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## **OLR Bill Analysis**

### **HB 6033 (as amended by House "A")\***

#### ***AN ACT CONCERNING MOTOR VEHICLE INSURANCE PROVIDERS AND DISTRACTED DRIVING.***

#### **SUMMARY:**

This bill makes a number of changes to the motor vehicle laws, including:

1. increasing the fines for using a hand-held cell phone or other electronic device while driving, creating a task force to study prevention of distracted driving, and making other changes to the cell phone law (§§ 2, 37, & 60);
2. increasing driver's license renewal fees and changing other motor vehicle fees (§§ 15-17, 20-21);
3. requiring background checks of certain Department of Motor Vehicles (DMV) employees (§ 6);
4. allowing certain people convicted of driving under the influence of alcohol (DUI) to drive to probation appointments in the first year of driving only cars equipped with ignition interlock devices (§§ 51-53);
5. barring the motor vehicles commissioner from registering all-terrain vehicles (ATVs) and vessels of delinquent taxpayers (§§ 9-10);
6. criminalizing some offenses committed by motor vehicle repair shops and making other offenses an infraction (§§ 45-49);
7. waiving the motorcycle endorsement written test for certain servicemen and women (§ 14);
8. modifying what is considered a motor-driven cycle and

- requiring operators of these vehicles to wear eye protection (§§ 3, 34, & 36);
9. modifying laws exempting certain tow truck companies (e.g., those towing interstate for hire) from state licensing, registration, and equipment laws (§ 26);
  10. making driving instructor licenses valid for use at any licensed driving school, rather than only at the school where the instructor works (§ 28);
  11. expanding the types of vehicles that must stop at state weigh stations (§ 32);
  12. prohibiting the DMV commissioner, with certain exceptions, from issuing a driver's license to people age 18 and older who hold an adult instruction permit unless they have held it for at least 90 days (§ 50);
  13. allowing sworn motor vehicle operators to administer oaths and serve search warrants (§§ 1, 42);
  14. prohibiting commercial driver's license (CDL) holders from taking part in certain pre-trial programs (§§ 43-44);
  15. changing other laws affecting CDL holders, including specifying who can issue "out-of-service" orders to truck drivers, and applying certain penalties to all CDL holders when a violation occurs, regardless of the type of vehicle they were driving (§§ 4-5, 37);
  16. modifying laws concerning driver's license photos and special operator permits (§§ 12-13); and
  17. allowing motor vehicle associations to charge \$3, rather than \$2, for motor vehicle transactions (§ 15).

It also makes other changes affecting CDL holders, garages, and wreckers.

\*House Amendment "A" adds a number of provisions relating to the motor vehicles laws to the underlying bill, which increases fines for violating the ban on using a cell phone while driving, and makes other changes to cell phone laws. Among other things, the amendment raises certain fees and modifies laws affecting CDL holders, tow truck operators, driver's license applicants, motor vehicle inspectors and other DMV employees, and certain people convicted of DUI.

EFFECTIVE DATE: Various, see below.

### **§§ 1 & 42 — POWERS OF MOTOR VEHICLE INSPECTORS**

The bill allows sworn DMV motor vehicle inspectors to administer oaths and serve search warrants when discharging their duties according to law.

EFFECTIVE DATE: July 1, 2013

### **§§ 2, 37, & 60 — INCREASING FINES AND OTHER CHANGES TO THE LAW BANNING THE USE OF CELL PHONES AND OTHER ELECTRONIC DEVICES WHILE DRIVING**

The bill increases the fines for violating the ban on driving while operating a cell phone, texting, or engaging in any activity that interferes with a vehicle's safe operation, as shown in Table 1.

**Table 1: Fines for Violating the Law**

<i>Offense</i>	<i>Fine Under Current Law</i>	<i>Fine Under the Bill</i>
First	\$125	\$150
Second	\$250	\$300
Third and Subsequent	\$400	\$500

The bill requires that the record of such a violation appear in the violator's driving history or motor vehicle record and be made available to motor vehicle insurers. By law, motor vehicle insurers have access to motor vehicle records and personal information in

connection with the investigation of claims arising under insurance policies, antifraud activities, rating, or underwriting (CGS § 14-10(d) and (f)(2)(E)).

It also requires the DMV commissioner to assess at least one point on the motor vehicle record of a driver who violates the law banning drivers from using a cell phone, texting, or engaging in any activity that interferes with a vehicle's safe operation.

***Distracted Driving Task Force***

The bill creates a task force to:

1. evaluate the effectiveness of existing distracted driving laws;
2. examine enforcement of those laws;
3. consider distracted driving measures taken by the federal government and other states; and
4. make recommendations, including legislation, to prevent distracted driving in the state.

It must report to the Transportation Committee by January 1, 2014 and terminates on that date or when it submits its report, whichever is later.

