



House of Representatives

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General Assembly

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Substitute House Bill No. 5412
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 30, 2016

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

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 shall comply with the provisions of 49 CFR Parts 105 to 173, inclusive,
5 and 49 CFR Parts 177 to 180, inclusive.

6 (b) Except as otherwise provided in subsection (c) of this section,
7 any person described in subsection (a) of this section who violates any
8 provision of 49 CFR 107.620, 49 CFR 171, Subpart A, 49 CFR 172,
9 Subparts A to I, inclusive, 49 CFR 173, Subparts A to G, inclusive, 49
10 CFR 177, Subparts A to E, inclusive, 49 CFR 178, Subparts A to C,
11 inclusive, H and J to S, inclusive, or 49 CFR 180, Subparts A and C to

12 G, inclusive, shall have committed an infraction.

13 (c) Any person described in subsection (a) of this section who
14 violates any provision of 49 CFR 172.505(a), 49 CFR 172.507(a), 49 CFR
15 173.24(b) or 49 CFR 177.835 shall, for a first offense, be guilty of a class
16 D misdemeanor and, for any subsequent offense of the same provision,
17 be guilty of a class A misdemeanor.

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

27 Sec. 2. Subsection (c) of section 14-44a of the general statutes is
28 repealed and the following is substituted in lieu thereof (*Effective July*
29 *1, 2016*):

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

35 Sec. 3. Subsection (a) of section 14-52a of the general statutes is
36 repealed and the following is substituted in lieu thereof (*Effective July*
37 *1, 2016*):

38 (a) The commissioner may, after notice and hearing, refuse to grant
39 or renew a license to a person, firm or corporation to engage in the
40 business of selling or repairing motor vehicles pursuant to the
41 provisions of section 14-52 if the applicant for or holder of such a
42 license, or an officer or major stockholder if the applicant or licensee is

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

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

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

73 [(b)] Any person who desires to obtain a license for dealing in or
74 repairing motor vehicles [in a municipality with a population of less
75 than twenty thousand] shall first obtain and present to the

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

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

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

110 nonprofit associations or organizations representing the interests of
111 motor vehicle dealers to file such applications electronically on behalf
112 of such dealer. The commissioner may authorize such nonprofit
113 association or organization to charge a convenience fee, in an amount
114 to be determined by the commissioner, to each dealer for an
115 application submitted electronically by such nonprofit association or
116 organization.

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

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

144 provisions of subsection (a) of section 52-143, any subpoena
145 summoning a police officer as a witness shall be served not less than
146 seventy-two hours prior to the designated time of the hearing.

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

150 (j) Notwithstanding the provisions of subsections (b) to (i),
151 inclusive, of this section, any police officer who obtains the results of a
152 chemical analysis of a blood sample taken from or a urine sample
153 provided by an operator of a motor vehicle who was involved in an
154 accident [who] and suffered or allegedly suffered physical injury in
155 such accident, or [is] who was otherwise deemed by a police officer to
156 require treatment or observation at a hospital, shall notify the
157 Commissioner of Motor Vehicles and submit to the commissioner a
158 written report if such results indicate that such person had an elevated
159 blood alcohol content, and if such person was arrested for violation of
160 section 14-227a, [in connection with such accident.] The report shall be
161 made on a form approved by the commissioner containing such
162 information as the commissioner prescribes, and shall be subscribed
163 and sworn to under penalty of false statement, as provided in section
164 53a-157b, by the police officer. The commissioner may, after notice and
165 an opportunity for hearing, which shall be conducted by a hearing
166 officer on behalf of the commissioner in accordance with chapter 54,
167 suspend the motor vehicle operator's license or nonresident operating
168 privilege of such person for the appropriate period of time specified in
169 subsection (i) of this section and require such person to install and
170 maintain an ignition interlock device for the appropriate period of time
171 prescribed in subsection (i) of this section. Each hearing conducted
172 under this subsection shall be limited to a determination of the
173 following issues: (1) Whether the police officer had probable cause to
174 arrest the person for operating a motor vehicle while under the
175 influence of intoxicating liquor or drug or both; (2) whether such
176 person was placed under arrest; (3) whether such person was
177 operating the motor vehicle; (4) whether the results of the analysis of

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

188 Sec. 8. Subsection (b) of section 14-275c of the general statutes is
189 repealed and the following is substituted in lieu thereof (*Effective July*
190 *1, 2016*):

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

204 Sec. 9. Subsection (a) of section 17a-696 of the general statutes is
205 repealed and the following is substituted in lieu thereof (*Effective*
206 *October 1, 2016*):

207 (a) The provisions of this section shall not apply to any person
208 charged with a violation of section 14-227a, 14-227g, 53a-56b or 53a-
209 60d or with a class A, B or C felony or to any person who was twice

210 previously ordered treated under this section, subsection (i) of section
211 17-155y, section 19a-386 or section 21a-284 of the general statutes
212 revised to 1989, or any combination thereof. The court may waive the
213 ineligibility provisions of this subsection for any person, except that
214 the court shall not waive the ineligibility provisions of this subsection
215 for any person charged with a violation of section 14-227a, 14-227g,
216 53a-56b or 53a-60d if, at the time of the offense, such person was
217 operating a commercial vehicle, as defined in section 14-1, as amended
218 by this act, or held a commercial driver's license or a commercial
219 driver's instruction permit.

220 Sec. 10. Subsection (b) of section 53a-217b of the general statutes is
221 repealed and the following is substituted in lieu thereof (*Effective*
222 *October 1, 2016*):

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

238 Sec. 11. Subsections (b) and (c) of section 14-15 of the 2016
239 supplement to the general statutes are repealed and the following is
240 substituted in lieu thereof (*Effective July 1, 2016*):

241 (b) Each person, firm or corporation licensed under the provisions

242 of subsection (a) of this section [that] or by another state, who in the
243 opinion of the commissioner is qualified, [and holds a current
244 registration certificate for a motor vehicle used in connection with its
245 business may issue a sixty-day temporary transfer of such registration
246 to any other] may electronically register or transfer the registration of a
247 motor vehicle used in connection with its business. The licensee,
248 within five days from the electronic issuance of such [temporary]
249 registration or transfer, shall submit to the commissioner an
250 application together with all necessary documents [for a permanent
251 registration for the vehicle transferred] to register or transfer the
252 registration of the vehicle with the Department of Motor Vehicles. Any
253 such licensee that registers or transfers registration shall be required to
254 register or transfer registrations electronically if the commissioner
255 determines that such licensee files with such department, on average,
256 seven or more such registrations or transfers each month. The
257 commissioner shall adopt regulations in accordance with the
258 provisions of chapter 54 to implement the provisions of this
259 subsection.

260 (c) Notwithstanding the provisions of section 14-22, the
261 commissioner may [authorize] require any person, firm or corporation
262 licensed under the provisions of subsection (a) of this section or by
263 another state, who in the opinion of the commissioner is qualified and
264 who holds a current registration certificate for a motor vehicle used in
265 connection with its business, to renew such registration [by means of
266 an electronic data processing system connected to the system of
267 registration records maintained by the commissioner] electronically if
268 the commissioner determines that the licensee renews with the
269 Department of Motor Vehicles, on average, seven or more such
270 registrations each month. The commissioner shall adopt regulations in
271 accordance with the provisions of chapter 54 to implement the
272 provisions of this subsection.

273 Sec. 12. (NEW) (*Effective July 1, 2016*) The Commissioner of Motor
274 Vehicles may require any person, firm or corporation, who in the
275 opinion of the commissioner is qualified and who is engaged in the

276 business of filing applications for the issuance of a certificate of
277 registration or a certificate of title for motor vehicles with the
278 Department of Motor Vehicles, to file such applications electronically if
279 the commissioner determines that such person, firm or corporation
280 files, on average, seven or more such applications each month. A
281 qualified person, firm or corporation shall, within five days from the
282 electronic issuance of such registration, submit to the commissioner an
283 application together with all necessary documents required to register
284 the vehicle with the department. The commissioner shall adopt
285 regulations in accordance with the provisions of chapter 54 of the
286 general statutes to implement the provisions of this section.

