and consider the applicant's entire driver control record and can require additional information and references

from the applicant that attest to his fitness to drive a vehicle safely.

Driver Control Record

The commissioner must maintain a driver control record for each person issued a license until another member jurisdiction notifies him that the person has surrendered his Connecticut license and been relicensed in the other jurisdiction. When so notified, the commissioner must transfer the person's driver control record to the new licensing jurisdiction. The record must contain the information the DLA requires, which must be set out in DMV regulations.

The commissioner must maintain a record of all convictions and administrative actions for motor vehicle and traffic violations committed in Connecticut, as well as for any relevant offenses the court notes in the record and reports to DMV involving a person who has not been issued a license or whose license has expired or been cancelled.

Incident Reporting

The Centralized Infractions Bureau and any court with jurisdiction over a motor-vehicle-related violation must continue to report to the commissioner the name, license number, license jurisdiction, and other available information about a nonresident vehicle owner or operator convicted of a motor vehicle law violation or who fails to appear in court, submit a not-guilty plea by the court answer date, or pay the full amount due for the violation. When he receives this report, the commissioner must notify the jurisdiction of record, according to DLA procedures, within 30 days of receiving the notice and no later than six months after the court disposes of the matter.

When he receives notice of a failure to comply with a citation issued by a member jurisdiction or an administrative action taken against a Connecticut licensee or vehicle owner, the commissioner must proceed with a license suspension. If state law requires or authorizes it, he also must proceed with a registration suspension until he is notified according to the requirements of the DLA that the person has complied with the member jurisdiction's citation. These requirements apply only to citations identified in the DLA, which must be set forth in DMV regulations.

The commissioner may use any notice, report, or record from a state member of the driver license compact for the purposes authorized by the bill to the same extent and in the same manner as any notification, report, or record received from a jurisdiction that is a DLA member.

Administrative Action

If the commissioner receives a report from another member jurisdiction of a Connecticut resident's conviction for an offense covered by the DLA, he must suspend the resident's license for the period Connecticut law requires for the same act. The offenses covered under this provision are manslaughter or assault with a motor vehicle; negligent homicide with a motor vehicle; operating under the influence of alcohol, drugs, or both; evading responsibility after an accident; and reckless driving. The current DLC provisions cover manslaughter or negligent homicide with a vehicle, driving under the influence, using a motor vehicle in commission of a felony, and evading responsibility after an accident.

When notified of a DWI conviction in another member jurisdiction, the commissioner may consider it a second or subsequent violation under Connecticut law and impose the appropriate penalty for the repeat offense. The resident cannot use the fact that the out-of-state conviction was based on a blood-alcohol level that is less than Connecticut's level of .10% as a defense against the repeat offense sanction.

If the commissioner is notified that a Connecticut resident has been convicted of a felony in another member jurisdiction and a motor vehicle was used in the crime, he must, if the person's acts would constitute a felony under Connecticut law, suspend the resident's license for a period he determines.

Notices or copies of any records a member jurisdiction furnishes to the commissioner as required by the agreement or the bill with respect to conviction, administrative action, license withdrawal and status, or vehicle registration may be certified, transmitted, and received electronically or by document. When certified, they are admissible in any hearing or court appeal of a final decision and must be accepted as proof of the facts they describe in the absence of contrary evidence.

The bill revises current law allowing someone suspended for certain motor vehicle offenses to apply to the commissioner for reversal of the

suspension to (1) accommodate suspensions that occur in accordance with DLA and (2) eliminate consideration for suspensions resulting from speeding convictions. It also expands this process to include petitions for reductions in suspension periods as well as complete reversal. It requires the commissioner to consider the person's driver control record when considering the petition. It eliminates his authority to require a petitioner to file a trial fee before a petition can be considered.

Anyone aggrieved by the commissioner's action under these provisions can request and must be given an administrative hearing conducted in accordance with the Uniform Administrative Procedure Act (UAPA).

