
OLR Bill Analysis

sHB 5164

AN ACT CONCERNING REVISIONS TO THE MOTOR VEHICLE LAWS.

SUMMARY:

This bill makes a number of changes to motor vehicle laws. Among other things it:

1. replaces learner's permits with "instruction" permits, and requires people over age 18 to obtain one before learning to drive on public roads (§§ 30, 38-44);
2. authorizes the commissioner to issue a one-time six-month extension of a driver's license when federal verification of immigration or citizenship status is incomplete (§4);
3. requires motor vehicle dealers to (a) conduct safety inspections of used motor vehicles they sell and repair any defects (b) or sell the vehicle "as is," providing buyers with appropriate documentation (§ 37);
4. requires police to submit to the Department of Motor Vehicles (DMV) commissioner the results of certain urine samples provided by drivers injured or allegedly injured in a motor vehicle accident in the same way they must for certain blood samples (§ 20);
5. restores a requirement that driver's license and identity (ID) card holders appear for every other license or card renewal to have their photograph taken (§4);
6. phases out "year-of-manufacture" plates (§ 2);
7. allows the motor vehicles commissioner to issue a six-month "courtesy" registration for motor vehicles for which adequate

- proof of ownership is pending (§23);
8. modifies certain exemptions to tow truck and wrecker licensing and registration laws (§§ 9 & 46);
 9. increases, from \$65 to \$69, the fee for low number license plates (§15);
 10. continues the subcategory of, and corresponding operator's license endorsement for, "activity vehicles" (§§ 27-28) ;
 11. requires the motor vehicles and correction commissioners to establish a procedure for prisoners to renew their licenses and ID cards without appearing in person (§22); and
 12. eliminates four-year noncommercial driver's licenses (§§ 4 & 6).

The bill also makes minor, conforming, and technical changes (§§ 29 -31, 33), including correcting an apparent ambiguity in the statutes (§ 32), which are effective October 1, 2012.

EFFECTIVE DATE: Various (see below)

§ 1 — VEHICLES ELIGIBLE FOR REGISTRATION THROUGH DEALERSHIPS

The bill allows the commissioner to broaden the types of vehicles certain licensed motor vehicle dealers can register at the time of sale. By law, the commissioner may appoint licensed dealers to issue new registrations for passenger cars, motorcycles, campers, camp trailers, trucks, commercial trailers, and service and school buses. The bill allows these dealers to issue new registrations for such other types of vehicles as the commissioner determines, and makes a conforming change.

EFFECTIVE DATE: July 1, 2012

§ 2 — PHASING OUT "YEAR—OF—MANUFACTURE" LICENSE PLATE

Current law allows the commissioner to authorize the owner of an

antique, rare, or special interest motor vehicle to display a Connecticut license plate of the type issued in the year the vehicle was manufactured (“year-of-manufacture” plate) instead of a plate reflecting the vehicle’s actual registration number. When the year-of-manufacture plate is no longer valid, the registration number and plates originally assigned to the vehicle are in effect. The special plate is subject to the same display requirements as normal plates.

The bill bars the commissioner from authorizing the display of year-of-manufacture plates starting July 1, 2012, but owners of vehicles with such plates authorized before that date may continue to display them until their registration period in effect on July 1, 2012 expires. When they renew their registration, they must display the license plate that corresponds to the vehicle’s actual registration number. No vehicle owner may display year-of-manufacture plates after June 30, 2014.

EFFECTIVE DATE: July 1, 2012

§ 3 — LIMITING REGISTRATION FOR EXPERIMENTAL TEST VEHICLES

By law, the commissioner may issue special number plates to automotive equipment manufacturers for motor vehicles used to test motor vehicles or automotive equipment. Under the bill, these registrations expire one year from the date they are issued and cannot be renewed. Under current law, these registrations expire annually on March 31 and may be renewed indefinitely.