287 Sec. 13. Section 14-1 of the 2016 supplement to the general statutes is
288 repealed and the following is substituted in lieu thereof (*Effective from*
289 *passage*):

290 Terms used in this chapter shall be construed as follows, unless
291 another construction is clearly apparent from the language or context
292 in which the term is used or unless the construction is inconsistent
293 with the manifest intention of the General Assembly:

294 (1) "Activity vehicle" means a student transportation vehicle that is
295 used to transport students in connection with school-sponsored events
296 and activities, but is not used to transport students to and from school;

297 (2) "Agricultural tractor" means a tractor or other form of
298 nonmuscular motive power used for transporting, hauling, plowing,
299 cultivating, planting, harvesting, reaping or other agricultural
300 purposes on any farm or other private property, or used for the
301 purpose of transporting, from one farm to another, agricultural
302 implements and farm products, provided the agricultural tractor is not
303 used on any highway for transporting a pay load or for some other
304 commercial purpose;

305 (3) "Antique, rare or special interest motor vehicle" means a motor
306 vehicle twenty years old or older which is being preserved because of
307 historic interest and which is not altered or modified from the original

308 manufacturer's specifications;

309 (4) "Apparent candle power" means an illumination equal to the
310 normal illumination in foot candles produced by any lamp or lamps,
311 divided by the square of the distance in feet between the lamp or
312 lamps and the point at which the measurement is made;

313 (5) "Authorized emergency vehicle" means (A) a fire department
314 vehicle, (B) a police vehicle, or (C) a public service company or
315 municipal department ambulance or emergency vehicle designated or
316 authorized for use as an authorized emergency vehicle by the
317 commissioner;

318 (6) "Autocycle" means a motor vehicle that meets the requirements
319 of a motorcycle under 49 CFR Part 571, and (A) does not have more
320 than three wheels in contact with the ground, (B) is designed to be
321 controlled with a steering wheel and foot pedals for acceleration,
322 braking or shifting, (C) has a seat or seats that are fully or partially
323 enclosed and in which the occupants sit with their legs forward, and
324 (D) is equipped with safety belts, in accordance with section 14-100a,
325 for all occupants;

326 (7) "Auxiliary driving lamp" means an additional lighting device on
327 a motor vehicle used primarily to supplement the general illumination
328 in front of a motor vehicle provided by the motor vehicle's head lamps;

329 (8) "Bulb" means a light source consisting of a glass bulb containing
330 a filament or substance capable of being electrically maintained at
331 incandescence;

332 (9) "Camp trailer" includes any trailer designed for living or
333 sleeping purposes and used exclusively for camping or recreational
334 purposes;

335 (10) "Camp trailer registration" means the type of registration issued
336 to any trailer that is for nonbusiness use and is limited to camp trailers
337 and utility trailers;

338 (11) "Camp vehicle" means any motor vehicle that is regularly used
339 to transport persons under eighteen years of age in connection with the
340 activities of any youth camp, as defined in section 19a-420;

341 (12) "Camper" means any motor vehicle designed or permanently
342 altered in such a way as to provide temporary living quarters for
343 travel, camping or recreational purposes;

344 (13) "Combination registration" means the type of registration
345 issued to a motor vehicle used for both private passenger and
346 commercial purposes if such vehicle does not have a gross vehicle
347 weight rating in excess of twelve thousand five hundred pounds;

348 (14) "Commercial driver's license" or "CDL" means a license issued
349 to an individual in accordance with the provisions of sections 14-44a to
350 14-44m, inclusive, as amended by this act, which authorizes such
351 individual to drive a commercial motor vehicle;

352 (15) "Commercial driver's license information system" or "CDLIS"
353 means the national database of holders of commercial driver's licenses
354 established by the Federal Motor Carrier Safety Administration
355 pursuant to Section 12007 of the Commercial Motor Vehicle Safety Act
356 of 1986;

357 (16) "Commercial motor vehicle" means a vehicle designed or used
358 to transport passengers or property, except a vehicle used for farming
359 purposes in accordance with 49 CFR 383.3(d), fire fighting apparatus
360 or an emergency vehicle, as defined in section 14-283, or a recreational
361 vehicle in private use, which (A) has a gross vehicle weight rating of
362 twenty-six thousand and one pounds or more, or a gross combination
363 weight rating of twenty-six thousand and one pounds or more,
364 inclusive of a towed unit or units with a gross vehicle weight rating of
365 more than ten thousand pounds; (B) is designed to transport sixteen or
366 more passengers, including the driver, or is designed to transport more
367 than ten passengers, including the driver, and is used to transport
368 students under the age of twenty-one years to and from school; or (C)
369 is transporting hazardous materials and is required to be placarded in

370 accordance with 49 CFR 172, Subpart F, as amended, or any quantity of
371 a material listed as a select agent or toxin in 42 CFR Part 73;

372 (17) "Commercial registration" means the type of registration
373 required for any motor vehicle designed or used to transport
374 merchandise, freight or persons in connection with any business
375 enterprise, unless a more specific type of registration is authorized and
376 issued by the commissioner for such class of vehicle;

377 (18) "Commercial trailer" means a trailer used in the conduct of a
378 business to transport freight, materials or equipment whether or not
379 permanently affixed to the bed of the trailer;

380 (19) "Commercial trailer registration" means the type of registration
381 issued to any commercial trailer;

382 (20) "Commissioner" includes the Commissioner of Motor Vehicles
383 and any assistant to the Commissioner of Motor Vehicles who is
384 designated and authorized by, and who is acting for, the
385 Commissioner of Motor Vehicles under a designation; except that the
386 deputy commissioners of motor vehicles and the Attorney General are
387 deemed, unless the Commissioner of Motor Vehicles otherwise
388 provides, to be designated and authorized by, and acting for, the
389 Commissioner of Motor Vehicles under a designation;

390 (21) "Controlled substance" has the same meaning as in section 21a-
391 240 and the federal laws and regulations incorporated in chapter 420b;

392 (22) "Conviction" means an unvacated adjudication of guilt, or a
393 determination that a person has violated or failed to comply with the
394 law in a court of original jurisdiction or an authorized administrative
395 tribunal, an unvacated forfeiture of bail or collateral deposited to
396 secure the person's appearance in court, the payment of a fine or court
397 cost, or violation of a condition of release without bail, regardless of
398 whether or not the penalty is rebated, suspended or probated;

399 (23) "Dealer" includes any person actively engaged in buying,

400 selling or exchanging motor vehicles or trailers who has an established
401 place of business in this state and who may, incidental to such
402 business, repair motor vehicles or trailers, or cause them to be repaired
403 by persons in his or her employ;

404 (24) "Disqualification" means a withdrawal of the privilege to drive
405 a commercial motor vehicle, which occurs as a result of (A) any
406 suspension, revocation, or cancellation by the commissioner of the
407 privilege to operate a motor vehicle; (B) a determination by the Federal
408 Highway Administration, under the rules of practice for motor carrier
409 safety contained in 49 CFR 386, as amended, that a person is no longer
410 qualified to operate a commercial motor vehicle under the standards of
411 49 CFR 391, as amended; or (C) the loss of qualification which follows
412 any of the convictions or administrative actions specified in section 14-
413 44k;

414 (25) "Drive" means to drive, operate or be in physical control of a
415 motor vehicle, including a motor vehicle being towed by another;

416 (26) "Driver" means any person who drives, operates or is in
417 physical control of a commercial motor vehicle, or who is required to
418 hold a commercial driver's license;

419 (27) "Driver's license" or "operator's license" means a valid
420 Connecticut motor vehicle operator's license or a license issued by
421 another state or foreign jurisdiction authorizing the holder thereof to
422 operate a motor vehicle on the highways;

423 (28) "Employee" means any operator of a commercial motor vehicle,
424 including full-time, regularly employed drivers, casual, intermittent or
425 occasional drivers, drivers under contract and independent owner-
426 operator contractors, who, while in the course of operating a
427 commercial motor vehicle, are either directly employed by, or are
428 under contract to, an employer;

429 (29) "Employer" means any person, including the United States, a
430 state or any political subdivision thereof, who owns or leases a

431 commercial motor vehicle, or assigns a person to drive a commercial
432 motor vehicle;

433 (30) "Farm implement" means a vehicle designed and adapted
434 exclusively for agricultural, horticultural or livestock-raising
435 operations and which is not operated on a highway for transporting a
436 pay load or for any other commercial purpose;

437 (31) "Felony" means any offense as defined in section 53a-25 and
438 includes any offense designated as a felony under federal law;

439 (32) "Fatality" means the death of a person as a result of a motor
440 vehicle accident;

441 (33) "Foreign jurisdiction" means any jurisdiction other than a state
442 of the United States;

443 (34) "Fuels" means (A) all products commonly or commercially
444 known or sold as gasoline, including casinghead and absorption or
445 natural gasoline, regardless of their classification or uses, (B) any liquid
446 prepared, advertised, offered for sale or sold for use, or commonly and
447 commercially used, as a fuel in internal combustion engines, which,
448 when subjected to distillation in accordance with the standard method
449 of test for distillation of gasoline, naphtha, kerosene and similar
450 petroleum products by "American Society for Testing Materials
451 Method D-86", shows not less than ten per cent distilled (recovered)
452 below 347° Fahrenheit (175° Centigrade) and not less than ninety-five
453 per cent distilled (recovered) below 464° Fahrenheit (240° Centigrade);
454 provided the term "fuels" shall not include commercial solvents or
455 naphthas which distill, by "American Society for Testing Materials
456 Method D-86", not more than nine per cent at 176° Fahrenheit and
457 which have a distillation range of 150° Fahrenheit, or less, or liquefied
458 gases which would not exist as liquids at a temperature of 60°
459 Fahrenheit and a pressure of 14.7 pounds per square inch absolute,
460 and (C) any liquid commonly referred to as "gasohol" which is
461 prepared, advertised, offered for sale or sold for use, or commonly and
462 commercially used, as a fuel in internal combustion engines, consisting

