
OLR Bill Analysis

sHB 5290 (as amended by House "A")*

AN ACT REVISING MOTOR VEHICLE LAWS.

SUMMARY:

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

1. requires police to report to the Department of Motor Vehicles (DMV) the arrest on certain charges of a person whose driver's license allows him or her to transport members of the public (§ 9);
2. allows DMV to develop an expedited licensing procedure for which it may charge up to \$75 (§ 13);
3. requires police, within 48 hours of being notified that a vehicle has been towed from private property, to enter the information into national and state databases to learn if the vehicle was reported stolen (§ 21);
4. allows someone whose noncommercial driver's license allows him or her to carry passengers (e.g., taxi driver or student transportation vehicle driver) to renew his or her license if he or she is controlling an otherwise disqualifying medical condition with medication and is eligible for a waiver or exemption under federal regulations (§ 29);
5. makes a number of changes to commercial driver's license (CDL) laws, including (a) requiring CDL holders to retake driving and written tests if the commissioner suspects they obtained a CDL fraudulently, and (b) eliminating the \$17.50 partial-year fee for CDLs (§§ 10-11);
6. bars the commissioner from issuing or renewing a dealer's or

repairer's license if the Department of Revenue Services reports the applicant or licensee is delinquent in paying sales taxes (§ 15);

7. requires the commissioner to assign as many motor vehicle inspectors as she needs to inspect school buses and investigate accidents and complaints involving them, rather than to create eight inspection districts and add six inspectors for these purposes (§ 26);
8. allows, with certain exceptions, the commissioner to limit the number of days for which a garage may charge a motor vehicle owner for storing the vehicle (§ 27); and
9. requires licensed motor vehicle dealers and repairers to produce their records, at DMV's request, during business hours on the day DMV requests them, rather than within three business days (§§ 16 & 19).

It makes other changes to laws affecting garage owners, wrecker owners, licensed motor vehicle dealers and repairers, and student transportation vehicles (STVs). It also makes technical and conforming changes, including reorganizing the law on evading responsibility and illegal racing.

*House Amendment "A" replaces the original file. It (1) adds provisions (a) defining "public passenger endorsements" and (b) requiring DMV to ask license and identity card applicants if they consent or decline to be organ donors and (2) makes minor and technical changes.

EFFECTIVE DATES: Various, see below.

§ 1 — TAXIS CANNOT BE MORE THAN 10 YEARS OLD

The bill bars DMV from registering a motor vehicle as a taxi if it is more than 10 model years old. Any validly registered taxi that is older than 10 model years old during its registration period may continue as a taxi until its two-year registration expires.

EFFECTIVE DATE: Upon passage

§§ 2, 5-7 & 9 — PUBLIC PASSENGER ENDORSEMENTS

The bill renames a public passenger transportation permit as a public passenger endorsement. This endorsement allows a license holder to transport passengers, including students, in vehicles specified by law, including school buses, school transportation vehicles, activity vehicles, taxis, and vehicles in livery service. It makes conforming changes in statutes that, among other things, (1) bar 16- and 17-year-old drivers from holding such an endorsement and (2) prohibit DMV from issuing a special operator's permit to anyone for operating a vehicle requiring such an endorsement.

EFFECTIVE DATE: Upon passage

§ 3 — REGISTRATION CONSENT AGREEMENTS

By law, the DMV commissioner may enter into a consent agreement with a motor vehicle owner whose registration she suspended for failing to carry proper insurance if the owner (1) does not contest the determination, (2) shows he or she has obtained insurance, and (3) pays a \$200 penalty. The consent agreement requires that the registration not be suspended, or if already suspended, that the suspension be rescinded.

Under the bill, an owner who showed he or she obtained proper insurance and paid the penalty waives his or her ability to contest a finding that he or she failed to maintain proper insurance, regardless of whether the owner signed a consent agreement when paying the penalty. All of the consent agreement's terms and conditions apply to such an owner.

EFFECTIVE DATE: July 1, 2014

§ 4 — ADULT INSTRUCTION PERMIT EXEMPTION

By law, most people age 18 or older learning to drive must (1) obtain an adult instruction permit and (2) hold it for at least 90 days before getting a driver's license. Current law exempts from this 90-day minimum someone who previously held a Connecticut license. The bill

broadens the exemption to include people age 18 or older who previously held a driver's license from any jurisdiction.