The task force has 12 members, including the commissioners of motor vehicles and transportation, or their designees, and the chairs and ranking members of the Transportation Committee. The six legislative leaders each appoint one member, and these appointees can be legislators.

Appointments must be made within 30 days of the bill's passage. Any vacancy must be filled by the appointing authority.

The House speaker and Senate president pro tempore must select the task force chairpersons from among task force members. (The bill does not specify the number of chairpersons.) The chairpersons must hold the task force's first meeting within 60 days after the bill's

passage. The task force is staffed by the Transportation Committee's administrative staff.

EFFECTIVE DATE: October 1, 2013, except the task force provision is effective upon passage.

### **§§ 3 & 34 — MOTOR-DRIVEN CYCLES**

The bill classifies a “motor-driven cycle” as a (1) motorcycle, (2) motor scooter, or (3) bicycle with an attached motor, where the motor has a piston displacement of less than 50 cubic centimeters. Under current law, motor-driven cycles are any of these vehicles whose motors produce five or less brake horsepower. As under current law, motor-driven cycles must have a seat at least 26 inches high. Motor-driven cycles are subject to laws restricting their use on highways, among other things.

EFFECTIVE DATE: July 1, 2013

### **§ 4 — OUT-OF-SERVICE ORDERS**

The bill requires an “out-of-service” order (a temporary prohibition against driving a vehicle subject to Federal Motor Carrier Safety Administration (FMCSA) regulations) to be issued by a person with DMV inspection authority. By regulation, people with inspection authority include motor vehicle inspectors and state and municipal police officers who have satisfactorily completed 40 hours of on-the-job training and a course in FMCSA regulations, safety inspection procedures, and out-of-service criteria (Conn. Agency Regs. § 14-163c-9). Current law authorizes police and motor vehicle inspectors to inspect commercial motor vehicles, but does not require that they have specific training or education. By law, authorized FMCSA officials can also issue out-of-service orders.

The bill increases the types of motor vehicles subject to out-of-service orders to include those:

1. weighing 18,001 or more pounds in intrastate commerce;
2. weighing 10,001 or more pounds in interstate commerce;

3. carrying more than eight passengers, including the driver, for compensation;
4. carrying more than 15 passengers, including the driver, not for compensation; or
5. used to transport certain hazardous waste.

Current law authorizes police and motor vehicle inspectors to issue out-of-service orders to prevent “commercial motor vehicles” from operating on highways. By law, commercial motor vehicles are vehicles:

1. with a gross vehicle or combination weight rating of at least 26,001 pounds, including a towed unit or units with a gross vehicle weight rating of at least 10,000 pounds;
2. designed to transport at least 16 passengers, including the driver;
3. designed to transport more than 10 passengers, including the driver, and brings students under age 21 to and from school; or
4. that transport certain hazardous materials.

The bill therefore adds to the vehicles subject to out-of-service orders those vehicles (1) weighing between 18,001 and 26,000 pounds in intrastate commerce, (2) weighing between 10,001 and 26,000 pounds in interstate commerce, (3) carrying between eight and 15 passengers for compensation. It appears to preclude placing out-of-service a vehicle carrying more than 10 but fewer than 15 students younger than age 21 to and from school.

EFFECTIVE DATE: July 1, 2013

### **§§ 5 & 37 — SERIOUS TRAFFIC VIOLATIONS**

By law, certain offenses are considered “serious traffic violations,” the conviction of two or more of which disqualifies a CDL holder from operating a commercial motor vehicle (e.g., large truck) for specified

periods of time (CGS § 14-44k (f)).

Under current law, the driver of a commercial vehicle commits a serious traffic violation if he or she violates a highway traffic law and causes the death of another person. The bill broadens the category of people for whom this is a serious traffic violation to include drivers who hold a CDL or commercial driver's instruction permit at the time of the violation that caused the death, regardless of whether they were driving a commercial vehicle at the time.

The bill (1) prohibits people from using a hand-held cell phone or other electronic device for any purpose while driving a commercial motor vehicle and (2) adds this violation to those offenses considered a serious traffic violation. But it allows commercial motor vehicle operators to use a hand-held cell phone or other electronic device in an emergency. By law, typing, reading, or sending a text message from a cell phone or electronic device while driving a commercial motor vehicle is prohibited, except in an emergency, and is a serious traffic violation.

EFFECTIVE DATE: July 1, 2013, except for the provision barring drivers from using a hand-held cell phone or other electronic device while driving a commercial motor vehicle, which is effective October 1, 2013.

## **§ 6 — BACKGROUND CHECKS OF CERTAIN DMV EMPLOYEES**

The bill complies with federal regulations (49 CFR 384.228) by requiring anyone who is to administer a DMV knowledge or skills test to CDL applicants to undergo a national criminal background check before DMV certifies them to give such tests. The background checks must include name- and fingerprint-based criminal history checks of federal and state records. DMV must (1) keep a record of the background checks and (2) not certify any such examiner convicted of (a) a felony in the previous 10 years or (b) any crime involving fraud. The bill does not specify for how long DMV must retain the records.

