

**Legislative Regulation
Review Committee**

2010-039

Department of Motor Vehicles

**ISSUING OF WORK PERMIT TO OPERATE A
MOTOR VEHICLE**

STATE OF CONNECTICUT

Regulation
of

Department of Motor Vehicles

Issuing of Work Permit to Operate a Motor Vehicle

Section 1. - The title for Sections 14-37a-1 through 14-37a-10 of the Regulations of Connecticut State Agencies is amended to read as follows:

**[Issuing of Work Permit to Operate a Motor Vehicle]
Special Operator's Permits**

Sec. 2. - Section 14-37a-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 14-37a-1. Definitions

In sections 14-37a-2 through 14-37a-10 the following words shall have the following meanings:

(1) ["Commissioner" means Commissioner of Motor Vehicles or his designee] "Accreditation" means the authorization of the Board of Governors of Higher Education, established pursuant to section 10a-2 of the Connecticut General Statutes, to operate a program or institution of higher learning or the equivalent authorization to operate a program or institution of higher learning granted by an equivalent board or authority in another state;

(2) ["Department" means Department of Motor Vehicles] "Alcohol-related offense" means a conviction of a violation of section 14-227a of the Connecticut General Statutes, or conviction of a violation involving substantially similar conduct in another state, as reported to the commissioner in accordance with the provisions of section 14-111n [c] of the Connecticut General Statutes, or conviction of a violation of section 30-88 or 30-89 or 53a-56b or 53a-60d of the Connecticut General Statutes;

(3) ["Work permit" means the special operator's permit issued in accordance with section 14-37a of the Connecticut General Statutes.] "Classes or other required educational activities" means components of a program of higher learning sponsored and conducted by an accredited institution of higher education and attested to by the registrar of such institution of higher education;

(4) ["Alcohol-related offense" means a conviction of a violation of section 14-227a of the Connecticut General Statutes, or conviction of a violation involving substantially similar conduct in another state, as reported to the commissioner in accordance with the provisions of section 14-111c of the Connecticut General Statutes, or conviction of a violation of section 53a-56b of the Connecticut General Statutes, or conviction of a violation of section 53a-60d of the Connecticut General Statutes.] "Commissioner" means Commissioner of Motor Vehicles or his or her designee;

(5) "Degree" means any letters or words, diploma, certificate or other symbol or document which signifies satisfactory completion of the requirements of a program of higher learning;

(6) "Department" means Department of Motor Vehicles;

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(7) "Education permit" means the special operator's permit issued to a student for purposes of attending classes at an accredited institution of higher education issued in accordance with section 14-37a of the Connecticut General Statutes;

(8) "Institution of higher education" means an entity which is licensed or accredited to offer one or more programs of higher learning leading to one or more degrees;

(9) "Program of higher learning" means any course of instruction for which it is stated or implied that college or university-level credit may be given or may be received by transfer;

(10) "Registrar" means the officer of an institution of higher education, or such officer's designee, who creates and maintains records on the enrollment and academic standing of students;

(11) "Student" means an individual enrolled in a program of higher learning within the United States at an institution of higher education;

(12) "Work Permit" means the special operator's permit for purposes of employment issued in accordance with section 14-37a of the Connecticut General Statutes.

(Adopted effective May 5, 2000)

Sec. 3. - Sec. 14-37a-2 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 14-37a-2. Eligibility for [work] special operator's permit

(a) Except as provided in subsection (b), any person whose motor vehicle operator's license or nonresident operating privilege is suspended pursuant to any provision of chapter 246 or 248 of the Connecticut General Statutes may make application for a [work] special operator's permit.