EFFECTIVE DATE: Upon passage

§ 8 — ORGAN DONATIONS

Under the bill, DMV must require applicants for driver's licenses or identity cards to indicate whether they consent or decline to be organ donors. Current law allows these applicants the opportunity to become such a donor.

EFFECTIVE DATE: October 1, 2014

§ 9 — EXPANDING POLICE REPORTING REQUIREMENTS

The bill requires police to report to DMV, within 48 hours, the arrest on (1) felony charges or (2) a charge of fourth-degree sexual assault, anyone whose driver's license permits him or her to transport members of the public (e.g., bus driver, taxi driver, or livery service driver). Current law requires police to report such an arrest only for drivers who transport school children.

EFFECTIVE DATE: Upon passage

§ 10 — COMMERCIAL DRIVER'S INSTRUCTION PERMIT REQUIREMENTS

The bill prohibits, starting July 1, 2015, the DMV commissioner from administering a CDL road test unless an applicant has held a commercial driver's instruction permit for at least 14 days. It also makes minor and technical changes to conform state to federal law (for example, making the initial instruction permit and one allowed permit renewal valid for 180 days each, instead of six months each).

Also starting July 1, 2015, the bill requires any holder of a commercial driver's instruction permit who did not obtain a CDL before his or her renewed permit expired, to retake (1) the CDL written test and (2) any applicable license endorsement written tests.

EFFECTIVE DATE: July 1, 2015

§ 11 — CONFORMING STATE CDL LAW ON FRAUD TO FEDERAL REGULATIONS

The bill conforms state law to federal CDL regulations regarding fraud and false information (49 CFR § 383.73 (j) and (k)). Under federal law, state CDL laws must be consistent with these regulations.

The bill requires the commissioner to deny, or disqualify for 60 days, a CDL instruction permit or CDL if she finds the applicant or holder gave false information on any certification he or she provided concerning the permit or license application.

If the commissioner suspects an applicant or holder of fraud related to the issuance of a CDL or permit, she must so notify the applicant or holder, who must schedule CDL written and driving tests within 30 days after receiving the notice. If the applicant or holder fails to (1) schedule or (2) pass both tests, his or her permit or license is disqualified, and he or she must reapply. The commissioner must disqualify for one year, from the date of the applicant's or holder's conviction, the permit or license of any applicant or holder convicted of fraud related to the issuance of the permit or license, and the holder or applicant must retake the tests.

By law, if the commissioner finds an applicant or holder supplied false information to obtain a CDL she must not issue the CDL or must suspend it for at least 60 days and until the applicant or holder supplies the correct information (CGS § 14-44f).

EFFECTIVE DATE: October 1, 2014

§ 12 — CDL DRIVER HISTORY AND ELMINATING THE CDL PARTIAL-YEAR FEE

The bill eliminates a requirement that someone seeking a first renewal of a CDL provide the commissioner with the names of the states in which he or she has held a driver's license. By law, (1) a driver applying for his or her first CDL must identify any states in which he or she has held a driver's license in the previous 10 years (CGS § 14-44c (a) (8)), and (2) the commissioner must request a renewal applicant's driving history from any state in which the applicant held a license in

the preceding 10 years.

The bill eliminates the partial-year fee for CDLs. By law, the fee for a four-year CDL is \$70 (\$17.50 per year). The CDL expires four years following the date of the holder's next birthday. Under current law, DMV may charge an additional \$17.50 for part of a year for applicants whose licenses do not expire until more than four years after they obtain it (e.g., someone who gets a license in January, but whose birthday is in September).

EFFECTIVE DATE: October 1, 2014

§ 13 — CREATING AN EXPEDITED LICENSING PROCEDURE

The bill authorizes the commissioner to adopt procedures to issue licenses more quickly, and to charge up to \$75 for the service. It also eliminates a provision requiring the commissioner to waive, at the request of a fire department chief, the test fee for a fire department member who applies for a class 1 operator's license. The state no longer issues these licenses.

EFFECTIVE DATE: January 1, 2015

§ 14 — RESTRICTING THE USE OF DEALER AND REPAIRER SURETY BONDS

By law, new and used car dealers, repairers, and certain motor vehicle rental firms must furnish a cash or surety bond as indemnity against any loss incurred because (1) of an act by them that constitutes grounds for license suspension or revocation or (2) they went out of business. The bill restricts the use of these bonds to losses incurred by a dealer's, repairer's, or rental firm's customers, rather than anyone so injured by the dealer, repairer, or rental firm (e.g., a supplier). It explicitly excludes from those entitled to such indemnification any (1) person, firm, or corporation that finances a licensed dealer's motor vehicle inventory and (2) licensed dealer, who, in his or her capacity as a dealer, buys motor vehicles from, or sells motor vehicles to, another licensed dealer.

