



STATE OF CONNECTICUT

DEPARTMENT OF MOTOR VEHICLES

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Testimony of Department of Motor Vehicles Commissioner Melody A. Currey Transportation Committee Public Hearing March 8, 2013

H.B. No. 6495 (RAISED) AN ACT CONCERNING REVISIONS TO THE MOTOR VEHICLE STATUTES. (Bill requested by the Department)

Good morning Senator Maynard, Representative Guerrero, Senator Boucher, Representative Scribner and other members of the Transportation Committee.

I am pleased to be here today to testify in support of HB 6495, AN ACT CONCERNING REVISIONS TO THE MOTOR VEHICLE STATUTES. This legislation deals with a variety of issues regarding the administration of motor vehicle laws and recommends several technical changes to existing laws. As the Commissioner of the Department of Motor Vehicles, I am pleased to say that the Department is continuing to improve customer service, increase efficiencies within existing resources, and improve the safety of the state's motoring public.

I will provide a summary of some of the sections of the bill rather than provide a detailed section by section review.

Technical/Clarification Changes – Sections 3 and 41 – Section 3 modifies one component of the definition of a "motor-driven cycle" (moped). The definition of a motor-driven cycle is changed to a cycle having a capacity of less than 50 cubic centimeters rather than the current definition of producing five (5) brake horsepower or less. This proposed change will assist law enforcement and ease DMV registration and inspection activities. Currently there is no easy way to verify brake horse power while the cubic centimeters (CCs) are typically marked on the engine's data plate.

Section 41 would change the biennial registration expiration date for snowmobiles and ATVs from March 31 to two years from the registration date of the snowmobile or ATV.

Customer Related Improvements and Efficiencies – Sections 15 and 21– These sections would help improve efficiencies for DMV operations and its customers.

Section 15 would assist active members of the military by allowing the DMV Commissioner to waive the examination for motorcycle endorsement applicants who are active members of the military stationed out of state or country as long as they have successfully completed an approved Motorcycle Safety Foundation course. DMV regularly receives inquiries on this issue from active military members and this would accommodate those who are out of state.

Section 21 would change the electric vehicle registration period to every other year rather than annually and adjust the fee accordingly from \$18 per year to \$36 biennially.

Regulated Businesses-Sections 23, 24, 25, 26, 29, 30 – Section 23 prohibits a licensed dealer (other than an auction dealer under section 14-65) from selling a car on consignment or as a broker for another person. This is to prevent retail customers from purchasing vehicles displayed on a dealer lot that they believe are being sold by that licensed dealer, but actually are being sold by a third party. This section also further defines who may recover under a dealer bond. Section 24 clarifies language regarding the use of dealer plates and defines "part-time employee." Section 25 strengthens the provisions related to used car safety inspections, and it prohibits a dealer from delivering a used car to a customer if the customer has not received approval for financing or otherwise paid in full for the vehicle. Section 26 would provide the DMV Commissioner discretionary authority rather than mandatory authority to mediate complaints against dealers in cases where the DMV does not have jurisdiction. Currently, DMV is mediating complaints in which there may be no violation of law by the dealer. Using resources for this detracts from efforts that should be made on behalf of customers whose cases are the result of dealer violations.

Section 29 would change the duration of the driving school license from annual to biennial and adjust the fee accordingly from \$350 to \$700. The section also clarifies that a driving school is charged half of the total fee (\$88) for opening a new location if there is less than one year remaining on the term of the license. Section 30 would remove a requirement that a driving school instructor's license remain valid solely for the school specified and would allow the instructor to teach at any properly licensed driving school. It would also allow an instructor who fails a test to be retested after five days instead of one month.

Licensing and Related – Sections 13, 16, 17, 18, 22, 54 – Section 13 would give the Commissioner the option of using a non-color photograph on an operator's license or identity card in the future. Virginia issues a non-color photo license and New York will soon utilize a non-color photo license. Color images will continue to be maintained internally in DMV records.

