



Senate

General Assembly

File No. 153

January Session, 2005

Senate Bill No. 505

Senate, April 5, 2005

The Committee on Transportation reported through SEN. CIOTTO of the 9th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING OPERATOR'S 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 Section 14-44 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) (1) No person shall operate a commercial motor vehicle used for
4 passenger transportation on any public highway of this state until [he]
5 such person has obtained a commercial driver's license with a
6 passenger endorsement from the commissioner, except a nonresident
7 who holds such license with such endorsement issued by another state.
8 (2) No person shall operate a school bus until [he] such person has
9 obtained a commercial driver's license with a school bus endorsement,
10 except that a person who holds such a license without such
11 endorsements may operate a school bus without passengers for the
12 purpose of road testing or moving the vehicle. (3) No person shall
13 operate a student transportation vehicle, as defined in section 14-212,

14 activity vehicle, taxicab, motor vehicle in livery service, motor bus or
15 service bus until [he] such person has obtained an operator's license
16 bearing an endorsement of the appropriate type from the
17 commissioner issued in accordance with the provisions of this section
18 and section 14-36a.

19 (b) No operator's license bearing an endorsement shall be issued or
20 renewed in accordance with the provisions of this section or section 14-
21 36a, until the commissioner, or [his] the commissioner's authorized
22 representative, is satisfied that the applicant is a proper person to
23 receive such an operator's license bearing an endorsement, holds a
24 valid motor vehicle operator's license, or, if necessary for the class of
25 vehicle operated, a commercial driver's license and is at least eighteen
26 years of age. Each applicant for such a permit, an operator's license
27 bearing an endorsement or the renewal of such a license shall furnish
28 the commissioner, or [his] the commissioner's authorized
29 representative, with satisfactory evidence, which may be required to
30 be under oath, to prove that [he has] such person: ~~Has~~ no criminal
31 record, [that he] has not been convicted of a violation of subsection (a)
32 of section 14-227a within five years of the date of application and that
33 no reason exists for a refusal to grant or renew such an operator's
34 license bearing an endorsement. Each applicant for such an operator's
35 license bearing an endorsement shall submit with [his] the application
36 proof satisfactory to the commissioner that [he] such applicant has
37 passed a physical examination [which has been taken within]
38 administered not more than ninety days prior to [his] the date of
39 application, and which is in compliance with safety regulations
40 established from time to time by the United States Department of
41 Transportation. Each applicant for renewal of such license shall
42 present evidence that such applicant is in compliance with the medical
43 qualifications established in 49 CFR 391, as amended. Each applicant
44 for such an operator's license bearing an endorsement shall be
45 fingerprinted before the license bearing an endorsement is issued.

46 (c) The commissioner may issue, withhold, renew, suspend, cancel
47 or revoke, any endorsement required to operate a motor vehicle that

48 transports passengers, as provided in subsection (c) of section 14-36a.
49 The commissioner may, in making his decision, consider the age,
50 accident and criminal record, moral character and physical condition
51 of any such applicant or endorsement holder and such other matters as
52 the commissioner may determine. The commissioner may require any
53 such applicant or endorsement holder to furnish the statements of two
54 or more reputable citizens, which may be required to be under oath,
55 vouching for the good character or other qualifications of the applicant
56 or endorsement holder.

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 as a perpetrator of abuse on the state child
73 abuse registry established pursuant to 17a-101k is received, the
74 commissioner may refuse to issue an operator's license bearing such
75 endorsement and, in such case, shall immediately notify the applicant,
76 in writing, of such refusal. Subject to the provisions of section 46a-80, if
77 notice of a national criminal history record or notification that the
78 holder is listed as a perpetrator of abuse on the state child abuse
79 registry established pursuant to section 17a-101k is received, the
80 commissioner may withdraw the operator's license bearing a school
81 endorsement immediately and, in such case, shall immediately notify

82 the holder of such license and the holder's employer, in writing, of
83 such withdrawal.

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

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

95 Sec. 2. Subsection (f) of section 17a-28 of the general statutes is
96 repealed and the following is substituted in lieu thereof (*Effective*
97 *October 1, 2005*):

98 (f) The commissioner or the commissioner's designee shall, upon
99 request, promptly provide copies of records, without the consent of a
100 person, to (1) a law enforcement agency, (2) the Chief State's Attorney
101 or the Chief State's Attorney's designee or a state's attorney for the
102 judicial district in which the child resides or in which the alleged abuse
103 or neglect occurred or the state's attorney's designee, for purposes of
104 investigating or prosecuting an allegation of child abuse or neglect, (3)
105 the attorney appointed to represent a child in any court in litigation
106 affecting the best interests of the child, (4) a guardian ad litem
107 appointed to represent a child in any court in litigation affecting the
108 best interests of the child, (5) the Department of Public Health, which
109 licenses any person to care for children for the purposes of
110 determining suitability of such person for licensure, (6) the
111 Department of Motor Vehicles in connection with the issuance of an
112 operator's license bearing a school endorsement pursuant to section 14-
113 44, as amended by this act, [(6)] (7) any state agency which licenses
114 such person to educate or care for children pursuant to section 10-145b