EFFECTIVE DATE: July 1, 2014

§ 15 — REFUSING TO ISSUE OR RENEW A DEALER OR REPAIR LICENSE BECAUSE OF DELINQUENT SALES TAXES

The bill prohibits the commissioner, after notice and a hearing, from granting or renewing a motor vehicle dealer or repairer license to a license applicant or licensee the Department of Revenue Services reports is delinquent in paying sales taxes for any business from which the payment was required.

EFFECTIVE DATE: July 1, 2014

§ 16 — SAME-DAY PRODUCTION OF DEALER AND REPAIRER RECORDS

The bill allows licensed motor vehicle repairers, at DMV's discretion, to keep their records, forms, and documents in electronic form, as the law already allows licensed motor vehicle dealers to do. It requires these dealers and repairers to produce these records, forms, and documents in written form, at DMV's request, during business hours on the day DMV requests them. Current law gives dealers and repairers three business days to produce these documents. By law, the commissioner may suspend or revoke the license of, or impose a civil penalty of up to \$1,000 for each violation on, a licensee who fails to (1) comply with DMV's record-keeping requirements or (2) allow DMV to inspect its records (CGS § 14-64).

EFFECTIVE DATE: July 1, 2014

§ 17 — SALES ORDERS AND INVOICES TO INCLUDE CERTAIN DEALER INFORMATION

The bill requires sales orders and invoices for the sale of motor vehicles to include the dealer's legal name, address, and license number, in addition to other information the law already requires, such as sale price, finance charges, and dealer conveyance or processing fees.

EFFECTIVE DATE: July 1, 2014

§ 18 — CHANGING THE EFFECTIVE DATE OF DEALER REGULATIONS

The bill changes the date that DMV regulations on licensed motor vehicle dealers and repairers take effect. Under current law, these regulations take effect 10 days after a copy of them has been mailed to affected licensees. The bill eliminates this provision, thereby requiring the regulations to take effect when filed with the secretary of the state's office, unless otherwise specified (CGS § 4-172).

EFFECTIVE DATE: Upon passage

§ 19 — REQUIRING ADDITIONAL INFORMATION ON TOWS

The bill adds to and replaces some of the information a wrecker owner must keep in its records. It requires the owner to (1) record the registration number of each wrecker used to tow or transport a vehicle and (2) note the wrecker's mileage at the start and end of the tow, instead of the total miles traveled during the tow. The law already requires the owner to provide such other information as the registration number of each vehicle towed and the date and time of the tow.

The bill requires licensed motor vehicle dealers who operate a wrecker service to produce any records, documents, or forms in written form, at DMV's request, during business hours on the same day DMV asks for them. Current law allows the dealers three business days to produce this information. It makes a violation of any of the bill's or law's record-keeping requirements an infraction (see BACKGROUND).

EFFECTIVE DATE: October 1, 2014

§ 20 — ELIMINATING CERTAIN REQUIREMENTS FOR NEW DRIVING LICENSE INSTRUCTORS

The bill eliminates a requirement that licensed driving instructors, in the three years after getting their initial license, either (1) attend annual DMV-sponsored traffic safety seminars or (2) take a DMV-approved 45-hour advanced instructor traffic safety course. Under current law, an instructor must prove he or she has complied with this requirement to renew his or her instructor's license.

EFFECTIVE DATE: July 1, 2014

§§ 21-22 — NEW REQUIREMENTS FOR POLICE AND GARAGES ON VEHICLES TOWED FROM PRIVATE PROPERTY

By law, licensed wreckers must notify local police departments within two hours after towing a motor vehicle from private property, and no wrecker may charge a storage fee for the time before the wrecker owner submits this notification. The bill requires the police, within 48 hours after receiving the notice, to (1) enter the Vehicle Identification Number (VIN) into the National Crime Information Center database and the Connecticut On-Line Law Enforcement Communications Teleprocessing System to learn if the vehicle has been reported stolen and (2) if it is, immediately notify the police department that reported the theft.

