



Senate

General Assembly

File No. 233

February Session, 2010

Substitute Senate Bill No. 341

Senate, March 31, 2010

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 THE LICENSING OF DRIVERS' SCHOOLS AND DRIVING INSTRUCTORS.

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

1 Section 1. Section 14-69 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2010*):

3 (a) No person shall engage in the business of conducting a drivers'
4 school without being licensed [therefor] by the [commissioner]
5 Commissioner of Motor Vehicles. [Application therefor] An
6 application for a license shall be in writing and shall contain such
7 information as the commissioner requires. Each applicant for a license
8 shall be fingerprinted before such application is approved. The
9 commissioner shall subject each applicant for a license or the renewal
10 of a license to state and national criminal history records checks
11 conducted in accordance with section 29-17a, and a check of the state
12 child abuse and neglect registry established pursuant to section 17a-
13 101k. If any such applicant has a criminal record or is listed on the
14 state child abuse and neglect registry, the commissioner shall make a

15 determination of whether to issue or renew a license to conduct a
16 drivers' school in accordance with the standards and procedures set
17 forth in section 14-44 and the regulations adopted pursuant to said
18 section. If the application is approved, the applicant shall be granted a
19 license upon the payment of a fee of three hundred fifty dollars and a
20 deposit with the commissioner of cash or a bond of a surety company
21 authorized to do business in this state, conditioned on the faithful
22 performance by the applicant of any contract to furnish instruction, in
23 either case in such amount as the commissioner may require, such cash
24 or bond to be held by the commissioner to satisfy any execution issued
25 against such school in a cause arising out of failure of such school to
26 perform such contract. For each additional place of business of such
27 school, the commissioner shall charge a fee of eighty-eight dollars. No
28 license shall be required in the case of any board of education, or any
29 public, private or parochial school, which conducts a course in driver
30 education established in accordance with sections 14-36e and 14-36f. A
31 license so issued shall be valid [during the calendar year] for one year.
32 [The annual fee for renewal shall be the same amount and the same
33 deposit of security shall be required.] The commissioner shall issue a
34 license certificate or certificates to each licensee, one of which shall be
35 displayed in each place of business of the licensee. In case of the loss,
36 mutilation or destruction of a certificate, the commissioner shall issue a
37 duplicate upon proof of the facts and the payment of a fee of twenty
38 dollars.

39 (b) The annual fee for the renewal of a license shall be three
40 hundred fifty dollars and the annual renewal fee for each additional
41 place of business shall be eighty-eight dollars. If the commissioner has
42 not received a complete renewal application and all applicable renewal
43 fees on or before the expiration date of an applicant's license, the
44 commissioner shall charge such applicant, in addition to such renewal
45 fees, a late fee of three hundred fifty dollars.

46 Sec. 2. Section 14-73 of the general statutes is repealed and the
47 following is substituted in lieu thereof (*Effective October 1, 2010*):

48 (a) No person shall be employed by any such school licensee to give
49 instruction in driving a motor vehicle unless such person is licensed to
50 act as an instructor by the commissioner.

51 (b) Application for an instructor's license shall be in writing and
52 shall contain such information as the commissioner requires. [The]
53 Each applicant for a license shall be fingerprinted and shall furnish
54 evidence satisfactory to the commissioner that such applicant (1) is of
55 good moral character considering such person's state and national
56 criminal [record] history records checks conducted in accordance with
57 section 29-17a, and record, if any, on the state child abuse and neglect
58 registry established pursuant to section 17a-101k, [, as obtained and
59 reviewed by the commissioner in accordance with the standards of
60 section 14-44;] If any applicant for a license or the renewal of a license
61 has a criminal record or is listed on the state child abuse and neglect
62 registry, the commissioner shall make a determination of whether to
63 issue or renew an instructor's license in accordance with the standards
64 and procedures set forth in section 14-44 and the regulations adopted
65 pursuant to said section; (2) has held a license to drive a motor vehicle
66 for the past four consecutive years and has a driving record
67 satisfactory to the commissioner, including no record of a conviction or
68 administrative license suspension for a drug or alcohol-related offense
69 during such four-year period; (3) has had a recent medical examination
70 by a physician licensed to practice within the state and the physician
71 certifies that the applicant is physically fit to operate a motor vehicle
72 and instruct in driving; (4) has received a high school diploma or has
73 an equivalent academic education; and (5) has completed an instructor
74 training course of forty-five clock hours given by a school or agency
75 approved by the commissioner, except that any such course given by
76 an institution under the jurisdiction of the board of trustees of the
77 Connecticut State University System [must] shall be approved by the
78 commissioner and the State Board of Education. During the period of
79 licensure, an instructor shall notify the commissioner, within forty-
80 eight hours, of an arrest or conviction for a misdemeanor or felony, or
81 an arrest, conviction or administrative license suspension for a drug or
82 alcohol-related offense.

