



General Assembly

February Session, 2016

Raised Bill No. 5412

LCO No. 1988



Referred to Committee on TRANSPORTATION

Introduced by:
(TRA)

AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF MOTOR VEHICLES REGARDING HAZARDOUS MATERIALS, CAR DEALERS, STUDENT TRANSPORTATION VEHICLE OPERATORS, DIVERSION PROGRAMS AND MOTOR VEHICLE INSPECTORS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2016*) (a) Any person who
2 engages in interstate or intrastate commerce on the highways of this
3 state and transports hazardous materials, as defined in 49 CFR 171.8,
4 as amended from time to time, shall comply with the provisions of 49
5 CFR Parts 105 to 173, inclusive, as amended from time to time, and 49
6 CFR Parts 177 to 180, inclusive, as amended from time to time.

7 (b) Except as otherwise provided in subsection (c) of this section,
8 any person described in subsection (a) of this section who violates any
9 provision of 49 CFR 107.620, as amended from time to time, 49 CFR
10 171, Subpart A, as amended from time to time, 49 CFR 172, as
11 amended from time to time, 49 CFR 173, Subparts A to G, inclusive, as
12 amended from time to time, 49 CFR 177, as amended from time to
13 time, 49 CFR 178, as amended from time to time, or 49 CFR 180, as
14 amended from time to time, shall have committed an infraction.

15 (c) Any person described in subsection (a) of this section who
16 violates any provision of 49 CFR 172.505(a), as amended from time to
17 time, 49 CFR 172.507(a), as amended from time to time, 49 CFR
18 173.24(b), as amended from time to time, or 49 CFR 177.835, as
19 amended from time to time, shall, for a first offense, be guilty of a class
20 D misdemeanor and, for any subsequent offense of the same
21 provisions, be guilty of a class A misdemeanor.

22 (d) A motor vehicle inspector, designated under section 14-8 of the
23 general statutes and certified pursuant to section 7-294d of the general
24 statutes, or a state or municipal police officer, shall enforce the
25 provisions of this section, provided such inspector or officer (1) has
26 inspection authority pursuant to section 14-163c-9 of the regulations of
27 Connecticut state agencies, and (2) has satisfactorily completed a
28 course of instruction in specialized hazardous materials provided by
29 the Transportation Safety Institute within the United States
30 Department of Transportation.

31 Sec. 2. Subsection (c) of section 14-44a of the general statutes is
32 repealed and the following is substituted in lieu thereof (*Effective July*
33 *1, 2016*):

34 (c) Any person who violates the provisions of subsection (a) of this
35 section shall operate a motor vehicle in violation of the classification of
36 the license issued to [him] such person, and shall be subject to the
37 penalties provided in subsection [(f)] (g) of section 14-36a and section
38 14-44k.

39 Sec. 3. Subsection (a) of section 14-52a of the general statutes is
40 repealed and the following is substituted in lieu thereof (*Effective July*
41 *1, 2016*):

42 (a) The commissioner may, after notice and hearing, refuse to grant
43 or renew a license to a person, firm or corporation to engage in the
44 business of selling or repairing motor vehicles pursuant to the
45 provisions of section 14-52 if the applicant for or holder of such a

46 license, or an officer or major stockholder if the applicant or licensee is
47 a firm or corporation, has been convicted of a violation of any
48 provision of laws pertaining to the business of a motor vehicle dealer
49 or repairer including a motor vehicle recycler, or of any violation
50 involving fraud, larceny or deprivation or misappropriation of
51 property, in the courts of the United States or of any state. [At the time
52 of application for or renewal of such a license, each applicant or] Each
53 applicant shall submit to a state criminal history records checks,
54 conducted in accordance with section 29-17a and based on the
55 applicant's name and date of birth, not more than thirty days before
56 such application is made and provide the results of such records check
57 to the Department of Motor Vehicles. Upon renewal of such license,
58 such licensee shall make full disclosure of any such conviction [within
59 the last five years] under the penalty of false statement.

