Legislative Regulation Review Committee

2009-023a

Department of Motor Vehicles

COMMERCIAL DRIVING SCHOOLS

IMPORTANT: Read instructions on bottom of Certification Page before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations.

STATE OF CONNECTICUT

Regulation
of

Department of Motor Vehicles

Commercial Driving Schools

Section 1. Section 14-78-20 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 14-78-20. Definitions

[For the purpose of Sections] As used in section 14-78-20 to section14-78-48, inclusive, [the following terms shall have the following meanings] of the Regulations of Connecticut State Agencies:
(1) "Behind-the-wheel instruction" means instruction or training provided to a student by a commercial driving instructor, which permits the student to obtain driving experience on public roads and highways, in a motor vehicle equipped and registered as required by law, while the student is operating the motor vehicle[.];
(2) "Classroom instruction" means group instruction of students in a classroom or similar group situation by a commercial driving instructor[.];
(3) "Clock hour" means sixty (60) minutes[.];
(4) "Commercial driving instructor" means a person employed by a commercial driving school, licensed by the commissioner in accordance with Section 14-69 of the General Statutes, where such person has an instructor's license as provided in Section 14-73 of the General Statutes[.];
(5) "Commissioner" means the commissioner of motor vehicles or his designee[.];
(6) "Department" means the department of motor vehicles[.];
(7) "Driver's education certificate" means a form approved by the commissioner, which evidences successful completion of course requirements;
(8) "Driver education program" means an organized system of instruction, approved by the commissioner, permitting a student to obtain behind-the-wheel and/or classroom instruction in safe driving procedures and practices[.] ;
[(8)] (9) "Dual control vehicle" means a motor vehicle having dual controls on the foot-brake or on the clutch, if so equipped, operable by a person in the front seat of the vehicle other than the driver. Such vehicle controls shall be installed and maintained in accordance with the recommendations of the manufacturer thereof[.]; and
(10) "License certificate" means the document issued by the commissioner authorizing a driver education program to be conducted.

Sec. 2. Section 14-78-24 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 14-78-24. Issuing of license. Display

(a) Upon approval of an application for a license by the commissioner, one or more license certificates shall be issued to the applicant. The license shall be valid during the calendar year of its issue and its expiration date shall appear on the license certificate.
(b) A licensee shall display the license certificate at each place of business in a conspicuous place.
(c) If a commercial driving school agrees to provide classroom instruction, or the [five (5)] eight (8) hour safe driving practices [course of instruction] program, as provided in Section 14-78-33, for a secondary school, and such classroom instruction or safe driving practices program is performed at such secondary school or another municipal site, such site shall be considered a branch of the driving school and a branch license shall be required.
(d) A duplicate of a license certificate shall be issued to a licensee upon proof of loss, mutilation or destruction of the original license certificate, and payment of the fee as provided in section 14-69 of the general statutes.

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Sec. 3. Section 14-78-32 to section 14-78-33, inclusive, of the Regulations of Connecticut State Agencies are amended to read as follows:

Sec. 14-78-32. Records

(a) Each driving school shall maintain records, updated at least monthly, in writing in a permanently bound book, with pages consecutively numbered, or in a computer data base or the like, readily available for printing or otherwise providing a copy thereof. The records shall include each student's name, date of birth, residence address, mailing address if different, telephone number, starting date of instruction, ending date of instruction and driver education certificate number.
(b) The following additional records shall be maintained on file at the commercial driving school:
(1) Where the student is under eighteen (18) years of age, a signed authorization by the student's parent or guardian permitting the student to receive driver instruction and training;
(2) The date of the student's vision screening required in accordance with Section 14-78-43, the name of the person who administered the vision screening, if other than a licensed medical professional, and whether the student meets the vision standards of [Sections] sections 14-45a-1 to 14-45a-4, inclusive, of the Regulations of Connecticut State Agencies;
(3) The types of instruction, including the date each type of instruction was given and the number of hours for each type of instruction received by the student;
(4) Registration information for each vehicle in which the student received behind the-wheel instruction;
(5) The fees paid by the student for classroom instruction, behind-the-wheel instruction and/or safe driving practices instruction;
(6) The name(s) of the instructor(s) for each instructional and/or training session;
(7) The date, location of test, motor vehicle used (if a vehicle owned or leased by a licensed commercial driving school is used) and results of each driving test administered by the department; and
(8) Any additional fees paid by the student.
(c) All records required by subsections (a) and (b) shall be retained by the commercial driving school for three (3) years. Such records shall be made available to [any inspector of the department of motor vehicles] the commissioner, or other law enforcement officer, [upon] during reasonable [request] business hours.
(d) If any records are lost, mutilated or destroyed, the licensee shall notify the commissioner immediately, and, upon request, shall provide under oath a written explanation of the circumstances of the loss, mutilation or destruction. The licensee shall also make a reasonable attempt to restore such records.

