



Senate

General Assembly

File No. 419

February Session, 2006

Substitute Senate Bill No. 341

Senate, April 6, 2006

The Committee on Human Services reported through SEN. HANDLEY of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the substitute 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 2006 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2006*):

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 school bus endorsement,
11 except that a person who holds such a license without such
12 endorsements may operate a school bus without passengers for the
13 purpose of road testing or moving the vehicle. (3) No person shall
14 operate a student transportation vehicle, as defined in section 14-212,

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

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

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

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

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

66 (e) Prior to issuing an operator's license bearing a school
67 endorsement, the commissioner shall require each applicant to submit
68 to state and national criminal history records checks, and a check of the
69 state child abuse registry established pursuant to section 17a-101k of
70 the 2006 supplement to the general statutes for perpetrator
71 information. The criminal history records checks required pursuant to
72 this subsection shall be conducted in accordance with section 29-17a,
73 as amended. If notice of a state criminal history record or notification
74 that the applicant is listed as a perpetrator of abuse on the state child
75 abuse registry established pursuant to said section 17a-101k is
76 received, the commissioner may refuse to issue an operator's license
77 bearing such endorsement and, in such case, shall immediately notify
78 the applicant, in writing, of such refusal. Subject to the provisions of
79 section 46a-80, if notice of a national criminal history record or
80 notification that the holder is listed as a perpetrator of abuse on the
81 state child abuse registry established pursuant to said section 17a-101k
82 is received, the commissioner may withdraw the operator's license

83 bearing a school endorsement immediately and, in such case, shall
84 immediately notify the holder of such license and the holder's
85 employer, in writing, of such withdrawal.

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

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

97 Sec. 2. Subsection (f) of section 17a-28 of the 2006 supplement to the
98 general statutes is repealed and the following is substituted in lieu
99 thereof (*Effective October 1, 2006*):

100 (f) The commissioner or the commissioner's designee shall, upon
101 request, promptly provide copies of records, without the consent of a
102 person, to (1) a law enforcement agency, (2) the Chief State's Attorney
103 or the Chief State's Attorney's designee or a state's attorney for the
104 judicial district in which the child resides or in which the alleged abuse
105 or neglect occurred or the state's attorney's designee, for purposes of
106 investigating or prosecuting an allegation of child abuse or neglect, (3)
107 the attorney appointed to represent a child in any court in litigation
108 affecting the best interests of the child, (4) a guardian ad litem
109 appointed to represent a child in any court in litigation affecting the
110 best interests of the child, (5) the Department of Public Health, which
111 licenses any person to care for children for the purposes of
112 determining suitability of such person for licensure, subject to the
113 provisions of sections 17a-101g, as amended, and 17a-101k, of the 2006
114 supplement to the general statutes, (6) the Department of Motor
115 Vehicles in connection with the issuance of an operator's license

116 bearing a school endorsement pursuant to section 14-44, as amended
117 by this act, [(6)] (7) any state agency which licenses such person to
118 educate or care for children pursuant to section 10-145b, as amended,
119 or 17a-101j, subject to the provisions of sections 17a-101g, as amended,
120 and 17a-101k, as amended, concerning nondisclosure of findings of
121 responsibility for abuse and neglect, [(7)] (8) the Governor, when
122 requested in writing, in the course of the Governor's official functions
123 or the Legislative Program Review and Investigations Committee, the
124 committee of the General Assembly on judiciary and the committee of
125 the General Assembly having cognizance of matters involving children
126 when requested in the course of such committees' official functions in
127 writing, and upon a majority vote of said committee, provided no
128 names or other identifying information shall be disclosed unless it is
129 essential to the legislative or gubernatorial purpose, [(8)] (9) a local or
130 regional board of education, provided the records are limited to
131 educational records created or obtained by the state or Connecticut-
132 Unified School District #2, established pursuant to section 17a-37, and
133 [(9)] (10) a party in a custody proceeding under section 17a-112 or 46b-
134 129, in the Superior Court where such records concern a child who is
135 the subject of the proceeding or the parent of such child. A disclosure
136 under this section shall be made of any part of a record, whether or not
137 created by the department, provided no confidential record of the
138 Superior Court shall be disclosed other than the petition and any
139 affidavits filed therewith in the superior court for juvenile matters,
140 except upon an order of a judge of the Superior Court for good cause
141 shown. The commissioner shall also disclose the name of any
142 individual who cooperates with an investigation of a report of child
143 abuse or neglect to such law enforcement agency or state's attorney for
144 purposes of investigating or prosecuting an allegation of child abuse or
145 neglect. The commissioner or the commissioner's designee shall, upon
146 request, subject to the provisions of sections 17a-101g, as amended,
147 and 17a-101k, as amended, promptly provide copies of records,
148 without the consent of the person, to (A) the Department of Public
149 Health for the purpose of determining the suitability of a person to
150 care for children in a facility licensed under sections 19a-77 to 19a-80,

151 inclusive, as amended, 19a-82 to 19a-87, inclusive, and 19a-87b, as
 152 amended, and (B) the Department of Social Services for determining
 153 the suitability of a person for any payment from the department for
 154 providing child care.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	14-44
Sec. 2	October 1, 2006	17a-28(f)

Statement of Legislative Commissioners:

In subsection (e) of section 1, after "Subject to the provisions of section 46a-80, if notice of a national criminal history record" the phrase "or notification that the holder is listed as a perpetrator of abuse on the state child abuse registry established pursuant to said section 17a-101k" was added for clarification and consistency of reference throughout section 1.

HS *Joint Favorable Subst.-LCO*

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 07 \$	FY 08 \$
Department of Motor Vehicles	TF - See Below	See Below	See Below

Note: TF=Transportation Fund

Municipal Impact: None

Explanation

Explanation

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

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis
sSB 341

AN ACT CONCERNING OPERATOR'S LICENSES BEARING A SCHOOL ENDORSEMENT.

SUMMARY:

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

This bill requires DMV to check the state child abuse registry before issuing a commercial drivers' license with school endorsements and allows the DMV commissioner to refuse to issue the endorsement if the license applicant is listed as a perpetrator in the registry. If the commissioner is notified that a driver holding one of these licenses is listed in the registry, the bill authorizes him 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 child protection-related records to 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, 2006

COMMITTEE ACTION

Human Services Committee

Joint Favorable

Yea 17 Nay 0 (03/21/2006)