



Substitute House Bill No. 6955

Public Act No. 07-224

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

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

Section 1. Section 14-44 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(a) (1) No person shall operate a commercial motor vehicle used for passenger transportation on any public highway of this state until [he] such person has obtained a commercial driver's license with a passenger endorsement from the commissioner, except a nonresident who holds such license with such endorsement issued by another state. (2) No person shall operate a school bus until [he] such person has obtained a commercial driver's license with a school bus endorsement, except that a person who holds such a license without such endorsements may operate a school bus without passengers for the purpose of road testing or moving the vehicle. (3) No person shall operate a taxicab, motor vehicle in livery service, motor bus or service bus until such person has obtained an operator's license bearing an endorsement of the appropriate type from the commissioner issued in accordance with the provisions of this section and section 14-36a. (4) No person shall operate a student transportation vehicle, as defined in section 14-212 [,] or activity vehicle [, camp vehicle, taxicab, motor

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

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

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(c) The commissioner may issue, withhold, renew, suspend, cancel or revoke [,] any endorsement required to operate a motor vehicle that transports passengers, as provided in subsection (c) of section 14-36a. The commissioner may, in making his decision, consider the age, accident and criminal record, moral character and physical condition of any such applicant or endorsement holder and such other matters as the commissioner may determine. The commissioner may require any such applicant or endorsement holder to furnish the statements of two or more reputable citizens, which may be required to be under oath, vouching for the good character or other qualifications of the applicant or endorsement holder.

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

(e) Prior to issuing an operator's license bearing a school endorsement or bearing the appropriate type of endorsement for operation of a student transportation vehicle pursuant to subdivision (4) of subsection (a) of this section, the commissioner shall require each applicant to submit to state and national criminal history records checks, and a check of the state child abuse registry established pursuant to section 17a-101k for perpetrator information. The criminal history records checks required pursuant to this subsection shall be conducted in accordance with section 29-17a. If notice of a state or national criminal history record or notification that the applicant is listed as a perpetrator of abuse on the state child abuse registry established pursuant to section 17a-101k is received, the commissioner

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may, subject to the provisions of section 46a-80, refuse to issue an operator's license bearing such an endorsement and, in such case, shall immediately notify the applicant, in writing, of such refusal. [Subject to the provisions of section 46a-80, if notice of a national criminal history record is received, the commissioner may withdraw the operator's license bearing a school endorsement immediately and, in such case, shall immediately notify the holder of such license and the holders' employer, in writing, of such withdrawal.] The commissioner shall not issue a temporary operator's license bearing a school endorsement or bearing the appropriate type of endorsement for operation of a student transportation vehicle.

(f) Notwithstanding any other provision of this section, the commissioner shall not issue an operator's license bearing an endorsement to transport passengers who are students, and shall suspend any such endorsement that has been issued, to any person who has been convicted of a serious criminal offense, as determined by the commissioner, or convicted of any provision of federal law or the law of any other state, the violation of which involves conduct that is substantially similar to a violation determined by the commissioner to be a serious criminal offense, if any part of the sentence of such conviction has not been completed, or has been completed during the preceding five years. The commissioner shall adopt regulations, in accordance with chapter 54, to implement the provisions of this subsection.

[(f)] (g) Any applicant who is refused an operator's license bearing an endorsement or the renewal of such a license, or whose operator's license bearing an endorsement or the renewal of such a license is withdrawn or revoked on account of a criminal record, shall be entitled to a hearing if requested in writing within twenty days. The hearing shall be conducted in accordance with the requirements of chapter 54 and the applicant may appeal from the final decision

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rendered therein in accordance with section 4-183.

[(g)] (h) Notwithstanding the provisions of section 14-10, the commissioner [may] shall furnish to any board of education or to any public or private organization that is actively engaged in providing public transportation, including the transportation of school children, a report containing the names and motor vehicle operator license numbers of each person who has been issued an operator's license with one or more endorsements, authorizing such person to transport passengers in accordance with the provisions of section 14-36a, but whose license or any such endorsement has been withdrawn, suspended or revoked by the commissioner in accordance with the provisions of this section, or any other provision of this title. The report shall be issued and updated periodically in accordance with a schedule to be established by the commissioner. Such report may be transmitted or otherwise made available to authorized recipients by electronic means.

[(h)] (i) Violation of any provision of this section shall be an infraction.