Sec. 14-78-33. Classroom instruction for students. Laboratory or simulator experience

(a) No commercial driving school shall offer any classroom instruction intended to meet the driver education requirements for persons under the age of eighteen (18) years, as provided in section 14-36 of the Connecticut General Statutes, unless such school has been specifically approved by the commissioner to give such instruction.
(b) Each commercial driving school approved to conduct classroom instruction, under subsection (a) of this section shall provide a course of instruction, in accordance with a curriculum approved by the commissioner, consisting of a minimum of thirty (30) hours. An approved curriculum shall include the following:
(1) The development of driver skills which shall be presented in a simple-to-complex structure of concepts and behavioral patterns;
(2) A variety of instructional methods which shall demonstrate student centered activities for participative education to include low-risk driving values, knowledge for development of safe driving habits, and mental readiness for correct in-vehicle performance;

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(3) Presentation of content in the classroom which parallels the presentation of in-vehicle content. The driving related skills and concepts presented in the classroom shall be conducted in a motor vehicle as soon after the classroom activities as possible. All concepts, and where possible, skills to be practiced in the motor vehicle, shall first be presented in the classroom; and
(4) Appropriate content for the classroom and in-vehicle sessions which shall include the following topics: the highway transportation system[,]; analysis of crashes[,]; roadway designs and markings[,]; Connecticut motor vehicle laws and regulations[,]; basic control tasks[,]; parking maneuvers[,]; the structure of driving tasks[,]; restraint systems[,]; risk management[,]; perceptual skills development[,]; space management[,]; natural laws and vehicle control[,]; winter driving techniques[,]; handling vehicle emergencies[,]; night driving techniques[,]; effects of alcohol and drugs on driving, emotions and operator fitness[,]; interacting with other vehicle types[,]; the purpose and procedures of procurement organizations, as defined in section 19a-279a of the Connecticut General Statutes, as amended from time to time; and managing high risk locations, including intersections and curves.
(c) Each commercial driving school approved to conduct classroom instruction in accordance with subsection (a) of this section may provide, with prior written approval of the commissioner or his representative, for any applicant to whom a learner's permit was issued before August 1, 2008, a safe driving practices program of eight (8) hours which shall include [the following] and comply with the following requirements:
(1) Four (4) hours concerning the nature and effects of alcohol and drugs, as provided in subparagraph (B) of subdivision (1) of subsection (d) of section 14-36 of the Connecticut General Statutes; [and]
(2) Four (4) hours on subjects directed to safe driving practices[.] and
(3) The eight (8) hour safe driving practices program specified in this subsection may be included as part of the thirty (30) hour course of instruction specified in subsection (b) of this section upon approval by the commissioner.
(d) Each commercial driving school approved to conduct classroom instruction in accordance with subsection (a) of this section may provide, with prior written approval of the commissioner or his representative, for any applicant to whom a learner's permit was issued on or after August 1, 2008, a safe driving practices program of the eight (8) hours which shall include and comply with the following requirements:
(1) Four (4) hours concerning the nature and effects of alcohol and drugs, as specified in subparagraph (B) of subdivision (1) of subsection (d) of Section 14-36 of the Connecticut General Statutes;
(2) Two (2) hours on subjects directed to safe driving practices;
(3) Two (2) hours of instruction concerning the statutory provisions, including penalties, applicable to drivers who are less than eighteen years of age, the dangers of teenage driving, the cognitive development of adolescents, and the responsibilities and liabilities of parents of teenage drivers; and
(4) The eight (8) hour safe driving practices program of this subsection may be included as part of the thirty (30) hour course of instruction specified in subsection (a) of this section.
(e) Each commercial driving school approved to conduct classroom instruction in accordance with subsection (a) of this section shall provide to a parent or guardian of any applicant receiving classroom instruction pursuant to subsection (d) of this section, the opportunity to attend, without additional charge, the two hours of instruction described in subdivision (3) of subsection (d) of this section.
(f) An official of the commercial driving school providing instruction to the parent or guardian and the applicant, referred to in subsection (e) of this section, shall issue an affidavit on a form approved by the commissioner, signed under penalty of false statement, to such applicant attesting to the fact that the applicant's parent or guardian attended the two hours of instruction described in subsection (e) of this section. Such applicant shall provide such affidavit to the commissioner prior to being allowed to take the driver's test.