EFFECTIVE DATE: October 1, 2013

**§§ 7 & 39-40 — INSURANCE INFORMATION**

The bill requires insurers offering passenger car insurance to include on annual and temporary insurance identification cards the company code number assigned to the insurer by the National Association of Insurance Commissioners. As under current law, the cards must be issued in duplicate. It bars the commissioner from issuing a motor vehicle registration for a passenger vehicle or vehicle with commercial registration unless the registration application includes a current insurance identification card containing this code number.

EFFECTIVE DATE: October 1, 2013

**§ 8 — LEASE OR RENTAL COMPANY PROOF OF MOTOR VEHICLE INSURANCE**

The bill requires that people, firms, and corporations that lease or rent motor vehicles furnish to DMV proof that their insurance covers all the vehicles they own, regardless of for how long they lease or rent them. Under current law, the licensee may furnish proof of insurance separately for each vehicle or each group of vehicles leased to a single lessee.

EFFECTIVE DATE: July 1, 2013

**§§ 9-10 — REGISTERING VEHICLES OF DELINQUENT TAXPAYERS**

By law, municipal tax collectors must notify DMV when the property tax on a registered motor vehicle or snowmobile is unpaid. DMV cannot register the motor vehicle or snowmobile, or any other motor vehicle or snowmobile belonging to the delinquent taxpayer, until the tax obligation has been met. Under current law, in certain cases (e.g., paying delinquent taxes on a motor vehicle or snowmobile with a check that bounced) the commissioner also may suspend all motor vehicle or snowmobile registrations in the delinquent taxpayer's name.

The bill additionally bars the commissioner from registering any ATV or vessel belonging to the delinquent taxpayer. It allows the

commissioner to cancel, as well as suspend, all motor vehicle and snowmobile registrations in the delinquent taxpayer's name in certain cases and similarly allows her to suspend or cancel any ATV or vessel registrations in the taxpayer's name in those cases.

***Notification Procedures***

The bill modifies procedures tax collectors use to notify DMV of payment of a delinquent tax. Under current law, the tax collector must send the commissioner a receipt showing the tax has been paid, or other such evidence. The bill eliminates the requirement that a tax collector furnish evidence the tax has been paid, requiring only that the tax collector notify the commissioner that the tax obligation has been legally discharged.

The bill also requires tax collectors to notify the commissioner according to guidelines and procedures, rather than listings and schedules of dates, the commissioner establishes. It eliminates a requirement that the notification of delinquency be on forms the commissioner prescribes and furnishes, specifying certain information. It also eliminates a requirement that, when notifying the commissioner that a taxpayer is no longer delinquent, the tax collector include the name, address, and registration number to be removed from the motor vehicle delinquent tax list, instead requiring the tax collector to notify the commissioner according to the commissioner's guidelines and procedures.

***Leasing or Rental Firms***

Current law allows the commissioner to continue to register vehicles, other than one on which a leasing or rental firm has not paid property taxes, if she is satisfied that the firm has arranged to pay the taxes it owes. The bill allows her to continue to register other vehicles for such a firm regardless of whether such arrangements have been made.

EFFECTIVE DATE: October 1, 2013

**§ 11 — “Q” ENDORSEMENT TO DRIVE FIRE APPARATUS**

By law, a “Q” designation on a driver’s license indicates that the license holder may operate a fire apparatus. DMV regulations require that anyone seeking such a designation, as authorized by the chief of the fire department, demonstrate to the commissioner or her designee that he or she has the skills necessary to drive a fire apparatus, including vehicles weighing more than 26,001 pounds (Conn. Agency Regs. § 14-36a-1).

The bill requires the holder of a Q endorsement to be trained to operate a fire apparatus according to Commission on Fire Prevention and Control standards. DMV cannot issue a Q endorsement until the applicant demonstrates personally to the commissioner or her designee, including (1) the Connecticut Fire Academy, (2) a regional fire school, or (3) the chief local fire official of any municipality, that he or she possesses the necessary skills. As under the regulations, the applicant must be tested in a representative vehicle.

By law, a person who operates a motor vehicle in violation of his or her license classification commits an infraction and faces a fine of \$50. Subsequent violations are punishable by up to 30 days in prison, a fine of up to \$250, or both. An employer who knowingly allows an employee to operate a vehicle in violation of the employee’s license classification faces a fine of up to \$1,000 for a first violation and up to \$2,500 for subsequent violations.

EFFECTIVE DATE: July 1, 2013

**§ 12 — BLACK AND WHITE LICENSE PHOTOS**

The bill eliminates a requirement that the photograph on driver’s licenses and non-driver identification cards be in color.