463 of a blend of gasoline and a minimum of ten per cent by volume of
464 ethyl or methyl alcohol;

465 (35) "Garage" includes every place of business where motor vehicles
466 are, for compensation, received for housing, storage or repair;

467 (36) "Gross vehicle weight rating" or "GVWR" means the value
468 specified by the manufacturer as the maximum loaded weight of a
469 single or a combination (articulated) vehicle. The GVWR of a
470 combination (articulated) vehicle commonly referred to as the "gross
471 combination weight rating" or GCWR is the GVWR of the power unit
472 plus the GVWR of the towed unit or units;

473 (37) "Gross weight" means the light weight of a vehicle plus the
474 weight of any load on the vehicle, provided, in the case of a tractor-
475 trailer unit, "gross weight" means the light weight of the tractor plus
476 the light weight of the trailer or semitrailer plus the weight of the load
477 on the vehicle;

478 (38) "Hazardous materials" has the same meaning as in 49 CFR
479 383.5;

480 (39) "Head lamp" means a lighting device affixed to the front of a
481 motor vehicle projecting a high intensity beam which lights the road in
482 front of the vehicle so that it can proceed safely during the hours of
483 darkness;

484 (40) "High-mileage vehicle" means a motor vehicle having the
485 following characteristics: (A) Not less than three wheels in contact with
486 the ground; (B) a completely enclosed seat on which the driver sits; (C)
487 a single or two cylinder, gasoline or diesel engine or an electric-
488 powered engine; and (D) efficient fuel consumption;

489 (41) "Highway" includes any state or other public highway, road,
490 street, avenue, alley, driveway, parkway, place or dedicated roadway
491 for bus rapid transit service, under the control of the state or any
492 political subdivision of the state, dedicated, appropriated or opened to

493 public travel or other use;

494 (42) "Imminent hazard" means the existence of a condition that
495 presents a substantial likelihood that death, serious illness, severe
496 personal injury or a substantial endangerment to health, property, or
497 the environment may occur before the reasonably foreseeable
498 completion date of a formal proceeding begun to lessen the risk of that
499 death, illness, injury or endangerment;

500 (43) "Intersecting highway" includes any public highway which
501 joins another at an angle whether or not it crosses the other;

502 (44) "Light weight" means the weight of an unloaded motor vehicle
503 as ordinarily equipped and ready for use, exclusive of the weight of
504 the operator of the motor vehicle;

505 (45) "Limited access highway" means a state highway so designated
506 under the provisions of section 13b-27;

507 (46) "Local authorities" includes the board of aldermen, common
508 council, chief of police, warden and burgesses, board of selectmen or
509 other officials having authority for the enactment or enforcement of
510 traffic regulations within their respective towns, cities or boroughs;

511 (47) "Maintenance vehicle" means any vehicle in use by the state or
512 by any town, city, borough or district, any state bridge or parkway
513 authority or any public service company, as defined in section 16-1, in
514 the maintenance of public highways or bridges and facilities located
515 within the limits of public highways or bridges;

516 (48) "Manufacturer" means (A) a person, whether a resident or
517 nonresident, engaged in the business of constructing or assembling
518 new motor vehicles of a type required to be registered by the
519 commissioner, for operation upon any highway, except a utility trailer,
520 which are offered for sale in this state, or (B) a person who distributes
521 new motor vehicles to new car dealers licensed in this state;

522 (49) "Median divider" means an intervening space or physical

523 barrier or clearly indicated dividing section separating traffic lanes
524 provided for vehicles proceeding in opposite directions;

525 (50) "Modified antique motor vehicle" means a motor vehicle twenty
526 years old or older which has been modified for safe road use,
527 including, but not limited to, modifications to the drive train,
528 suspension, braking system and safety or comfort apparatus;

529 (51) "Motor bus" includes any motor vehicle, except a taxicab, as
530 defined in section 13b-95, operated in whole or in part on any street or
531 highway in a manner affording a means of transportation by
532 indiscriminately receiving or discharging passengers, or running on a
533 regular route or over any portion of a regular route or between fixed
534 termini;

535 (52) "Motor home" means a vehicular unit designed to provide
536 living quarters and necessary amenities which are built into an integral
537 part of, or permanently attached to, a truck or van chassis;

538 (53) "Motor-driven cycle" means any of the following vehicles that
539 have a seat height of not less than twenty-six inches and a motor
540 having a capacity of less than fifty cubic centimeters piston
541 displacement: (A) A motorcycle, other than an auticycle; (B) a motor
542 scooter; or (C) a bicycle with attached motor;

543 (54) "Motor vehicle" means any vehicle propelled or drawn by any
544 nonmuscular power, except aircraft, motor boats, road rollers, baggage
545 trucks used about railroad stations or other mass transit facilities,
546 electric battery-operated wheel chairs when operated by physically
547 handicapped persons at speeds not exceeding fifteen miles per hour,
548 golf carts operated on highways solely for the purpose of crossing
549 from one part of the golf course to another, golf-cart-type vehicles
550 operated on roads or highways on the grounds of state institutions by
551 state employees, agricultural tractors, farm implements, such vehicles
552 as run only on rails or tracks, self-propelled snow plows, snow blowers
553 and lawn mowers, when used for the purposes for which they were
554 designed and operated at speeds not exceeding four miles per hour,

555 whether or not the operator rides on or walks behind such equipment,
556 motor-driven cycles as defined in section 14-286, special mobile
557 equipment as defined in section 14-165, mini-motorcycles, as defined
558 in section 14-289j, and any other vehicle not suitable for operation on a
559 highway;

560 (55) "Motorcycle" means (A) an auticycle, as defined in this section,
561 or (B) a motor vehicle, with or without a side car, that has (i) not more
562 than three wheels in contact with the ground, (ii) a saddle or seat
563 which the rider straddles or a platform on which the rider stands, and
564 (iii) handlebars with which the rider controls the movement of the
565 vehicle. "Motorcycle" does not include a motor-driven cycle, as defined
566 in this section;

567 (56) "National Driver Registry" or "NDR" means the licensing
568 information system and database operated by the National Highway
569 Traffic Safety Administration and established pursuant to the National
570 Driver Registry Act of 1982, as amended;

571 (57) "New motor vehicle" means a motor vehicle, the equitable or
572 legal title to which has never been transferred by a manufacturer,
573 distributor or dealer to an ultimate consumer;

574 (58) "Nonresident" means any person whose legal residence is in a
575 state other than Connecticut or in a foreign country;

576 (59) "Nonresident commercial driver's license" or "nonresident CDL"
577 means a commercial driver's license issued by a state to an individual
578 who resides in a foreign jurisdiction;

579 (60) "Nonskid device" means any device applied to the tires, wheels,
580 axles or frame of a motor vehicle for the purpose of increasing the
581 traction of the motor vehicle;

582 (61) "Number plate" means any sign or marker furnished by the
583 commissioner on which is displayed the registration number assigned
584 to a motor vehicle by the commissioner;

585 (62) "Officer" includes any constable, state marshal, inspector of
586 motor vehicles, state policeman or other official authorized to make
587 arrests or to serve process, provided the officer is in uniform or
588 displays the officer's badge of office in a conspicuous place when
589 making an arrest;

590 (63) "Operator" means any person who operates a motor vehicle or
591 who steers or directs the course of a motor vehicle being towed by
592 another motor vehicle and includes a driver as defined in subdivision
593 (26) of this section;

594 (64) "Out-of-service order" means an order (A) issued by a person
595 having inspection authority, as defined in regulations adopted by the
596 commissioner pursuant to section 14-163c, or by an authorized official
597 of the United States Department of Transportation Federal Motor
598 Carrier Safety Administration pursuant to any provision of federal
599 law, to prohibit any motor vehicle specified in subsection (a) of section
600 14-163c from being operated on any highway, or to prohibit a driver
601 from operating any such motor vehicle, or (B) issued by the United
602 States Department of Transportation Federal Motor Carrier Safety
603 Administration, pursuant to any provision of federal law, to prohibit
604 any motor carrier, as defined in Section 386.2 of Title 49 of the Code of
605 Federal Regulations, from engaging in commercial motor vehicle
606 operations;

607 (65) "Owner" means any person holding title to a motor vehicle, or
608 having the legal right to register the same, including purchasers under
609 conditional bills of sale;

610 (66) "Parked vehicle" means a motor vehicle in a stationary position
611 within the limits of a public highway;

612 (67) "Passenger and commercial motor vehicle" means a motor
613 vehicle used for private passenger and commercial purposes which is
614 eligible for combination registration;

615 (68) "Passenger motor vehicle" means a motor vehicle used for the

616 private transportation of persons and their personal belongings,
617 designed to carry occupants in comfort and safety, with a capacity of
618 carrying not more than ten passengers including the operator thereof;

