

The Connecticut General Assembly

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Memorandum

To: Legislative Regulation Review Committee
From: Legislative Commissioners' Office
Committee Meeting Date: June 26, 2012

Regulation No:	2012-16
Agency:	Department of Motor Vehicles
Subject Matter:	Issuance of Driver's License with Restrictions
Statutory Authority: (copy attached)	14-36a

	Yes or No
Mandatory	N
Federal Requirement	Y
Permissive	Y

For the Committee's Information:

Substantive Concerns:

On page 1, "K" restricts the licensee to the operation of commercial motor vehicles within the state "in accordance with the provisions of subsection (b) of section 14-44e" of the general statutes. Public Act 07-167 amended said section 14-44e by removing the provision allowing such operation within the state. It is therefore unclear what a "K" restriction currently means.

Technical Corrections:

1. On page 1, in "B" and "D", and on page 2 in "U", the phrase "such licensee is" should be inserted before "using", for clarity.
2. On page 1, in "C", "E" and "F", the phrase "such motor vehicles" should be inserted before "equipped", for clarity.
3. On page 2, in "V", the semi-colon after "391.64" should be an underlined comma and an underlined comma should be inserted after "383.153(e)", for proper form. It also appears that the reference to "383.153(e)" should be changed to "383.153(g)" for accuracy, as subsection (g) contains the grandfather provision.
4. On page 2, in "W", "and/or" should be changed to "or", for proper form.

Recommendation:

<p>Approval in whole with technical corrections with deletions with substitute pages Disapproval in whole or in part X Rejection without prejudice</p>

Reviewed by: Anne Brennan Carroll / Richard Hanratty

Date: June 4, 2012

Sec. 14-36a. *(See end of section for amended version of subsection (c) and effective date.) Classification of operators' licenses. Violation. Penalty. (a) A commercial driver's license issued in accordance with section 14-44c shall be designated as class A, B or C, in accordance with the provisions of subsection (b) of section 14-44d. All other operators' licenses shall be designated as class D. A license of any class that also authorizes the operation of a motorcycle shall contain the designation "M". A license of any class that contains the designation "Q" indicates eligibility to operate fire apparatus.

(b) A commercial driver's license which contains the endorsement "S" evidences that the holder meets the requirements of section 14-44 to operate a school bus or any vehicle described in subsection (c) of this section. A commercial driver's license may contain any of the following additional endorsements:

"P"- authorizes the operation of commercial motor vehicles designed to carry passengers;

"H"- authorizes the operation of vehicles transporting hazardous materials;

"N"- authorizes the operation of tank vehicles;

"X"- authorizes both hazardous materials and tank vehicles; and

"T"- authorizes the operation of vehicles with up to three trailing, nonpower units.

The commissioner may establish one or more restrictions on commercial driver's licenses of any class, in regulations adopted in accordance with the provisions of chapter 54. Subject to the provisions of subsection (b) of section 14-44d, a commercial driver's license of any class authorizes the holder of such license to operate any motor vehicle that may be operated by the holder of a class D operator's license.

*(c) A commercial driver's license or a class D license that contains either of the following endorsements evidences that the holder meets the requirements of section 14-44:

"V"- authorizes the transportation of passengers in a student transportation vehicle, as defined in section 14-212, or any vehicle that requires an "F" endorsement;

"A"- authorizes the transportation of passengers in an activity vehicle, as defined in section 14-1, or any vehicle that requires an "F" endorsement; and

"F"- authorizes the transportation of passengers in a taxicab, motor vehicle in livery service, service bus or motor bus.

The commissioner may establish one or more endorsements or restrictions on class D

licenses, in accordance with regulations adopted in accordance with the provisions of chapter 54.

(d) No person shall operate a motor vehicle in violation of the classification of the license issued to such person.

(e) No employer shall knowingly require or permit an employee who is acting within the scope of such employee's employment to operate a motor vehicle in violation of the classification of such employee's license.

(f) Any person who violates any provision of subsection (d) of this section shall, for a first offense, be deemed to have committed an infraction and be fined fifty dollars and, for a subsequent offense, shall be fined not more than one hundred dollars or imprisoned not more than thirty days, or both. Any employer who violates subsection (e) of this section shall be subject to a civil penalty of not more than one thousand dollars for a first violation and not more than two thousand five hundred dollars for a second or subsequent violation.

(g) The revocation, suspension or withdrawal of, or refusal to issue or renew an "S" endorsement, or any endorsement described in subsection (c) of this section, shall prohibit the licensee from operating any public service passenger vehicle for which a passenger endorsement is required under this section. During the period of such revocation, suspension or withdrawal of, or after a refusal to issue or renew an "S" endorsement, or any endorsement described in subsection (c) of this section, the commissioner shall not issue any other passenger endorsement to such licensee.

***Note:** On and after July 1, 2012, subsection (c) of this section, as amended by section 34 of public act 10-110 and section 60 of public act 11-213, is to read as follows:

"(c) A commercial driver's license or a class D license that contains either of the following endorsements evidences that the holder meets the requirements of section 14-44:

"V"- authorizes the transportation of passengers in a student transportation vehicle, as defined in section 14-212, or any vehicle that requires an "F" endorsement; and

"F"- authorizes the transportation of passengers in a taxicab, motor vehicle in livery service, service bus or motor bus.

The commissioner may establish one or more endorsements or restrictions on class D licenses, in accordance with regulations adopted in accordance with the provisions of chapter 54."