EFFECTIVE DATE: October 1, 2012

§§ 4 & 6 — EXTENDING CERTAIN DRIVER’S LICENSES FOR SIX MONTHS, REQUIRING PHOTOGRAPHS AT EVERY OTHER LICENSE RENEWAL, AND ELIMINATING FOUR—YEAR NONCOMMERCIAL LICENSES

The bill authorizes the commissioner, starting January 1, 2013, to issue a one-time, six-month extension of an individual’s driver’s license or ID card if she cannot renew it in a timely fashion because the (1) federal verification of the license or card holder’s immigration or citizenship status is incomplete or (2) license or card holder provides

the commissioner with satisfactory documentation that he or she will be out-of-state at the time of renewal. A \$30 fee for this one-time extension is non-refundable.

It restores a requirement that license and ID card holders have their photograph taken at every other license or card renewal. PA 11-48 eliminated this requirement.

It eliminates four-year noncommercial driver's licenses.

EFFECTIVE DATE: July 1, 2012

§ 5 — SUBSTANCE ABUSE PROGRAMS

Commercial driver's license (CDL) holders who commit two or more of certain offenses, including driving under the influence, are disqualified for life from driving a commercial motor vehicle. By law, most CDL holders disqualified for life may apply for reinstatement after 10 years if they have voluntarily enrolled in and successfully completed an alcohol and drug addiction treatment program specified by law. PAs 11-48 and 11-51 eliminated this program. The bill requires instead that to be considered for reinstatement, disqualified CDL holders must voluntarily enroll in, and successfully complete, a substance abuse treatment program established and operated by the Department of Mental Health and Addiction Services, a program operated through a licensed substance abuse treatment facility, or an equivalent program offered in another state.

EFFECTIVE DATE: July 1, 2012

§§ 7 & 8 REPAIRER FEES

By law, licensed motor vehicle repairers, new and used motor vehicle dealers, and motor vehicle rental companies, and applicants for such licenses, must furnish cash or surety bonds. Repairers and used and new motor vehicle dealers must also furnish proof of financial responsibility (insurance). The bill requires the commissioner to impose a \$50 fee on licensees who fail to continuously meet these bond and financial responsibility requirements. The fee is in addition to license suspension or revocation penalties and civil penalties of up to

\$1,000 per violation.

EFFECTIVE DATE: October 1, 2012

§§ 9 & 46 — WRECKERS AND TOW TRUCKS

By law, certain people, firms, and corporations that operate tow trucks or wreckers are exempt from licensing, registration, and equipment requirements. The bill adds associations that operate tow trucks or wreckers to these exempt entities. It expands the types of people, firms, corporations, and associations that are exempt from these requirements. At the same time, it subjects to the requirements those people, firms, corporations and associations that (1) offer direct towing or transporting services to the public or (2) engage in nonconsensual towing or transporting (towing or transporting by order of police or a traffic authority).

Current law exempts licensed motor vehicle dealers who tow or transport motor vehicles for salvage purposes and do not offer direct towing or wrecker service to the public. The bill expands this exemption to include any licensed motor vehicle dealer that tows or transports as long as it does not (1) offer direct towing or transporting to the public or (2) engage in nonconsensual towing or transporting.

The bill applies the same restrictions (not offering towing services to the public or engaging in nonconsensual towing) to certain other existing and new exempt entities. Specifically, it exempts people, firms, corporations, and associations that contract with motor vehicle recyclers, as long as the recycler or contractor does not engage in such activities. It requires that, to continue to remain exempt, people, firms, corporations, or associations that repossess motor vehicles for banks not engage in such activities. And, as long as they do not engage in such activities, it exempts the following: people, firms, corporations, or associations that (1) tow or transport motor vehicles for hire, provided they have the appropriate federal operating authority, and (2) tow motor vehicles to or from an auction conducted by a licensed dealer according to law.

It imposes penalties on people, firms, corporations, or associations that violate laws pertaining to wrecker licensing, registration, or equipment: a first offense is an infraction, punishable by a fine of up to \$200; subsequent offenders face a fine of up to \$500.

