

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 12-81—sHB 5164

Transportation Committee

Judiciary Committee

Finance, Revenue and Bonding Committee

**AN ACT CONCERNING REVISIONS TO THE MOTOR VEHICLE
LAWS**

SUMMARY: This act makes a number of changes in motor vehicle laws. Among other things, it:

1. replaces learner's permits with "instruction" permits, and requires people age 18 and older to obtain one before learning to drive on public roads (§§ 28, 36-42);
2. expands the circumstances in which wreckers can exceed statutory weight limits and increases the distances they may travel with certain disabled vehicles (§§ 50-51);
3. increases the application fee for people seeking to operate new taxi companies, requires that the applicants have at least three taxis, exempts taxis from child safety seat requirements, and makes other changes in laws affecting taxis (§§ 52-54);
4. authorizes the Department of Motor Vehicles (DMV) commissioner to issue a one-time, six-month extension of a driver's license or identity (ID) card when she needs more time to determine if the license or card holder qualifies for renewal (§4);
5. requires motor vehicle dealers to conduct safety inspections and repair defects of used motor vehicles they sell or, if they sell the vehicle "as is," provide buyers with appropriate documentation (§ 35);
6. requires the emergency services and public protection commissioner to complete state and national criminal history records checks of applicants for school bus and student transportation vehicle license endorsements within 60 days (§ 49);
7. requires police to submit to the 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 (§ 19);
8. restores a requirement that driver's license and ID card holders appear to have their photograph taken at every other license or card renewal (§ 4);
9. requires DMV to transmit certain information to the Selective Service System (§ 48);
10. requires the DMV commissioner to delay issuing a license for 90 days to people convicted for a second or subsequent time of driving without a

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- license (§ 28);
11. eliminates some criminal penalties for certain motor carrier violations (§ 32);
 12. allows the DMV commissioner to issue a six-month “courtesy” registration for motor vehicles for which adequate proof of ownership is pending (§ 21);
 13. increases, from \$65 to \$69, the fee for low number license plates (§14);
 14. continues the subcategory of, and corresponding operator’s license endorsement for, “activity vehicles” (§§ 25-26);
 15. requires the motor vehicles and correction commissioners to establish a procedure for prisoners to renew their licenses and ID cards without appearing in person (§ 20);
 16. eliminates the four-year noncommercial driver’s license (§§ 4 & 6); and
 17. requires DMV to study the Internet auction of license plates (§ 47).

The act also makes minor, conforming, and technical changes (§§ 27, 29, and 31), including correcting an apparent ambiguity in the statutes (§ 30), which are effective October 1, 2012.

EFFECTIVE DATE: Various (see below)

§ 1 — VEHICLES ELIGIBLE FOR REGISTRATION THROUGH DEALERSHIPS

The act 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 act allows these dealers to issue new registrations for such other types of vehicles as the commissioner determines.

EFFECTIVE DATE: July 1, 2012

§ 2 — 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 act requires the commissioner to impose a \$25 late fee to renew a registration if the dealer fails to renew it within five days after it expires.

EFFECTIVE DATE: October 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 vehicles or automotive equipment. Under the act, these registrations expire one year from the date they are issued and cannot be renewed. Under prior law, they expired annually on March 31 and could be renewed indefinitely.

EFFECTIVE DATE: October 1, 2012

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

The act 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 (1) she needs additional time to determine whether the individual qualifies for a renewal or (2) the license or card holder provides the commissioner with satisfactory documentation that he or she was out-of-state during the renewal period. A \$30 fee for this one-time extension is non-refundable.

The act restores a requirement, eliminated by PA 11-48, that license and ID card holders appear in person at every other license or card renewal to have their photograph taken.

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. Under prior law, most CDL holders disqualified for life could apply for reinstatement after 10 years if they had voluntarily enrolled in and successfully completed an alcohol and drug addiction treatment program specified by law. PA 11-48 and PA 11-51 eliminated the law concerning this program. The act instead requires that, to be considered for reinstatement, disqualified CDL holders must voluntarily enroll in, and successfully complete, (1) an addiction treatment program established and operated by the Department of Mental Health and Addiction Services, (2) a program operated through a licensed substance abuse treatment facility, or (3) an equivalent program offered in another state.

EFFECTIVE DATE: July 1, 2012

§§ 7 & 8 — DEALER & 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 act 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 to which the licensees are subject under existing law (CGS § 14-64).

EFFECTIVE DATE: October 1, 2012

§ 9 — AUTOMOBILE CLUB LICENSES

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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 act explicitly 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 corresponding changes to license and renewal fees.