HABITUALLY OVERWEIGHT TRUCKS

Currently, the court must note on the record any conviction or bond forfeiture involving an overweight violation of more than 15% above a truck's applicable gross weight limit. In addition to the fine that might already have otherwise been paid for the violation, the commissioner must demand that an out-of-state owner or lessee of such a truck post a \$2,000 bond with DMV subject to forfeiture for a second such violation. An in-state owner or operator is subject to an additional civil fine of \$2,000 for a second such overweight violation. The commissioner may revoke the vehicle's registration for 30 days.

The bill revises this sanction process. It (1) eliminates the enhanced penalty for a second offense, (2) requires third or subsequent offenses that trigger the additional penalties to occur within the same calendar year and makes imposition of the additional penalty discretionary with the commissioner rather than mandatory, (3) eliminates an additional mandatory court-imposed fine for a fourth violation within a calendar year, and (4) lowers this fine from \$10,000 to \$5,000 for a fifth such violation.

The bill requires the court to note any such conviction, but not a bond forfeiture for nonappearance, and transmit the information to DMV. When he receives information about a third such conviction within a calendar year, the commissioner may schedule a hearing to review the registrant's record and notify him of such. The commissioner may review information and evidence presented at the hearing that, among other things, may include the frequency of the registrant's commercial

vehicle operations, fleet size, and any possible culpability for the overweight on the part of the shipper. After the hearing, he may impose a civil penalty of an additional \$2,000 on the registrant or revoke his registration for 30 days and may refuse to issue a registration for the vehicle for any further period he deems reasonable.

CIVIL PENALTY FOR REPEATED VIOLATIONS OF MOTOR CARRIER SAFETY REGULATIONS

By law, most motor carriers in interstate commerce, are subject to federal motor carrier safety regulations governing various aspects of vehicle equipment and condition, driver responsibilities and records, and other things. The state has adopted the federal regulations by reference as state requirements and thus applies them to intrastate carriers as well. Individual violations of these requirements are infractions.

The bill subjects a motor carrier that commits “repeated” violations of the safety regulations to a civil penalty of up to \$10,000, assessed by the motor vehicles commissioner. It requires the commissioner to adopt regulations specifying the criteria for assessing the penalty, including, at least, the penalty amount to be assessed for specific numbers of violations. (Under the federal law and regulations, interstate motor carriers are already subject to civil penalties for a record of repeated safety violations or unsafe practices.)

HIGHLY RESTRICTED PERSONAL INFORMATION FROM DMV RECORDS

The bill reclassifies someone’s photograph or computerized image, Social Security number, and medical or disability information as “highly restricted personal information” pursuant to recent changes to the federal Driver Privacy Protection Act (DPPA) thus moving it into a more restricted category under state law. Under the DPPA, highly restricted personal information may only be disclosed by a motor vehicle agency without the express consent of the person to whom it applies for use: (1) by a government agency, including any court or law enforcement agency, carrying out its official functions; (2) in connection with any civil, criminal, administrative, or arbitral proceeding in a court or self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution and enforcement of judgments and orders, or pursuant to a court order; (3) by an employer or its agent to obtain or verify information

relating to the holder of a CDL; or (4) by an insurer or insurance support organization, or by a self-insured entity, its agents, employees or contractors in connection with claims investigation, antifraud, rating, or underwriting activities. Disclosure of highly restricted personal information may be made for another reason only with the explicit and express consent of the subject to DMV.

Any state motor vehicle agency found to be in “substantial noncompliance with the requirements of the DPPA is subject to a federally-imposed civil penalty of up to \$5,000 per day.

LEASING COMPANY, DEALER, MANUFACTURER, AND REPAIRER LICENSES

The bill changes various aspects of the laws governing motor vehicle manufacturers, dealers, repairers, leasing companies, and activities associated with these businesses. It also establishes a procedure for the commissioner to notify dealers and repairers of complaints lodged against them and to mediate unresolved complaints.