619 (69) "Passenger registration" means the type of registration issued to
620 a passenger motor vehicle unless a more specific type of registration is
621 authorized and issued by the commissioner for such class of vehicle;

622 (70) "Person" includes any individual, corporation, limited liability
623 company, association, copartnership, company, firm, business trust or
624 other aggregation of individuals but does not include the state or any
625 political subdivision thereof, unless the context clearly states or
626 requires;

627 (71) "Pick-up truck" means a motor vehicle with an enclosed
628 forward passenger compartment and an open rearward compartment
629 used for the transportation of property;

630 (72) "Pneumatic tires" means tires inflated or inflatable with air;

631 (73) "Pole trailer" means a trailer which is (A) intended for
632 transporting long or irregularly shaped loads such as poles, logs, pipes
633 or structural members, which loads are capable of sustaining
634 themselves as beams between supporting connections, and (B)
635 designed to be drawn by a motor vehicle and attached or secured
636 directly to the motor vehicle by any means including a reach, pole or
637 boom;

638 (74) "Public passenger endorsement" means an endorsement issued
639 to an individual, which authorizes such individual to transport
640 passengers, including, but not limited to, passengers who are students
641 in accordance with subsection (b) or (c) of section 14-36a;

642 [(74)] (75) "Recreational vehicle" includes the camper, camp trailer
643 and motor home classes of vehicles;

644 [(75)] (76) "Registration" includes the certificate of motor vehicle
645 registration and the number plate or plates used in connection with

646 such registration;

647 [(76)] (77) "Registration number" means the identifying number or
648 letters, or both, assigned by the commissioner to a motor vehicle;

649 [(77)] (78) "Resident", for the purpose of registering motor vehicles,
650 includes any person who is a legal resident of this state, as the
651 commissioner may presume from the fact that such person occupies a
652 place of dwelling in this state for more than six months in a year, or
653 any person, firm or corporation owning or leasing a motor vehicle
654 used or operated in intrastate business in this state, or a firm or
655 corporation having its principal office or place of business in this state;

656 [(78)] (79) "School bus" means any school bus, as defined in section
657 14-275, including a commercial motor vehicle used to transport
658 preschool, elementary school or secondary school students from home
659 to school, from school to home, or to and from school-sponsored
660 events, but does not include a bus used as a common carrier;

661 [(79)] (80) "Second" violation or "subsequent" violation means an
662 offense committed not more than three years after the date of an arrest
663 which resulted in a previous conviction for a violation of the same
664 statutory provision, except in the case of a violation of section 14-215
665 or 14-224 or subsection (a) of section 14-227a, "second" violation or
666 "subsequent" violation means an offense committed not more than ten
667 years after the date of an arrest which resulted in a previous conviction
668 for a violation of the same statutory provision;

669 [(80)] (81) "Semitrailer" means any trailer type vehicle designed and
670 used in conjunction with a motor vehicle so that some part of its own
671 weight and load rests on or is carried by another vehicle;

672 [(81)] (82) "Serious traffic violation" means a conviction of any of the
673 following offenses: (A) Excessive speeding, involving a single offense
674 in which the speed is fifteen miles per hour or more above the posted
675 speed limit, in violation of section 14-218a or 14-219; (B) reckless
676 driving in violation of section 14-222; (C) following too closely in

677 violation of section 14-240 or 14-240a; (D) improper or erratic lane
678 changes, in violation of section 14-236; (E) using a hand-held mobile
679 telephone or other electronic device or typing, reading or sending text
680 or a text message with or from a mobile telephone or mobile electronic
681 device in violation of subsection (e) of section 14-296aa while operating
682 a commercial motor vehicle; (F) driving a commercial motor vehicle
683 without a valid commercial driver's license in violation of section 14-
684 36a or 14-44a, as amended by this act; (G) failure to carry a commercial
685 driver's license in violation of section 14-44a, as amended by this act;
686 (H) failure to have the proper class of license or endorsement, or
687 violation of a license restriction in violation of section 14-44a, as
688 amended by this act; or (I) a violation of any provision of chapter 248,
689 by an operator who holds a commercial driver's license or instruction
690 permit that results in the death of another person;

691 [(82)] (83) "Service bus" includes any vehicle except a vanpool
692 vehicle or a school bus designed and regularly used to carry ten or
693 more passengers when used in private service for the transportation of
694 persons without charge to the individual;

695 [(83)] (84) "Service car" means any motor vehicle used by a
696 manufacturer, dealer or repairer for emergency motor vehicle repairs
697 on the highways of this state, for towing or for the transportation of
698 necessary persons, tools and materials to and from the scene of such
699 emergency repairs or towing;

700 [(84)] (85) "Shoulder" means that portion of a highway immediately
701 adjacent and contiguous to the travel lanes or main traveled portion of
702 the roadway;

703 [(85)] (86) "Solid tires" means tires of rubber, or other elastic material
704 approved by the Commissioner of Transportation, which do not
705 depend on confined air for the support of the load;

706 [(86)] (87) "Spot lamp" or "spot light" means a lighting device
707 projecting a high intensity beam, the direction of which can be readily
708 controlled for special or emergency lighting as distinguished from

709 ordinary road illumination;

710 [(87)] (88) "State" means any state of the United States and the
711 District of Columbia unless the context indicates a more specific
712 reference to the state of Connecticut;

713 [(88)] (89) "Stop" means complete cessation of movement;

714 [(89)] (90) "Student" means any person under the age of twenty-one
715 years who is attending a preprimary, primary or secondary school
716 program of education;

717 [(90)] (91) "Tail lamp" means a lighting device affixed to the rear of a
718 motor vehicle showing a red light to the rear and indicating the
719 presence of the motor vehicle when viewed from behind;

720 [(91)] (92) "Tank vehicle" means any commercial motor vehicle
721 designed to transport any liquid or gaseous material within a tank that
722 is either permanently or temporarily attached to the vehicle or its
723 chassis which shall include, but not be limited to, a cargo tank and
724 portable tank, as defined in 49 CFR 383.5, as amended, provided it
725 shall not include a portable tank with a rated capacity not to exceed
726 one thousand gallons;

727 [(92)] (93) "Tractor" or "truck tractor" means a motor vehicle
728 designed and used for drawing a semitrailer;

729 [(93)] (94) "Tractor-trailer unit" means a combination of a tractor and
730 a trailer or a combination of a tractor and a semitrailer;

731 [(94)] (95) "Trailer" means any rubber-tired vehicle without motive
732 power drawn or propelled by a motor vehicle;

733 [(95)] (96) "Truck" means a motor vehicle designed, used or
734 maintained primarily for the transportation of property;

735 [(96)] (97) "Ultimate consumer" means, with respect to a motor
736 vehicle, the first person, other than a dealer, who in good faith

737 purchases the motor vehicle for purposes other than resale;

738 [(97)] (98) "United States" means the fifty states and the District of
739 Columbia;

740 [(98)] (99) "Used motor vehicle" includes any motor vehicle which
741 has been previously separately registered by an ultimate consumer;

742 [(99)] (100) "Utility trailer" means a trailer designed and used to
743 transport personal property, materials or equipment, whether or not
744 permanently affixed to the bed of the trailer;

745 [(100)] (101) "Vanpool vehicle" includes all motor vehicles, the
746 primary purpose of which is the daily transportation, on a prearranged
747 nonprofit basis, of individuals between home and work, and which:
748 (A) If owned by or leased to a person, or to an employee of the person,
749 or to an employee of a local, state or federal government unit or agency
750 located in Connecticut, are manufactured and equipped in such
751 manner as to provide a seating capacity of at least seven but not more
752 than fifteen individuals, or (B) if owned by or leased to a regional ride-
753 sharing organization in the state recognized by the Commissioner of
754 Transportation, are manufactured and equipped in such manner as to
755 provide a seating capacity of at least six but not more than nineteen
756 individuals;

757 [(101)] (102) "Vehicle" includes any device suitable for the
758 conveyance, drawing or other transportation of persons or property,
759 whether operated on wheels, runners, a cushion of air or by any other
760 means. The term does not include devices propelled or drawn by
761 human power or devices used exclusively on tracks;

762 [(102)] (103) "Vehicle identification number" or "VIN" means a series
763 of Arabic numbers and Roman letters that is assigned to each new
764 motor vehicle that is manufactured within or imported into the United
765 States, in accordance with the provisions of 49 CFR 565, unless another
766 sequence of numbers and letters has been assigned to a motor vehicle
767 by the commissioner, in accordance with the provisions of section 14-

768 149;

769 [(103)] (104) "Wrecker" means a vehicle which is registered,
770 designed, equipped and used for the purposes of towing or
771 transporting wrecked or disabled motor vehicles for compensation or
772 for related purposes by a person, firm or corporation licensed in
773 accordance with the provisions of subpart (D) of part III of this chapter
774 or a vehicle contracted for the consensual towing or transporting of
775 one or more motor vehicles to or from a place of sale, purchase,
776 salvage or repair. [;]

777 [(104) "Public passenger endorsement" means an endorsement
778 issued to an individual, which authorizes such individual to transport
779 passengers, including, but not limited to, passengers who are students
780 in accordance with subsection (b) or (c) of section 14-36a.]