Under the bill, if no one claims a towed vehicle within 48 hours, the licensee or operator of the wrecker or the garage where the vehicle is stored must immediately complete a notice of the tow and mail a copy to the vehicle's owner and all lien holders of record. He or she must send this notification, on a form the DMV commissioner prescribes, by certified mail, return receipt requested. As under current law, someone who violates these laws faces a fine of \$50 for a first offense, which is an infraction. Each subsequent offense is punishable by a fine of between \$50 and \$100, up to 30 days in jail, or both.

By law, the owner or keeper of a garage where a motor vehicle is stored has a lien on the vehicle for his or her towing and storage charges. The bill provides garage owners more flexibility in obtaining liens, allowing them to obtain such a lien for their towing charges, storage charges, or both. The bill thus allows a garage owner to obtain a lien even if he did not tow the vehicle.

By law, the garage owner may sell the vehicle to recoup these charges after (1) 15 days if the vehicle's market value is \$1,500 or less and (2) 45 days if its value exceeds \$1,500. Current law requires the owner to notify the vehicle owner (if the owner's address is known) and any lien holders of the time and place of sale by registered or

certified letter, postage paid, at least five days before the sale. The bill changes the method by which the garage owner must notify the vehicle's owner and lien holders to certified mail, return receipt requested, but retains the five-day notice requirement.

By law, if the vehicle owner does not claim a stored vehicle within 30 days, the garage owner must, within 40 days after placing the vehicle in storage, send the commissioner written notice of the storage, containing certain information. The bill requires the garage owner to include in this information the vehicle's VIN, rather than its engine and chassis numbers.

Finally, the bill authorizes the commissioner to adopt regulations (1) specifying the circumstances in which title to a towed or stored vehicle, or a vehicle both towed and stored, may be transferred to the person, firm, or corporation towing or storing it, and (2) establishing a procedure for that person, firm, or corporation to obtain title to the vehicle.

EFFECTIVE DATE: July 1, 2014

§ 23 — DEEMING COMMERCIAL MOTOR VEHICLES INSURANCE COVERAGE SUFFICIENT

The law requires owners of commercial motor vehicles (e.g., large trucks and buses) to annually file evidence with DMV that they have properly insured each such vehicle. The commissioner also may verify this information through an insurance company. The bill requires the commissioner to accept this evidence or verification as proof that the vehicle owner has insurance coverage in the amounts required by applicable state and federal law (49 CFR § 387).

EFFECTIVE DATE: October 1, 2014

§ 24 — TITLE NOT REQUIRED FOR VEHICLES MORE THAN 20 YEARS OLD

The bill exempts owners of motor vehicles more than 20 model years old from the need to get a title certificate, and allows, but does not require, the commissioner to issue title certificates for these

vehicles. Current law requires owners to obtain title certificates for vehicles manufactured since 1981, with some exceptions, and leaves issuance of titles for vehicles manufactured before that date to the commissioner's discretion.

EFFECTIVE DATE: October 1, 2014

§§ 25 & 31-39 — REORGANIZING THE LAW ON EVADING RESPONSIBILITY AND RACING

The bill reorganizes state statutes on evading responsibility and racing, dividing them into four subsections according to whether such violations result in (1) death, (2) serious physical injury, (3) physical injury (see BACKGROUND), or (4) property damage, and makes conforming changes. The change is technical; the bill does not change the laws or penalties.

EFFECTIVE DATE: October 1, 2014

§ 26 — ASSIGNING DMV INSPECTORS TO INSPECT SCHOOL BUSES

The bill requires the DMV commissioner to assign as many motor vehicle inspectors as she finds necessary to (1) inspect school buses and STVs, (2) investigate (a) accidents involving these vehicles and (b) complaints against school bus and STV owners and drivers, and (3) coordinate various school bus safety programs. It eliminates language (1) requiring that she establish eight inspection districts and (2) allowing her to add six inspectors, for these purposes.

EFFECTIVE DATE: Upon passage

§ 27 — LIENS BY GARAGE OWNERS

By law, someone whose vehicle is in the custody of a person who holds a lien on it (e.g., a garage owner whose garage has repaired it) may apply in writing to Superior Court to dissolve the lien (and recover the vehicle) if the vehicle owner substitutes a surety bond for the vehicle. Under the bill, if a vehicle owner does not apply for dissolution within 30 days after a garage's work on the vehicle is completed, the garage owner must immediately notify DMV in

writing. Current law requires the garage owner to notify DMV, but sets no deadline by which he or she must do so. The bill requires the owner to send DMV, along with other information, the vehicle's VIN, instead of its engine and chassis numbers.