Wrecker Records (§ 46)

The law requires wrecker owners to maintain various records. The bill allows the commissioner to permit any licensed motor vehicle dealer who operates a wrecker service to keep, in an electronic form she prescribes, all records, documents and forms DMV requires. The dealer must be able to produce these records, documents, and forms in written form no later than three business days after DMV requests them.

EFFECTIVE DATE: October 1, 2012

§ 10 — AUTOMOBILE CLUB LICENSES

By law, the commissioner may revoke an automobile club license after a hearing and for cause, and the licensee may appeal her decision to Superior Court. The bill requires the commissioner to provide notice of her intent to revoke a license, and allows a license applicant, as well as a license holder, to appeal. It extends the duration of automobile club licenses from one to two years, eliminates the annual June 30 expiration date, and makes conforming changes.

EFFECTIVE DATE: October 1, 2012

§§ 11 — 13, 24 — 26, & 48 — ELIMINATING “INTERMEDIATE PROCESSORS”

The bill eliminates the motor vehicle recycler subcategory of intermediate processors and laws pertaining to them (see BACKGROUND). For example, current law exempts an intermediate processor operating at a licensed facility from a law barring people, firms, or corporations from establishing, operating, or maintaining a motor vehicle recycler’s yard or business without local approval of the business location.

Under current law, an intermediate processor dismantles, crushes,

or otherwise conditions junk or abandoned motor vehicles or parts for delivery to a scrap metal processor, or for other legal disposal, but does not sell motor vehicle parts for reuse as parts. The law requires the junk, abandoned motor vehicles, or parts, at the time of dismantling or crushing, to be owned by, in the custody of, and located on the premises of, or maintained by, a licensed motor vehicle recycler or exempt public agency.

EFFECTIVE DATE: July 1, 2012

§ 14 — MOVING VIOLATIONS

By law, DMV may require a driver who commits a certain number of specific moving or suspension violations to attend a driver retraining program. The bill eliminates illegally using a device to interfere with a traffic signal (e.g., a device allowing a vehicle to delay a traffic light from turning red) from those offenses the violation of which counts toward referral to the retraining program.

EFFECTIVE DATE: July 1, 2012

§ 15 — INCREASING THE FEE FOR LOW NUMBER PLATES

The bill increases, from \$65 to \$69, the fee DMV charges for the first registration period for low number license plates (the numbers “1” to “10000” for passenger vehicles and numbers “1” to “500” for dealers’ plates). This fee is in addition to the regular two year registration fee of \$80, plus the \$10 Clean Air Act fee.

EFFECTIVE DATE: July 1, 2012

§§ 16, 18 &19 — RENAMING DUPLICATE CERTIFICATES OF TITLE “REPLACEMENT” CERTIFICATES OF TITLE

The bill renames “duplicate” certificates of title “replacement” certificates of title.

EFFECTIVE DATE: January 1, 2013.

§ 17 — ELECTRONIC TITLE RECORDS

Current law requires the commissioner to present or mail most

certificates of title to the first lien holder named in it, if any, or to the owner. It allows the commissioner to maintain an electronic title file for recording and storing evidence of a lien holder's security interest, and requires her to present or mail a certificate to the owner when the first lien holder's interest is satisfied, unless the commissioner has recorded another security interest.

The bill allows, rather than requires, the commissioner to present or mail title in these cases. It allows her as an alternative to maintain a title record in electronic form, and issue the title at the lien holder's or owner's request, as the case may be.

EFFECTIVE DATE: July 1, 2012

§ 20 — URINE SAMPLES PROVIDED BY DRIVERS FOLLOWING AN ACCIDENT

By law, a police officer who obtains the results of a chemical analysis of a blood sample taken from a driver injured, or allegedly injured, in an accident, or who the officer believes needs to go to a hospital for treatment or observation, must submit the test results to DMV for use in an administrative *per se* suspension proceeding (see BACKGROUND) if certain conditions are met. The bill also requires police to follow a similar procedure with a urine sample provided by the driver.