781 Sec. 14. Subsection (e) of section 14-44 of the 2016 supplement to the
782 general statutes is repealed and the following is substituted in lieu
783 thereof (*Effective from passage*):

784 (e) Prior to issuing an operator's license bearing a school
785 endorsement or bearing the appropriate type of public passenger
786 endorsement for operation of a student transportation vehicle
787 pursuant to subdivision [(4)] (3) of subsection (a) of this section, the
788 Commissioner of Motor Vehicles shall require each applicant to submit
789 to state and national criminal history records checks, conducted in
790 accordance with section 29-17a, and a check of the state child abuse
791 and neglect registry established pursuant to section 17a-101k. The
792 Commissioner of Emergency Services and Public Protection shall
793 complete such state and national criminal history records checks
794 required pursuant to this section within sixty days of receiving such a
795 request for a check of such records. If notice of a state or national
796 criminal history record is received, the Commissioner of Motor
797 Vehicles may, subject to the provisions of section 46a-80, refuse to issue
798 an operator's license bearing such public passenger endorsement and,
799 in such case, shall immediately notify the applicant, in writing, of such

800 refusal. If notification that the applicant is listed as a perpetrator of
801 abuse on the state child abuse and neglect registry established
802 pursuant to section 17a-101k is received, the Commissioner of Motor
803 Vehicles may refuse to issue an operator's license bearing such public
804 passenger endorsement and, in such case, shall immediately notify the
805 applicant, in writing, of such refusal. The Commissioner of Motor
806 Vehicles shall not issue a temporary operator's license bearing a school
807 endorsement or bearing the appropriate type of public passenger
808 endorsement for operation of a student transportation vehicle.

809 Sec. 15. Section 14-166 of the general statutes is repealed and the
810 following is substituted in lieu thereof (*Effective October 1, 2016*):

811 (a) The acquisition of a certificate of title shall not be required and
812 the issuance of a certificate of title by the Commissioner of Motor
813 Vehicles shall not be required for the following: (1) A vehicle owned
814 by the United States, unless it is registered in this state; (2) a vehicle
815 owned by a manufacturer or dealer and held for sale, even though
816 incidentally moved on the highway or used for purposes of testing or
817 demonstration; or a vehicle used by a manufacturer solely for testing;
818 (3) a vehicle owned by a nonresident of this state and not required by
819 law to be registered in this state; (4) a vehicle regularly engaged in the
820 interstate transportation of persons or property for which a currently
821 effective certificate of title has been issued in another state; (5) a vehicle
822 moved solely by animal power; (6) an implement of husbandry; (7)
823 special mobile equipment; (8) a self-propelled wheel chair or invalid
824 tricycle; (9) any trailer having a gross weight not in excess of three
825 thousand pounds; (10) any vehicle for which a temporary registration
826 has been issued pursuant to section 14-12 for the purpose of permitting
827 a nonresident owner who purchases a vehicle in Connecticut to
828 transport such vehicle to such owner's home state; (11) a motor vehicle
829 owned by the state or any town, city or borough within the state; (12) a
830 motor vehicle registered temporarily for inspection purposes pursuant
831 to section 14-12. [; (13) a motor vehicle older than twenty model years
832 old, for which the commissioner may issue a certificate of title in said
833 commissioner's discretion.]

834 (b) The acquisition of a certificate of title for any motor vehicle older
835 than twenty model years old shall not be required. The commissioner
836 shall issue a certificate of title for a motor vehicle older than twenty
837 model years old at the request of the owner and charge such owner
838 any fees required by section 14-192.

839 [(b)] (c) Part III of this chapter does not apply to: (1) A vehicle
840 moved solely by animal power; (2) an implement of husbandry; (3)
841 special mobile equipment; (4) a self-propelled wheel chair or invalid
842 tricycle; (5) any trailer having a gross weight not in excess of three
843 thousand pounds.

844 Sec. 16. Subsection (c) of section 13b-50p of the 2016 supplement to
845 the general statutes is repealed and the following is substituted in lieu
846 thereof (*Effective from passage*):

847 (c) Any person who violates any provision of this section or any
848 [regulation] procedure adopted pursuant to this section shall be fined
849 not more than five hundred dollars.

850 Sec. 17. Subsection (c) of section 14-293b of the 2016 supplement to
851 the general statutes is repealed and the following is substituted in lieu
852 thereof (*Effective from passage*):

853 (c) A statement concerning such responsibilities shall be included in
854 the [agency's] instruction manual for motor vehicle operation of the
855 Department of Motor Vehicles.

856 Sec. 18. Section 14-251 of the 2016 supplement to the general statutes
857 is repealed and the following is substituted in lieu thereof (*Effective*
858 *from passage*):

859 No vehicle shall be permitted to remain stationary within ten feet of
860 any fire hydrant, or upon the traveled portion of any highway except
861 upon the right-hand side of such highway in the direction in which
862 such vehicle is headed; and, if such highway is curbed, such vehicle
863 shall be so placed that its right-hand wheels, when stationary, shall,

864 when safety will permit, be within a distance of twelve inches from the
865 curb, except if a bikeway, as defined in section 13a-153f, or such
866 bikeway's buffer area, as described in the federal Manual on Uniform
867 Traffic Control Devices, is in place between the parking lane and the
868 curb, such vehicle shall be so placed that its right-hand wheels, when
869 stationary, shall, when safety will permit, be within a distance of
870 twelve inches from the edge of such bikeway or buffer area. No vehicle
871 shall be permitted to remain parked within twenty-five feet of an
872 intersection or a marked crosswalk at such intersection, or within
873 twenty-five feet of a stop sign caused to be erected by the traffic
874 authority in accordance with the provisions of section 14-301. No
875 vehicle shall be permitted to remain stationary upon the traveled
876 portion of any highway at any curve or turn or at the top of any grade
877 where a clear view of such vehicle may not be had from a distance of at
878 least one hundred [and] fifty feet in either direction. The
879 Commissioner of Transportation may post signs upon any highway at
880 any place where the keeping of a vehicle stationary is dangerous to
881 traffic, and the keeping of any vehicle stationary contrary to the
882 directions of such signs shall be a violation of this section. No vehicle
883 shall be permitted to remain stationary upon the traveled portion of
884 any highway within fifty feet of the point where another vehicle,
885 which had previously stopped, continues to remain stationary on the
886 opposite side of the traveled portion of the same highway. No vehicle
887 shall be permitted to remain stationary within the limits of a public
888 highway in such a manner as to constitute a traffic hazard or obstruct
889 the free movement of traffic thereon, provided a vehicle which has
890 become disabled to such an extent that it is impossible or impracticable
891 to remove it may be permitted to so remain for a reasonable time for
892 the purpose of making repairs thereto or of obtaining sufficient
893 assistance to remove it. Nothing in this section shall be construed to
894 apply to emergency vehicles and to maintenance vehicles displaying
895 flashing lights or to prohibit a vehicle from stopping, or being held
896 stationary by any officer, in an emergency to avoid accident or to give
897 a right-of-way to any vehicle or pedestrian as provided in this chapter,
898 or from stopping on any highway within the limits of an incorporated

899 city, town or borough where the parking of vehicles is regulated by
900 local ordinances. Violation of any provision of this section shall be an
901 infraction.

902 Sec. 19. Section 14-106b of the 2016 supplement to the general
903 statutes is repealed and the following is substituted in lieu thereof
904 (*Effective from passage*):

905 (a) Each self-propelled motor vehicle registered in this state
906 designed and manufactured with an odometer shall at all times while
907 operating on the highway be equipped with a properly functioning
908 odometer. Any person who violates any provision of this section shall
909 be issued a warning for defective equipment under the provisions of
910 subsection (c) of section 14-103.

911 (b) No person or his agent shall remove, turn back or change the
912 reading on the odometer of any motor vehicle required under the
913 provisions of subsection (a) of this section or subsection (a) of section
914 14-106a to be equipped with an odometer except in connection with
915 the repair of such odometer either while installed in or removed from
916 such motor vehicle and unless such person is licensed as a new car
917 dealer, used car dealer or general or limited repairer pursuant to
918 section 14-52. Each odometer repaired and each new or used odometer
919 installed in any motor vehicle required to be equipped with an
920 odometer shall display mileage at least equal to the mileage displayed
921 by the odometer in such motor vehicle immediately prior to such
922 repair or replacement.

923 (c) No person shall sell, offer for sale, use, install or cause to be
924 installed any device which causes the odometer in any motor vehicle
925 required under the provisions of subsection (a) of this section or
926 subsection (a) of section 14-106a to be so equipped to register any
927 mileage other than the true mileage driven. For purposes of this
928 section, the true mileage driven is that mileage driven by the vehicle as
929 registered by the odometer within the manufacturer's designed
930 tolerance.