Motor Vehicle Rental and Leasing Businesses

Any business in Connecticut that rents or leases motor vehicles without drivers must be licensed by DMV. The bill makes the licensing process for motor vehicle leasing businesses similar to the process for dealers and repairers by (1) moving to a two-year rather than an annual licensing cycle and (2) adopting many of the same requirements that apply to these other licenses. Specifically, this includes a staggered license renewal schedule, written notice by DMV of license expiration at least 45 days in advance, imposition of a \$100 late fee for renewal applications filed after the expiration date, a prohibition on renewing licenses that have been expired for more than 45 days, and a requirement that a leasing business cease operations if it has not filed a renewal application and paid the renewal fee by its current license expiration date.

The bill also allows the commissioner to suspend a rental or leasing company's license that he finds has failed to pay its municipal property taxes. The suspension can occur 30 days after the business was given notice of the suspension and after opportunity for a hearing. It can run until the tax obligations are satisfied.

The bill excludes a vehicle rental or leasing business that sells vehicles incidental to their primary business from being considered a used car dealer as long as (1) the business is properly licensed as a leasing business, (2) the vehicles it sells were formerly subject to at least one lease with the business, and (3) the vehicles are not offered or advertised for sale directly to the public.

Activities Allowed Without a Motor Vehicle Repairers License

The bill allows someone to balance wheels, install batteries, change drive belts, and change oil or other fluids without a repairer's license. The law already allows someone to lubricate vehicles, change tires, and install light bulbs and windshield wiper blades without having a repairer's license. But the bill no longer allows changing spark plugs and fan belts without a repairer's license.

Motor Vehicle Manufacturers

The bill explicitly prohibits motor vehicle manufacturers from selling new vehicles directly to the public.

The bill clarifies several aspects of the law prohibiting a motor vehicle manufacturer from holding a dealer's license. It allows a manufacturer to operate as a dealer on a temporary basis (up to one year) when it is acting in accordance with the exception provisions of the motor vehicle franchise laws. It allows the commissioner to determine when any business is owned or controlled by a manufacturer and thus subject to the restrictions and entitles an applicant denied a license under these requirements to an administrative hearing. The bill allows the commissioner to extend the temporary license issued to a manufacturer under these conditions for up to one additional year, to a maximum of two years if he believes the manufacturer has made and continues to make bona fide efforts to sell or transfer the dealership to someone qualified to hold a dealer's license.

As an exception to these limitations, the bill authorizes the commissioner to issue a used car dealer's license to a manufacturer-owned or controlled entity engaged primarily in the business of renting vehicles and industrial and construction equipment if (1) the vehicles offered for sale are limited to those previously used exclusively and regularly to conduct the business or were traded in by purchasers of the previously used vehicles, (2) any warranty repairs

the person performs are limited to vehicles previously owned or taken in trade, and (3) any retail financing provided or arranged for is limited to vehicles the person sells.

Motor Vehicle Dealers

The bill allows the commissioner to authorize dealers he has qualified to issue temporary new and transfer registrations to also file permanent registration applications and certificates of title with the DMV through electronic means connected to DMV's record systems. Dealers must adhere to DMV procedures for ensuring timely payment of applicable fees and taxes in order to remain eligible for electronic filing.

The bill eliminates a municipality's authority to waive the requirement for conducting a site location hearing for a new or used car dealer approval certificates for an application made subsequent to a previously approved one or when a previously approved business location is being enlarged to include adjacent property.

Financial and Other Information for Repairer and Used Car Dealer Applicants

The bill allows the commissioner to request from an applicant for a repairer or used car dealer's license information about his financial status and ability to comply with statutory and regulatory requirements for the licensed business. The commissioner must review the 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 with respect to the duties and responsibilities the laws and regulations require the licensee to assume.

The bill authorizes the commissioner to refuse to issue a license if the applicant fails to provide the requested information or if he is not satisfied with the applicant's financial status. It allows him to grant a license when he finds it appropriate conditioned upon the applicant posting a surety bond in an amount he determines that is greater than the minimum amount already prescribed (\$5,000 for a repairer and \$20,000 for a used car dealer). An applicant aggrieved by a commissioner's decision must be given an opportunity for a hearing under UAPA. The commissioner may adopt implementing regulations.