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[(d)] (g) A person enrolled in the thirty (30) hour course of instruction described in subsection (b) of this section who is a secondary school student shall receive a maximum of two (2) hours of instruction per day, except that on a day when school is not scheduled, the student may receive a maximum of two and one half (2 1/2) hours of instruction. A person enrolled in the eight (8) hour program described in subsection (c) or (d) of this section, who is a student in a secondary school, shall receive such instruction on at least two separate days.

[(e)] (h) Any separate fee charged by the commercial driving school, to any person not taking additional instruction, for the eight (8) hour safe driving practices program described in [subsection] subsections (c) and (d) of this section shall not exceed one hundred twenty-five dollars ($125.00). Any charges in excess of the approved fee will subject the licensee to action by the commissioner under section 14-72 of the Connecticut General Statutes.

[(f)] (i) Each commercial driving school shall provide the four (4) hours of instruction concerning the nature and effects of alcohol and drugs in relation to the ability to safely operate a motor vehicle in compliance with the following:

(1) Separate course materials shall be provided for the use of students and instructors, in printed or electronic media format;

(2) Such course materials shall have been prepared by a person or persons with knowledge and expertise in the field of alcohol and drug abuse;

(3) Such course materials, as presented, shall cover the blood alcohol level limits prescribed by law, the effects of operating a motor vehicle at or near such per se limits, effective methods to avoid peer pressure concerning excessive alcohol consumption and the penalties and costs associated with violations of the laws concerning driving under the influence of alcohol or drugs;

(4) Such course materials shall be subject to the approval of the commissioner, prior to the issuance or next renewal of a license to the school, in accordance with section 14-78-22 of the Regulations of Connecticut State Agencies; and

(5) The department may conduct one or more training sessions, to be attended by at least one instructor from each school, concerning the presentation [of the] of the course materials, and effective teaching methods and strategies for alcohol and drug education.

[(g)] (j) Each student enrolled in the classroom phase of the driver education program shall have access to:

(1) A full-length, current driver education textbook for the purpose of the program, and special materials, which may include the use of video tapes, as approved by the commissioner of motor vehicles; and[,]

(2) The Connecticut Driver's Manual, published by the department of motor vehicles, which manual shall become the property of the student.

[(h)] (k) Class size shall not exceed the capacity of instructional materials available and reasonable standards of safety and supervision. No classroom instruction shall be offered to a class exceeding forty (40) students.

[(i)] (l) A student may be provided with driving practice in a laboratory setting or by a driving simulator, but no such laboratory practice or simulator shall be considered behind-the-wheel instruction.

[(j)] (m) The commercial driving school shall provide to the commissioner a schedule of classroom instruction sessions including the day of the week of classroom instruction. Significant changes in schedule shall be forwarded in writing to the commissioner prior to the effective date thereof. Classroom sessions may be monitored by the commissioner at any time.

[(k)] (n) The commissioner shall maintain a listing of all commercial driving schools licensed in accordance with section 14-69 of the Connecticut General Statutes, and a listing of all instructors licensed in accordance with the provisions of section 14-73 of the Connecticut General Statutes[, which listings shall be available without charge to the public].

[(l] (o) Classroom instruction shall not be given to a person who has not reached the age of sixteen (16) years.

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Sec.4. The Regulations of Connecticut State Agencies are amended by adding section 14-78-33a as follows:

(NEW) (a) Each commercial driving school approved to conduct classroom instruction in accordance with section 14-78-33 subsection (a) of the Regulations of Connecticut State Agencies may provide, with prior written approval of the commissioner or his representative, for any applicant for a motor vehicle operator's license, who has not previously held a Connecticut motor vehicle operator's license and who does not hold a valid motor vehicle operator's license issued by any other state, or by any territory or possession of the United States, a safe driving practices course, which consists of not less than eight hours of instruction and complies with the following requirements:
(1) Four (4) hours concerning the nature and effects of alcohol and drugs, as provided in subparagraph (B) of subdivision (1) of subsection (d) of section 14-36 of the Connecticut General Statues; and
(2) Four (4) hours of subjects directed to safe driving practices.
(b) The commissioner may, in the interest of enhanced learning and absorption of course content, require that such eight (8) hours of instruction be conducted on at least two separate days, with a maximum of four (4) hours of instruction per day.
(c) Any fee for the eight (8) hour safe driving practices course, referred to in subsection (a), shall not exceed one hundred twenty-five dollars ($125.00). Any charges in excess of the approved fee, referred to in subsection (f) of this section, will subject the licensee to action by the commissioner under section 14-72 of the Connecticut General Statutes.