931 (d) Any person violating the provisions of subsections (b) or (c) of
932 this section shall be guilty of committing a class A misdemeanor. Any
933 person violating the provisions of said subsections shall be liable for
934 damages equal to three times the amount of actual damage or one
935 thousand five hundred dollars, whichever is greater, court costs and
936 reasonable attorney's fees and shall pay a civil penalty of not more
937 than one thousand dollars for each violation. A violation of the
938 provisions of said subsections shall be deemed to be an unfair trade
939 practice within the provisions of chapter 735a. Any person licensed as
940 a new car dealer, used car dealer or general or limited repairer
941 pursuant to section 14-52 shall in addition to the penalties imposed by
942 this section be subject to the suspension or revocation of his license as
943 provided in section 14-64.

944 Sec. 20. Subdivision (82) of section 12-412 of the 2016 supplement to
945 the general statutes is repealed and the following is substituted in lieu
946 thereof (*Effective from passage*):

947 (82) (A) The sale of and the storage, use or other consumption of any
948 commercial motor vehicle, as defined in subparagraphs (A) and (B) of
949 subdivision [(15)] (16) of section 14-1, as amended by this act, that is
950 operating pursuant to the provisions of section 13b-88 or 13b-89,
951 during the period commencing upon its purchase and ending one year
952 after the date of purchase, provided seventy-five per cent of its
953 revenue from its days in service is derived from out-of-state trips or
954 trips crossing state lines.

955 (B) Each purchaser of a commercial motor vehicle exempt from tax
956 pursuant to the provisions of this subsection shall, in order to qualify
957 for said exemption, present to the retailer a certificate, in such form as
958 the commissioner may prescribe, certifying that seventy-five per cent
959 of such vehicle's revenue from its days in service will be derived from
960 out-of-state trips or trips crossing state lines. The purchaser of the
961 motor vehicle shall be liable for the tax otherwise imposed if, during
962 the period commencing upon its purchase and ending one year after
963 the date of purchase, seventy-five per cent of the vehicle's revenue

964 from its days in service is not derived from out-of-state trips or trips
965 crossing state lines.

966 Sec. 21. Subdivision (22) of section 42-133cc of the 2016 supplement
967 to the general statutes is repealed and the following is substituted in
968 lieu thereof (*Effective from passage*):

969 (22) Exercise a right of first refusal or other right to acquire a
970 franchise from a dealer unless the manufacturer or distributor:

971 (A) Notifies the dealer and the proposed transferee in writing that it
972 intends to exercise its right to acquire the franchise not later than sixty
973 days after the [manufacturer] manufacturer's or distributor's receipt of
974 a notice of the proposed transfer from the dealer or the proposed
975 transferee and all information and documents reasonably and
976 customarily required by the manufacturer supporting such proposed
977 transfer, as required pursuant to subdivision (11) of this section, and
978 the proposed transfer is not to (i) a child, spouse, grandchild, parent or
979 sibling, (ii) a current owner of the dealership that is the subject of the
980 transfer, (iii) a dealership manager employed continuously by the
981 dealer in the dealership for a period of not less than four years prior to
982 the date of the proposed transfer and who is otherwise qualified as a
983 dealer operator according to the usual standards of the manufacturer
984 or distributor, or (iv) a partnership, trust or corporation controlled by,
985 or for the benefit of, any of the types of individuals described in this
986 subparagraph. For the purpose of this subparagraph, the "proposed
987 transferee" means the person to whom the franchise would have been
988 transferred to, or was proposed to be transferred to, had the right of
989 first refusal or other right to acquire the franchise not been exercised
990 by the manufacturer or distributor;

991 (B) Will pay to the dealer the same or greater consideration as such
992 dealer has contracted to receive in connection with the proposed
993 transfer or sale of all or substantially all of the dealership assets, stock
994 or other ownership interest, including the purchase or lease of all real
995 property, leasehold or improvements related to the transfer or sale of

996 the dealership. Upon exercise of the right of first refusal or such other
997 right, the manufacturer or distributor shall have the right to assign the
998 lease or to convey the real property;

999 (C) Assumes all of the duties, obligations and liabilities contained in
1000 the agreements that were to be assumed by the proposed transferee
1001 and with respect to which the manufacturer or distributor exercised
1002 the right of first refusal or other right to acquire the franchise;

1003 (D) Reimburses the proposed transferee for all reasonable expenses
1004 incurred in evaluating, investigating, negotiating and pursuing the
1005 acquisition of the dealership prior to the [manufacturer]
1006 manufacturer's or distributor's exercise of its right of first refusal or
1007 other right to acquire the dealership. For purposes of this
1008 subparagraph, reasonable expenses include the usual and customary
1009 legal and accounting fees charged for similar work, as well as expenses
1010 associated with the evaluation and investigation of any real property
1011 on which the dealership is operated. The proposed transferee shall
1012 submit an itemized list of its expenses to the manufacturer or
1013 distributor not later than thirty days after the [manufacturer]
1014 manufacturer's or distributor's exercise of the right of first refusal or
1015 other right to acquire the motor vehicle franchise. The manufacturer or
1016 distributor shall reimburse the proposed transferee for its expenses not
1017 later than thirty days after receipt of the itemized list.

1018 Sec. 22. Subsections (c) and (d) of section 14-96q of the 2016
1019 supplement to the general statutes are repealed and the following is
1020 substituted in lieu thereof (*Effective from passage*):

1021 (c) A blue light or lights, including flashing blue lights, may be used
1022 on a motor vehicle operated by an active member of a volunteer fire
1023 department or company or an active member of an organized civil
1024 preparedness auxiliary fire company who has been issued a permit by
1025 the chief executive officer of such department or company to use such
1026 a light while on the way to or at the scene of a fire or other emergency
1027 requiring such member's services. Such permit shall be on a form

1028 provided by the commissioner and may be revoked by such chief
1029 executive officer or successor. The chief executive officer of each
1030 volunteer fire department or company or organized civil preparedness
1031 auxiliary fire company shall keep on file, the on forms provided by
1032 the commissioner, the names and addresses of members who have
1033 been authorized to use flashing blue lights as provided in this
1034 subsection. Such listing shall also designate the registration number of
1035 the motor vehicle on which authorized flashing blue lights are to be
1036 used.

1037 (d) A green light or lights, including flashing green lights, may be
1038 used on a motor vehicle operated by an active member of a volunteer
1039 ambulance association or company who has been issued a permit by
1040 the chief executive officer of such association or company to use such a
1041 light, while on the way to or at the scene of an emergency requiring
1042 such member's services. Such permit shall be on a form provided by
1043 the commissioner and may be revoked by such chief executive officer
1044 or successor. The chief executive officer of each volunteer ambulance
1045 association or company shall keep on file, on forms provided by the
1046 commissioner, the names and addresses of members who have been
1047 authorized to use flashing green lights as provided in this subsection.
1048 Such listing shall also designate the registration number of the vehicle
1049 on which the authorized flashing green lights are to be used.

1050 Sec. 23. (NEW) (*Effective from passage*) (a) Commencing January 15,
1051 2017, and annually thereafter, the Department of Motor Vehicles shall
1052 submit a report, in accordance with the provisions of section 11-4a of
1053 the general statutes, to the joint standing committee of the General
1054 Assembly having cognizance of matters relating to the Department of
1055 Motor Vehicles. Such annual report shall (1) identify specific goals
1056 indicating acceptable waiting times at the main office and branch
1057 offices of the department, (2) summarize actions undertaken by the
1058 department in the previous year to achieve such goals, and (3) include
1059 a strategy to achieve or exceed such goals in the upcoming year. The
1060 joint standing committee may hold a public hearing on such report not
1061 later than thirty days after receipt of such report. The Commissioner of

1062 Motor Vehicles, or the commissioner's designee, shall testify at any
1063 such public hearing.

1064 (b) Commencing August 15, 2016, and monthly thereafter, the
1065 Department of Motor Vehicles shall submit a report, in accordance
1066 with the provisions of section 11-4a of the general statutes, to the joint
1067 standing committee of the General Assembly having cognizance of
1068 matters relating to the Department of Motor Vehicles on the length of
1069 waiting times at the main office and branch offices of the department.
1070 Such report shall include the following information for the month
1071 prior to the month in which the report is submitted: (1) For the main
1072 office and each branch office of the department that utilizes a
1073 numbered ticketing system, (A) the average time that elapses from the
1074 time a person receives a numbered ticket to the time such person
1075 receives customer service, (B) whether the average waiting time
1076 decreased or increased from the previous reporting period, and (C) the
1077 number of transactions conducted at such offices that could have been
1078 conducted on the Internet web site of the department; and (2) the
1079 number of transactions conducted on the Internet web site of the
1080 department.

