



STATE OF CONNECTICUT

DEPARTMENT OF MOTOR VEHICLES

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*Testimony of Commissioner Robert M. Ward
on a Bill Requested by the Agency
Transportation Committee Public Hearing
March 10, 2010*

S.B. 414

AN ACT MAKING REVISIONS TO STATUTES CONCERNING THE DEPARTMENT OF MOTOR VEHICLES

Good afternoon Senator DeFronzo, Representative Guerrero, Senator Boucher, Representative Scribner and members of the Transportation Committee. I am here today on behalf of the Department of Motor Vehicles (DMV) to support Senate Bill 414. This is primarily a technical bill, which includes a number of changes that will improve customer service, achieve efficiencies within our agency and improve the administration of many of our programs.

Here is a summary of the bill.

Section 1 eliminates the driver's license fee for a license issued exclusively for government use. This type of license is obsolete, and is no longer issued by the DMV.

Section 2 requires all new applicants for a motorcycle endorsement on a driver's license to complete a Motorcycle Safety Foundation course. Currently, the course is required for applicants under the age of 18. To be clear, this requirement would only apply to new motorcycle drivers applying for the endorsement.

Section 3 makes the penalties for an employer who knowingly permits the operation of a commercial motor vehicle that has been placed out-of-service consistent with federal regulations, which were amended in 2007. Federal law requires states to adopt these penalties by September 4, 2010.

Section 4 clarifies the out-of-state convictions for offenses substantially similar to those under Connecticut law subject commercial driver license holders and commercial motor vehicle operators to the same disqualification periods that are contained in Connecticut law (section 14-44k). This section also changes the disqualification periods for a driver who violates an out-of-service order to comply with federal law, and, in addition, makes civil penalties for a driver who violates an out-of-service order consistent with federal regulations. In addition, this section amends section 14-44k(b) by including a conviction for the use of hand held telephones and mobile electronic devices in the list of offenses requiring disqualification of a commercial driver's license.

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Section 5 adds a section exempting a tow dolly from registration requirements. These trailers are used to tow motor vehicles that are registered, and typically they move from state to state as they are leased or rented through rental companies.

Section 6 amends section 14-22 to permit a registration renewal for a leased vehicle to be issued to the lessee. The existing statutory language requires that these renewal notices be sent to the owner of the vehicle, which is the leasing company.

Section 7 excludes commercial driver's license holders or commercial motor vehicle operators from participation in the accelerated pretrial rehabilitation program for motor vehicle offenses only. The use of a diversionary program by a CDL holder or CMV operator is considered to be a form of "masking" a conviction under the Code of Federal Regulations, specifically 49 CFR §384.226.

Section 8 removes the seat belt exemption for operators of vehicles with a gross vehicle weight rating over 10,000 pounds. Currently, state law requires seat belts for vehicles under 10,000 pounds and federal law mandates seat belts over 18,000 pounds.

Section 9 makes a technical revision to a statutory change in 2003 that renumbered certain provisions in section 14-267a.

Section 10 authorizes the Commissioner to discontinue a requirement that insurance companies, and certain self-insurers, send a copy of a certificate of title to the DMV for vehicles that have been declared a total loss. As of March 2009, insurance companies and certain self-insurers are required to report title information for salvage vehicles to the National Motor Vehicle Title Information System (NMVTIS). DMV also respectfully asks the Committee to consider changing words in lines 322 and 327 of this bill, which appears to incorrectly refer to a "self-insurer." DMV believes both references to "self-insurer" should be "insurance company."

Section 11 clarifies the obligation of recyclers to report to NMVTIS, and authorizes the Commissioner to discontinue a requirement that a recycler report vehicles that come into its possession to the Commissioner. Recyclers will be required to make a report on salvage vehicles to NMVTIS.

Section 12 establishes a limited term driver's license for people who are in the United States lawfully on a temporary basis to comply with the federal law known as REAL ID. This section permits the issuance of a driver's license to coincide with the length of a person's stay in the country. Connecticut is required to be in total compliance with REAL ID requirements by May 2011 in order for its citizens to be able to use their driver's licenses to board airplanes or gain access to federal buildings.

Section 13 makes mandatory the reporting of chronic health and vision problems that affect a person's ability to operate a motor vehicle. In addition to physicians, it adds physician's assistant and advanced practiced registered nurse to persons who are required to report chronic health problems, and the Board of Education and Services for the Blind to persons who must report vision problems. It makes the reporting personnel

immune from civil liability, and protects them from civil actions for making a report in good faith. The Committee may wish to consider whether language should be added to this section to make the *failure* to report immune from a civil suit.

