



House of Representatives

General Assembly

File No. 244

February Session, 2016

House Bill No. 5463

House of Representatives, March 29, 2016

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT REVISING MOTOR VEHICLE STATUTES.

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

1 Section 1. Subsection (c) of section 13b-50p of the 2016 supplement
2 to the general statutes is repealed and the following is substituted in
3 lieu thereof (*Effective from passage*):

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

7 Sec. 2. Subsection (c) of section 14-293b of the 2016 supplement to
8 the general statutes is repealed and the following is substituted in lieu
9 thereof (*Effective from passage*):

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

13 Sec. 3. Section 14-251 of the 2016 supplement to the general statutes
14 is repealed and the following is substituted in lieu thereof (*Effective*
15 *from passage*):

16 No vehicle shall be permitted to remain stationary within ten feet of
17 any fire hydrant, or upon the traveled portion of any highway except
18 upon the right-hand side of such highway in the direction in which
19 such vehicle is headed; and, if such highway is curbed, such vehicle
20 shall be so placed that its right-hand wheels, when stationary, shall,
21 when safety will permit, be within a distance of twelve inches from the
22 curb, except if a bikeway, as defined in section 13a-153f, or such
23 bikeway's buffer area, as described in the federal Manual on Uniform
24 Traffic Control Devices, is in place between the parking lane and the
25 curb, such vehicle shall be so placed that its right-hand wheels, when
26 stationary, shall, when safety will permit, be within a distance of
27 twelve inches from the edge of such bikeway or buffer area. No vehicle
28 shall be permitted to remain parked within twenty-five feet of an
29 intersection or a marked crosswalk at such intersection, or within
30 twenty-five feet of a stop sign caused to be erected by the traffic
31 authority in accordance with the provisions of section 14-301. No
32 vehicle shall be permitted to remain stationary upon the traveled
33 portion of any highway at any curve or turn or at the top of any grade
34 where a clear view of such vehicle may not be had from a distance of at
35 least one hundred [and] fifty feet in either direction. The
36 Commissioner of Transportation may post signs upon any highway at
37 any place where the keeping of a vehicle stationary is dangerous to
38 traffic, and the keeping of any vehicle stationary contrary to the
39 directions of such signs shall be a violation of this section. No vehicle
40 shall be permitted to remain stationary upon the traveled portion of
41 any highway within fifty feet of the point where another vehicle,
42 which had previously stopped, continues to remain stationary on the
43 opposite side of the traveled portion of the same highway. No vehicle
44 shall be permitted to remain stationary within the limits of a public
45 highway in such a manner as to constitute a traffic hazard or obstruct
46 the free movement of traffic thereon, provided a vehicle which has
47 become disabled to such an extent that it is impossible or impracticable

48 to remove it may be permitted to so remain for a reasonable time for
49 the purpose of making repairs thereto or of obtaining sufficient
50 assistance to remove it. Nothing in this section shall be construed to
51 apply to emergency vehicles and to maintenance vehicles displaying
52 flashing lights or to prohibit a vehicle from stopping, or being held
53 stationary by any officer, in an emergency to avoid accident or to give
54 a right-of-way to any vehicle or pedestrian as provided in this chapter,
55 or from stopping on any highway within the limits of an incorporated
56 city, town or borough where the parking of vehicles is regulated by
57 local ordinances. Violation of any provision of this section shall be an
58 infraction.

59 Sec. 4. Section 14-106b of the 2016 supplement to the general statutes
60 is repealed and the following is substituted in lieu thereof (*Effective*
61 *from passage*):

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

68 (b) No person or his agent shall remove, turn back or change the
69 reading on the odometer of any motor vehicle required under the
70 provisions of subsection (a) of this section or subsection (a) of section
71 14-106a to be equipped with an odometer except in connection with
72 the repair of such odometer either while installed in or removed from
73 such motor vehicle and unless such person is licensed as a new car
74 dealer, used car dealer or general or limited repairer pursuant to
75 section 14-52. Each odometer repaired and each new or used odometer
76 installed in any motor vehicle required to be equipped with an
77 odometer shall display mileage at least equal to the mileage displayed
78 by the odometer in such motor vehicle immediately prior to such
79 repair or replacement.