1081 Sec. 24. Subsection (b) of section 14-41 of the general statutes is
1082 repealed and the following is substituted in lieu thereof (*Effective from*
1083 *passage*):

1084 (b) An original operator's license shall expire within a period not
1085 exceeding six years following the date of the operator's next birthday.
1086 The fee for such license shall be seventy-two dollars. The
1087 commissioner may authorize a contractor, including, but not limited
1088 to, an automobile club or association, licensed in accordance with the
1089 provisions of section 14-67 on or before July 1, 2007, or any office or
1090 department of a municipality, to issue duplicate licenses and identity
1091 cards pursuant to section 14-50a, renew licenses, renew identity cards
1092 issued pursuant to section 1-1h and conduct registration transactions
1093 at its office facilities. The commissioner may authorize such
1094 [automobile clubs or associations] contractors to charge a convenience

1095 fee, which shall not exceed [three] five dollars, to each applicant for a
 1096 license or identity card renewal or duplication, or for a registration
 1097 transaction.

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>July 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>	14-275c(b)
Sec. 9	<i>October 1, 2016</i>	17a-696(a)
Sec. 10	<i>October 1, 2016</i>	53a-217b(b)
Sec. 11	<i>July 1, 2016</i>	14-15(b) and (c)
Sec. 12	<i>July 1, 2016</i>	New section
Sec. 13	<i>from passage</i>	14-1
Sec. 14	<i>from passage</i>	14-44(e)
Sec. 15	<i>October 1, 2016</i>	14-166
Sec. 16	<i>from passage</i>	13b-50p(c)
Sec. 17	<i>from passage</i>	14-293b(c)
Sec. 18	<i>from passage</i>	14-251
Sec. 19	<i>from passage</i>	14-106b
Sec. 20	<i>from passage</i>	12-412(82)
Sec. 21	<i>from passage</i>	42-133cc(22)
Sec. 22	<i>from passage</i>	14-96q(c) and (d)
Sec. 23	<i>from passage</i>	New section
Sec. 24	<i>from passage</i>	14-41(b)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 17 \$	FY 18 \$
Judicial Dept. (Probation); Correction, Dept.	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill expands the law on tampering with an ignition interlock device and results in a potential revenue gain from additional violations of the law. In FY 15 there were 74 violations that resulted in 14 fines totaling \$7,100. In addition, the bill extends participation in the drug and alcohol program to specified offenses. Participants pay a \$550-\$700 fee to the Pretrial Drug and Alcohol Education program to cover their cost.

The bill also precludes the court from granting eligibility to the Pretrial Drug and Alcohol Education Program to drivers who hold a commercial driver's license (CDL) and are charged with certain crimes. Instead these offenders will receive a criminal fine and probation or incarceration. To the extent that offenders are prosecuted for new or expanded offenses under this bill, potential costs for incarceration or probation supervision in the community, or judicial revenue would result. On average, it costs the state \$7,260 (including benefits) to supervise an inmate in the community as opposed to \$61,320 (including benefits) to incarcerate an offender.

The bill requires the Department of Motor Vehicles (DMV) to issue

certificates of title at the request of the owner for vehicles older than 20 model years which does not result in a fiscal impact as it codifies current practice.

Lastly, the bill increases the fee automobile clubs are allowed to charge from three to five dollars which does not have a fiscal impact to the state, as this is a convenience fee for the automobile clubs.

House "A" struck the underlying bill and its associated fiscal impact. The substitute language results in the fiscal impact described above.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5412 (as amended by House "A")******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.*****SUMMARY:**

The bill allows the Department of Motor Vehicles (DMV) commissioner to contract with, among others, municipal departments or offices to conduct registration and certain license and identity (ID) card transactions in the same manner it already does with automobile clubs or associations (e.g., AAA), and increases the maximum fee these contractors may charge for each transaction from \$3 to \$5 (§ 24).

Under current law, automobile clubs and associations may issue duplicate licenses and ID cards, renew licenses and ID cards, and conduct registration transactions.

It requires motor vehicle dealers and repairers to undergo state criminal history records checks (§ 3), generally requires motor vehicle dealers, car rental firms, and other entities that submit at least seven vehicle registration-related documents monthly to DMV to do so electronically (§§ 5, 12 & 13), and makes other changes in motor vehicle laws. Among these are the following:

1. requiring commercial drivers transporting hazardous materials to comply with federal regulations on these materials and making a violation an infraction or misdemeanor, depending on the severity of the violation and the number of offenses (§ 1);

2. merging two different procedures for local approval of motor vehicle dealership and repair locations and requiring applicants to obtain the approval of a local building official and fire marshal rather than state or local police (§ 4);
3. allowing DMV to request continuances of an administrative per se hearing on a showing of good cause and making a minor change to the administrative per se law (§§ 6 & 7);
4. changing medical requirements for student transportation vehicle (STV) drivers age 70 and older (§ 8);
5. barring a court from suspending the prosecution of, and ordering treatment for, people found to be drug or alcohol dependent if they operated a commercial motor vehicle or held a commercial driver's license (CDL) when they were charged with certain crimes (§ 9);
6. allowing motor vehicle inspectors performing their official duties to carry weapons on school grounds (§ 10);
7. requiring DMV to issue title certificates, at a vehicle owner's request, for vehicles more than 20 model years old (§ 15); and
8. requiring DMV to report annually and monthly to the Transportation Committee on office wait times (§ 23).

It also corrects an incorrect statutory reference (§ 2), makes a technical change regarding police reporting requirements when making certain drunk driving arrests (§ 7), and makes other technical and conforming changes (§§ 13, 14 & 16-22).

*House Amendment "A" adds the provisions (1) allowing DMV to contract with municipal departments to conduct certain motor vehicle transactions and increasing the fee from \$3 to \$5, (2) on electronic registration by car rental firms and title companies, and (3) requiring the DMV to issue title certificates for vehicles 20 model years old on request. It modifies the reporting requirements in certain drunk

driving cases and the medical examination requirements for STV drivers age 70 and older, and makes minor and technical changes to the motor vehicles statutes. It eliminates a provision expanding a prohibition against bypassing or tampering with ignition interlock devices.

EFFECTIVE DATE: July 1, 2016, except for the provisions (1) on transporting hazardous materials, barring a court from suspending certain prosecutions, allowing motor vehicle inspectors to carry weapons on school grounds, and requiring certificates of title for vehicles more than 20 years old, which are effective October 1, 2016, and (2) requiring DMV to report on office wait times and authorizing DMV to contract with municipalities to conduct certain licensing and registration transactions and increasing the transaction fees, which are effective upon passage. Most of the technical changes are also effective upon passage.

§ 1 — TRANSPORTING HAZARDOUS MATERIALS

The bill requires commercial drivers who transport hazardous materials on state highways to comply with federal hazardous material regulations. It requires motor vehicle inspectors and state and municipal police to enforce the regulations, provided they have the proper authority and training.

The bill makes violations of certain federal regulations an infraction (see BACKGROUND on infractions) or a class D or class A misdemeanor, depending on the type of offense and the number of offenses committed. Under the bill, an infraction includes, among other things, failing to meet recordkeeping, shipping, packaging, labeling, placarding, or security requirements.

New misdemeanors under the bill include not properly displaying placards identifying cargoes of poisonous or radioactive materials (49 CFR 172.505 (a) & 172.507 (a)); improper packaging that allows the release of hazardous materials (49 CFR 173.24 (b)); and failing to exercise care in loading or unloading explosives (49 CFR 177.835). A

first offense is a class D misdemeanor, punishable by up to 30 days in prison, a maximum \$250 fine, or both. Each subsequent commission of the same offense is a class A misdemeanor, punishable by up to one year in prison, a maximum \$2,000 fine, or both. By law, motor vehicle inspectors and state and municipal police may inspect vehicles for violations of federal hazardous material regulations (CGS § 14-163c (d)). The bill requires inspectors and police to enforce its hazardous materials provisions, provided they are authorized by DMV regulations to conduct such inspections (see BACKGROUND on inspection authority) and have satisfactorily completed a Federal Motor Carrier Safety Administration (FMCSA) course in specialized hazardous materials.

§ 3 — MOTOR VEHICLE DEALER CRIMINAL HISTORY RECORDS CHECK

By law, the DMV commissioner may refuse to grant or renew a motor vehicle dealer or repairer license if an applicant has been convicted of violating laws relating to the business or certain other crimes, such as fraud. Current law requires applicants for licenses and license renewals to disclose any such conviction that occurred within five years before their application.

The bill instead requires new license applicants to submit to state criminal history records checks, conducted according to state law, no more than 30 days before applying for a license. They must do so based on their names and birthdates and provide the results to DMV.

For license renewals, the bill requires applicants to disclose any conviction of a crime related to their business or certain other crimes, not just those that occurred in the previous five years. It also requires applicants to make this disclosure under penalty of false statement. Making a false statement is a class A misdemeanor, punishable by up to one year in prison, a maximum \$2,000 fine, or both.

