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:

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

(b) Except as otherwise provided in subsection (c) of this section, any person described in subsection (a) of this section who violates any provision of 49 CFR 107.620, 49 CFR 171, Subpart A, 49 CFR 172, Subparts A to I, inclusive, 49 CFR 173, Subparts A to G, inclusive, 49 CFR 177, Subparts A to E, inclusive, 49 CFR 178, Subparts A to C, inclusive, H and J to S, inclusive, or 49 CFR 180, Subparts A and C to G, inclusive, shall have committed an infraction.

(c) Any person described in subsection (a) of this section who violates any provision of 49 CFR 172.505(a), 49 CFR 172.507(a), 49 CFR 173.24(b) or 49 CFR 177.835 shall, for a first offense, be guilty of a class D misdemeanor and, for any subsequent offense of the same provision, be guilty of a class A misdemeanor.
(d) A motor vehicle inspector, designated under section 14-8 of the 
general statutes and certified pursuant to section 7-294d of the general 
statutes, or a state or municipal police officer, shall enforce the 
provisions of this section, provided such inspector or officer (1) has 
inspection authority pursuant to section 14-163c-9 of the regulations of 
Connecticut state agencies, and (2) has satisfactorily completed a 
course of instruction in specialized hazardous materials provided by 
the United States Department of Transportation Federal Motor Carrier 
Safety Administration.

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repealed and the following is substituted in lieu thereof (Effective July 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

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

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repealed and the following is substituted in lieu thereof (Effective July 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

(a) The commissioner may, after notice and hearing, refuse to grant 
or renew a license to a person, firm or corporation to engage in the 
business of selling or repairing motor vehicles pursuant to the 
provisions of section 14-52 if the applicant for or holder of such a 
license, or an officer or major stockholder if the applicant or licensee is 
a firm or corporation, has been convicted of a violation of any 
provision of laws pertaining to the business of a motor vehicle dealer 
or repairer including a motor vehicle recycler, or of any violation 
invoking fraud, larceny or deprivation or misappropriation of 
property, in the courts of the United States or of any state. [At the time 
of application for or renewal of such a license, each applicant or] Each 
applicant for such a license shall submit to a state criminal history
records check, conducted in accordance with section 29-17a and based
on the applicant's name and date of birth, not more than thirty days
before such application is made and provide the results of such records
check to the Department of Motor Vehicles. Upon renewal of such
license, such licensee shall make full disclosure of any such conviction
[within the last five years] under penalty of false statement.

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

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

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

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

(b) The commissioner [may] shall require any dealer who is authorized to issue a temporary transfer of registration in accordance with subsection (a) of this section or a new registration in accordance with subsection (c) of section 14-12 to file each application for a permanent registration [by electronic transmission of an electronic record] electronically if the commissioner determines that the dealer files, on average, [ten] seven or more such applications for permanent registration each month with the Department of Motor Vehicles. [The provisions of this subsection do not preclude any such dealer from filing an application for a permanent registration in person at any branch office of the department.] Any dealer may make a written request to the commissioner for an exemption from filing such applications electronically due to a hardship, including, but not limited to, a lack of access to a device capable of communicating electronically. The commissioner may enter into an agreement with one or more nonprofit associations or organizations representing the interests of motor vehicle dealers to file such applications electronically on behalf of such dealer. The commissioner may authorize such nonprofit association or organization to charge a convenience fee, in an amount to be determined by the commissioner, to each dealer for an application submitted electronically by such nonprofit association or
organization.

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

(g) If such person contacts the department to schedule a hearing, the department shall assign a date, time and place for the hearing, which date shall be prior to the effective date of the suspension, except that, with respect to a person whose operator's license or nonresident operating privilege is suspended in accordance with subdivision (2) of subsection (e) of this section, such hearing shall be scheduled not later than thirty days after such person contacts the department. At the request of such person, [or the department] and upon a showing of good cause, the commissioner may grant one or more continuances. The hearing shall be limited to a determination of the following issues: (1) Did the police officer have probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or any drug or both; (2) was such person placed under arrest; (3) did such person refuse to submit to such test or analysis or did such person submit to such test or analysis, commenced within two hours of the time of operation, and the results of such test or analysis indicated that such person had an elevated blood alcohol content; and (4) was such person operating the motor vehicle. In the hearing, the results of the test or analysis shall be sufficient to indicate the ratio of alcohol in the blood of such person at the time of operation, provided such test was commenced within two hours of the time of operation. The fees of any witness summoned to appear at the hearing shall be the same as provided by the general statutes for witnesses in criminal cases. Notwithstanding the provisions of subsection (a) of section 52-143, any subpoena summoning a police officer as a witness shall be served not less than seventy-two hours prior to the designated time of the hearing.