(b) The following persons shall not be eligible for a [work] special operator's permit:

(1) A person whose motor vehicle operator's license or nonresident operating privilege is under suspension pursuant to section 14-215 of the Connecticut General Statutes;

(2) A person whose motor vehicle operator's license or nonresident operating privilege is under suspension pursuant to section 14-140 of the Connecticut General Statutes;

(3) A person whose motor vehicle operator's license or nonresident operating privilege is under suspension pursuant to subsection (i) of section 14-227b of the Connecticut General Statutes, if such person's operator's license or nonresident operating privilege has been suspended previously pursuant to subsection (i) of section 14-227b of the Connecticut General Statutes[.];

(4) A person whose motor vehicle operator's license or nonresident operating privilege is suspended due to a second or subsequent violation committed after a prior conviction pursuant to section 14-227a of the Connecticut General Statutes or section 14-111n(b)(2) of the Connecticut General Statutes.

(c) The commissioner shall not issue a [work] special operator's permit in the following situations unless the person has a driving history, including motor vehicle violations, license suspensions and accidents, which indicates in the sole discretion of the commissioner that the person is a safe and responsible driver, and the commissioner finds that denial of a [work]

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special operator's permit will cause a significant hardship to such person or his or her dependents:

(1) A person whose motor vehicle operator's license or nonresident operating privilege is under suspension for a violation of section 14-222 of the Connecticut General Statutes, or for a violation of section 14-223(b) of the Connecticut General Statutes, or for a violation of section 14-224 of the Connecticut General Statutes, and such person has on his or her official driving history, as maintained at the department, either [or] two or more moving violations, as defined in section 14-111g of the Connecticut General Statutes or included in section 14-137a-5 of the Regulations of Connecticut State Agencies, or any previous violation resulting in an operator's license suspension, where such moving violation or such suspension occurred prior to the violation which resulted in the operator's license suspension of the person;

(2) A person whose motor vehicle operator's license or nonresident operating privilege is under suspension for a violation of 53a-56b of the Connecticut General Statutes, or for a violation of section 53a-60d of the Connecticut General Statutes, or whose suspension has been specifically recommended by a judge of the superior court pursuant to the provisions of section 14-141 of the Connecticut General Statutes following the conviction of any other violation related to the safe operation of a motor vehicle;

(3) A person to whom a [work] special operator's permit has previously been issued in connection with an alcohol-related suspension of his or her operator's license or non-resident operating privilege;

(4) A person who has on his or her official driving history three (3) or more moving violations included in section 14-111g of the Connecticut General Statutes or section 14-137a-5 of the Regulations of Connecticut State Agencies;

(5) A person who, at the time of application for the [work] special operator's permit has on his or her official driving history an operator's license suspension for an indefinite period, except that upon resolution of such indefinite suspension, such person may be issued a [work] special operator's permit if he is otherwise qualified; or

(6) A person whose driving history indicates that such person has been convicted of more than one alcohol related offense.

(d) In exercising the discretion granted in section (c) of this section, the commissioner may consider a conviction of an offense in another state, if the commissioner determines that the essential elements of such offense are substantially the same as any of the offenses enumerated in section (c) of this section.

(Adopted effective May 5, 2000; amended April 13, 2007)

Sec. 4. - Section 14-37a-3 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 14-37a-3. Application for [work] special operator's permit

(a) Application for a work permit shall be made by the operator on a form approved by the commissioner. Such form may be obtained from the department, and shall contain information required by the commissioner including the following:

(1) Applicant's name;

(2) Applicant's residence and mailing addresses;

(3) Applicant's operator's license number and date of birth;

(4) Applicant's employer and place of employment including a business telephone number where his or her employment can be verified;

(5) Applicant's occupation or a description of his or her duties;

(6) Applicant's hours of employment;

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(7) The approximate distance from applicant's present residence to his or her place of employment;

(8) If applicant's place of employment and/or hours of employment are not fixed, an explanation of his or her duties and normal work schedule;

(9) A statement indicating whether any public or alternative form of transportation, such as a car pool or vanpool, is available between the applicant's [town of] residence and [town] place of employment, and, if not, what efforts have been made to secure other transportation;

(10) An explanation of the significant hardship that would occur if a work permit is not issued;

(11) The name, signature and phone number of the person's employer or of a person who can verify his or her employment schedule; and

(12) The signature of the applicant together with a statement that the application, its attachments, and the statements therein are made under penalty of false statement [oath] as provided in [section] sections 14-110 and 53a-157b of the Connecticut General Statutes. If the applicant has more than one employer, such information shall pertain to each employer.