Sec. 5. Section 14-78-35 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 14-78-35. Drivers' education certificates

(a) Each person between [the ages of] sixteen (16) and eighteen (18) years of age completing the driver education program, and determined by the commercial driving school to be a safe and capable driver and qualified to hold an operator's license, shall be issued a drivers' education certificate by the commercial driving school indicating whichever of the following is or are applicable:
(1) The successful completion of a course consisting of a minimum of thirty (30) hours of classroom instruction as provided in subsection (b) of Section 14-78-33, which includes successful completion of [five (5)] eight (8) hours of safe driving practices;
(2) The successful completion of [five (5)] eight (8) hours of safe driving practices classroom instruction only, as provided in [subsection] subsections (c) and (d) of Section 14-78-33; or
(3) The successful completion of the number of hours of behind-the-wheel instruction required by law.
(b) Where the student is issued a drivers' education certificate indicating successful completion of behind-the-wheel instruction only, the additional driver education requirements of section 14-36 of the general statutes may be met by successful completion of a minimum of thirty (30) classroom hours and, where appropriate, [five (5)] eight (8) hours of safe driving practices instruction, given by a licensed commercial driving school or by an approved driver education program in a secondary school.
Such additional instruction shall be listed on a driver's education certificate issued by the commercial driving school or secondary school providing such training.
(c) Where a person between sixteen (16) and eighteen (18) years of age is issued a drivers' education certificate indicating successful completion of thirty (30) hours of classroom instruction only, the additional driver education requirements of section 14-36 of the general statutes may be met by the successful completion of the number of hours of behind-the-wheel instruction required by law or, where appropriate, of [five (5)] eight (8) hours of safe driving practices instruction given by a licensed commercial driving school or by an approved driver education program in a secondary school.
Such additional instruction shall be listed on a driver's education certificate issued by the commercial driving school or the secondary school which provided such instruction, where such additional instruction was successfully completed by the student.

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Statement of Purpose:

Purpose: To include, as required by P.A. 08-150, that a description of the purpose and procedures of procurement organizations as defined in section 19a-279a of the Connecticut General Statutes be included in commercial driving school education programs.

To require that two hours of the eight-hour safe driving practices training, which will be required of the students and their parents, cover statutory provisions, including penalties, applicable to drivers who are less than eighteen years of age, the dangers of teenage driving, the cognitive development of adolescents, and the responsibilities and liabilities of parents of teenage drivers. This amendment applies to learner's permits issued on or after August 1, 2008.

To allow commercial driving schools to offer an eight (8) hour safe driving practices course to drivers who have not previously held a Connecticut motor vehicle operator's license or possess a valid motor vehicle operator's license from another state and issue those drivers a certificate of successful course completion as required by P.A. 08-150 sec.28.

To allow for inspection of schools' records "during reasonable business hours," rather than "upon reasonable request". Also, to allow for the commissioner to designate an employee, not limited to only an inspector, to review those records.

To make changes to improve the format of the existing regulation.

Summary of Main Provisions:
Sec.14-78-20 adds definitions of "driver's education certificate" and "license certificate" to the regulation.

Sec. 14-78-24 corrects an inconsistency that currently exists in the total number of hours directed to safe driving practices required in this section (five hours) and section 14-78-33 (eight hours). Also, the term "license certificate" is made uniform throughout the section.

Sec. 14-78-32 allows for inspection of schools' records "during reasonable business hours," rather than "upon reasonable request." Also, it allows for the commissioner to designate an employee, not limited to only an inspector, to review those records.