EFFECTIVE DATE: October 1, 2012

§§ 10-12, 22-24, & 56 — ELIMINATING “INTERMEDIATE PROCESSORS”

The act eliminates the motor vehicle recycler subcategory of intermediate processors and laws pertaining to them (see BACKGROUND). Under prior law, an intermediate processor dismantled, crushed, or otherwise conditioned junk or abandoned motor vehicles or parts for delivery to a scrap metal processor, or for other legal disposal, but did not sell motor vehicle parts for reuse as parts. Prior law required the junk, abandoned motor vehicles, or parts, at the time of dismantling, crushing, or conditioning to be owned by or 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

§ 13 — 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 act eliminates some of the offenses that previously counted towards referral to the retraining program. These include illegally using a device to interfere with a traffic signal (e.g., a device allowing a vehicle to delay a traffic light turning red), failing to stop for a school crossing guard, and failing to exercise due care to avoid pedestrians.

EFFECTIVE DATE: July 1, 2012

§ 14 — INCREASING THE FEE FOR LOW NUMBER PLATES

The act 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 “1” to “500” for dealers’ plates). This fee is in addition to the regular two-year registration fee of \$80 and the \$10 Clean Air Act fee.

EFFECTIVE DATE: July 1, 2012

§§ 15, 17 & 18 — CERTIFICATES OF TITLE

The act renames “duplicate” certificates of title as “replacement” certificates of title.

EFFECTIVE DATE: January 1, 2013

§ 16 — ELECTRONIC TITLE RECORDS

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The law allows the commissioner to maintain an electronic title file to record and store evidence of a lien holder's security interest. Prior law required her to present or mail (1) most certificates of title to the first lien holder named in the certificate, if any, or to the owner, and (2) a certificate to the owner when the first lien holder's interest was satisfied and released, unless the commissioner had recorded another security interest.

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

EFFECTIVE DATE: July 1, 2012

§ 19 — 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 act 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 act 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 act also makes a conforming change.

EFFECTIVE DATE: July 1, 2012

§ 20 — PRISONER LICENSE AND ID CARD RENEWAL

Prior law required, starting October 1, 2012, that DMV, on a prisoner's written request, extend the expiration date of his or her driver's license for two years, or 30 days after he or she was released, whichever occurred first.

The act 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 having to appear in person. (The DMV commissioner may already do this for members of the armed forces, certain people temporarily living out-of-state, and others (CGS § 14-36d)). The prisoner must initiate the process in response to a renewal notice. The act 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

§ 21 — COURTESY REGISTRATIONS

The act allows the commissioner to issue a six-month "courtesy" registration

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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 a 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 permanent registration fee.

EFFECTIVE DATE: October 1, 2012

§§ 25 & 26 — ACTIVITY VEHICLES

The act continues the vehicle category of, and corresponding “A” license endorsement for, “activity vehicles,” which are vehicles used to transport students in connection with school-sponsored events and activities, but not to or from school. Under prior law, the activity vehicle category and endorsement were to be eliminated July 1, 2012.

EFFECTIVE DATE: July 1, 2012

§§ 27 -28 — PENALTY FOR DRIVING WITHOUT A LICENSE

The act requires the commissioner to suspend for 90 days the driving privileges of anyone convicted for a second or subsequent time of driving without a driver’s license. It prohibits the commissioner from issuing the offender a license until (1) this 90-day period expires and (2) the offender has satisfied all applicable license requirements. The act also makes technical and minor changes.

EFFECTIVE DATE: October 1, 2012

§ 30 — CLARIFYING AMBIGUOUS STATUTORY LANGUAGE

The law requires the commissioner to delay issuing a license to individuals under age 21 who commit certain offenses. The act eliminates certain ambiguities in the statute by, among other things, making it clear that these offenses include either buying or possessing alcohol (see BACKGROUND).

EFFECTIVE DATE: October 1, 2012

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

The act changes the penalties for violating laws prohibiting any (1) person or motor carrier from operating a commercial motor vehicle or combination of these vehicles (e.g., large trucks) 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

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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 prior law, a person who violated either (1) or (2) was guilty of an infraction for a first offense and faced a civil penalty of between \$1,000 and \$10,000 for subsequent offenses. Anyone who violated (3) faced (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 violated (3) could also be subject to the penalties for 2nd degree false statement (see BACKGROUND).

The act 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 also requires (1) an individual to knowingly make a false statement about an inspection or repairs to be guilty of that violation and (2) that such a person be charged with 2nd degree false statement in addition to being subject to the civil penalties. Prior law authorized, rather than required, the individual to be subject to the penalties for 2nd degree false statement.