Dealer and Repairer Licensing and Regulation

Currently, the commissioner may suspend or revoke a dealer or repairer license, or impose a civil penalty of up to \$1,000 per violation, when, after notice and hearing, he determines that the licensee has violated any provision of a law or regulation of any state or the federal government pertaining to his business as a licensee. The bill limits this disciplinary authority to situations where the licensee has been convicted by a court of a violation of Connecticut law or regulation pertaining to his business as a licensee. But, it also authorizes imposition of these sanctions against a licensee who fails to comply with the terms of a final decision and order of any other state department or federal agency concerning any provision of statute or regulation.

The bill allows the commissioner to refuse to grant or renew a dealer or repairer license if the applicant, an officer, or a major stockholder of the business has been convicted of any federal or state law violation involving fraud, larceny, or deprivation or misappropriation of property. It also allows him to deny a repairer license on the grounds that the applicant's licensed activities are conducted on property that also includes another business or activity owned or operated by someone else or that the licensee uses any common area or facilities with another business or activity.

When a dealer or repairer adds buildings or adjacent land to his licensed business place, the bill allows the commissioner to require submission of satisfactory evidence of compliance with applicable statutory requirements regarding certification of location approval by the municipality where the business is located and other applicable local laws concerning building or zoning requirements. It eliminates the requirement that the licensee apply to DMV for inclusion of the additions in his existing licensed business location, which must be considered as the same business location, and for which the commissioner cannot charge an additional license fee.

The bill eliminates the requirement that a dealer or repairer licensee submit a performance bond of up to \$1,000 as a condition of continued licensure or reinstatement following a license suspension or revocation for committing any of the prohibited acts and allows the commissioner to order the licensee to make restitution to an aggrieved customer in

lieu of the other authorized penalties.

The bill authorizes the commissioner to withdraw all or limit the number of dealer or repairer plates a licensee has been issued, or is by law eligible to receive, when he finds the licensee has committed any prohibited acts. It also makes misuse of dealer or repairer plates one of the prohibited acts that can result in suspension or revocation of the dealer or repairer license, imposition of a civil penalty of up to \$1,000, or both.

Dealer and Repairer Complaint Procedure

The bill requires the commissioner to notify a dealer or repairer licensee of a complaint made against him. It allows the commissioner to attempt to mediate voluntary settlements of unresolved complaints. DMV regulations must provide for the notification and a description of the particular matters alleged in the complaint and the mediation process. The commissioner must attempt to mediate a mutually acceptable voluntary resolution, but, if this is not achievable, he must complete his factual investigation. If he determines the licensee has violated applicable laws or regulations, he may take further action against the licensee. If he elects not to take such action, he must notify both the licensee and complainant and briefly explain who in writing.

The commissioner must also inform the parties that an unresolved complaint exists and, unless he determines that, even if true, the allegations fail to establish a violation of applicable statutes or regulations, that the status of the matter will be maintained in the licensee's DMV records until the licensee submits to DMV satisfactory evidence either (1) signed by the complainant or his attorney that the claim has been resolved by agreement or (2) showing that the matter has been finally adjudicated in favor of the licensee.

A resolution agreement does not preclude the commissioner from taking further action if he believes the licensee has violated the laws and regulations applicable to his business. The commissioner's decision not to take action must be without prejudice to the customer's claim. His decision not to proceed and the required notice to both parties are in admissible in a civil action.

Window Etching Price Disclosure

By law, new and used car dealers and rental or leasing companies must offer someone buying or leasing a vehicle the optional service of etching the vehicle identification number on its windshield and windows. They may charge reasonable fees for the service and must file their schedule of charges with the commissioner.

The bill allows these businesses to specify their charges for the etching services, as the law requires, on the sale order and invoice instead of on the price disclosure sticker required by federal law to be fixed to the vehicle's window. This sticker, commonly known as the "Monroney Sticker," discloses certain information about the vehicle, including its cost, standard and optional equipment, transportation and other fees added to the base vehicle cost, and the cost of options and additional services.

