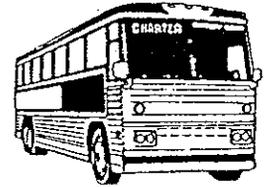




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Statement before
The Labor & Public Employees Committee
Tuesday, February 1, 2011

RE: SB 97 AAC The Denial of Unemployment Compensation Benefits to Certain Drivers Who Are Unemployed as a Result of Being Denied a Special Operator's Permit.

Sen. Prague, Rep. Zalaski and members of the Labor and Public Employees Committee, my name is Jean Cronin and I am the Executive Director of the Connecticut Bus Association, a statewide trade organization representing Connecticut's charter bus companies. I am here today to speak in strong support of SB 97, "AAC the Denial of Unemployment Compensation Benefits to Certain Drivers who are Unemployed as a Result of Being Denied a Special Operator's License."

All charter bus drivers in Connecticut must possess both a Commercial Drivers' License (CDL) and a public passenger endorsement in order to be able to transport passengers. The CDL license and the passenger endorsement must be renewed every four years.

When charter bus companies first hire a driver, by law, they have to perform a background check and drug test on that prospective driver, as well as make sure that the person obtains a CDL and a passenger endorsement if they do not already have one. The prospective driver remains on a probationary period subject to the obtaining of those licenses, and is not formally hired until he becomes licensed. If he fails to obtain the licenses for whatever reason, the company does not hire him because the available job is for a driver. Without a CDL and passenger endorsement, a person cannot drive a charter bus.

Unfortunately, the rules change a little bit if an existing employee fails to obtain a renewal of his CDL or passenger endorsement or has his permit suspended. By federal law, a driver cannot operate a motor bus without a CDL and corresponding passenger endorsement. A company can fire or terminate a driver who fails to obtain his license renewal, but the driver is allowed to file for unemployment and the company must pay it.

There are a number of reasons why a person can fail to obtain a CDL or license renewal, including medical issues, excessive speeding tickets, DWI violations, evading responsibility, following too closely, and driving recklessly, none of which are the fault or responsibility of the employer. I have included a list from the DMV of motor vehicle violations which can result in the suspension of a public passenger endorsement. When a driver cannot obtain his license renewal, or his license becomes suspended for a violation, he can no longer drive a passenger bus. He can no longer perform the job for

which he was hired, and therefore the company has no choice but to terminate his employment.

Current law allows that person to collect unemployment, so the bus company endures the added cost of paying for unemployment as well as the cost of hiring a new driver who does have the appropriate license and endorsement to replace the one who lost his.

These costs can really add up for charter bus companies as the length of time that a person can collect unemployment has been extended dramatically in recent years. In these difficult economic times, this is a heavy financial burden for some companies.

In fact, beginning Aug. 1, Connecticut will begin charging businesses a special assessment to cover interest payments on federal funds that Connecticut had to borrow, and is still borrowing, after the state unemployment insurance trust fund went broke in 2009. The special assessment will be charged annually to employers until the state repays what could be more than \$1 billion in funds borrowed from the federal government to help provide paychecks to jobless residents.

According to the state Department of Labor, the total special assessment will be about \$40 million, equating to an average cost of about \$40 per employee. The special assessment will be in addition to the regular unemployment insurance taxes businesses are already paying. This is a major expense for employers already reeling in these difficult times.

Changing this law will put the responsibility on the driver to ensure that his driving record and his health are good. People who drive for a living know that they need to be careful or their livelihood will be impacted.

Charter bus operators have a great responsibility and liability for the customers they serve. They must ensure that their passengers are transported to and from their destinations safely with responsible drivers, because their reputation is riding on it. When a driver does not live up to this responsibility because he cannot obtain his license renewal or worse, loses his license as a result of a suspension, the company should not be penalized.

The Connecticut Bus Association urges you to pass this bill and bring some needed financial relief to charter bus operators in the state.

Acceptable Driving Record to Apply/Maintain a Public Passenger Endorsement

An applicant of or current public passenger endorsement holder must have an acceptable driving record in order to apply or maintain a Public Passenger Endorsement. The following is a listing of motor vehicle violations, which will disqualify an applicant/holder from applying/maintaining the endorsement for the referenced time period:

5-Year Withdrawal

Statute	Definition	Period of Withdrawal
14-111n	Out of State DWI (Driver License Compact)	5 years from conviction date
14-111n	Manslaughter in 2 nd with a motor vehicle (out of state under the Driver License Compact)	5 years from conviction date
14-111n	Evading responsibility (serious injury) (out of state under the Driver License Compact)	5 years from conviction date
14-224(a)	Evading responsibility	5 years from conviction date
14-224(b)	Evading responsibility (serious injury) (out of state under the Driver License Compact)	5 years from conviction date
14-227a	DWI	5 years from conviction date
14-227b	Implied consent to test operators blood, breath or urine.	5 years from conviction date
53a-56b	Manslaughter in 2 nd with a motor vehicle	5 years from conviction date
53a-60d	Assault in 2 nd with a motor vehicle	5 years from conviction date

3-Year Withdrawal

Statute	Definition	Period of Withdrawal
14-215	Driving while license is withdrawn	3 years from conviction date
14-215	Driving while license is disqualified	3 years from conviction date
14-215	Driving while license is suspended	3 years from conviction date
14-222	Reckless Driving	3 years from conviction date
14-222a	Negligent homicide with a motor vehicle	3 years from conviction date

2-Year Withdrawal

Statute	Definition	Period of Withdrawal
14-218a	Traveling unreasonably fast	Four violations within a two year period from conviction
14-219	Speeding	Four violations within a two year period from conviction
14-219	Speeding	Four violations within a two year period from conviction
14-223(a)	Disobeying orders of officer	Four violations within a two year period from conviction
14-224(c)	Wagering, speed record	Four violations within a two year period from conviction
14-231	Failure to keep right when meeting opposing traffic	Four violations within a two year period from conviction
14-240	Failure to drive reasonable distance apart	Four violations within a two year period from conviction
14-240a	Failure to drive reasonable distance apart, intent to harass	Four violations within a two year period from conviction
14-250	Certain motor vehicles to stop at railroad crossing	Four violations within a two year period from conviction
14-279	Passing stopped school bus	Four violations within a two year period from conviction
14-281a	Operation of school bus at unreasonable speed	Four violations within a two year period from conviction
14-299	Failure to obey control signal	Four violations within a two year period from conviction
14-300f	Vehicles to stop for school crossing guard	Four violations within a two year period from conviction
14-301	Failure to obey stop sign	Four violations within a two year period from conviction

NOTE: If an operator has a combination of four of any of the above violations within a two year period an endorsement will not be issued or will be withdrawn.

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