Sec. 7. Subsection (j) of section 14-227b of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2016):
(j) Notwithstanding the provisions of subsections (b) to (i), inclusive, of this section, any police officer who obtains the results of a chemical analysis of a blood sample taken from or a urine sample provided by an operator of a motor vehicle involved in an [accident] incident who suffered or allegedly suffered physical injury in such [accident,] incident or [is] was otherwise deemed by a police officer to require treatment or observation at a hospital, shall notify the Commissioner of Motor Vehicles and submit to the commissioner a written report if such results indicate that such person had an elevated blood alcohol content, and if such person was arrested for violation of section 14-227a in connection with such [accident] incident. The report shall be made on a form approved by the commissioner containing such information as the commissioner prescribes, and shall be subscribed and sworn to under penalty of false statement, as provided in section 53a-157b, by the police officer. The commissioner may, after notice and an opportunity for hearing, which shall be conducted by a hearing officer on behalf of the commissioner in accordance with chapter 54, suspend the motor vehicle operator's license or nonresident operating privilege of such person for the appropriate period of time specified in subsection (i) of this section and require such person to install and maintain an ignition interlock device for the appropriate period of time prescribed in subsection (i) of this section. Each hearing conducted under this subsection shall be limited to a determination of the following issues: (1) Whether the police officer had probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or drug or both; (2) whether such person was placed under arrest; (3) whether such person was operating the motor vehicle; (4) whether the results of the analysis of the blood or urine of such person indicate that such person had an elevated blood alcohol content; and (5) in the event that a blood sample was taken, whether the blood sample was obtained in accordance with conditions for admissibility and competence as evidence as set forth in subsection (k) of section 14-227a. If, after such
hearing, the commissioner finds on any one of the said issues in the negative, the commissioner shall not impose a suspension. The fees of any witness summoned to appear at the hearing shall be the same as provided by the general statutes for witnesses in criminal cases, as provided in section 52-260.

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

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

(b) No person shall tamper with, alter or bypass the operation of an ignition interlock device for the purpose of providing an operable motor vehicle to a person whose right to operate a motor vehicle has been restricted pursuant to an order of the court under subsection (b) of section 14-227j [or] by the Commissioner of Motor Vehicles [pursuant to subsection (i) of section 14-227a or subsection (i) of section 14-111] or by any provision of law that requires the use of an ignition interlock device.

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

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

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

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

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

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

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

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

(b) The provisions of subsection (a) of this section shall not apply to
the otherwise lawful possession of a firearm (1) by a person for use in a
program approved by school officials in or on such school property or
at such school-sponsored activity, (2) by a person in accordance with
an agreement entered into between school officials and such person or
such person's employer, (3) by a peace officer, as defined in
subdivision (9) of section 53a-3, while engaged in the performance of
such peace officer's official duties, [or] (4) by a person while traversing
such school property for the purpose of gaining access to public or
private lands open to hunting or for other lawful purposes, provided
such firearm is not loaded and the entry on such school property is
permitted by the local or regional board of education, or (5) by a motor
vehicle inspector, designated under section 14-8 and certified pursuant
to section 7-294d, while engaged in the performance of such motor
vehicle inspector's official duties.

Sec. 12. (NEW) (Effective from passage) (a) Commencing January 15,
2017, and annually thereafter, the Department of Motor Vehicles shall
submit a report, in accordance with the provisions of section 11-4a of
the general statutes, to the joint standing committee of the General
Assembly having cognizance of matters relating to the Department of
Motor Vehicles. Such annual report shall (1) identify specific goals
indicating acceptable waiting times at the main office and branch
offices of the department, (2) summarize actions undertaken by the
department in the previous year to achieve such goals, and (3) include
a strategy to achieve or exceed such goals in the upcoming year. The
joint standing committee may hold a public hearing on such report not
later than thirty days after receipt of such report. The Commissioner of
Motor Vehicles, or the commissioner's designee, shall testify at any
such public hearing.

(b) Commencing August 15, 2016, and monthly thereafter, the
Department of Motor Vehicles shall submit a report, in accordance
with the provisions of section 11-4a of the general statutes, to the joint
standing committee of the General Assembly having cognizance of
matters relating to the Department of Motor Vehicles on the length of
waiting times at the main office and branch offices of the department.
Such report shall include the following information for the month
prior to the month in which the report is submitted: (1) For the main
office and each branch office of the department that utilizes a
numbered ticketing system, (A) the average time that elapses from the
time a person receives a numbered ticket to the time such person
receives customer service, (B) whether the average waiting time
decreased or increased from the previous reporting period, and (C) the
number of transactions conducted at such offices that could have been
conducted on the Internet web site of the department; and (2) the
number of transactions conducted on the Internet web site of the
department.

This act shall take effect as follows and shall amend the following
sections:

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**Statement of Legislative Commissioners:**

In Section 1, each reference to a federal regulation was revised for accuracy and consistency with the drafting conventions of the general statutes, in Section 3, "for such a license" was added for clarity and in Section 12(b), "point at which" was changed to "time" for clarity.

**TRA**  Joint Favorable Subst.