EFFECTIVE DATE: Upon passage

§§ 33 & 34 — 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 act 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 act, 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. Under prior law, any reports or records that DMV, the commissioner, the board, or its members issued or received under the laws on the advisory board or the Board of Education and Services for the Blind were for the confidential use of the commissioner and the board in deciding whether an individual met the driver's license health standards. The act (1) expands the confidentiality requirement to include all reports or records received or issued by the department, commissioner, board, or its members in making such decisions and (2) imposes the same confidentiality requirements on reports or records issued or received by the BRS driver training program staff when making these decisions.

EFFECTIVE DATE: Upon passage

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§ 35 — USED VEHICLE SAFETY INSPECTIONS

The act 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 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 act 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 purchase 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 act 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 (1) negate or preempt any law concerning used car warranties or (2) apply to fees for any inspection or work performed under the terms of a lease buy-back.

By law, the commissioner may suspend or revoke a dealer’s license or impose a civil penalty of up to \$1,000 per violation for violations of laws or regulations pertaining to its business (CGS § 14-64).

EFFECTIVE DATE: October 1, 2012

§§ 28, 36-42 — REPLACING LEARNER’S PERMITS WITH INSTRUCTION PERMITS AND REQUIRING THEM FOR PEOPLE AGE 18 AND OVER

The law requires 16- and 17-year-olds learning to drive to obtain a learner’s permit before driving on a public road. The act imposes the same requirement on people age 18 or over and renames the permits for people this age as “adult instruction permits.” It accordingly renames traditional learner’s permits, CDL learner’s permits, and motorcycle training permits, “youth instruction permits,” “commercial driver’s instruction permits,” and “motorcycle instruction permits,” respectively, and makes conforming and technical changes. It imposes the \$19 fee for learner’s permits on adult and youth instruction permits.

Under prior law, a learner’s permit expired either when the holder received a driver’s license or when he or she turned 18, whichever was earlier. Under the act, the youth instruction permit also expires two years after it is issued, so that it now expires on the earliest of the three events.

Adult Instruction Permits

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The act 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 driving, the permit holder must have the permit in his or her immediate possession and, as under prior 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 act, 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 prior law, a person age 18 or older could not operate a motor vehicle without a driver's license if he or she had had a Connecticut driver's license suspended or revoked.

EFFECTIVE DATE: January 1, 2013, except for a provision changing CDL learner's permits to instruction permits, which is effective July 1, 2012, and a conforming change, which is effective October 1, 2012.

§ 43 — INSTRUCTOR AND MASTER INSTRUCTOR LICENSES

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

EFFECTIVE DATE: October 1, 2012

§ 44 — WRECKER RECORDS

The law requires owners of registered wreckers to maintain various records. The act 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

§ 45 — EMISSIONS TEST LATE FEE

Prior law required the commissioner to waive the emissions test \$20 late fee when a vehicle changed ownership after its assigned emissions inspection or reinspection period expired and the new owner had it inspected within 30 days of registering it. The act 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

§ 46 — DRIVING SCHOOL RENEWAL FEES

Under prior law, the annual fee to renew a license to operate a driving school was \$350 and the annual renewal fee for each of the operator's additional places

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of business was \$88. The act makes these fees biennial, rather than annual, and adjusts them accordingly. It increases the late fee from \$350 to \$700.

EFFECTIVE DATE: October 1, 2012

§ 47 — INTERNET AUCTION OF LICENSE PLATES

The act requires DMV to study, and recommend ways to develop, a program to sell certain number plates by Internet auction. Its recommendations must address (1) establishing procedures for people to buy and sell the plates, (2) transferring plates, (3) issuing new registrations, and (4) charging for participation in the program. DMV must report its findings and recommendations to the Transportation Committee by January 15, 2014.

EFFECTIVE DATE: Upon passage

§ 48 — TRANSMITTAL OF INFORMATION TO THE SELECTIVE SERVICE SYSTEM

The act deems that any person younger than age 26 who is required to register with the Selective Service System (system) consents, when applying for or renewing a driver's license, CDL, instruction permit (previously a learner's permit), or ID card, to DMV transmitting information necessary for such registration to the system. It requires the (1) DMV license and renewal applications to state that they constitute such consent and (2) commissioner to electronically transmit the necessary information to the system on receipt of the application. It authorizes the commissioner to accept payment from the system for the costs of implementing this provision.