83 (c) The commissioner may deny the application of any person for an
84 instructor's license if he determines that the applicant has made a
85 material false statement or concealed a material fact in connection with
86 his application for the instructor's license.

87 (d) The commissioner shall conduct such written, oral and practical
88 examinations as he deems necessary to determine whether an
89 applicant has sufficient skill in the operation of motor vehicles to
90 ensure their safe operation, a satisfactory knowledge of the motor
91 vehicle laws and the ability to impart such skill and knowledge to
92 others. If the applicant successfully completes the examinations and
93 meets all other requirements of this section, the commissioner shall
94 [cause him to be fingerprinted and shall] issue [to him] an instructor's
95 license to such applicant. The license shall be valid for use only in
96 connection with the business of the drivers' school or schools listed on
97 the license. If the applicant fails the examination, [he] such applicant
98 may apply for reexamination after [three months have elapsed] one
99 month. The license and the license renewal shall be valid for [the
100 calendar] one year, [within which it is issued, and renewals shall be for
101 succeeding calendar years.]

102 (e) The licensee shall be reexamined periodically in accordance with
103 standards specified in regulations adopted under section 14-78, as
104 amended by this act. Persons licensed for the first time as instructors
105 shall, in the three years following their initial licensure, attend
106 seminars, annually, in traffic safety sponsored by the Department of
107 Motor Vehicles or take an advanced instructor course of not less than
108 forty-five clock hours in traffic safety [. The course shall have been]
109 approved by the commissioner. Proof of compliance with the
110 requirement for attendance at seminars or the taking of instruction
111 shall be made before license renewals are issued. The seminars shall be
112 self-sustaining.

113 (f) The commissioner may establish, by regulations adopted in
114 accordance with the provisions of chapter 54, standards and
115 procedures for the training and licensing of master instructors who are

116 qualified to train driving instructors. The provisions of subsection (b)
117 of this section and section 14-74, as amended by this act, shall apply to
118 master instructors.

119 ~~[(f)]~~ (g) The fee for an instructor's license, or for any renewal thereof,
120 shall be fifty dollars. The fee for a master instructor's license, or for any
121 renewal thereof, shall be one hundred dollars. If the commissioner has
122 not received a complete renewal application and fee on or before the
123 expiration date of an applicant's license, such applicant shall be
124 charged, in addition to the renewal fee, a late fee in an amount equal to
125 the fee for such applicant's license.

126 Sec. 3. Section 14-74 of the general statutes is repealed and the
127 following is substituted in lieu thereof (*Effective from passage*):

128 The commissioner may suspend, revoke or refuse to renew any
129 instructor's license if: [(a)] (1) The licensee has made a material false
130 statement or concealed a material fact in connection with his
131 application for the license or any renewal thereof; [(b)] (2) the licensee
132 has failed to comply with any of the provisions of [this] part IV of
133 chapter 246 or any of the regulations [of] adopted by the
134 commissioner, [establishing instructional standards of procedure,] in
135 accordance with the provisions of chapter 54, pursuant to said part IV;
136 or [(c)] (3) the licensee has been guilty of fraud or fraudulent practices
137 in relation to securing for himself or another a license to drive a motor
138 vehicle.

139 Sec. 4. Section 14-78 of the general statutes is repealed and the
140 following is substituted in lieu thereof (*Effective from passage*):

141 The commissioner may adopt regulations, in accordance with
142 chapter 54, for (1) the conduct of drivers' schools, including, but not
143 limited to, requirements as to the inspection of the vehicles used by the
144 drivers' schools in the conduct of their business, instructional
145 standards and procedures, including instruction of not less than fifteen
146 minutes concerning the responsibilities of an operator of a motor
147 vehicle under subsection (b) of section 14-223 and the penalty for a

148 violation of the provisions of said subsection (b), the posting of rates
 149 charged for instruction, and the general form in which records shall be
 150 kept concerning persons under instruction and those who have
 151 completed their course of instruction, and (2) the establishment of
 152 requirements for a person to receive a license as an instructor in
 153 accordance with section 14-73, as amended by this act. [The regulations
 154 shall require that the commissioner issue a license to any person who
 155 meets the requirements of section 14-73 to act as an instructor in a
 156 classroom only, and not as an instructor behind the wheel of a vehicle,
 157 provided (A) the person has sufficient experience, as specified in the
 158 regulations, either in public safety, including, but not limited to,
 159 experience as a police officer or firefighter, or as a teacher, and (B) the
 160 person completes instructor training, as specified in the regulations]
 161 On and after October 1, 2010, the commissioner shall not issue a license
 162 that is limited to classroom instruction. Any person who was issued
 163 such limited license prior to October 1, 2010, may maintain and renew
 164 such license.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2010</i>	14-69
Sec. 2	<i>October 1, 2010</i>	14-73
Sec. 3	<i>from passage</i>	14-74
Sec. 4	<i>from passage</i>	14-78

TRA *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill conforms statutory language to current practice and has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 341*****AN ACT CONCERNING THE LICENSING OF DRIVERS' SCHOOLS AND DRIVING INSTRUCTORS.*****SUMMARY:**

This bill requires the Department of Motor Vehicles (DMV) commissioner to conduct state and national criminal history record checks on, and check the state child abuse and neglect registry for, applicants seeking or renewing a license to conduct a driving school.