By law, the officer must notify the DMV commissioner and submit a written report to her if the test results of the blood sample indicate an elevated blood alcohol content and the driver was arrested for driving under the influence in connection with the accident. The bill requires an officer to send the commissioner the results of a chemical analysis of a urine sample in the same circumstances. The results of the urine test can be introduced at the *per se* hearing. The bill makes a conforming change.

EFFECTIVE DATE: July 1, 2012

§ 21 LATE FEE FOR BOAT TRAILER REGISTRATIONS

The law allows marine dealers to register all boat trailers they own

under a general distinguishing number and mark. The commissioner charges \$50 a year for each number plate furnished. The bill requires the commissioner to impose a \$25 late fee for renewing a registration if the dealer fails to renew it within five days after it expires.

EFFECTIVE DATE: October 1, 2012

§ 22 PRISONER LICENSE AND ID CARD RENEWAL

Current law requires DMV, on a prisoner's written request, to extend the expiration date of his or her driver's license for two years, or 30 days after he or she is released, whichever occurs first.

The bill instead requires the DMV commissioner to consult with the correction commissioner to establish a procedure to renew an inmate's license or ID card without the prisoner needing to appear in person. (The commissioner may already do this for members of the armed forces, people living out-of-state for business or educational purposes, and others (CGS § 14-36d).) The prisoner must initiate the renewal process in response to a renewal notice. The bill does not apply to (1) the initial issuance of a license or ID card or (2) a license or ID card that expired more than two years before the inmate's renewal request.

EFFECTIVE DATE: October 1, 2012

§ 23 — COURTESY REGISTRATIONS

The bill allows the commissioner to issue a six-month "courtesy" registration for any motor vehicle for which adequate proof of ownership is pending, including motor vehicles previously registered in other states awaiting the out-of-state title or title lien release necessary to get permanent Connecticut registration.

Issuance of the courtesy registration requires the applicant to have proper sale documents in his or her name and meet all other registration requirements. The fee for a courtesy registration six months or less is one-quarter the amount for a two-year permanent registration or one-half the amount for a one-year permanent registration. The owner of a vehicle with courtesy registration may get a permanent registration after presenting the commissioner with

documents showing proof of ownership. The courtesy registration fee cannot be refunded or applied to the fee for a permanent registration.

EFFECTIVE DATE: October 1, 2012

§§ 27 & 28 — ACTIVITY VEHICLES

The bill continues the vehicle category of, and corresponding “A” license endorsement for, “activity vehicles,” a type of student transportation vehicle. Activity vehicles are used to transport students in connection with school sponsored events and activities, but not to or from school. Under current law, the activity vehicle category and endorsement are to be eliminated on July 1, 2012.

EFFECTIVE DATE: July 1, 2012

§§ 29 — 31 & 33 MINOR AND TECHNICAL CHANGES

EFFECTIVE DATE: October 1, 2012

§ 32 — CLARIFYING AMBIGUOUS STATUTORY LANGUAGE

Current law requires the commissioner to delay issuing a license for individuals under age 21 who commit certain offenses. The bill eliminates certain ambiguities in the statute describing those offenses (see BACKGROUND).

EFFECTIVE DATE: October 1, 2012

§ 34 — CLARIFYING PENALTIES FOR VIOLATIONS OF LAW ON COMMERCIAL MOTOR VEHICLE INSPECTIONS

The bill changes the penalties for violating laws prohibiting any (1) person or motor carrier from operating a commercial motor vehicle or combination of these vehicles in Connecticut unless the vehicle has had a federally required periodic inspection in the previous 12 months; (2) person, motor carrier, or licensed dealer or repairer from conducting such an inspection in any manner other than that prescribed in federal regulations; and (3) person, motor carrier, or licensed dealer or repairer from making a false statement about the inspection or condition of a commercial vehicle or component he or she is required to inspect, or about the repair he or she made on any commercial vehicle or

component that must be inspected.