The bill allows a garage owner to charge the vehicle owner for the 30 days' storage immediately following the completion of repairs. But it allows the commissioner to limit the number of days for which a garage owner may charge the vehicle owner for storage between (1) the end of that 30-day period and (2) when the garage owner sends the above notice to DMV. The commissioner may not set such a limit if the garage owner can show that the time accrued because of the garage owner's (1) reliance on the vehicle owner's statements or representations or (2) good faith efforts to negotiate the vehicle's return.

The bill also changes the method by which the garage owner must send certain notices to (1) each lienholder and (2) the vehicle owner. In each case, the bill requires notice to be sent by certified mail, return receipt requested, instead of by registered or certified letter, postage paid.

EFFECTIVE DATE: July 1, 2014

§ 28 — REMOVING “CARRYING SCHOOL CHILDREN” SIGNS OPTIONAL WHEN NOT TRANSPORTING CHILDREN

By law, an STV (1) must display a sign indicating it is “carrying school children” when it is carrying children to and from school or school activities and (2) may display such a sign when carrying children to and from camps or other non-school activities. Other motor vehicles, except for registered school buses, not owned by a public, private, or religious school, or under contract to such a school, may display such a sign when carrying school children to and from school or school activities.

Under current law, these portable signs must be removed or covered when an STV or other vehicle is not being used for the purposes that require or allow the signs to be displayed. The bill

allows, but does not require, that these signs be removed or covered when these vehicles are not being used for such purposes.

EFFECTIVE DATE: July 1, 2014

§ 29 — MEDICAL QUALIFICATION OF DRIVERS OF CERTAIN PASSENGER VEHICLES

Federal regulations require that drivers (1) hold a CDL to drive commercial motor vehicles (large trucks and buses) and (2) seeking to renew a CDL must provide the state with a current medical certificate, indicating they can safely drive those vehicles. State law requires drivers who do not need a CDL, but only a noncommercial license with certain passenger endorsements (e.g., a taxi or livery driver) to comply with these federal medical requirements (see BACKGROUND).

The bill requires DMV to renew a noncommercial license with such a passenger endorsement for an applicant who (1) is taking medication to control a medical condition that would otherwise disqualify him or her from getting such a license, and (2) would qualify for a waiver or exemption under federal regulations. A licensed physician must certify that the applicant is controlling the medical condition.

EFFECTIVE DATE: October 1, 2014

§ 30 — ELIMINATING THE SURCHARGE FOR VIN INSPECTION FEES

This bill eliminates a \$5 surcharge on a \$10 administrative fee DMV charges to electronically inspect a VIN. The surcharge goes to the Special Transportation Fund.

EFFECTIVE DATE: Upon passage

BACKGROUND

§ 19 — *Infractions*

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

§ 25 — *Injury and Serious Injury*

By law, “physical injury” means impairment of physical condition or pain. “Serious physical injury” means physical injury that creates a substantial risk of death or which causes serious (1) disfigurement, (2) impairment of health, or (3) loss or impairment of the function of any bodily organ (CGS § 53a-3).

§ 29 — Passenger License Endorsements for Noncommercial Licenses

State law allows holders of noncommercial driver’s licenses bearing certain endorsements to drive activity vehicles, STVs, taxis, vehicles in livery service, and service or motor buses.

An “F” endorsement allows a driver to carry passengers in a taxi, vehicle in livery service, service bus, or motor bus.

An “A” endorsement allows a driver to carry passengers in an “activity vehicle,” as well as in any of the vehicles for which an “F” endorsement is required.

A “V” endorsement authorizes a driver to carry passengers in an STV, as well as in any of the vehicles for which an “A” or “F” endorsement is required.

By law, (1) an activity vehicle carries students in connection with school-sponsored events and activities, but not to or from school; (2) an STV is a motor vehicle, other than a registered school bus, used to carry students to or from school, school programs, or school-sponsored events; and (3) a service bus is a vehicle, except a vanpool vehicle or school bus, designed and regularly used to carry at least 10 passengers when used in private service without charging an individual passenger a fee (CGS §§ 14-1, 14-36a, and 14-212).

Legislative History

The House referred the bill (File 343) to the Appropriations Committee, which favorably reported a substitute bill removing a provision requiring certain information to be painted on STVs in a color contrasting with the vehicle’s background, rather than in black.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 32 Nay 0 (03/14/2014)

Appropriations Committee

Joint Favorable Substitute

Yea 44 Nay 0 (04/15/2014)