60 Sec. 4. Section 14-54 of the general statutes is repealed and the
61 following is substituted in lieu thereof (*Effective July 1, 2016*):

62 [(a) Any person who desires to obtain a license for dealing in or
63 repairing motor vehicles in a municipality having a population of no
64 less than twenty thousand shall first obtain and present to the
65 commissioner a certificate of approval of the location for which such
66 license is desired from the board or authority designated by local
67 charter, regulation or ordinance of the town, city or borough wherein
68 the business is located or is proposed to be located, except that in any
69 town or city having a zoning commission, combined planning and
70 zoning commission and a board of appeals, such certificate shall be
71 obtained from the zoning commission. The provisions of this section
72 do not apply to (1) a transfer of ownership to a spouse, child, brother,
73 sister or parent of a licensee, (2) a transfer of ownership to or from a
74 corporation in which a spouse, child, brother, sister or parent of a
75 licensee has a controlling interest, or (3) a change in ownership
76 involving the withdrawal of one or more partners from a partnership.]

77 [(b)] Any person who desires to obtain a license for dealing in or

78 repairing motor vehicles [in a municipality with a population of less
79 than twenty thousand] shall first obtain and present to the
80 commissioner a certificate of approval of the location for which such
81 license is desired from the board or authority designated by local
82 charter, regulation or ordinance of the town, city or borough wherein
83 the business is located or is proposed to be located, except that in any
84 town or city having a zoning commission, combined planning and
85 zoning commission and a board of appeals, such certificate shall be
86 approved by the board of appeals. In addition thereto, such certificate
87 shall be approved by the [chief of police where there is an organized
88 police force or, where there is none, by the commander of the state
89 police barracks situated nearest to such proposed location] local
90 building official and local fire marshal. The provisions of this section
91 shall not apply to (1) a transfer of ownership to a spouse, child,
92 brother, sister or parent of a licensee, (2) a transfer of ownership to or
93 from a corporation in which a spouse, child, brother, sister or parent of
94 a licensee has a controlling interest, or (3) a change in ownership
95 involving the withdrawal of one or more partners from a partnership.

96 Sec. 5. Subsection (b) of section 14-61 of the 2016 supplement to the
97 general statutes is repealed and the following is substituted in lieu
98 thereof (*Effective October 1, 2016*):

99 (b) The commissioner [may] shall require any dealer who is
100 authorized to issue a temporary transfer of registration in accordance
101 with subsection (a) of this section or a new registration in accordance
102 with subsection (c) of section 14-12 to file each application for a
103 permanent registration [by electronic transmission of an electronic
104 record] electronically if the commissioner determines that the dealer
105 files, on average, [ten] seven or more such applications for permanent
106 registration each month with the Department of Motor Vehicles. [The
107 provisions of this subsection do not preclude any such dealer from
108 filing an application for a permanent registration in person at any
109 branch office of the department.] Any dealer may make a written
110 request to the commissioner for an exemption from filing such

111 applications electronically due to a hardship, including, but not limited
112 to, a lack of access to a device capable of communicating electronically.
113 The commissioner may enter into an agreement with one or more not-
114 for-profit associations representing dealers to file such applications
115 electronically on behalf of such dealer. Such dealer shall pay a
116 reasonable fee to the department, in an amount to be determined by
117 such department, for each application submitted electronically by a
118 not-for-profit association representing dealers.

119 Sec. 6. Subsection (g) of section 14-227b of the general statutes is
120 repealed and the following is substituted in lieu thereof (*Effective July*
121 *1, 2016*):

122 (g) If such person contacts the department to schedule a hearing, the
123 department shall assign a date, time and place for the hearing, which
124 date shall be prior to the effective date of the suspension, except that,
125 with respect to a person whose operator's license or nonresident
126 operating privilege is suspended in accordance with subdivision (2) of
127 subsection (e) of this section, such hearing shall be scheduled not later
128 than thirty days after such person contacts the department. At the
129 request of such person, [or] the hearing officer or the department and
130 upon a showing of good cause, the commissioner may grant one or
131 more continuances. The hearing shall be limited to a determination of
132 the following issues: (1) Did the police officer have probable cause to
133 arrest the person for operating a motor vehicle while under the
134 influence of intoxicating liquor or any drug or both; (2) was such
135 person placed under arrest; (3) did such person refuse to submit to
136 such test or analysis or did such person submit to such test or analysis,
137 commenced within two hours of the time of operation, and the results
138 of such test or analysis indicated that such person had an elevated
139 blood alcohol content; and (4) was such person operating the motor
140 vehicle. In the hearing, the results of the test or analysis shall be
141 sufficient to indicate the ratio of alcohol in the blood of such person at
142 the time of operation, provided such test was commenced within two
143 hours of the time of operation. The fees of any witness summoned to

144 appear at the hearing shall be the same as provided by the general
145 statutes for witnesses in criminal cases. Notwithstanding the
146 provisions of subsection (a) of section 52-143, any subpoena
147 summoning a police officer as a witness shall be served not less than
148 seventy-two hours prior to the designated time of the hearing.