(b) Application for an education permit shall be made by the operator on a form approved by the commissioner. Such form may be obtained from the department, and shall contain information required by the commissioner including the following:

(1) Applicant's name;

(2) Applicant's student identification number;

(3) Applicant's permanent residence and mailing addresses as well as any non-permanent address that may be applicable relative to the applicant's status as a student;

(4) Applicant's operator's license number and date of birth;

(5) The name and address of the institution of higher education at which the applicant is enrolled in classes or other required educational activities;

(6) The name of the registrar and a telephone number where the applicant's enrollment and schedule can be verified;

(7) A certified copy of the applicant's schedule of classes or other required educational activities along with a fully executed release allowing such records to be provided to and confirmed by the Department;

(8) The approximate distance from applicant's present residence to the location(s) where classes or other required educational activities are conducted;

(9) The starting and ending dates of the applicant's classes or other required educational activities;

(10) A statement indicating whether any public or alternative form of transportation, such as a car pool or vanpool, is available between the applicant's residence and the location of his or her classes or other required educational activities, and, if not, what efforts have been made to secure other transportation;

(11) An explanation of the significant hardship that would occur if an education permit is not issued; and

(12) The signature of the applicant together with a statement that the application, its attachments, and the statements therein are made under penalty of false statement as provided in sections 14-110 and 53a-157b of the Connecticut General Statutes. If the applicant is enrolled in more than one institution of higher education, such information shall pertain to each such institution.

[(b)] (c) In addition to the requirements of subsection (a) or (b) of this section, a person licensed in another state or country, whose nonresident operating privilege is under suspension in this state, shall present to the commissioner with his or her application for a [work] special operator's permit a recent certified driving history from his or her licensing state or country showing that he or she possesses a current, valid operator's license issued by such state or

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country, and listing any violations of motor vehicle laws or regulations. A license and driving history issued in a language other than English must be accompanied by an English translation of the information contained in each document. Said translation must be signed by the translator under penalty of false statement as provided in sections 14-110 and 53a-157b of the Connecticut General Statutes. A nonresident to whom a [work] special operator's permit is issued shall inform the commissioner of any subsequent motor vehicle violations, suspensions, infractions or administrative actions in any state or country subsequent to the date of the certified driving history. The commissioner may require such nonresident to submit, at intervals to be determined in the sole discretion of the commissioner, an updated driving history or similar documentation showing the status of his or her operator's license in his or her licensing state or country.

[(c)] (d) The application shall state thereon the penalties that could be incurred if a person is granted a [work] special operator's permit and is found to be operating a vehicle for a purpose other than authorized, or for misuse of such permit.

[(d)] (e) The completed application form [of subsection (a)] and the information required pursuant to subsection (a) or (b), [if] as applicable, shall be mailed or delivered to the Operator Control Section of the Department of Motor Vehicles. No copy of an application form without original signatures shall be accepted. No application shall be accepted by the department until the date of the suspension of the person's motor vehicle operator's license or nonresident operating privilege is determined.

(Adopted effective May 5, 2000)

Sec. 5. - Section 14-37a-4 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 14-37a-4. Submission of application. Decision

(a) Upon receipt of the application, the commissioner shall review the application and determine if the application is in proper form.

(b) The commissioner may request additional relevant information prior to acting on such application.

(c) The commissioner shall determine whether or not to issue a [work] special operator's permit within a reasonable time after receipt of the application and shall notify the applicant in writing of the decision.