EFFECTIVE DATE: July 1, 2013

**§ 13 — SPECIAL EDUCATION DRIVER’S PERMIT**

By law, certain people whose driver’s licenses have been suspended may apply for a special permit that allows them to drive to and from an accredited higher education institution in which they are enrolled. The bill allows holders of such a permit to also drive to a private

occupational school, as defined by law, or to any higher education institution, regardless of whether it is accredited. It prohibits the commissioner from issuing a special education permit to students attending a (1) high school under the jurisdiction of a local or regional school board or regional educational service center, (2) charter school, (3) regional agricultural science and technology education center, or (4) technical high school.

EFFECTIVE DATE: July 1, 2013

**§ 14 — WAIVER OF MOTORCYCLE TEST FOR SERVICEMEN AND WOMEN**

Under current law, an applicant for a motorcycle license endorsement who has not gotten a motorcycle instruction permit must take a test showing that he or she is a proper person to operate a motorcycle, knows enough to operate it safely, and has a satisfactory knowledge of the rules of the road. The bill allows the DMV commissioner to waive this requirement for applicants who can produce documents showing that they (1) are on active military duty with the U.S. Armed Forces; (2) are stationed outside Connecticut; and (3) within two years before applying, have completed a novice motorcycle training course conducted by a firm using the Motorcycle Safety Foundation curriculum.

EFFECTIVE DATE: July 1, 2013

**§ 15 — CONVENIENCE FEE INCREASE AND ELIMINATION OF THE PARTIAL YEAR LICENSE FEE**

The bill increases, from \$2 to \$3, the convenience fee that automobile clubs or associations (e.g., AAA) may charge a customer who renews or gets a copy of a driver's license or non-driver's identity card or conducts a registration transaction. It eliminates a \$12 driver's license fee for one year, or part of one. (An original driver's license is valid for six years following the date of the driver's next birthday. DMV charges the \$12 fee to applicants whose licenses do not expire until more than six years after they obtain them (e.g., someone who gets a license in January, but whose birthday is in September)).

EFFECTIVE DATE: October 1, 2013

**§ 16 — TWO-YEAR LICENSE FEE**

The bill increases, from \$22 to \$24, the fee for renewing a two-year license for people age 65 or older. By law, people age 65 or older may renew a license for either two or six years.

EFFECTIVE DATE: October 1, 2013

**§ 17 — CDL RENEWAL FEE**

The bill increases the renewal fee for a CDL from \$60 to \$70. A CDL is valid for four years.

EFFECTIVE DATE: October 1, 2013

**§ 18 — COMMERCIAL DRIVER'S INSTRUCTION PERMIT DISQUALIFICATION**

By law, the commissioner may disqualify for life CDL holders who commit two or more of certain offenses, including driving under the influence. Disqualified drivers cannot drive a commercial motor vehicle. The law allows certain disqualified drivers to apply for reinstatement of their CDL under certain conditions.

The bill similarly allows certain disqualified drivers holding commercial driver's instruction permits to apply for reinstatement, and applies to these permit holders the same conditions that apply to CDL holders. It provides that certain convictions and offenses remain on the driving history record of the permit holder for 55 years, as the law already requires for CDL holders.

EFFECTIVE DATE: October 1, 2013

**§ 19 — COMMERCIAL DRIVER'S INSTRUCTION PERMIT NOTIFICATIONS**

Under current law, the commissioner, after disqualifying a CDL holder or suspending, revoking, or cancelling a CDL, must note the action in her records within 10 days. If she takes such actions against a commercial driver licensed in another state, she must notify the licensing state of her action within 10 days. The bill requires her to also

update her own records when taking these actions against someone holding a commercial driver's instruction permit. It requires her to notify the licensing state within 10 days when taking these actions against (1) a commercial motor vehicle operator licensed in another state or (2) someone who holds a commercial driver instruction permit from another state.

EFFECTIVE DATE: July 1, 2013.

## **§ 20 — ELECTRIC MOTOR VEHICLE REGISTRATION**

The bill makes registration of electric motor vehicles biennial, rather than annual, and correspondingly changes the registration fee from \$19 annually to \$38 every two years.

EFFECTIVE DATE: October 1, 2013

## **§ 21 — LICENSE RENEWAL FEE INCREASE**

The bill increases, from \$65 to \$72, the renewal fee for a driver's license to conform to the fee for an initial license. The bill retains the \$12 fee for a year or partial year for renewals, but eliminates these fees for initial licenses (see §15).