115 or 17a-101j, [(7)] (8) the Governor, when requested in writing, in the
116 course of the Governor's official functions or the Legislative Program
117 Review and Investigations Committee, the committee of the General
118 Assembly on judiciary and the committee of the General Assembly
119 having cognizance of matters involving children when requested in the
120 course of such committees' official functions in writing, and upon a
121 majority vote of said committee, provided no names or other
122 identifying information shall be disclosed unless it is essential to the
123 legislative or gubernatorial purpose, [(8)] (9) a local or regional board
124 of education, provided the records are limited to educational records
125 created or obtained by the state or Connecticut-Unified School District
126 #2, established pursuant to section 17a-37, and [(9)] (10) a party in a
127 custody proceeding under section 17a-112, or section 46b-129, in the
128 Superior Court where such records concern a child who is the subject
129 of the proceeding or the parent of such child. A disclosure under this
130 section shall be made of any part of a record, whether or not created by
131 the department, provided no confidential record of the Superior Court
132 shall be disclosed other than the petition and any affidavits filed
133 therewith in the superior court for juvenile matters, except upon an
134 order of a judge of the Superior Court for good cause shown. The
135 commissioner shall also disclose the name of any individual who
136 cooperates with an investigation of a report of child abuse or neglect to
137 such law enforcement agency or state's attorney for purposes of
138 investigating or prosecuting an allegation of child abuse or neglect.
139 The commissioner or the commissioner's designee shall, upon request,
140 promptly provide copies of records, without the consent of the person,
141 to (A) the Department of Public Health for the purpose of determining
142 the suitability of a person to care for children in a facility licensed
143 under sections 19a-77 to 19a-80, inclusive, 19a-82 to 19a-87, inclusive,
144 and 19a-87b, and (B) the Department of Social Services for determining
145 the suitability of a person for any payment from the department for
146 providing child care.

This act shall take effect as follows and shall amend the following sections:

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:

| Agency Affected | Fund-Effect | FY 06 \$ | FY 07 \$ |
|------------------------------|-------------|----------|----------|
| Department of Motor Vehicles | TF - None | None | None |
| Children & Families, Dept. | GF - None | None | None |

Note: TF=Transportation Fund; GF=General Fund

Municipal Impact: None

Explanation

The bill requires applicants for an operator’s license bearing an endorsement to submit to a check of the state child abuse registry, allows the commissioner of motor vehicles to deny a license to any such person identified on the registry as a perpetrator, and extends a right to a hearing to individuals so notified.

Approximately 2,600 persons would have to obtain a child abuse registry check conducted by the Department of Children and Families in FY 06. This number would increase to about 3,500 in FY 07 given full year implementation. It is expected that the agency will be able to perform these checks within its anticipated budgetary resources.

The Department of Motor Vehicles will be able to accommodate any additional administrative functions resulting from passage of the bill within its anticipated budgetary resources.

OLR Bill Analysis

SB 505

AN ACT CONCERNING OPERATOR'S LICENSES BEARING A SCHOOL ENDORSEMENT**SUMMARY:**

In order to drive a school bus, the law requires an individual to obtain a commercial drivers' license with both passenger and school endorsements from the Department of Motor Vehicles (DMV).

This bill requires DMV to check the state child abuse registry before issuing a commercial drivers' license with school endorsements and allows him to refuse to issue the endorsement if the license applicant's name is listed as a perpetrator in the registry. Likewise, if the commissioner receives notice that a driver already holding one of these licenses is listed in the registry, the bill authorizes the commissioner to withdraw the endorsement.

By law, applicants must already submit to criminal background checks, and the DMV commissioner can refuse to grant the endorsements or withdraw existing ones based on those checks.

The bill also entitles applicants denied licenses and license holders whose licenses are withdrawn to immediate notice and a hearing, provided they request it in writing within 20 days. This appeals process already exists when criminal background checks result in endorsement denials, revocations, or withdrawals.

Finally, the bill requires the Department of Children and Families (DCF) commissioner, when asked, to promptly provide copies of records to the DMV in connection with issuing these endorsements, without the driver's consent. In general, DCF records are confidential unless otherwise permitted by law.

EFFECTIVE DATE: October 1, 2005

COMMITTEE ACTION

Human Services Committee

Joint Favorable Change of Reference
Yea 14 Nay 0

Transportation Committee

Joint Favorable Report
Yea 28 Nay 0