149 Sec. 7. Subsection (j) of section 14-227b of the general statutes is
150 repealed and the following is substituted in lieu thereof (*Effective July*
151 *1, 2016*):

152 (j) Notwithstanding the provisions of subsections (b) to (i),
153 inclusive, of this section, any police officer who obtains the results of a
154 chemical analysis of a blood sample taken from or a urine sample
155 provided by an operator of a motor vehicle involved in an accident
156 who suffered or allegedly suffered physical injury in such accident, or
157 is otherwise deemed by a police officer to require treatment or
158 observation at a hospital, shall notify the Commissioner of Motor
159 Vehicles and submit to the commissioner a written report if such
160 results indicate that such person had an elevated blood alcohol
161 content, and if such person was arrested for violation of section 14-
162 227a in connection with such accident or in connection with the
163 treatment or observation of such person. The report shall be made on a
164 form approved by the commissioner containing such information as
165 the commissioner prescribes, and shall be subscribed and sworn to
166 under penalty of false statement, as provided in section 53a-157b, by
167 the police officer. The commissioner may, after notice and an
168 opportunity for hearing, which shall be conducted by a hearing officer
169 on behalf of the commissioner in accordance with chapter 54, suspend
170 the motor vehicle operator's license or nonresident operating privilege
171 of such person for the appropriate period of time specified in
172 subsection (i) of this section and require such person to install and
173 maintain an ignition interlock device for the appropriate period of time
174 prescribed in subsection (i) of this section. Each hearing conducted
175 under this subsection shall be limited to a determination of the
176 following issues: (1) Whether the police officer had probable cause to

177 arrest the person for operating a motor vehicle while under the
178 influence of intoxicating liquor or drug or both; (2) whether such
179 person was placed under arrest; (3) whether such person was
180 operating the motor vehicle; (4) whether the results of the analysis of
181 the blood or urine of such person indicate that such person had an
182 elevated blood alcohol content; and (5) in the event that a blood
183 sample was taken, whether the blood sample was obtained in
184 accordance with conditions for admissibility and competence as
185 evidence as set forth in subsection (k) of section 14-227a. If, after such
186 hearing, the commissioner finds on any one of the said issues in the
187 negative, the commissioner shall not impose a suspension. The fees of
188 any witness summoned to appear at the hearing shall be the same as
189 provided by the general statutes for witnesses in criminal cases, as
190 provided in section 52-260.

191 Sec. 8. Section 14-227k of the general statutes is repealed and the
192 following is substituted in lieu thereof (*Effective July 1, 2016*):

193 (a) No person whose right to operate a motor vehicle has been
194 restricted pursuant to an order of the court under subsection (b) of
195 section 14-227j or by [the Commissioner of Motor Vehicles pursuant to
196 subsection (i) of section 14-227a or subsection (i) of section 14-111] any
197 provision of law that requires the use of an ignition interlock device
198 shall (1) request or solicit another person to blow into an ignition
199 interlock device or to start a motor vehicle equipped with an ignition
200 interlock device for the purpose of providing such person with an
201 operable motor vehicle, or (2) operate any motor vehicle not equipped
202 with a functioning ignition interlock device or any motor vehicle that a
203 court has ordered such person not to operate.

204 (b) No person shall tamper with, alter or bypass the operation of an
205 ignition interlock device for the purpose of providing an operable
206 motor vehicle to a person whose right to operate a motor vehicle has
207 been restricted pursuant to an order of the court under subsection (b)
208 of section 14-227j or by [the Commissioner of Motor Vehicles pursuant

209 to subsection (i) of section 14-227a or subsection (i) of section 14-111]
210 any provision of law that requires the use of an ignition interlock
211 device.

212 (c) (1) Any person who violates any provision of subdivision (1) of
213 subsection (a) or subsection (b) of this section shall be guilty of a class
214 C misdemeanor.