EFFECTIVE DATE: October 1, 2013

## **§ 22 — LOAN OF DEALER OR REPAIRER VEHICLES**

Under current law, a motor vehicle dealer or repairer may loan a vehicle with a dealer or repairer plate or the plate itself to someone only (1) for a test drive; (2) when the person's vehicle is being repaired; or (3) for up to 30 days, when the person has bought a vehicle and its registration is pending. The bill specifies that the loan must be made, respectively, by the (1) dealer owning and demonstrating, (2) dealer or repairer repairing, or (3) dealer selling, the vehicle.

Current law allows a licensed dealer or repairer to permit a full-time employee to drive a vehicle with a dealer or repairer plate (1) in connection with business, (2) for the pickup or delivery of parts, and (3) the employee's personal use. The bill specifies that a full-time employee may drive a vehicle in these instances only if the vehicle

belongs to the dealer or repairer for whom the employee works, and it is used in connection with the dealer or repairer's business or for picking up and delivering parts for the dealer or repairer.

By law, a part-time employee may drive such a vehicle only in connection with the dealer or repairer's business. Under the bill, a part-time employee is someone who (1) works for a dealer or repairer for less than 35 hours a week and (2) appears on the employer's records as an employee for whom Social Security, withholding tax, and all deductions required by law have been made.

EFFECTIVE DATE: July 1, 2013

**§ 23 — MOTOR VEHICLE SALES VIOLATIONS AND “AS IS” SALES**

The law prohibits a licensed dealer from selling a used motor vehicle without giving the buyer, at the time of sale, a valid certificate of title, the assignment and warranty of title by the dealer, or other evidence of title disclosing any lien, security interest in, or other encumbrance on, the vehicle. Under the bill, a dealer who commits such a violation is guilty of a class B misdemeanor, punishable by a fine of up to \$1,000, up to six months in prison, or both.

The bill also makes it a class B misdemeanor for a licensed dealer to deliver, or permit a retail buyer to take possession or delivery of, any used motor vehicle until the buyer has paid in full, or financing offered by the dealer has been approved by the entity through which the financing agreement has been made.

**“As Is” Sales**

By law, motor vehicle dealers must conduct a comprehensive safety inspection and make needed repairs, without charge to the buyer, before offering any used motor vehicle for retail sale and must provide the buyer with certain documentation. If the inspection finds defects that the dealer does not repair, the dealer may sell the vehicle “as is” provided (1) he or she notes all the defects on the form and (2) the vehicle is not subject to a warranty as an “as is” sale according to law (CGS § 42-224(a)). The bill retains the requirement that the dealer note

all the vehicle's defects on a form, and makes a conforming change allowing him or her to sell it "as is" if the vehicle is also not subject to the implied and express warranties required for vehicles (1) costing more than \$3,000 or (2) less than seven years old, rather than subject to a warranty as an "as is" sale.

By law, the dealer must obtain the buyer's signature on the retail purchase order, invoice, and safety inspection forms. The bill requires that the dealer provide the buyer with copies of these documents when they are signed.

Under the bill, a dealer who fails to conduct the required safety inspection commits a class B misdemeanor.

By law, the commissioner may (1) suspend or revoke the license of any licensee who she finds has violated any law or regulation pertaining to its business, and (2) impose a civil penalty of up to \$1,000 for each violation (CGS § 14-64).

EFFECTIVE DATE: October 1, 2013

#### **§ 24 — MEDIATION BY DMV COMMISSIONER**

The bill allows, but does not require, the DMV commissioner to attempt to mediate a voluntary resolution of a complaint against a licensed motor vehicle dealer or repairer if she determines the alleged facts indicate there is at least one violation of laws related to the licensee's business. Current law requires the commissioner to try to mediate a voluntary resolution of a complaint against a licensed dealer or repairer, whether or not this involves a potential violation.

EFFECTIVE DATE: July 1, 2013

#### **§ 25 — PROHIBITING ODOMETER TAMPERING**

The bill prohibits anyone who sells a motor vehicle at auction from selling a vehicle whose odometer was turned back or changed during the time it was owned immediately prior to the auction. It subjects the auctioneer to the same penalties imposed on those who turn back or change odometer readings. The penalties include a fine of up to \$2,000,

up to one year in prison, or both; triple damages or \$1,500, whichever is greater; court costs and reasonable attorney's fees; and a civil penalty of up to \$1,000 per violation (CGS § 14-106b). A violation is also an unfair trade practice (See BACKGROUND).

EFFECTIVE DATE: July 1, 2013

**§ 26 — EXEMPTIONS FROM CERTAIN WRECKER REQUIREMENTS**

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 and expands the types of people, firms, corporations, and associations that are exempt.

At the same time, it subjects to the licensing, registration, and equipment 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 already exempt and newly 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: people, firms, corporations, or associations that (1) tow or transport motor vehicles

interstate for hire, provided they have the appropriate federal operating authority, or (2) tow motor vehicles to or from an auction conducted by a licensed dealer according to law.