(Adopted effective May 5, 2000)

Sec. 6. - Section 14-37a-5 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 14-37a-5. Factors in considering application

In determining whether to grant a [work] special operator's permit, in addition to considering the eligibility of the applicant in accordance with the provisions of section 14-37a-2[,] of the Regulations of Connecticut State Agencies and the applicant's driving history, the commissioner shall consider the information provided in the application, including the applicant's residence and the distance from his or her place of employment or location of classes or other required educational activities, the availability of other modes of transportation to and from the place of

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employment or location of classes or other required educational activities, the applicant's efforts to obtain alternate transportation, and the extent of the hardship to the applicant and his or her dependents if a [work] special operator's permit is not issued. It shall be considered to be a significant hardship if the applicant submits proof that he has been unable, after reasonable effort, to obtain other reliable, regular transportation to and from his or her place of employment or location of classes or other required educational activities, and such transportation is necessary for the applicant to perform his or her work or profession or continue a program of higher learning.

(Adopted effective May 5, 2000)

Sec. 7. - Section 14-37a-6 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 14-37a-6. Issuing of [work] special operator's permit

(a) Upon the granting of an application for a [work] special operator's permit, the department shall issue such permit by mail to the mailing address as indicated on the application.

(b) The permit shall be validated by the department.

(Adopted effective May 5, 2000)

Sec. 8. - Section 14-37a-7 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 14-37a-7. Content of [work] special operator's permit

(a) The [work] special operator's permit shall be on a form approved by the commissioner.

(b) The permit shall contain:

(1) The legend "WORK ONLY" or "EDUCATION ONLY" conspicuously imprinted on the top of said form;

(2) The effective date and expiration date of the permit. The expiration date of the work permit shall be no later than the eligibility date for the person to have his or her motor vehicle operator's license or nonresident operating privilege restored, or the date the person's resident or nonresident operator's license expires, whichever is the earlier. The permit shall be valid for the period including both said effective date and said expiration date, except as provided hereinafter; [A person whose operator's license expires during the period of suspension shall renew his license in accordance with law and shall submit proof of such renewal as required by the department. Such person shall thereupon be issued a new work permit with a revised expiration date.]

(3) [A statement that the permit shall be carried by the operator at all times while operating a motor vehicle on the highways of this state] An education permit shall expire no later than the last day of examinations or classes in the academic period for the program of higher learning of the institution of higher education at which the operator is enrolled or no later than the eligibility date for the person to have his motor vehicle operator's license or nonresident operating privilege restored, or the date the person's resident or nonresident operator's license expires, whichever is the earlier. The permit shall be valid for the period including both said effective date and said expiration date, except as provided hereinafter;

(4) [The specification of the work schedule, based on the determination of the commissioner as to the normal work hours of the applicant.] A person whose operator's license

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expires during the period of suspension shall renew his or her license in accordance with law and shall submit proof of such renewal as required by the department. Such person shall thereupon be issued a new [work] special operator's permit with a revised expiration date;

(5) [The name(s) and telephone number(s) of the operator's employer(s) or supervisor(s) where the operator's employment may be verified during normal work hours, or of a person who can verify the person's employment schedule; and] A statement that the permit shall be carried by the operator at all times while operating a motor vehicle on the highways of this state;

(6) [A statement of the penalties that may be imposed on the operator by law for operating a motor vehicle without such permit, or for a purpose or at a time or location not permitted by such permit, or for alteration or other misuse of such permit.] The specification of the work schedule, based on the determination of the commissioner as to the normal work hours of the applicant or the hours applicable to the program of higher learning in which the applicant is enrolled as attested to by the registrar of the institution of higher education;

(7) In the case of a work permit, the name(s) and business telephone number(s) of the operator's employer(s) or supervisor(s) where the operator's employment may be verified during normal work hours, or of a person who can verify the person's employment schedule;

(8) In the case of an education permit, the name(s) and telephone number(s) of the registrar of the institution of higher education where the operator's enrollment and class schedule may be verified during normal business hours; and

(9) A statement of the penalties that may be imposed on the operator by law for operating a motor vehicle without such permit, or for a purpose or at a time or location not permitted by such permit, or for alteration or other misuse of such plate.