EFFECTIVE DATE: July 1, 2013

§ 49 — CRIMINAL HISTORY RECORD CHECKS FOR SCHOOL BUS AND STUDENT TRANSPORTATION VEHICLE DRIVERS

By law, people applying for a license endorsement to drive school buses or student transportation vehicles must submit to checks of (1) state and national criminal history records and (2) the state child abuse and neglect registry. The act requires the emergency services and public protection commissioner to complete the state and national criminal history records check within 60 days of receiving a request for one. It also makes conforming changes.

EFFECTIVE DATE: July 1, 2012

§§ 50 & 51 — WRECKERS

Federal law generally establishes a weight limit of 80,000 pounds for vehicles using the national highway system, but allows states to issue special permits for certain overweight vehicles. State and federal law establish limits on a vehicle's gross (total) weight and the weight on any single axle.

The act expands the circumstances in which a wrecker can tow overweight vehicles from a highway, eliminates certain restrictions on where the vehicles can be towed, and specifies that the law applies to both divisible and nondivisible

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loads (see BACKGROUND). It allows wreckers to tow a vehicle or combination of vehicles that exceed (1) state axle weight limits (the law already allows tows that exceed vehicle gross combination weight limits) and (2) federal bridge formula requirements (see BACKGROUND).

Prior law established certain conditions under which a wrecker with an annual Department of Transportation (DOT) permit could tow or haul a vehicle or combination of vehicles from a highway when the combined gross weight of the wrecker and towed vehicle exceeded legal limits. A wrecker could exceed these limits if the towed vehicle (1) was in an accident, (2) became disabled and remained within the highway limits, or (3) was being towed to the nearest licensed repair facility or its truck terminal at the direction of a traffic or law enforcement authority.

Under the act, a wrecker with an annual permit (which the act calls an annual wrecker towing or transporting permit) may instead exceed these limits or requirements when towing from a highway if the towed vehicle (1) was in an accident; (2) became disabled and remains where it became disabled, instead of within the highway limits; or (3) is being towed or hauled at the direction of a traffic or law enforcement authority to any place, instead of to the nearest licensed repair facility or the trucking firm's terminal. It is not clear how the act comports with federal law or regulations (see, for example, 23 CFR 658.5 and 658.17(h) and 49 CFR 390.23(a)(3)), which are more restrictive).

The act also allows wreckers to tow or haul a vehicle or combination of vehicles (either divisible or nondivisible loads) regardless of the limits on length or distance in CGS § 14-262. (Under prior law, which did not refer to divisible or nondivisible loads, wreckers could already tow without regard to that statute's length limitations.) CGS § 14-262 allows vehicles up to certain maximum lengths to operate on (1) certain specified U.S. and state routes, interstates, and highways and (2) state and local roads for up to one mile from the specified routes and highways, for access to (a) terminals; (b) facilities for food, fuel, repair and rest; and (c) points of loading and unloading.

Under prior law, all towing operations, besides those meeting the above conditions for an annual permit, in which towed vehicles or loads exceeded statutory weight limits had to obtain a DOT single-trip permit. (By regulation, a single-trip permit is valid for three days and for one trip between designated points.) The act requires any towing operation greater than 160,000 pounds and in excess of axle, gross combination vehicle weight, or federal bridge formula requirements, to obtain both an annual and a single-trip permit. By law, a violation is an infraction. The act does not address the permits required for towing operations of between 80,000 and 160,000 pounds.

By law, the transportation commissioner must adopt regulations setting standards for permits for overweight vehicles with divisible or nondivisible loads. The act requires the regulations to provide for a "wrecker towing or transporting emergency permit." It is not clear if this permit is the same as the annual wrecker towing or transporting permit under the act, or whether the act's provisions allowing wreckers to exceed the various weight limits apply to vehicles operating under this emergency permit.

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A wrecker with such an emergency permit must comply with highway, bridge, and speed limits set by the DOT commissioner. Under the act, the annual fee for this emergency permit is \$125 for a wrecker with a manufacturer's gross vehicle weight rating (GVWR) of 26,000 pounds or less, and \$250 for wreckers with a GVWR of at least 26,001 pounds. (But PA 12-132, effective July 1, 2012, eliminates the annual fees of \$125 and \$250, thus apparently allowing the commissioner to determine the rates.) By law, the fee for the existing annual permit for vehicles transporting divisible loads or overweight, oversize, or oversize-overweight indivisible loads, is \$7 per 1,000 pounds or fraction thereof; the annual fee for a vehicle transporting an oversize indivisible load must be at least \$500.