215 (2) Any person who violates any provision of subdivision (2) of
216 subsection (a) of this section shall be subject to the penalties set forth in
217 subsection (c) of section 14-215.

218 (d) Each court shall report each conviction under subsection (a) or
219 (b) of this section to the Commissioner of Motor Vehicles, in
220 accordance with the provisions of section 14-141. The commissioner
221 shall suspend the motor vehicle operator's license or nonresident
222 operating privilege of the person reported as convicted for a period of
223 one year.

224 Sec. 9. Subsection (b) of section 14-275c of the general statutes is
225 repealed and the following is substituted in lieu thereof (*Effective July*
226 *1, 2016*):

227 (b) The commissioner shall adopt regulations, in accordance with
228 the provisions of chapter 54, governing (1) the inspection, registration,
229 operation and maintenance of motor vehicles used by any carrier to
230 transport students, and (2) the licensing of operators of such vehicles.
231 A person who has attained the age of seventy shall be allowed to hold
232 a license endorsement for the purpose of operating a motor vehicle to
233 transport children requiring special education provided such person
234 meets the minimum physical requirements set by the commissioner
235 and agrees to submit to a physical examination at least [twice a year or
236 when] annually or more frequently if requested to do so by the
237 superintendent of the school system in which such person intends to
238 operate such vehicle or if requested to do so by a medical examiner
239 certified in accordance with 49 CFR 390.109.

240 Sec. 10. Subsection (a) of section 17a-696 of the general statutes is
241 repealed and the following is substituted in lieu thereof (*Effective*
242 *October 1, 2016*):

243 (a) The provisions of this section shall not apply to any person
244 charged with a violation of section 14-227a, ~~14-227g~~, 53a-56b or 53a-
245 60d or with a class A, B or C felony or to any person who was twice
246 previously ordered treated under this section, subsection (i) of section
247 17-155y, section 19a-386 or section 21a-284 of the general statutes
248 revised to 1989, or any combination thereof. The court may waive the
249 ineligibility provisions of this subsection for any person, except that
250 the court shall not waive the ineligibility provision of this subsection
251 for any person charged with a violation of section 14-227a, ~~14-227g~~,
252 53a-56b or 53a-60d if, at the time of the offense, such person was
253 operating a commercial vehicle, as defined in section 14-1, or holds a
254 commercial driver's license or a commercial driver's instruction
255 permit.

256 Sec. 11. Subsection (b) of section 53a-217b of the general statutes is
257 repealed and the following is substituted in lieu thereof (*Effective*
258 *October 1, 2016*):

259 (b) The provisions of subsection (a) of this section shall not apply to
260 the otherwise lawful possession of a firearm (1) by a person for use in a
261 program approved by school officials in or on such school property or
262 at such school-sponsored activity, (2) by a person in accordance with
263 an agreement entered into between school officials and such person or
264 such person's employer, (3) by a peace officer, as defined in
265 subdivision (9) of section 53a-3, while engaged in the performance of
266 such peace officer's official duties, [or] (4) by a person while traversing
267 such school property for the purpose of gaining access to public or
268 private lands open to hunting or for other lawful purposes, provided
269 such firearm is not loaded and the entry on such school property is
270 permitted by the local or regional board of education, or (5) by a motor
271 vehicle inspector, designated under section 14-8 and certified pursuant

272 to section 7-294d, while engaged in the performance of such motor
273 vehicle inspector's official duties.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	New section
Sec. 2	<i>July 1, 2016</i>	14-44a(c)
Sec. 3	<i>July 1, 2016</i>	14-52a(a)
Sec. 4	<i>July 1, 2016</i>	14-54
Sec. 5	<i>October 1, 2016</i>	14-61(b)
Sec. 6	<i>July 1, 2016</i>	14-227b(g)
Sec. 7	<i>July 1, 2016</i>	14-227b(j)
Sec. 8	<i>July 1, 2016</i>	14-227k
Sec. 9	<i>July 1, 2016</i>	14-275c(b)
Sec. 10	<i>October 1, 2016</i>	17a-696(a)
Sec. 11	<i>October 1, 2016</i>	53a-217b(b)

Statement of Purpose:

To amend statutes as recommended by the Department of Motor Vehicles concerning hazardous materials, technical and minor changes to the motor vehicle statutes, car dealers, student transportation vehicle operators, participation in certain diversion programs and motor vehicle inspectors.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]