(c) The [work] special operator's permit shall be a controlled document having a unique identifying number or other unique identifier.

(Adopted effective May 5, 2000)

Sec. 9. - Section 14-37a-8 of the Regulations of Connecticut State Agencies shall be amended to read as follows:

Sec. 14-37a-8. Effect of [work] special operator's permit

(a) A person to whom a [work] special operator's permit is issued and who operates a motor vehicle shall carry such permit at all times when operating a vehicle. Any person to whom a [work] special operator's permit is issued shall operate a motor vehicle only under the conditions of such permit.

(b) A person to whom a [work] special operator's permit is issued shall have his or her motor vehicle operator's license or nonresident operating privilege remain under suspension except for the limited rights granted by the issuing of a [work] special operator's permit. Such suspension and the issuance of the work permit shall be listed on the person's official driving history.

(Adopted effective May 5, 2000)

Sec. 10. - Section 14-37a-9 of the Regulations of Connecticut State Agencies shall be amended to read as follows:

Sec. 14-37a-9. Violation of terms and condition of [work] special operator's permit

(a) If a person commits a violation as enumerated in section 14-37a-8[,] of the Regulations of Connecticut State Agencies, such [work] special operator's permit shall be subject to revocation by the department.

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(b) If a police officer has reasonable grounds to believe that a person to whom a [work] special operator's permit has been issued is not abiding by the terms and conditions of the

[work] special operator's permit, the police officer may make a written report of the circumstances, on a form or in a format determined by the commissioner, take possession of the permit and shall return the permit to the commissioner together with the written report. The commissioner may, upon receipt of such report and after providing the operator with an opportunity for a hearing, revoke the permit and impose a civil penalty of up to five hundred dollars [(\$500)] (\$500.00).

(c) If an additional suspension of a person's motor vehicle operator's license or nonresident operating privilege is imposed during the time that a [work] special operator's permit is effective, such permit shall be revoked upon the effective date of the additional suspension and shall become null and void. The [work] special operator's permit holder shall return [the work] said permit to the commissioner upon the effective date of such revocation. Should the additional suspension arise from the same incident as the suspension for which the original [work] special operator's permit was issued, the commissioner may stay such revocation and extend the expiration date of the original [work] special operator's permit, or may issue a [work] special operator's permit for such additional suspension.

(Adopted effective May 5, 2000)

Sec. 11. - Section 14-37a-10 of the Regulations of Connecticut State Agencies shall be amended to read as follows:

Sec. 14-37a-10. Miscellaneous

(a) No [work] special operator's permit may be used in connection with the operation of a commercial motor vehicle as defined in section 14-1 of the Connecticut General Statutes, or the operation of a vehicle for which a passenger or school bus/student transportation vehicle endorsement is required as provided in accordance with section 14-44 of the Connecticut General Statutes.

(b) No [work] special operator's permit shall be issued in connection with any disqualification from operation of a commercial motor vehicle as provided in section 14-44k of the Connecticut General Statutes.

(c) A [work] special operator's permit shall be reissued if it is lost, mislaid, stolen or destroyed.

(d) Any change in the mailing or residence address, employment, work location, [or] work hours or commuting distance of a person to whom a work permit has been issued shall be reported immediately by the permit holder to the department in writing. The department may, in its discretion, issue a revised work permit, and require return of the original work permit, but no change in the terms and conditions of the original work permit shall be effective until the commissioner has approved such change and such change appears on the records of the department.

(e) [A notation shall be made on the person's driving history maintained by the department when a work permit is issued and when such permit expires, or is revoked.] Any change in the mailing or residence address, schedule of classes or other required educational activities or commuting distance of a person to whom an education permit has been issued shall be reported immediately by the permit holder to the department in writing. The department may, in its discretion, issue a revised education permit, and require return of the original education

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permit, but no change in the terms and conditions of the original education permit shall be effective until the commissioner has approved such change and such change appears on the records of the department.