The bill imposes penalties on people, firms, corporations, or associations that violate laws pertaining to wrecker licensing, registration, equipment, or other matters. A first offense is an infraction; subsequent offenders face a fine of up to \$250, up to 30 days in prison, or both.

EFFECTIVE DATE: October 1, 2013

### **§ 27 — DRIVING SCHOOL FEES**

Under current law, a licensed driving school must pay DMV a \$176 fee for each of its locations in addition to its main place of business. The bill requires the commissioner to charge a fee of \$88 for each additional location if the licensee opens it with one year or less remaining on his or her two-year license. The \$88 fee applies to both initial and renewed licenses.

EFFECTIVE DATE: July 1, 2013

### **§ 28 — DRIVING INSTRUCTOR LICENSES**

The bill makes a driving instructor's license valid at any state licensed driver's school and allows someone seeking such a license to apply to re-take the licensing exam test five days after failing one. Under current law, an instructor's license is valid only for the school or schools listed on the license, and an applicant must wait one month to apply for re-testing.

EFFECTIVE DATE: July 1, 2013

### **§ 29 — NOTIFICATION OF POLICE BY WRECKERS**

The law requires a licensed wrecker to notify the local police department within two hours of towing a motor vehicle from private property. The bill requires the (1) notification to be in writing or sent by fax or email and (2) wrecker to retain the notification record as required by law. The law requires wreckers to keep records for two

years and to make them available during business hours for inspection by police or DMV inspectors (CGS § 14-66b).

EFFECTIVE DATE: July 1, 2013

**§ 30 — CHANGES CONCERNING FMCSA STANDARDS**

By law, the commissioner may apply certain FMCSA standards to certain motor vehicles or motor carriers. These include health and safety, insurance, inspection and maintenance, hours of service, and drug and alcohol use testing standards. The bill authorizes her to apply these regulations to student transportation vehicles ((STVs) vehicles, not including school buses, used to transport students to or from school, school programs, or school-sponsored events). Current law exempts these vehicles from the federal regulations. (See §§ 32, 50, and 59 for other changes affecting STVs.)

The bill also (1) authorizes police officers and motor vehicle inspectors to inspect any vehicle subject to FMCSA standards to determine if they comply with federal regulations on the transport of hazardous materials and oil and pipeline safety, and (2) eliminates statutory references to federal out-of-service order regulations. Out-of-service orders are defined in state law.

EFFECTIVE DATE: July 1, 2013

**§ 31 — DISSOLUTION OF SECURITY INTERESTS**

The bill deems dissolved, 10 years after its perfection, any security interest in a motor vehicle originally perfected by a bank or other financial institution when (1) the institution is no longer in existence, (2) the institution did not release the security interest according to law, and (3) its successor institution cannot find the debtor's records.

EFFECTIVE DATE: July 1, 2013

**§ 32 — WEIGH STATIONS**

The bill requires drivers of certain motor vehicles, (which, under § 30 of the bill, include STVs) to stop at a weigh station, following the directions of a police officer, DMV inspector, or designated DMV

employee, whenever highway signs indicate a weigh station is operating. Under current law, these drivers are required to follow the direction of police, DMV inspectors, and Department of Emergency Service and Public Protection, or Department of Transportation employees. The bill conforms the law to PA 11-51, which gave the DMV commissioner primary responsibility for staffing weigh stations and coordinating their operation.

Current law requires commercial vehicles, which the law does not define, to stop at weigh stations. The bill requires vehicles meeting the following criteria to stop at open weigh stations:

1. weighing 18,001 or more pounds in intrastate commerce;
2. weighing 10,001 or more pounds in interstate commerce;
3. carrying more than eight passengers, including the driver, for compensation;
4. carrying more than 15 passengers, including the driver, not for compensation; or
5. used to transport certain hazardous waste.

EFFECTIVE DATE: July 1, 2013

### **§ 33 — AUXILIARY POWER AND IDLE REDUCTION DEVICES**

Under current law, the weight of an auxiliary power or idle reduction technology device, up to a maximum of 400 pounds, does not count against state truck weight limits. The bill increases the amount of this weight allowance to a maximum of 550 pounds.

EFFECTIVE DATE: July 1, 2013

### **§ 35 — ILLEGAL TOWING OF SKIERS, MOTOR-DRIVEN CYCLES, AND OTHERS**

Current law prohibits anyone from attaching a bicycle, roller skates, sled, skateboard, coaster, or toy vehicle on which he or she is riding, or him or herself, to a vehicle moving or about to move on a public road,

and bars the vehicle operator from knowingly permitting such a use. The bill adds to these prohibitions attaching for a tow, or knowingly towing, motor-driven cycles, skis, any other vehicle not intended or designed to be towed. A violation is an infraction.

