



STATE OF CONNECTICUT DEPARTMENT OF MOTOR VEHICLES

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Testimony of the Department of Motor Vehicles Acting Commissioner Dennis Murphy

Transportation Committee
February 29, 2016

HB 5412 - 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.

Good morning Chairmen Guerrero and Maynard, Ranking Members Boucher and O'Dea and other members of the Transportation Committee. Thank you for the opportunity to testify in support of House Bill 5412.

This proposed bill seeks to enhance customer convenience by streamlining some Department processes. In particular, section five expands the scope of online registration transactions that will be conducted by car dealers. It also provides some additional options for dealers that are unable to do online processing due to a hardship or low sales volume. It contemplates that a not-for-profit dealer association will act as a "hub" through which a small dealer may conduct online transactions for a modest fee to be paid to the dealer association (as currently written, the bill has the fee going to the Department, but this is not the intent, and presumably this language will be re-drafted). While not currently in the bill as drafted, the Department will also be requesting a similar change to expand the scope of online registrations that are conducted by Leasing Companies and Registration and Titling Services. This type of expansion serves to reduce the number of car dealers and other business entities that will be required to stand in line at our Branches, while also reducing the wait times for other types of customer transactions.

Section one of the bill establishes penalties for violations of the Federal Hazardous Materials Regulations (HMRs) on the state's roadways. On January 1, 2015, section 29-341 of the Connecticut General Statutes was repealed. That section prescribed penalties for violations of regulations "concerning the safe storage, transportation by any mode and transmission by pipeline of hazardous chemicals." The regulations to which this section referred comprised the state's fire prevention code (Code), which included the HMRs by reference. The Code was recently overhauled and all enforcement became the responsibility of the State Fire Marshal, resulting in the repeal of the statutory penalty provision. However, the detection of HMR violations on the roadways requires specialized training and enforcement which is not within the scope of the State Fire Marshal's duties. There are comprehensive federal sanctions for violations, but presently the state has no sanctions.

Certain motor vehicle inspectors and state and municipal law enforcement officers have received specialized training through the National Training Center of the Federal Motor Carrier Safety Administration (FMCSA) on the detection and enforcement of HMR violations. This proposed section in the Department's bill separates minor violations, which are infractions from more serious violations that carry criminal sanctions

Section three would improve the process for DMV to conduct criminal history checks. The department is currently required to provide criminal checks on all prospective dealers. We currently rely on the judicial website to complete these checks. A dealer's license is subject to approval or non-renewal if the dealer has certain convictions on its record and therefore the DMV would like to require dealers to obtain their own non-fingerprint criminal background checks.

Also, a certificate of approval for the location of a repair facility is statutorily required. The local zoning commission or boards of appeals certify that all ordinances have been followed. Additionally, the approval of the local chief of police is required. Section four of bill 5412 would remove the approval of the local police chief and replace the approval with that of a local building official and local fire marshal. DMV believes the local police chiefs would welcome this change since they often contact the DMV to inquire why they are part of this process.

Section nine changes the physical examination requirements for the operator of a student transportation vehicle who is 70 years old or older. These operators hold a "V" endorsement on their regular Class D licenses, but do not hold Commercial Driver Licenses (CDLs). As currently written, the law requires the operator to have a physical examination every six months. However, Connecticut has adopted the federal regulations that establish the physical qualifications of CDL holders, and applies them to all persons who operate public service vehicles in the State. Under these standards, an operator is required to be examined by a certified medical provider who is registered with the Federal Motor Carrier Safety Administration. These certified medical providers are trained specifically on the requirements for commercial drivers. This proposed revision requires the operator to be examined at least annually or more frequently if directed by the certified medical provider.

Section ten changes section 17a-696 which authorizes the suspension of prosecution for a criminal offense (other than a Class A, B or C felony) and a treatment program for persons who have alcohol or drug dependency. The statute requires that the court make a specific finding that the accused was an alcohol or drug dependent person at the time of the offense. It also indicates that a person charged with a DUI offense is ineligible, but the court may waive the ineligibility provisions. The Federal Motor Carrier Safety Administration has notified the State that it would consider the use of this program by a person with a DUI offense as "masking" in violation of federal law if the accused was operating a Commercial Motor Vehicle (CMV) or held a CDL or Commercial Learner's Permit (CLP) at the time of the offense. The frequency with which a CDL holder, CLP holder or CMV operator is allowed to use this program after a DUI offense is unclear, particularly because of the requirement that the accused be declared drug or alcohol dependent. However, FMCSA has indicated that as written, this provision could adversely affect our highway funding. For this reason, the proposal changes the statute to bar the program for CDL and CLP holders and CMV operators who are charged with DUI and assault 2nd with a motor vehicle.

Section eleven exempts Motor Vehicle Inspectors from the prohibitions applicable to weapons on school grounds. DMV Inspectors are certified as police officers by the Police Officer Standards and Training Council pursuant to sections 7-294a to 7-294e, inclusive. DMV Inspectors have statutory and regulatory authority to inspect student transportation vehicles and to enforce related statutes, often times on school grounds. In spite of the fact that they are required to carry a firearm while on the job, there is no exception for DMV Inspectors to be able to carry these firearms on school grounds making both requirements seem contradictory.

Thank you for your consideration. I will be happy to answer any questions.