EFFECTIVE DATE: Upon passage

§§ 52-54 — TAXI INDUSTRY

By law, people, associations, limited liability companies, and corporations seeking to operate a new taxi company must obtain a DOT certificate that public convenience and necessity require the operation of taxis in a specific territory. The act increases the application fee for such a certificate, from \$88 to \$2,000, and requires new applicants to operate at least three taxis.

It makes it a class A misdemeanor (see Table On Penalties) for anyone to (1) operate a taxi without obtaining either the DOT certificate or authority to drive a taxi from a certificate holder or (2) allow an unauthorized person to drive a taxi under his or her control.

The act allows DOT to impose a civil penalty of up to \$100 a day per violation on a taxi driver who violates laws or regulations pertaining to taxi fares, service, operation, or equipment. Prior law allowed imposition of this penalty on any person or an officer of any association, limited liability company, or corporation that violated these laws or regulations.

The act also (1) exempts taxis from the requirement that people who transport children of certain ages and sizes in motor vehicles use child restraint systems and (2) increases the fee to sell or transfer a taxi certificate from \$88 to \$1,000.

The act also eliminates a law barring DOT from considering the number of unregistered taxis as a reason to deny a request for additional taxis in a particular territory.

EFFECTIVE DATE: October 1, 2012, except for the provision making certain violations a class A misdemeanor, which is effective on passage.

§ 55 — TRANSPORTING MOBILE HOMES, MODULAR HOMES, HOUSE TRAILERS, OR SECTIONAL HOUSES

The act authorizes the DOT commissioner to grant a permit for vehicles transporting mobile homes, modular homes, house trailers, or sectional houses. He must adopt regulations to prescribe standards for issuing the permits. (The law, (CGS § 14-262b) already requires him to establish a program to issue permits, and adopt regulations, for the operation or towing of certain mobile homes on highways and bridges.) Under the act, the standards must require that:

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1. the towing vehicle have a minimum manufacturer's gross weight rating of 10,000 pounds and dual wheels on the drive axle;
2. these vehicles travel only during daylight hours, weekdays, and favorable weather and road conditions;
3. vehicles wider than 12 feet be limited to traveling between 9 a.m. and 4 p.m., Tuesdays through Thursdays;
4. the maximum width of house trailers, including all roof overhangs, sills, knobs, and siding be 14 feet;
5. a safe passing distance be maintained between vehicles when the overall width is greater than 10 feet; and
6. the combined length of the unit when attached to the towing vehicle not exceed 85 feet except that 90 feet is permitted when the towed unit does not exceed 66 feet in length excluding the hitch and roof overhang.

Anyone who violates the provisions of any such permit, or fails to obtain such a permit, is subject to the applicable penalties for exceeding state motor vehicle size and weight limitations. The act does not specify a fee for the permit.

EFFECTIVE DATE: October 1, 2012

§ 57 — REPEALING A LAW ON CERTAIN LANDSCAPING VEHICLES

The act 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 (§§ 10-12, 22-24 & 56)

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

Administrative Per Se (§ 19)

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 independently of the procedures for prosecuting the accused.

Delaying License Issuance for People Under Age 21 (§ 30)

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.

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Second-Degree False Statement (§§ 32 & 35)

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” (§ 35)

By law, a dealer may sell a used motor vehicle “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).

Divisible and Indivisible (or Nondivisible) Loads (§§ 50 & 51)

An indivisible load is one that cannot be dismantled, disassembled or loaded to meet legal size or weight limits (e.g., a bridge beam); a divisible load includes bulk material and raw products that can be reduced in size or weight to meet these size or weight limits (e.g., sand, gravel, or asphalt) (Conn. Agencies Reg. § 14-270-1 (b) & (h)).

Federal Bridge Formula (§§ 50 & 51)

The federal bridge formula determines the maximum allowable weight for a vehicle based on the number of axles and the distance between axle groups (PA 80-71).

Weight Limits (§§ 50 & 51)

By law, the axle weight on any axle and the gross weight of any vehicle or combination of vehicle and trailer or vehicle and semitrailer or any other object, including its load, may not exceed the lesser of the manufacturer’s axle weight rating, the manufacturer’s GVWR, or specific axle and gross weight limits (CGS § 14-267a). In most cases, the law also provides an alternative for calculating the maximum allowable gross weight by means of the federal bridge formula.

Related Act

PA 12-2, June 12 Special Session, doubles, from one to two years, the duration of a license to operate a driving school, and correspondingly adjusts the initial license fee from \$350 to \$700 and the fee for each additional place of business from \$88 to \$176.

OLR Tracking: PF:RP:VR:dy:eh:tjo