Section 14 raises the amount of the surety bond for motor vehicle dealers from \$20,000 to \$50,000. The last change in amount was in 1993, when the amount was changed from \$5,000 to \$20,000.

Section 15 adds to the violations for which a dealer license may be suspended by including those in section 14-52a. These violations already subject an applicant for a dealer license to a denial of its application, and subject an existing dealer to a non-renewal of its license.

Section 16 adds a category of vehicles that may be made subject to the Federal Motor Carrier Safety Regulations when operating in intrastate commerce.. This category is consistent with what is contained in the Federal Motor Carrier Safety Regulations.. It also deletes a reference to service buses, which should not have been included in this section during the last legislative session.

Section 17 clarifies section 9 of public act 09-187 by adding language specifying that the time of the offense is the critical time for determining whether a person was under the age of eighteen and was operating without a license rather than at the time of conviction.

Section 18 adds late fees that are consistent with the change that was made to an emissions statute, section 14-164c, through section 16 of public act 09-187.

Section 19 expands the law that allows seven (7) working days for DMV to supply driver records to include other documents from a DMV record sought to be obtained by the legal process. Documents that are archived may take several days to be retrieved.

Section 20 clarifies the types of vehicles that are subject to enhanced speeding fines under section 14-219. Under the current, language, only trucks that transport property are subject to the enhanced fines. DMV believes that commercial vehicles transporting passengers and other types of commercial vehicles over a certain weight should also be subject to an enhanced fine for speeding. DMV respectfully asks the Committee to consider adding language in line 653. Following the words, "motor vehicle or combination of motor vehicles," the additional language added should be "described in subsection (a) of section 14-163c" to avoid making this section applicable to every person operating a motor vehicle.

Section 21 requires a motor vehicle dealer to return all registration materials to the DMV within five (5) working days of ceasing its business or losing its license to conduct business. A violation is an infraction. DMV respectfully asks the Committee to consider changing the language beginning on line 708 to more accurately reflect current business practices. The current language requires the dealer to return "any unused application forms for new registrations or registration transfers." DMV believes that this

language does not accurately reflect the intent of the DMV in proposing this section, and requests that the section require the return of “any applications for new registrations or registration transfers that were not acted upon or completed by such dealer when it was conducting its licensed business.”

Section 22 allows the Commissioner to withdraw dealer registrations and license plates if it is determined that the dealer no longer needs the quantity that it was originally issued.

Section 23 authorizes the Commissioner to require the personal appearance of a driver’s license renewal applicant at every other renewal, provided that the license holder has a digital image on file with DMV and has fulfilled all of the other requirements for a renewal. In addition, this section authorizes the Commissioner to permit automobile clubs to conduct registration renewals and renewals of identity cards. Under current statute, these clubs may only perform driver’s license renewals.

Section 24 prohibits town assessors from disclosing any information from the records of the DMV that is not required to be on the town’s grand list.

Section 25 makes the issuance of a registration sticker by the Commissioner permissive rather than mandatory. DMV believes this change will allow for improved efficiencies when issuing registrations.

Section 26 clarifies the language in section 14-253a regarding the certification of medical forms used for the issuance of handicapped placards. DMV respectfully requests that the Committee consider adding the word “and” in line 898 after the semicolon to clarify that an application requires certification of both the existence of a disability and that the disability impairs the ability to walk.

Section 27 excludes the holder of a commercial driver’s license from participation in the pretrial alcohol education program under section 54-56g. In its 2009 audit of the DMV, the Federal Motor Carrier Safety Administration directed DMV to propose this change in order to bring Connecticut into compliance with federal regulations. The use of a diversionary program by a CDL holder is considered to be a form of “masking” a conviction under the Code of Federal Regulations, specifically section 49 CFR § 384.226.

Section 28 adds a background check requirement for certain existing employees of DMV who are involved in the manufacture or production of drivers’ licenses and identity cards or who have the ability to affect the identity information that appears on the driver’s license or identification card. This is a requirement under the federal regulations implementing the federal law known as REAL ID, which, in part, aims to secure the production facilities from which credentials are issued. Under current law, section 14-9a requires a background check for new employees of DMV.

Section 29 makes a single subsection of the administrative per se statute consistent with amendments that were passed in 2009. This section clarifies a procedure DMV has had in place since 1990.

Section 30 repeals section 14-111a, which calls for a warning ticket to be issued for a minor possessing alcohol in a motor vehicle. A substantially similar offense is now being enforced through the issuance of an infractions ticket, payment of which carries a license suspension.