Under current law, a person who violates either (1) or (2) is guilty of an infraction for a first offense, and may face a civil penalty for subsequent offenses of between \$1,000 and \$10,000. Anyone who violates (3) faces (a) a fine of up to \$1,000, up to 90 days in prison, or both, for a first offense, and a fine of at least \$2,000, up to one year in prison, or both, for subsequent offenses, and (b) a civil penalty of between \$1,000 and \$10,000. A person who violates (3) also may be subject to the penalties for 2nd degree false statement (see BACKGROUND).

The bill instead subjects anyone who commits any of the above violations to civil penalties of between \$1,000 and \$10,000 and requires that the alleged violator be given notice of the charge and the opportunity for a hearing under the Uniform Administrative Procedure Act. It (1) requires that an individual must have knowingly made a false statement regarding an inspection or repairs to be guilty of that violation and (2) requires, rather than allows, such a person to also be charged with 2nd degree false statement.

EFFECTIVE DATE: Upon passage

§§ 35 & 36 — BUREAU OF REHABILITATIVE SERVICES AND DRIVER TESTING

PA 11-44 moved, from DMV to the Bureau of Rehabilitative Services (BRS), a unit that evaluates, trains, and tests people with disabilities on motor vehicle operation. The bill eliminates BRS' ability to test such a person. It instead requires BRS to certify to DMV in writing when a person with disabilities successfully completes the driver training program, and to recommend any restrictions or limitations on the person's driver's license. Under the bill, the DMV commissioner may accept this certification instead of requiring a driving test. Provided the individual has met all other requirements for obtaining a license, the commissioner must issue him or her a license with the recommended restrictions.

By law, a Motor Vehicle Operator's License Medical Advisory Board

advises the DMV commissioner on medical aspects and concerns of licensing drivers. Any reports or records that DMV, the commissioner, or the board issues or receives are for the confidential use of the commissioner and the board in deciding whether an individual meets the driver's license health standards. The bill imposes the same confidentiality requirements on reports or records issued or received by the BRS driving training program staff when making these decisions. It also makes technical changes.

EFFECTIVE DATE: Upon passage

§ 37 — USED VEHICLE SAFETY INSPECTIONS

The bill requires motor vehicle dealers to conduct a comprehensive safety inspection before offering any used motor vehicle for retail sale. The inspection must cover all applicable equipment and components covered by law.

It requires the dealer to give the buyer a document, in a form the DMV commissioner approves, and under penalty of 2nd degree false statement (1) documenting the inspection and (2) stating that the dealer has made all necessary repairs and that the vehicle is safe for legal highway operation.

If the inspection finds defects that the dealer does not repair, and if the vehicle is not subject to a warranty as an "as is" sale according to law (see BACKGROUND), the dealer may sell the vehicle "as is" provided he or she notes all the defects on the form. A vehicle sold "as is" under the bill with at least one defect must have the retail purchase order, invoice, title, and assignment documents marked prominently "not in condition for legal operation on the highways." The defects must be noted and explained on the order, invoice, and safety inspection form.

The dealer must have the buyer acknowledge the vehicle's condition by having the buyer sign the purchase order, invoice, and safety inspection form. A dealer cannot charge a fee for the safety inspection or any repairs made to correct defects the inspection

discovered. But the bill does not limit or otherwise regulate the retail sale price a dealer can charge for a vehicle that has been inspected or repaired before sale. It also does not negate or preempt any law concerning used car warranties. The bill also does not apply to fees for any inspection or work performed under the terms of a lease buy back.

EFFECTIVE DATE: October 1, 2012

§§ 30 & 38 — 44 — REPLACING LEARNER’S PERMITS WITH INSTRUCTION PERMITS AND REQUIRING THEM FOR PEOPLE AGE 18 AND OVER

The law requires 16- and 17-year-olds who are learning to drive to obtain a learner’s permit before driving on a public road. The bill imposes the same requirement on people age 18 or over and renames learner’s permits for people this age “adult instruction permits.” It accordingly renames traditional learner’s permits and motorcycle training permits “youth instruction permits” and “motorcycle instruction permits,” respectively, and makes conforming and technical changes.