It is not clear how this requirement applies when the transaction involves a lease rather than a purchase.

CDL HOLDER DISQUALIFICATION

Under both state and federal law, someone required to hold a CDL to drive certain types of commercial motor vehicles must be disqualified from driving for specific periods for violating certain laws. These include driving under the influence of alcohol or drugs, evading responsibility after an accident, and using a commercial motor vehicle in the commission of a felony. The bill requires a CDL holder to be disqualified from driving a commercial motor vehicle for 60 days if convicted of one violation of failing to completely stop his vehicle at a railroad crossing, for 120 days for a second violation, and for one year for a third or subsequent violation during a three-year period. (This conforms state law to a mandatory provision of the federal Motor Carrier Safety Improvement Act.)

MOTOR VEHICLE TITLES

The bill authorizes the commissioner to participate in the National Motor Vehicle Title Information System (authorized under 49 USC § 30501-03) and to rely on the information in the system as prima facie evidence of the facts for granting or denying a title certificate application. The bill also adopts a formal statutory definition of a vehicle identification number (VIN) as it is specified under federal law.

It requires the commissioner to put a legend on any new or duplicate title certificate. He must place a legend on the title certificate regarding the vehicle's mileage in accordance with the Federal Odometer Act (49 USC § 32701-11). He may adopt regulations to provide for additional legends on titles that concern its past or present condition or the status of its title. This can include legends that it has been rebuilt, flood damaged, is unrepairable, or that bond has been posted to obtain the title (an option under state law when the commissioner is not satisfied as to the vehicle's ownership or if there are no undisclosed security interests in it). The regulations must provide for a hearing opportunity for anyone aggrieved by the commissioner's act, omission, or decision.

By law, as noted above, if the commissioner is not satisfied as to a vehicle's ownership or if there are no undisclosed security interests in it, he can either withhold issuing the title until the applicant produces additional documents that satisfy him or require the applicant to post a bond as a condition of issuing the title. The bond indemnifies those with a former or future interest in the vehicle from any loss, damages, or expenses that might arise from the title being issued. Currently, any required bond must be for 150% of the value of the vehicle as determined by the commissioner. The bill increases this to 200% of the vehicle's value and requires a \$25 filing fee. It also requires the commissioner hold the bond for five rather than three years.

The bill allows the commissioner to make an agreement with any first lienholder on a vehicle to provide for electronic recording and storage of the evidence of the lienholder's security interest. An agreement may provide (1) that the commissioner not issue a title unless the lienholder requests it and (2) when the security interest is satisfied and released, the commissioner must present or mail the title to the owner, unless the commissioner has recorded another security interest on the vehicle. The bill revises several of the other laws governing titles to accommodate this electronic recording and storage option and applies the current fees for various title documents and filings to similar electronically based transactions.

When a lienholder has an agreement with the commissioner for electronic lien filing and recording, it must, upon satisfaction of its security interest, notify the commissioner within 10 days. This must be done in the form and manner, and with the information necessary to release the lien and identify the vehicle and the title record that the commissioner requires.

The bill specifically identifies acceptable personal identification as information the commissioner may require to be furnished when issuing a duplicate or replacement title.

REPORTING ARRESTS FOR CERTAIN CRIMES TO THE DMV

The bill requires a police officer to report the arrest of someone charged with a felony or Class A misdemeanor to the DMV commissioner within 48 hours, if the arrest involves someone who holds a public passenger transportation permit or a driver's license bearing an endorsement. The report must have the person's name and license number and any other information the commissioner requires and must be sworn to by the arresting officer under penalty for false statement. The commissioner may adopt implementing regulations.

By law, license endorsements are required for people who intend to drive vehicles transporting hazardous material, tanker-type vehicles, double or triple trailers, commercial vehicles transporting passengers, and school buses or student transportation vehicles. Drivers of taxis, service buses, and motor vehicles in livery service appear to operate under a license restriction rather than an endorsement.

There are 238 offenses classified as felonies or Class A misdemeanors for which arrests would have to be reported to DMV.