EFFECTIVE DATE: July 1, 2013

**§ 36 — EYE PROTECTION FOR MOTOR-DRIVEN CYCLE OPERATORS**

The law requires the DMV commissioner to issue regulations on specifications for goggles, glasses, face shields, windshields, and wind screens for use by motorcycle operators. The bill requires her to do the same for operators of motor-driven cycles. Motor-driven cycle operators who fail to wear goggles, glasses, or face shields that meet the minimum specifications commit an infraction. The provisions do not apply to operators of motor-driven cycles equipped with wind screens or windshields.

EFFECTIVE DATE: July 1, 2013

**§ 38 — CHANGE IN SNOWMOBILE AND ATV RENEWAL DATES**

The bill requires registration certificates for snowmobiles and ATVs to expire two years from the date they are issued, rather than biennially on March 31.

EFFECTIVE DATE: October 1, 2013

**§ 41 — ACCIDENT PREVENTION COURSE FOR SENIOR DRIVERS**

Under current law, drivers age 60 or older who have successfully completed a four-hour DMV-approved accident prevention course pay reduced insurance premiums. The bill requires the course to last at least four hours.

EFFECTIVE DATE: July 1, 2013

**§§ 43-44 — CERTAIN CDL HOLDERS BARRED FROM ACCELERATED REHABILITATION AND PRE-TRIAL ALCOHOL EDUCATION PROGRAMS**

The bill makes ineligible for the accelerated rehabilitation program

anyone charged with a motor vehicle violation (1) while operating a commercial motor vehicle, or (2) who held a CDL or commercial driver's instruction permit at the time the violation occurred, regardless of the type of vehicle he or she was driving. Accelerated rehabilitation is a pretrial diversion program for people accused of crimes and motor vehicle violations which are (1) punishable by a prison term and (2) not of a serious nature.

The bill makes ineligible for the pre-trial alcohol education program anyone charged with DUI who held a commercial driver's license or commercial driver's instruction permit at the time of the violation, regardless of whether he or she was driving a commercial motor vehicle. Drivers charged with DUI while operating a commercial motor vehicle are already ineligible for the program.

EFFECTIVE DATE: January 1, 2014

#### **§§ 45-49 — REPAIR SHOP VIOLATIONS & PENALTIES**

The law establishes a number of requirements for motor vehicle repair shops. Among other things, they must:

1. obtain written authorization to perform repairs of more than \$50 that includes a written estimate of the maximum cost to the customer and meet certain requirements if the customer waives his or her right to a written estimate (CGS §§ 14-65f and 14-65g);
2. record all work done on an itemized invoice and provide the customer, upon request, with all replaced parts (CGS § 14-65h); and
3. display a sign informing the customer of his or her rights (CGS § 14-65i).

The bill makes a violation of these and related laws an infraction (see BACKGROUND).

The bill makes it a class B misdemeanor for a repair shop to knowingly make a false or misleading statement to a customer or to

charge a customer for repairs it has not made.

Under current law, a violation of the above provisions is punishable by a fine of up to \$100 (CGS § 14-164).

By law, the DMV commissioner may investigate possible violations of these laws and ask the attorney general to seek a temporary or permanent order prohibiting a repair shop from violating them (CGS § 14-65k). She may also, after notice and a hearing, (1) suspend or revoke the license of any licensee who she finds has violated any law or regulation pertaining to its business or (2) impose a civil penalty of up to \$1,000 for each violation, or both (CGS § 14-64).

EFFECTIVE DATE: October 1, 2013

**§ 50 — MINIMUM TIME TO HOLD AN ADULT INSTRUCTION PERMIT**

The bill prohibits the DMV commissioner from issuing a driver's license to a person age 18 or older who holds an adult instruction permit unless the applicant has held the permit for at least 90 days. The bill exempts from this requirement applicants who (1) are members of the armed forces on active duty outside the state or (2) have previously held a Connecticut driver's license. Current law does not specify for how long someone age 18 or older must hold an adult instruction permit before applying for a license.

The bill adds to those people age 18 or over who are ineligible for adult instruction permits anyone who has had his or her privilege to operate suspended or revoked. Current law bars those who have had a driver's license suspended or revoked. (Privilege to operate usually refers to holders of out-of-state licenses driving in Connecticut.)

EFFECTIVE DATE: Upon passage

**§§ 51-53 — PROBATION APPOINTMENTS ALLOWED FOR CERTAIN DUI OFFENDERS**

By law, a person with a second DUI conviction may operate only a motor vehicle equipped with an ignition interlock device for three

years after the end of his or her 45-day license suspension. Current law additionally limits the driver, during the first year of this three-year period, to drive such vehicles only to or from (1) work, (2) school, (3) an alcohol or drug abuse treatment program, or (4) an ignition interlock service center. The bill allows these offenders to also drive to an appointment with a probation officer during the first year. The commissioner must note this restriction on the driver's electronic record, as she does for current ignition interlock restrictions. As under current law, she must ensure that law enforcement officers have access to the record.