It requires DMV to conduct the same formal criminal history record and registry checks on anyone seeking to become a driving instructor or to renew an instructor's license. Under current law, an applicant for an instructor's license must provide the commissioner with evidence that he or she is of good moral character, considering his or her (1) criminal record and (2) child abuse and neglect registry record, if any.

The bill also authorizes the DMV commissioner to (1) create a master instructor license, (2) charge certain applicants late fees in certain instances, and (3) revoke instructors' licenses in certain situations. It changes the duration of driving school and instructor licenses, bars the commissioner from issuing classroom-only instructor licenses after September 30, 2010, and makes other minor and technical changes.

EFFECTIVE DATE: Upon passage for the termination of the classroom-instructor license and provisions on instructor license revocation; July 1, 2010 for changes to the application procedures for applicants seeking to conduct driving schools; and October 1, 2010 for changes in the application procedure and license conditions for driving instructor applicants and authorization of a program to train and

license master instructors.

DRIVING SCHOOL LICENSE

The bill requires the DMV commissioner to determine whether to issue to or renew a driving school license of an applicant with a criminal record or who is listed on the child abuse registry according to standards and procedures set out in law and regulation.

It makes a license to conduct a driving school valid for one year, instead of the calendar year in which it is issued.

The bill maintains the \$350 license renewal fee and an \$88 fee for each additional place of business. It authorizes the commissioner to charge an additional \$350 late fee if he has not received a complete renewal application before the applicant's license expires. It eliminates a requirement that an applicant renewing a license provide a security deposit.

INSTRUCTOR'S LICENSE

By law, driving instructors must provide the commissioner with evidence they are of good moral character considering their criminal record and listing, if any, on the state child abuse registry. The bill subjects them to a formal state and national criminal history record check. If an applicant seeking or renewing a driving instructor's license has a criminal record or is listed on the child abuse registry, the commissioner must decide whether to grant the license according to standards and procedures set out in law and regulation.

The bill requires each applicant to be fingerprinted when he or she applies for an instructor's license. Under current law, the applicant is fingerprinted after successfully completing an examination and meeting all other licensure requirements.

Under current law, the applicant must show the commissioner that he or she has (1) held a driver's license for the past four years and (2) not been convicted of a drug or alcohol-related offense in that time. Under the bill, the applicant must also show that he or she has not had

an administrative license suspension for a drug or alcohol-related offense during those four years. An administrative license suspension occurs when a driver refuses to submit to drug or alcohol testing or when his or her test results indicate an elevated blood alcohol level.

The bill requires a licensed instructor to notify the commissioner within 48 hours of an (1) arrest for, or conviction of, a misdemeanor or felony or (2) arrest, conviction, or administrative license suspension for a drug- or alcohol-related offense.

It reduces, from three months to one month, the length of time an applicant for an instructor's license must wait before retaking a test he or she failed.

It makes the license valid for one year, rather than for the calendar year in which it was issued.

License Revocation

Under current law, the commissioner may suspend or refuse to renew an instructor's license for several reasons, including the failure to comply with (1) laws on driving schools or (2) regulations establishing instructional standards of procedure. The bill allows the commissioner to also revoke an instructor's license for these reasons, and expands the grounds on which he may suspend, revoke, or refuse to renew a license to include failing to comply with any regulations the commissioner adopts on driving schools.

MASTER INSTRUCTOR'S LICENSE

The bill authorizes the commissioner to adopt regulations creating standards and procedures to train and license master instructors to train driving instructors. Master instructors are subject to the same application procedures as driving instructors.

It sets a \$100 fee for a master instructor's license and renewal, and requires an additional \$100 late fee if the commissioner does not receive a complete renewal application and fee before the license expires.

CLASSROOM-ONLY INSTRUCTORS

Under current law, the commissioner must adopt regulations requiring him to issue licenses allowing certain driving instructors to teach only in a classroom, and not on the road. The bill bars the commissioner from issuing these classroom-only licenses on or after October 1, 2010, but permits classroom-only instructors who receive such a license before then to keep and renew it.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 36 Nay 0 (03/14/2010)