TRANSPORTER PLATES

The bill conforms the law to DMV's current practice for issuing transporter plates. It explicitly authorizes their use for the towing or movement of a storage or office trailer, house trailer, modular building, or other similar non-powered trailing unit with unitized construction and a removable axle assembly attached. (This use is already permitted in a more general form under the DMV transporter plate regulations.) It also establishes a single \$114 fee for all transporter plates by eliminating the \$58 fee currently required for plates used for passenger vehicles and house trailers, thus making it the same as for other vehicles and creating a single class rather than two classes of transporter plates.

CHANGES TO MOTOR VEHICLE EMISSIONS INSPECTION LAWS

The bill (1) eliminates specific references to “exhaust” testing to reflect a broader range of testing types for newer vehicles now under consideration; (2) makes it clear that an official emissions inspection station may be located on the premises of a licensed dealer or repairer; (3) allows inspections conducted at approved dealer or repairer facilities to be done, at the commissioner’s discretion, at predetermined or appointed times, in addition to during normal and posted hours of operation; (4) specifies that if the 30th day following a failed emissions test falls on a Sunday, legal holiday, or day on which the commissioner establishes is impractical for inspections, the vehicle may be presented for its free reinspection on the next day without being subject to the late inspection fee; and (5) makes the lesser of either 20,000 vehicles or one-half of one percent of all vehicles subject to testing requirements the minimum number of vehicles to be included in an on-road testing program the commissioner may establish. Currently, any such program must test one-half of one percent of all subject vehicles.

COMBINATION REGISTRATION

Currently, a vehicle can get a "combination" registration if it is used for both passenger and commercial purposes and its gross weight (the vehicle's empty weight combined with the weight of any load for which it registers and pays the appropriate fee) does not exceed 10,000 pounds. The bill changes the basis for the registration to a gross weight rating that does not exceed 10,000 pounds. By law, a vehicle's gross weight rating is the larger of its manufacturer-specified maximum loaded weight or the registered gross weight.

APPLICATION OF MANDATORY SEAT BELT USE LAW

Currently, the mandatory seat belt use law applies to front seat passengers in any motor vehicle defined as a “private passenger motor vehicle” under the no-fault insurance laws and equipped with safety belts that meet federal standards. Children under age four are covered by a separate requirement for child restraint systems.

Under the insurance laws, a private passenger motor vehicle includes (1) private passenger and station wagon type automobiles; (2) camper-type motor vehicles; (3) “high-mileage” vehicles meeting the statutory definition; (4) truck-type motor vehicles with a load capacity of 1,500 pounds or less registered as a passenger or combination passenger and commercial motor vehicle, or used for farming purposes; and (5) a

vehicle with a commercial registration (a vehicle designed or used to transport merchandise, freight, or people that falls below the threshold for registration as a commercial motor vehicle requiring a driver with a CDL). The bill, instead, applies the seat belt law to any vehicle with a gross vehicle weight rating of 10,000 pounds or less originally equipped with safety belts meeting federal standards.

BACKGROUND

Felonies and Class A Misdemeanors

There are 238 crimes currently classified as felonies or Class A misdemeanors arrests for which would be subject to the reporting provision of the bill when they occur to someone who holds a public passenger transportation permit or license with an endorsement. Of these, 160 are various classes of felonies and 78 are Class A misdemeanors. A complete breakdown of the classifications of all offenses in the Connecticut Penal Code can be found in OLR Report [2002-R-0330](#).

Related Bills

sHB 5371 (File 121), An Act Concerning Operating a Motor Vehicle While Under the Influence of Intoxicating Liquor, lowers the BAC threshold for determining the per se offense of driving while under the influence of alcohol from .10% to .08% and makes several other significant changes to the drunk driving laws.

sHB 5573, An Act Repealing Obsolete Statutes, repeals numerous current laws, including CGS §§ 14-36c and 14-201 through 209, which are also repealed by this bill.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute Change of Reference

Yea 28 Nay 0

Judiciary Committee

Joint Favorable Report

Yea 40 Nay 0