80 (c) No person shall sell, offer for sale, use, install or cause to be

81 installed any device which causes the odometer in any motor vehicle
82 required under the provisions of subsection (a) of this section or
83 subsection (a) of section 14-106a to be so equipped to register any
84 mileage other than the true mileage driven. For purposes of this
85 section, the true mileage driven is that mileage driven by the vehicle as
86 registered by the odometer within the manufacturer's designed
87 tolerance.

88 (d) Any person violating the provisions of subsections (b) or (c) of
89 this section shall be guilty of committing a class A misdemeanor. Any
90 person violating the provisions of said subsections shall be liable for
91 damages equal to three times the amount of actual damage or one
92 thousand five hundred dollars, whichever is greater, court costs and
93 reasonable attorney's fees and shall pay a civil penalty of not more
94 than one thousand dollars for each violation. A violation of the
95 provisions of said subsections shall be deemed to be an unfair trade
96 practice within the provisions of chapter 735a. Any person licensed as
97 a new car dealer, used car dealer or general or limited repairer
98 pursuant to section 14-52 shall in addition to the penalties imposed by
99 this section be subject to the suspension or revocation of his license as
100 provided in section 14-64.

101 Sec. 5. Subdivision (82) of section 12-412 of the 2016 supplement to
102 the general statutes is repealed and the following is substituted in lieu
103 thereof (*Effective from passage*):

104 (82) (A) The sale of and the storage, use or other consumption of any
105 commercial motor vehicle, as defined in subparagraphs (A) and (B) of
106 subdivision [(15)] (16) of section 14-1, that is operating pursuant to the
107 provisions of section 13b-88 or 13b-89, during the period commencing
108 upon its purchase and ending one year after the date of purchase,
109 provided seventy-five per cent of its revenue from its days in service is
110 derived from out-of-state trips or trips crossing state lines.

111 (B) Each purchaser of a commercial motor vehicle exempt from tax
112 pursuant to the provisions of this subsection shall, in order to qualify
113 for said exemption, present to the retailer a certificate, in such form as

114 the commissioner may prescribe, certifying that seventy-five per cent
115 of such vehicle's revenue from its days in service will be derived from
116 out-of-state trips or trips crossing state lines. The purchaser of the
117 motor vehicle shall be liable for the tax otherwise imposed if, during
118 the period commencing upon its purchase and ending one year after
119 the date of purchase, seventy-five per cent of the vehicle's revenue
120 from its days in service is not derived from out-of-state trips or trips
121 crossing state lines.

122 Sec. 6. Subdivision (22) of section 42-133cc of the 2016 supplement to
123 the general statutes is repealed and the following is substituted in lieu
124 thereof (*Effective from passage*):

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

127 (A) Notifies the dealer and the proposed transferee in writing that it
128 intends to exercise its right to acquire the franchise not later than sixty
129 days after the [manufacturer] manufacturer's or distributor's receipt of
130 a notice of the proposed transfer from the dealer or the proposed
131 transferee and all information and documents reasonably and
132 customarily required by the manufacturer supporting such proposed
133 transfer, as required pursuant to subdivision (11) of this section, and
134 the proposed transfer is not to (i) a child, spouse, grandchild, parent or
135 sibling, (ii) a current owner of the dealership that is the subject of the
136 transfer, (iii) a dealership manager employed continuously by the
137 dealer in the dealership for a period of not less than four years prior to
138 the date of the proposed transfer and who is otherwise qualified as a
139 dealer operator according to the usual standards of the manufacturer
140 or distributor, or (iv) a partnership, trust or corporation controlled by,
141 or for the benefit of, any of the types of individuals described in this
142 subparagraph. For the purpose of this subparagraph, the "proposed
143 transferee" means the person to whom the franchise would have been
144 transferred to, or was proposed to be transferred to, had the right of
145 first refusal or other right to acquire the franchise not been exercised
146 by the manufacturer or distributor;