Under current law, a learner’s permit expires either when the holder receives a driver’s license or when he or she turns 18, whichever is earlier. Under the bill, the youth instruction permit also expires two years after it is issued, which means that it now expires on the earliest of the three events.

Adult Instruction Permits

The bill requires that people age 18 or older who do not have a driver’s license and are learning to drive obtain an adult instruction permit before driving on a public highway. When doing so, the permit holder must have the permit in his or her immediate possession and, as under current law, be under the instruction of a (1) licensed driving instructor or (2) person age 20 or older who has held a driver’s license for at least four years and has not had it suspended during the four years before teaching the permit holder.

Under the bill, an individual age 18 or older is ineligible to obtain an adult instruction permit if he or she has had a driver’s license from any

jurisdiction suspended or revoked. Under current law, a person age 18 or older cannot operate a motor vehicle without a driver's license if he or she has had a Connecticut driver's license suspended or revoked.

EFFECTIVE DATE: January 1, 2013, except for changing CDL learner's permits to instruction permits, which is effective July 1, 2012.

§ 45 — INSTRUCTOR AND MASTER INSTRUCTOR LICENSES

The bill extends from one to two years the duration of driving instructor licenses and renewals and changes license and renewal fees accordingly.

EFFECTIVE DATE: October 1, 2012

§ 47 — EMISSIONS TESTING LATE FEE

Current law requires the commissioner to waive the emissions testing \$20 late fee where a vehicle has changed ownership after its assigned emissions inspection or re-inspection period has expired, if the new owner has it inspected within 30 days of registering it. The bill instead requires the new owner to (1) have the vehicle inspected within 30 days of registering it and (2) pay the late fee after this 30-day period expires (apparently only if the owner has not had it inspected during that time).

EFFECTIVE DATE: October 1, 2012

§ 49 — REPEALING A LAW ON CERTAIN LANDSCAPING VEHICLES

The bill repeals a law requiring vehicles used for landscaping purposes with caged trailers to display an orange triangular caution sign on the rear of the trailer.

EFFECTIVE DATE: October 1, 2012

BACKGROUND

Intermediate Processors (§§ 11 — 13, 24 — 26 & 48)

According to DMV, only three intermediate processor licenses have been issued since 1990, the last of which expired in 1993.

Administrative Per Se (§ 20)

The law provides that a person who drives a motor vehicle has implicitly given consent to alcohol and drug testing. It establishes administrative license suspension procedures (“administrative *per se*”) for drivers who refuse to submit to a test or whose test results indicate an elevated blood alcohol content. This suspension operates entirely independently of the procedures for prosecuting the accused.

DMV Suspension Statute (§ 32)

A Superior Court judge has found the statute (CGS § 14-111e) ambiguous on its face because the language could have more than one plausible meaning (*Cummings v. DMV*, Judge Mark H. Taylor, June 9, 2005). The judge found it was unclear whether, under § 14-111e, the DMV commissioner must delay issuance of a new driver’s license to a person under age 21 convicted of (1) either buying or possessing alcohol or (2) both buying and possessing it.

Second—Degree False Statement (§§ 34 & 37)

Second-degree false statement is punishable by up to one year in prison and a fine of up to \$2,000 (CGS 53a-157b).

Sale of Vehicle “As Is” (§ 37)

By law, a used motor vehicle may be sold “as is” only if its cash purchase price is less than \$3,000 or it is at least seven years old. A specifically worded “as is” sales disclaimer must appear on the front page of the sale contract, and must be signed by the buyer. An “as is” used motor vehicle sale waives implied warranties but does not waive any express warranties, oral or written, or affect the dealer’s responsibility for any oral or written representations on which the buyer relied (CGS § 42-224).

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 37 Nay 0 (03/14/2012)