Sec. 2. Subsection (d) of section 14-276a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(d) A carrier shall require each person whom it intends to employ to operate a school bus, as defined in section 14-275, as amended by this act, or a student transportation vehicle, as defined in section 14-212, to submit to a urinalysis drug test in accordance with the provisions of sections 31-51v and 31-51w and shall require each person it employs to operate such vehicles to submit to a urinalysis drug test on a random basis in accordance with the provisions of section 31-51x, as amended by this act. No carrier may employ any person who has received a positive test result for such test which was confirmed as provided in

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subdivisions (2) and (3) of section 31-51u. No carrier may continue to employ as a driver, for two years, any person who has received a positive test result for such test which was confirmed as provided in subdivisions (2) and (3) of subsection (a) of section 31-51u. No carrier may continue to employ as a driver, permanently, any person who has received a second positive test result for such test which was confirmed as provided in subdivisions (2) and (3) of subsection (a) of section 31-51u. The commissioner may, after notice and hearing, impose a civil penalty of not more than one thousand dollars for the first offense and two thousand five hundred dollars for each subsequent offense on any carrier which violates any provision of this subsection.

Sec. 3. Section 14-276 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(a) Registered school buses while transporting school children shall be operated by holders of a valid passenger and school endorsement issued in accordance with section 14-44. Such endorsement shall be held in addition to the commercial driver's license required for the operation of such motor vehicles. A person who has attained the age of seventy shall be allowed to hold a passenger and school endorsement for the purpose of operating a school bus, provided he meets the minimum physical requirements set by the Commissioner of Motor Vehicles and agrees to submit to a physical examination at least twice a year or when requested to do so by the superintendent of the school system in which he intends to operate a school bus. Any person to whom a town has awarded a contract for the transportation of school children who permits the operation of a registered school bus while transporting school children by any person who does not hold a passenger and school endorsement shall be fined not less than [thirty-five] two thousand five hundred dollars nor more than [ninety] five thousand dollars.

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[(b) Violation of the provisions of this section shall be an infraction.]

(b) Not less than twice per month, a carrier shall review the report made by the Commissioner of Motor Vehicles, in accordance with the provisions of subsection (h) of section 14-44, as amended by this act, with reference to the name and motor vehicle operator's license number of each person such carrier employs to operate a school bus, as defined in section 14-275, as amended by this act, or a student transportation vehicle, as defined in section 14-212. If, according to such report, any such employee's motor vehicle operator's license or endorsement to operate a school bus or student transportation vehicle has been withdrawn, suspended or revoked, such carrier shall prohibit such employee from operating a school bus or student transportation vehicle.

(c) Any carrier who fails to review the report made by the commissioner, pursuant to subsection (b) of this section, shall be subject to a civil penalty of one thousand dollars for the first violation, and two thousand five hundred dollars for each subsequent violation. Any carrier who fails to remove as an operator, pursuant to subsection (b) of this section, not later than ten days after reviewing such report, any employee whose motor vehicle operator's license or endorsement to operate a school bus or student transportation vehicle has been withdrawn, suspended or revoked, shall be subject to a civil penalty of two thousand five hundred dollars for the first violation, and five thousand dollars for each subsequent violation. Upon appropriate justification presented to the commissioner by any carrier, the commissioner may make a determination to reduce any such penalty.

Sec. 4. Subsection (b) of section 31-51x of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(b) Notwithstanding the provisions of subsection (a) of this section,

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an employer may require an employee to submit to a urinalysis drug test on a random basis if (1) such test is authorized under federal law, (2) the employee serves in an occupation which has been designated as a high-risk or safety-sensitive occupation pursuant to regulations adopted by the Labor Commissioner pursuant to chapter 54, or is employed to operate a school bus, as defined in section 14-275, as amended by this act, or a student transportation vehicle, as defined in section 14-212, or (3) the urinalysis is conducted as part of an employee assistance program sponsored or authorized by the employer in which the employee voluntarily participates.

Sec. 5. Subsection (c) of section 14-261b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(c) Any employer who fails to comply with the provisions of this section shall be subject to a civil penalty of [three hundred] one thousand dollars which shall be imposed by the Commissioner of Motor Vehicles after notice and opportunity for a hearing pursuant to the provisions of chapter 54. The commissioner shall impose a civil penalty of [one thousand] two thousand five hundred dollars for any subsequent failure to comply by such employer.

Sec. 6. Subsection (b) of section 14-275 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(b) Each school bus shall be painted a uniform yellow color known as "National School Bus Glossy Yellow", except for the fenders and trim which may be painted black and the roof which may be painted white, and shall have conspicuously painted on the rear and on the front thereof, in black lettering of a size to be determined by the Commissioner of Motor Vehicles, the words "School Bus-Stop on Signal", except that each school bus equipped with an eight-light

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warning system shall have the words "School Bus" painted on the rear and on the front thereof in such lettering. The sides of such vehicles may be inscribed with the words "School Bus", the school name or such other legend or device as may be necessary for purposes of identification or safety. Each school bus shall have conspicuously painted on the rear and sides of such vehicles, in black lettering of a size to be determined by the commissioner, the name of the school bus company, the school bus company's telephone number and the school bus number.

Approved July 6, 2007