§ 4 — APPROVAL OF MOTOR VEHICLE DEALERSHIPS AND REPAIR SHOPS

By law, a motor vehicle dealer or repairer seeking a license from DMV must present the department with a certificate showing that the business location has been approved by a zoning authority (e.g., the board of appeals) of the town where the business is proposed. Current law provides two different procedures for approving the location of a dealership or repair shop, depending on the town's population.

The bill merges the two procedures and eliminates a requirement that motor vehicle dealers or repairers obtain approval of local or state police when seeking to locate a dealership or repair shop in a municipality with fewer than 20,000 people. The bill instead requires that dealers and repairers proposing business locations in municipalities of any size obtain the approval of the local building official and fire marshal. It retains current law's exemption for certain ownership transfers (e.g., between family members). By law, failure to comply is punishable by a fine of up to \$1,000 (CGS § 14-51a).

§ 5 — DEALERS FILING MOTOR VEHICLE REGISTRATIONS

The bill generally eliminates a motor vehicle dealer's ability to apply in person to DMV for a registration by requiring that dealers who apply to DMV for an average of seven or more permanent registrations per month do so electronically. (Currently, the commissioner may require this of dealers who average 10 or more such applications.) But it allows a dealer to apply in writing for a hardship exemption from electronic filing, such as when it is unable to communicate with DMV electronically.

The bill allows DMV to enter into one or more agreements with nonprofit motor vehicle dealer associations in which the association files registration applications on behalf of individual dealers for which electronic filing is a hardship. DMV may authorize the association to charge participating dealers a convenience fee, as determined by the commissioner, for this service.

§§ 6 & 7 — ADMINISTRATIVE PER SE STATUTES

By law, motorists implicitly consent to be tested for drugs or alcohol

when they drive a vehicle. The law establishes administrative license suspension procedures, including a hearing, for drivers who refuse to submit to a test or whose test indicates an elevated blood alcohol content (BAC).

Under current law, a DMV hearing officer or the person who is the subject of such a hearing may, on a showing of good cause, ask the DMV commissioner for a continuance. The bill allows DMV to also request a continuance for good cause.

Existing law allows police to obtain a blood or urine sample from a driver involved in an accident who (1) was injured or allegedly injured in the crash or (2) police believe requires hospital treatment or observation. The bill requires police to notify DMV and submit a written report to the department (1) if they charge a driver with DUI in connection with the accident, and (2) the sample taken from the driver shows he or she had an elevated BAC. Currently, they must do so only if the driver was charged in connection with the accident.

§ 8 — STV DRIVERS AGE 70 AND OLDER

Current law allows people age 70 or older to transport special education students if the driver (1) meets minimum physical requirements set by the commissioner and (2) has a physical exam twice a year or when asked to do so by a school superintendent.

The bill reduces the frequency of the physical exam to once annually and complies with federal law by requiring that a federally certified medical examiner conduct it (see BACKGROUND). It requires the driver to have more frequent physical exams if the medical examiner or a school superintendent directs it.

§ 9 — SUSPENSION OF PROSECUTION AND TREATMENT FOR ALCOHOL OR DRUG DEPENDENCY

The law allows a court to suspend the prosecution of, and instead order treatment for, certain people charged with a crime who are found to be alcohol or drug dependent. Successful completion of the treatment may result in dismissal of the charges if certain conditions

are met (CGS § 17a-697).

Under current law, a person is ineligible for these provisions if he or she is charged with, among other crimes, DUI or 2nd degree assault with a motor vehicle, except that a court may waive ineligibility. The bill adds to the ineligibility and waiver provisions persons charged with DUI who are younger than age 21.

The bill prohibits a court from waiving ineligibility for anyone charged with any of the above three crimes, as well as 2nd degree manslaughter with a motor vehicle if, at the time the crime occurred, he or she (1) was operating a commercial motor vehicle or (2) held a CDL or commercial driver's instruction permit.

§ 10 — ALLOWING MOTOR VEHICLE INSPECTORS TO CARRY WEAPONS ON SCHOOL GROUNDS

The bill allows a properly designated and certified motor vehicle inspector to carry a weapon on school grounds while performing his or her official duties. By law, motor vehicle inspectors have authority to make arrests or issue citations for violations of motor vehicle statutes (CGS § 14-8). They must be certified according to state law (CGS § 7-294d). Illegal possession of a weapon on school grounds is a class D felony, punishable by a fine of up to \$5,000, up to five years imprisonment, or both.

§ 11 — CAR RENTAL COMPANIES

The bill authorizes people, firms or corporations licensed in Connecticut or another state to rent cars (car rental companies) in Connecticut and whom the commissioner finds qualified, to electronically register or transfer registrations of motor vehicles used in connection with their business. It requires licensed car rental companies that file, on average, at least seven registrations or registration transfers each month to register or transfer registrations electronically. The car rental company, within five days of the electronic issuance of the registration or transfer, must submit to DMV an application and documents necessary to register or transfer a

registration with DMV, as is already required when the issuance is completed by other means. The bill eliminates an obsolete provision on temporary registrations.

Under current law, the commissioner may allow qualified car rental companies licensed in Connecticut to renew registrations electronically. The bill allows the commissioner to require such electronic filing if the commissioner finds the licensee renews an average of at least seven registrations monthly, and extends this requirement to car rental companies licensed in other states.

§ 12 — REGISTERING OR TITLING MOTOR VEHICLES

The bill allows the DMV commissioner to require any qualified person, firm, or corporation whose business is filing applications for motor vehicle registrations or title certificates to file these applications electronically if the commissioner finds they file an average of at least seven such applications per month. It requires such a person, firm, or corporation, within five days of the registration being issued electronically, to submit to the commissioner an application and all documents required to register the vehicle. The commissioner must adopt implementing regulations.

§ 15 — TITLE CERTIFICATES FOR OLDER VEHICLES

This bill requires DMV to issue certificates of title, at the request of the owner, for vehicles older than 20 model years. Under current law, the DMV commissioner is not required to issue certificates of title for these vehicles, but may do so at his discretion. Under existing law and the bill, owners of these vehicles are not required to obtain a title. DMV may charge the vehicle owner the legally required fees.

§ 23 — DMV REPORTING REQUIREMENTS

The bill requires DMV to submit to the Transportation Committee monthly and annual reports on wait times at DMV offices.

It requires, starting August 15, 2016, DMV to report to the committee each month on the length of these wait times. Each report

must include, for the prior month and for each office that uses a numbered ticketing system, (1) the average wait time from the point at which a customer receives a numbered ticket to the point at which the customer is served, (2) whether the average wait time decreased or increased from the previous month, and (3) the number of transactions at each office that could have been conducted online. Each monthly report must also include the number of transactions conducted on DMV's website in the previous month.

Starting January 15, 2017, the department must report annually to the committee, (1) identifying specific goals for acceptable wait times at DMV offices, (2) summarizing steps DMV has taken in the prior year to achieve those goals, and (3) including a strategy to achieve or exceed those goals in the coming year. The committee may hold a public hearing within 30 days of receiving the report. The commissioner, or his designee, must testify at any such hearing.

BACKGROUND

Infractions

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the amount of the fine. There may be other added charges depending on the type of infraction. For example, certain motor vehicle infractions trigger a Transportation Fund surcharge of 50% of the fine. With the various additional charges, the total amount due can be over \$300 but often is less than \$100.

An infraction is not a crime, and violators can pay the fine by mail without making a court appearance.

Inspection Authority

A person having inspection authority means any motor vehicle inspector or state or municipal police officer who has satisfactorily completed 80 hours of on-the-job training and an FMCSA course in federal safety regulations, among other things. To maintain inspection authority, motor vehicle inspectors must annually receive in-service

training in current federal motor carrier safety regulations, safety inspection procedures, and out-of-service criteria. The DMV commissioner determines the type and extent of training (Conn. Agency Regs. § 14-163c-9).

“Administrative Per Se” License Suspension

By law, motorists implicitly consent to be tested for drugs or alcohol when they drive. The law establishes administrative license suspension procedures for drivers who refuse to submit to a test or whose test results indicate an elevated BAC. This administrative procedure is called “administrative per se.” Administrative license suspension penalties are in addition to any suspension penalties imposed as a result of conviction on any criminal DUI charge (CGS § 14-227b).

Student Transportation Vehicles (STV)

By law, an STV is a motor vehicle other than a registered school bus used by a carrier for the transportation of students to or from school, school programs, or school-sponsored events (CGS § 14-212).

Federal Medical Requirements for Commercial Motor Vehicle Drivers

By law, drivers transporting public passengers must comply with medical qualifications under federal law (CGS § 14-44 (b)). Federal law and regulations require commercial motor vehicle drivers to obtain a medical examiner's certificate. The physical examination must be conducted by a licensed medical examiner listed on the FMCSA National Registry (49 CFR § 391.43).

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 33 Nay 0 (03/15/2016)

Judiciary Committee

Joint Favorable

Yea 40 Nay 0 (04/11/2016)