147 (B) Will pay to the dealer the same or greater consideration as such
148 dealer has contracted to receive in connection with the proposed
149 transfer or sale of all or substantially all of the dealership assets, stock
150 or other ownership interest, including the purchase or lease of all real
151 property, leasehold or improvements related to the transfer or sale of
152 the dealership. Upon exercise of the right of first refusal or such other
153 right, the manufacturer or distributor shall have the right to assign the
154 lease or to convey the real property;

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

159 (D) Reimburses the proposed transferee for all reasonable expenses
160 incurred in evaluating, investigating, negotiating and pursuing the
161 acquisition of the dealership prior to the [manufacturer]
162 manufacturer's or distributor's exercise of its right of first refusal or
163 other right to acquire the dealership. For purposes of this
164 subparagraph, reasonable expenses include the usual and customary
165 legal and accounting fees charged for similar work, as well as expenses
166 associated with the evaluation and investigation of any real property
167 on which the dealership is operated. The proposed transferee shall
168 submit an itemized list of its expenses to the manufacturer or
169 distributor not later than thirty days after the [manufacturer]
170 manufacturer's or distributor's exercise of the right of first refusal or
171 other right to acquire the motor vehicle franchise. The manufacturer or
172 distributor shall reimburse the proposed transferee for its expenses not
173 later than thirty days after receipt of the itemized list.

174 Sec. 7. Subsections (c) and (d) of section 14-96q of the 2016
175 supplement to the general statutes are repealed and the following is
176 substituted in lieu thereof (*Effective from passage*):

177 (c) A blue light or lights, including flashing blue lights, may be used
178 on a motor vehicle operated by an active member of a volunteer fire
179 department or company or an active member of an organized civil

180 preparedness auxiliary fire company who has been issued a permit by
 181 the chief executive officer of such department or company to use such
 182 a light while on the way to or at the scene of a fire or other emergency
 183 requiring such member's services. Such permit shall be on a form
 184 provided by the commissioner and may be revoked by such chief
 185 executive officer or successor. The chief executive officer of each
 186 volunteer fire department or company or organized civil preparedness
 187 auxiliary fire company shall keep on file, [the] on forms provided by
 188 the commissioner, the names and addresses of members who have
 189 been authorized to use flashing blue lights as provided in this
 190 subsection. Such listing shall also designate the registration number of
 191 the motor vehicle on which authorized flashing blue lights are to be
 192 used.

193 (d) A green light or lights, including flashing green lights, may be
 194 used on a motor vehicle operated by an active member of a volunteer
 195 ambulance association or company who has been issued a permit by
 196 the chief executive officer of such association or company to use such a
 197 light, while on the way to or at the scene of an emergency requiring
 198 such member's services. Such permit shall be on a form provided by
 199 the commissioner and may be revoked by such chief executive officer
 200 or successor. The chief executive officer of each volunteer ambulance
 201 association or company shall keep on file, on forms provided by the
 202 commissioner, the names and addresses of members who have been
 203 authorized to use flashing green lights as provided in this subsection.
 204 Such listing shall also designate the registration number of the vehicle
 205 on which the authorized flashing green lights are to be used.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	13b-50p(c)
Sec. 2	<i>from passage</i>	14-293b(c)
Sec. 3	<i>from passage</i>	14-251
Sec. 4	<i>from passage</i>	14-106b
Sec. 5	<i>from passage</i>	12-412(82)
Sec. 6	<i>from passage</i>	42-133cc(22)

Sec. 7	<i>from passage</i>	14-96q(c) and (d)
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TRA *Joint Favorable*

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:*** None***Municipal Impact:*** None***Explanation***

This bill makes technical and conforming changes to the transportation and motor vehicles statutes which do not result in a fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis

HB 5463

AN ACT REVISING MOTOR VEHICLE STATUTES.

SUMMARY:

This bill makes technical and conforming changes to the transportation and motor vehicles statutes.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Transportation Committee

Joint Favorable

Yea 33 Nay 0 (03/15/2016)