Sec. 14-78-33 (b) Requires that a description of the purpose and procedures of procurement organizations as defined in section 19a-279a of the Connecticut General Statutes be included in commercial driving school education programs, as mandated in P.A. 08-150 sec.8.
(c) Will now apply to individuals holding learner's permits issued before August 1, 2008. (d) Applies to learner's permits issued on or after August 1, 2008, and requires two hours of specified driver training as a part of the eight hours now required. The two hours of training, which will be required of the students and their parents, covers statutory provisions, including penalties, applicable to drivers who are less than eighteen years of age, the dangers of teenage driving, the cognitive development of adolescents, and the responsibilities and liabilities of parents of teenage drivers. (e) Requires commercial driving schools to allow the parent or guardian of an applicant who holds a learner's permit issued on or after August 1, 2008, to attend, at no additional cost, two hours of specified driver training, which covers statutory provisions, including penalties, applicable to drivers who are less than eighteen years of age, the dangers of teenage driving, the cognitive development of adolescents, and the responsibilities and liabilities of parents of teenage drivers. (f) Requires an official of the commercial driving school providing instruction to the parent or guardian and the applicant who holds a learner's permit issued on or after August 1, 2008, to issue an affidavit, signed under penalty of false statement, to such applicant attesting to the fact that the applicant's parent or guardian attended the two hours of instruction, which covers statutory provisions, including penalties, applicable to drivers who are less than eighteen years of age, the dangers of teenage driving, the cognitive development of adolescents, and the responsibilities and liabilities of parents of teenage drivers. The applicant must provide the affidavit to the commissioner prior to being allowed to take the driver's

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test. (g) Subjects individuals that obtained a learner's permit on or after August 1, 2008 to the requirements of this subsection. (h) Extends the maximum $125.00 charge for the eight-hour safe driving practices program for students who hold learner's permits issued on or after August 1, 2008. (n) Removes the requirement that the lists of all licensed commercial driving schools and licensed instructors be provided to the public without charge.

Sec. 14-78-33a allows a commercial driving school to offer a course concerning safe driving practices and the effects of drugs and alcohol, to individuals who have not previously held a Connecticut motor vehicle operator's license or possess a valid motor vehicle operator's license from another state. The school may issue a certificate of successful completion as required by P.A. 08-150 sec.28.

Section 14-78-35 corrects an inconsistency that currently exists in the total number of hours directed to safe driving practices required in this section (five hours) and section 14-78-33 (eight hours).

Legal Effects of the Regulation: Commercial driving school education programs will be required to include a description of the purpose and procedures of procurement organizations in their curricula. Also, the eight-hour "safe driving practices program" must include two hours of material relevant to improving teen driving including, but not limited to the laws and penalties related to driving. Designees of the commissioner, in addition to inspectors, will be allowed to inspect schools' records during reasonable business hours.

Be it known that the foregoing:
[X] Regulations [ ] Emergency Regulations are:
[ ] Adopted [X] Amended as hereinabove stated [ ] Repealed

By the aforesaid agency pursuant to:
[X] Section 14-78 of the Connecticut General Statutes.

[ ] Section 14-____ of the Connecticut General Statutes, as amended by Section _ of Public Act. No. _ of the Public Acts.

[ ] Public Act. No. _____ of the Public Acts.

After publication in the Connecticut Law Journal on 12/30, 2008 of the notice of the proposal to:
[ ] Adopt [X] Amend [ ] Repeal such regulations

(If applicable): [ ] And the holding of an advertised public hearing on __ day of ___ 2008.

WHEREFORE, the foregoing regulations are hereby:
[ ] Adopted [X] Amended as hereinabove stated [ ] Repealed

Effective:
[X] When filed with the Secretary of the State.
(OR)
[ ] The _____ day of _____ 2008.

In Witness Whereof:	Date 8/12/08	SIGNED (Head of Board, Agency or Commission)	OFFICIAL TITLE, DULY AUTHORIZED COMMISSIONER
Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:		SIGNED 9/15/08	OFFICIAL TITLE, DULY AUTHORIZED ASSOC. ATTY. GENERAL

[ ] Approved

[ ] Disapproved

[ ] Disapproved in part, (Indicate Section Numbers disapproved only)

[ ] Rejected without prejudice.

The Legislative Review Committee in accordance with Sec. 4-170, as amended, of the Connecticut General Statutes	DATE	SIGNED (Clerk of the Legislative Regulation Review Committee)

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the Connecticut General Statutes.

DATE	SIGNED (Secretary of the State)	BY

INSTRUCTIONS

One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the Connecticut General Statutes.

Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the Connecticut General Statutes.

Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the Connecticut General Statutes.

Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in underlined and deleted language in brackets. Section 4-170 of the Connecticut General Statutes.

BUREAU OF LEGAL SERVICES