



Senate

General Assembly

File No. 164

February Session, 2008

Substitute Senate Bill No. 305

Senate, March 26, 2008

The Committee on Transportation reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING MILITARY TRANSPORTATION.

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

1 Section 1. Section 14-44a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2008*):

3 (a) No person may drive a commercial motor vehicle on the
4 highways of this state unless the person holds a commercial driver's
5 license issued by this state or another state, with applicable
6 endorsements valid for the vehicle he is driving.

7 (b) The provisions of subsection (a) of this section shall not apply to
8 (1) the holder of a commercial driver's instruction permit when
9 accompanied in the vehicle by the holder of a commercial driver's
10 license, [or] (2) any military personnel who operate commercial motor
11 vehicles solely in connection with their military duties, in accordance
12 with 49 CFR 383.3(c), or (3) any member of the Connecticut National
13 Guard who is qualified to operate a military or commercial motor
14 vehicle in accordance with 49 CFR 383.3(c) and operates such vehicle

15 while performing state military duty.

16 (c) Any person who violates the provisions of subsection (a) of this
17 section shall operate a motor vehicle in violation of the classification of
18 the license issued to him, and shall be subject to the penalties provided
19 in subsection (e) of section 14-36a of the 2008 supplement to the
20 general statutes and section 14-44k of the 2008 supplement to the
21 general statutes.

22 Sec. 2. Section 27-102a of the general statutes is repealed and the
23 following is substituted in lieu thereof (*Effective from passage*):

24 (a) Notwithstanding any provisions of the general statutes with
25 respect to annual or biennial license or registration fees or occupational
26 taxes, any resident of Connecticut on active duty with the armed forces
27 of the United States, shall be exempt from the payment of such fees or
28 taxes during his period of active service and for one year following the
29 date of his honorable discharge or the date of his release under
30 honorable conditions, from such service.

31 (b) Any [resident of Connecticut on active duty with the armed
32 forces of the United States during the period commencing on August 7,
33 1990, and lasting for the duration of Operation Desert Shield and
34 Operation Desert Storm until the cessation of hostilities as determined
35 by the President of the United States or until a date established by an
36 act of the General Assembly,] member of the armed forces of any state
37 or of any reserve component of the armed forces of the United States
38 who has been called to active service in the armed forces of any state of
39 the United States shall be exempt from the payment of any fine or late
40 fee assessed for failure to renew [his] a motor vehicle operator's license
41 or motor vehicle registration or for failure to have emissions inspection
42 performed in a timely manner provided such [resident] member
43 renews [his] the license or registration or has [his] the member's
44 vehicle inspected at an official emissions inspection station no later
45 than sixty days following the date such [resident returns to the state]
46 member is released from the qualifying military service.

47 [(c) Any resident of Connecticut on active duty with the armed
48 forces of the United States who qualifies for a late fee exemption
49 pursuant to subsection (b) of this section, and who has paid such late
50 fee to the Department of Motor Vehicles prior to May 22, 1991, may
51 apply to the department for a refund of such fee.]

52 Sec. 3. Subdivision (53) of section 12-81 of the 2008 supplement to
53 the general statutes is repealed and the following is substituted in lieu
54 thereof (*Effective July 1, 2008*):

55 (53) (a) One motor vehicle belonging to, leased to or held in trust
56 for, any member of the United States armed forces, if such motor
57 vehicle is garaged inside or outside the state;

58 (b) Any person claiming the exemption provided under this
59 subdivision for any assessment year shall, not later than the thirty-first
60 day of December next following the date on which property tax is due
61 in such assessment year, file with the assessor or board of assessors, in
62 the town in which such motor vehicle is registered, written application
63 claiming such exemption on a form approved for such purpose by
64 such assessor or board. Notwithstanding the provisions of this chapter,
65 any person claiming the exemption under this subdivision for a leased
66 motor vehicle shall be entitled to a refund of the tax paid with respect
67 to such vehicle, whether such tax was paid by the lessee or by the
68 lessor pursuant to the terms of the lease. Upon approving such
69 person's exemption claim, the assessor shall certify the amount of
70 refund to which the applicant is entitled and shall notify the tax
71 collector of such amount. The tax collector shall refer such certification
72 to the board of selectmen in a town or to the corresponding authority
73 in any other municipality. Upon receipt of such certification, the
74 selectmen or such other authority shall draw an order on the Treasurer
75 in favor of such person for the amount of refund so certified. Failure to
76 file such application as prescribed herein with respect to any
77 assessment year shall constitute a waiver of the right to such
78 exemption for such assessment year.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	14-44a
Sec. 2	<i>from passage</i>	27-102a
Sec. 3	<i>July 1, 2008</i>	12-81(53)

VA *Joint Favorable Subst. C/R* TRA
TRA *Joint Favorable Subst.*

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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Department of Motor Vehicles	TF - None	None	None

Note: TF=Transportation Fund

Municipal Impact:

Municipalities	Effect	FY 09 \$	FY 10 \$
All Municipalities	STATE MANDATE - See Below	See Below	See Below

Explanation

Sections 1 and 2 are technical in nature and not anticipated to result in a fiscal impact to the Department of Motor Vehicles.

Section 3 exempts one motor vehicle owned by an active member of the Armed Forces from local property taxes if it's garaged in state. Under current law, a vehicle owned by an active member of the Armed Forces but not garaged in state is exempt from the local property taxes. The exemption is limited to one vehicle. Municipalities affected by this mandate could choose to increase their mill rate or modify spending to offset any decrease in property taxes as a result of the abatement.

The Out Years

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

OLR Bill Analysis**sSB 305*****AN ACT CONCERNING MILITARY TRANSPORTATION.*****SUMMARY:**

This bill allows Connecticut National Guard members qualified to operate military or commercial motor vehicles without a commercial drivers license (CDL) while performing federal active service duty to also operate without the CDL while performing state military duty. Military personnel (including National Guard members) operating commercial motor vehicles solely in connection with their federal military duties may do so without a CDL under current law.

The bill allows more U.S. Armed Forces members to qualify for an existing motor vehicle local property tax exemption. Under current law, the exemption applies to one motor vehicle owned or leased by, or held in trust for, a member and garaged out-of-state. The bill extends the exemption to vehicles garaged in-state as well. By law, a member must apply for the exemption in writing by December 31 following the due date of the property tax.

The bill exempts guard members and reservists called to active service in the armed forces of any state from any fine or late fee for failing to renew their driver's licenses or vehicle registrations or to have their vehicle's emissions tested on time. The current exemption applies to state residents on active duty with the U.S. Armed forces during Operations Desert Storm and Desert Shield from August 7, 1990 until the end of hostilities, as determined by the President or state law (see BACKGROUND). To be exempt, the service member must renew the license or registration or have the vehicle tested within 60 days after release from qualifying military service.

EFFECTIVE DATE: Upon passage for the late fee provisions; July 1,

2008 for the other provisions.

BACKGROUND

War Termination Date

Public Act 94-245 set the termination date for Operation Desert Shield and Operation Desert Storm as June 2, 1994. But Public Act 03-85 adopted the federal definition of the Persian Gulf War, which includes both operations (from August 2, 1990 until a date prescribed by the president or law) (38 USC § 101(33)).

Related Bill

HB 5711, reported by the Planning and Development Committee, contains the same exemption as this bill for motor vehicles garaged in state.

COMMITTEE ACTION

Select Committee on Veterans' Affairs

Joint Favorable Substitute Change of Reference
Yea 10 Nay 0 (02/28/2008)

Transportation Committee

Joint Favorable Substitute
Yea 31 Nay 0 (03/07/2008)