(f) A notation shall be made on the person's driving history maintained by the department when a [work] special operator's permit is issued and when such permit expires, or is revoked.

(Adopted effective May 5, 2000)

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Statement of Purpose:

Effective October 1, 2009, Public Act 09-187, Section 36., repeals subsections (a) to (c), inclusive, of section 14-37a of the Connecticut General Statutes and provides the substitution thereof. As a result of said legislation, in addition to the special "work" permit, the Commissioner may provide a special "education" permit to qualifying applicants. The purpose of the proposed changes to the regulation is to implement the upcoming legislative changes.

Summary of Main Provisions:

Section 1. – The title for Sections 14-37a-1 through 14-37a-10 of the Regulations of Connecticut State Agencies has been changed from "Issuing of Work Permit to Operate a Motor Vehicle" to "Special Operator's Permits."

Sec. 2. – This section adds the following definitions to the regulation: 1) Accreditation; 2) Classes or other required educational activities; 3) Degree; 4) Education Permit; 5) Institution of higher education; 6) Program of higher learning; 7) Registrar; and 8) Student. This section also amends the current definition of "alcohol-related offense."

Sec. 3. – The current regulation provides the eligibility requirements for a work permit. The proposed changes will provide the eligibility requirements for a special operator's permit, which includes a work permit and/or an education permit.

Sec. 4. – The current regulation provides the application requirements for a work permit. The proposed changes will provide the application requirements for a special operator's permit, which includes a work permit and/or an education permit.

Sec. 5. – The current regulation refers to the submission of an application for a work permit, and the commissioner's review of said application. The proposed changes refer to the submission of a special operator's permit, which includes a work permit and/or education permit.

Sec. 6. - The current regulation provides the factors in considering an application for a work permit. The proposed changes will provide the factors in considering an application for a special operator's permit, which includes a work permit and/or an education permit.

Sec. 7. – The current regulation refers to the mailing of a work permit to an applicant, once it has been granted by the department. The proposed changes provide that once a special operator's permit (work and/or education) is granted, that it will be mailed to the applicant, at the address indicated on the application.

Sec. 8. – The current regulation provides the requisite content of a work permit. The proposed changes will provide the requisite content of a special operator's permit, which includes a work and/or an education permit.

Sec. 9. – The current regulation provides the effect of a work permit. The proposed changes will provide the effect of a special operator's permit, which includes a work and/or an education permit.

Sec. 10. – The current regulation addresses the violation(s) of the terms and conditions of a work permit. The proposed changes will address the violation(s) of the terms and conditions of a special operator's permit.

Sec. 11. – The current regulation addresses miscellaneous information, relative to a work permit. The proposed changes will address miscellaneous information, relative to a special operator's permit, which includes a work and/or an education permit.

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Legal Effects of the Regulation:

The proposed changes will bring the department into compliance with the legislative changes set forth in Section 36. of Public Act 09-187. More specifically, in addition to the current work permit, the proposed changes will provide a means in which individuals who seek an education permit can do so.

Be it known that the foregoing:

Regulations Emergency Regulations are:
 Adopted Amended as hereinabove stated Repealed

By the aforesaid agency pursuant to:

Section 14-37a of the Connecticut General Statutes.

Section ____ 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 _____, 2009 of the notice of the proposal to:

Adopt Amend Repeal such regulations

(If applicable): And the holding of an advertised public hearing on __ day of __ 2009.

WHEREFORE, the foregoing regulations are hereby:

Adopted Amended as hereinabove stated Repealed

Effective:

When filed with the Secretary of the State.

(OR)

The ____ day of _____ 2010.

In Witness Whereof:	Date 7-6-10	SIGNED (Head of Board, Agency or Commission) <i>[Signature]</i>	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 <i>[Signature]</i> 7/15/10	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)
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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
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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.