EFFECTIVE DATE: July 1, 2013

#### **§ 54 — DISOBEYING FIRE POLICE PERFORMING THEIR DUTIES**

The bill makes it an infraction to disobey the signals of a fire police officer directing traffic while performing his or her duties. By law, fire police officers may direct traffic at the scene of a fire, at a fire drill, or any other time fire police are serving with a fire department. By law, fire police have the powers and perform the duties designated and authorized by fire chiefs, who may appoint fire police officers they deem necessary, within available appropriations.

EFFECTIVE DATE: October 1, 2013

#### **§ 55 — VEHICLE IDENTIFICATION NUMBERS (VIN)**

Current law requires a motor vehicle dealer to verify a manufacturer's VIN by providing the commissioner with a signed affidavit stating that the VIN corresponds to, for (1) new cars, the manufacturer's or importer's certificate of origin, and (2) other vehicles, the current title certificate. The bill retains the certificate of origin requirement for new vehicles. It allows the dealer to also submit a signed affidavit stating that the VIN of any vehicle corresponds to its current (1) title certificate or (2) registration document. As under current law, the affidavit also must state that the VIN has not been mutilated, altered, or removed.

EFFECTIVE DATE: July 1, 2013

**§ 56 — DRIVING COURSE FEE FOR 16- AND 17-YEAR-OLDS**

The bill sets a maximum \$150 fee for the safe driving practices course that 16- and 17-year-old driver's license applicants must take. Current law generally sets a maximum \$125 fee, but allows a fee of \$150 if the course includes the testing on comprehensive knowledge and rules of the road required for a license.

EFFECTIVE DATE: October 1, 2013

**§ 57 — INFORMATION DISPLAYED ON STUDENT TRANSPORTATION VEHICLES**

By law, a school bus must have the name of the bus company, the company's telephone number, and the bus number painted conspicuously in black lettering on its sides and rear. The bill requires similar information (the name and telephone number of the owner or operator, and the vehicle's fleet number) to be painted on the sides and rear of an STV. It requires that this information be displayed on all buses and STVs used regularly by a town, school district, private school, or contracting entity to bring children to and from school or school activities. By law, a first violation of this requirement is an infraction, and subsequent violations are punishable by a fine of between \$100 and \$500.

EFFECTIVE DATE: July 1, 2013

**§ 58 — MOTOR HOMES AND RECREATIONAL VEHICLES ABANDONED AT CAMPGROUNDS**

The bill allows the motor vehicles commissioner to adopt regulations (1) specifying the circumstances in which a campground owner may dispose of a motor home or recreational vehicle abandoned on his or her property and (2) establishing procedures to govern the disposal.

EFFECTIVE DATE: July 1, 2013

**§ 59 — TRUCKING CONTRACTS WITH THE STATE**

The bill prohibits, regardless of any other law or regulation, any motor carrier (trucking company) or person driving a commercial

motor vehicle (e.g., bus or large truck) from being ineligible to contract with the state or a municipality because of the results of safety inspections, unless at least 10 such inspections of the vehicle or company have been conducted during the 24 months preceding the contract's starting date. It does not specify whether or how many such tests the vehicle or company must pass or fail to remain eligible. Under the bill, this prohibition also applies to STVs (see § 30).

EFFECTIVE DATE: July 1, 2013

## **BACKGROUND**

### ***Infraction***

An infraction is not a crime and the fine can be paid by mail without making a court appearance.

### ***Unfair Trade Practice***

The Connecticut Unfair Trade Practices Act (CUTPA) prohibits businesses from engaging in unfair and deceptive acts or practices. CUTPA allows the consumer protection commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$5,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorney's fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violating a restraining order.

### ***Point System***

State regulations allow the motor vehicles commissioner to suspend the license of a driver who accumulates 11 or more points on his or her driving record. DMV regulations assign between one and five points to various motor vehicle violations, ranging from one point for operating at an unreasonable speed to five points for negligent homicide with a motor vehicle (Conn. Agency Regs. § 14-137a-5 et seq.). Points remain on a driver's record for two years from the date they are assessed.

**Related Bills**

SB 303 (File 332), reported favorably by the Veterans' Affairs Committee, allows the DMV commissioner to waive the motorcycle testing and vision test requirements for certain members of the Armed Forces.

sSB 975 (File 343), reported favorably by the Transportation Committee, specifies that the ban on using hand-held cell phones while driving applies when a vehicle is temporarily stopped because of traffic, road conditions, or traffic control signs or signals.

HB 5250, passed by both the House and Senate, doubles the penalty for drivers who violate the cell phone ban in highway work zones.

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable

Yea 32 Nay 2 (03/15/2013)

Finance, Revenue and Bonding Committee

Joint Favorable

Yea 48 Nay 1 (04/12/2013)