



General Assembly

February Session, 2004

Raised Bill No. 323

LCO No. 1490

01490_____HS_

Referred to Committee on Human Services

Introduced by:
(HS)

AN ACT CONCERNING OPERATORS' LICENSES BEARING A SCHOOL ENDORSEMENT.

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

1 Section 1. Section 14-44 of the general statutes, as amended by
2 section 37 of public act 03-278, is repealed and the following is
3 substituted in lieu thereof (*Effective October 1, 2004*):

4 (a) (1) No person shall operate a commercial motor vehicle used for
5 passenger transportation on any public highway of this state until [he]
6 such person has obtained a commercial driver's license with a
7 passenger endorsement from the commissioner, except a nonresident
8 who holds such license with such endorsement issued by another state.

9 (2) No person shall operate a school bus until [he] such person has
10 obtained a commercial driver's license with a passenger endorsement
11 and a school endorsement, except that a person who holds such a
12 license without such endorsements may operate a school bus without
13 passengers for the purpose of road testing or moving the vehicle. (3)
14 No person shall operate a student transportation vehicle, as defined in
15 section 14-212, taxicab, motor vehicle in livery service, motor bus or
16 service bus until [he] such person has obtained an operator's license

17 bearing an endorsement of the appropriate type from the
18 commissioner issued in accordance with the provisions of this section.

19 (b) No public passenger transportation permit or operator's license
20 bearing an endorsement shall be issued or renewed in accordance with
21 the provisions of this section or section 14-36a, as amended, until the
22 commissioner, or [his] the commissioner's authorized representative, is
23 satisfied that the applicant is a proper person to receive such a permit
24 or an operator's license bearing an endorsement, holds a valid motor
25 vehicle operator's license, or, if necessary for the class of vehicle
26 operated, a commercial driver's license and is at least eighteen years of
27 age. Each applicant for such a permit, an operator's license bearing an
28 endorsement or the renewal of such a license shall furnish the
29 commissioner, or [his] the commissioner's authorized representative,
30 with satisfactory evidence, which may be required to be under oath, to
31 prove that [he has] such person: Has no criminal record, [that he] has
32 not been convicted of a violation of subsection (a) of section 14-227a
33 within five years of the date of application, [that he] has received
34 negative drug test results in two or more urine tests if any such tests
35 were administered within one year of such date and that no reason
36 exists for a refusal to grant or renew such a permit or an operator's
37 license bearing an endorsement. Each applicant for such a permit, an
38 operator's license bearing an endorsement, or the renewal of such a
39 license shall submit with [his] the application, proof satisfactory to the
40 commissioner that [he] such applicant has passed a physical
41 examination [which has been taken within] administered not more
42 than ninety days prior to [his] the date of application, and which is in
43 compliance with safety regulations established from time to time by
44 the United States Department of Transportation. Each applicant for
45 such a permit or an operator's license bearing an endorsement shall be
46 fingerprinted before the permit or the license bearing an endorsement
47 is issued.

48 (c) The commissioner may issue, withhold, renew, suspend, cancel
49 or revoke, any passenger or school endorsement. The commissioner

50 may, in making [his] a decision, consider the age, accident and
51 criminal record, moral character and physical condition of any such
52 applicant or permittee and such other matters as the commissioner
53 may determine. The commissioner may require any such applicant or
54 permittee to furnish the statements of two or more reputable citizens,
55 which may be required to be under oath, vouching for the good
56 character or other qualifications of the applicant or permittee.

57 (d) Upon the arrest of any person who holds an operator's license
58 bearing a school endorsement charged with a felony or violation of
59 section 53a-73a, the arresting officer or department, within forty-eight
60 hours, shall cause a report of such arrest to be made to the
61 commissioner. The report shall be made on a form approved by the
62 commissioner containing such information as the commissioner
63 prescribes. The commissioner may adopt regulations, in accordance
64 with chapter 54, to implement the provisions of this subsection.

65 (e) Prior to issuing an operator's license bearing a school
66 endorsement, the commissioner shall require each applicant to submit
67 to state and national criminal history records checks, and a check of the
68 state child abuse registry established pursuant to section 17a-101k for
69 perpetrator information. The criminal history records checks required
70 pursuant to this subsection shall be conducted in accordance with
71 section 29-17a. If notice of a state criminal history record or notification
72 that the applicant is listed on the state child abuse registry established
73 pursuant to section 17a-101k is received, the commissioner may refuse
74 to issue an operator's license bearing such endorsement and, in such
75 case, shall immediately notify the applicant, in writing, of such refusal.
76 Subject to the provisions of section 46a-80, if notice of a national
77 criminal history record is received, the commissioner may withdraw
78 the operator's license bearing a school endorsement immediately and,
79 in such case, shall immediately notify the holder of such license and
80 the holder's employer, in writing, of such withdrawal.

81 (f) Any applicant who is refused an operator's license bearing an

82 endorsement or the renewal of such a license, or whose operator's
83 license bearing an endorsement or the renewal of such a license is
84 withdrawn or revoked on account of a criminal record or being
85 identified on the state child abuse registry established pursuant to
86 section 17a-101k, shall be entitled to a hearing if requested in writing
87 within twenty days. The hearing shall be conducted in accordance
88 with the requirements of chapter 54 and the applicant may appeal
89 from the final decision rendered therein in accordance with section 4-
90 183.

91 (g) Violation of any provision of this section shall be an infraction.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>

Statement of Purpose:

To require the Commissioner of Motor Vehicles, prior to issuing an operators license bearing a school endorsement, to check the applicant's name against the state child abuse registry established pursuant to section 17a-101k.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]