Sections 16, 17, 18 and 22 adjust driver's license fees in accordance with the changes made in 2011 and makes them uniform. Section 16 eliminates the yearly rate for driver's licenses that are issued for a period longer than six years and therefore the fee for a new license will be \$72.00 for all applicants. It also would allow automobile clubs like AAA to charge a \$3 convenience fee instead of a \$2 fee for license and related transactions. Section 17 would make the fee for a two year license for a person over age 65 proportionate to the original license fee of \$72.00 (changed in 2011) and the renewal fee of \$72.00 (for six years.) Section 18 would adjust the renewal fee for a four year CDL to \$70.00. This corresponds to a change that was made in 2011 to the original license fee for CDL which went to \$17.50 per year. Section 22 would change the driver's license renewal fee from \$65 to \$72 for the six year renewal period. The fee for issuing an original driver's license was increased in 2011 from \$66 to \$72 and this corresponds with that increase, establishing uniform fees for licenses.

Section 54 relates to the passage in 2012 of the Adult Instruction Permit requirement applicable to people over eighteen years of age. This would codify that a person over the age of eighteen is required to hold the permit for at least 90 days prior to obtaining a driver's license.

Towing of Vehicles – Section 28 – This section provides additional towing exceptions for legitimate businesses that are engaged in contract towing (consensual towing performed under contract with another business such as an auction or a recycler) for which they use

commercial plates. The exceptions would also include commercial vehicles that engage in the interstate hauling of vehicles. This section also adds a penalty provision for violating this section. In 2010, the General Assembly made changes to this towing statute to limit all towing in the state to dealers with licensed wreckers. As a result of that change, DMV received numerous complaints from several legitimate businesses.

Registrations – Section 9 – Section 9 would phase out "year of manufacture" plates for antique, rare or special interest motor vehicles. These plates have become more problematic for law enforcement and DMV because the user is allowed to display a plate (that was in use in the year the vehicle was manufactured) that does not reflect the actual registration number of the vehicle. DMV has received complaints from police officers who are not able to determine the registration number of the vehicle unless they make a motor vehicle stop. In certain cases, the "year of manufacture" number on the plate being displayed actually has been issued to another vehicle with an active plate. Also, year of manufacture plates are being produced and sold on the internet, which was not the case when this provision took effect. In the proposed legislation, such plates that are currently on a vehicle may continue to be displayed during the vehicle's current registration cycle.

Compliance with Federal Law and Other – Sections 6, 14, 19, 20, 46, 47, 55, 56 and 57 - Section 6 would place Connecticut in compliance with recently enacted federal law (49 CFR Section 384.228) that requires all DMV employees who perform Commercial Driver License (CDL) knowledge and skills testing to obtain an annual criminal background check. The compliance deadline is 7-8-2014.

Section 14 would broaden the definition of a special operator's permit for "education" to include private occupational schools, such as trade schools, and other institutions of higher education to be eligible for a special operator permit to drive to school while his/her driver's license is under suspension. This proposal would allow individuals enrolled in trade schools, to be eligible as well as those enrolled in a two-year or four-year accredited institution of higher education.

Sections 19 and 20 would also place Connecticut in compliance with federal law. The Federal Motor Carrier Safety Administration (FMCSA) recently amended the Commercial Driver's License Testing and Commercial Learner's Permit Standards. This clarifies that commercial learner's permit holders are subject to the disqualification criteria that are applicable to those who hold a CDL.

Sections 46 and 47 are resubmittals from previous years. Section 46 is required by the Federal Motor Carrier Safety Administration (FMCSA) CDL program audit to prohibit commercial driver's license holders or commercial motor vehicle operators from participating in the pre-trial accelerated rehabilitation program for serious traffic violations. Connecticut was found not to be in compliance with 49 C.F.R. §384.226 due to the "masking" of these convictions through the use of diversionary programs, and has been cautioned about the loss of federal funds. Section 47 is required by FMCSA CDL program audit to prohibit commercial driver's license holders from participation in the pre-trial alcohol education program for a first DUI while operating any motor vehicle. Connecticut was found not to be in compliance with 49 C.F.R. §384.226 due to "masking" of these convictions through the use of diversionary programs, and has been cautioned about the loss of federal funds. Connecticut has been warned that federal funding may be in serious jeopardy if we remain non-compliant.

Sections 55, 56 and 57 deal with federal law and repeat OUI offenders. Connecticut is now authorized by federal law (MAP 21) to establish the limitations to be imposed on ignition interlock devices (IIDs) for offenders with second OUI convictions. Previously, such persons were allowed only to drive back and forth to work, school, an alcohol and drug abuse treatment program or an IID service center. Connecticut is adding probation appointments to the acceptable places that a repeat offender may operate with an IID.

Thank you for the opportunity to testify in support of one of the Department's legislative initiatives. I would be happy to try to answer any questions.