
OLR Bill Analysis

sHB 5312

AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF MOTOR VEHICLES REGARDING THE MOTOR VEHICLE STATUTES.

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SUMMARY

This bill makes numerous unrelated changes in motor vehicle laws. Among other things, the bill:

1. eliminates the requirement that the Department of Motor Vehicles (DMV) refund half of the registration fee to someone who cancels a registration more than one year before it expires (§§ 5 & 6);
2. eliminates a procedure by which local tax assessors may receive

from DMV certain identifying information about certain vehicles registered out-of-state in order to add the vehicles to the municipality's grand list (§ 19);

3. increases, from five to 10 days, the time within which certain businesses (e.g., car dealers and car rental companies) must submit certain documents to DMV (§§ 1, 2, 9, & 11);
4. prohibits private property owners from issuing parking tickets (§ 21); and
5. imposes a penalty on dealers and repairers who do not produce electronic records upon DMV's request (§ 10).

EFFECTIVE DATE: July 1, 2018, unless otherwise noted below.

§§ 1, 2, 9 & 11 — TIMEFRAME FOR SUBMITTING VEHICLE REGISTRATION AND TITLE DOCUMENTS TO DMV

Increases, from five to 10 days, the timeframe within which certain entities that electronically file applications for motor vehicle registrations and title certificates with DMV must subsequently submit the applications and related documents to DMV

The bill increases, from five to 10 days, the timeframe within which entities that electronically file applications for motor vehicle registrations, transfers, or title certificates with DMV must subsequently submit the applications and any necessary documents to the commissioner. It applies to motor vehicle dealers, rental or leasing companies, and registration services (i.e., people or companies whose business is filing applications for motor vehicle registrations or title certificates).

Under the bill, dealers issuing registrations for leased vehicles sold at the end of a lease term to the current lessee must also submit any necessary fees within 10 days, rather than five, as required under current law.

§§ 3 & 4 — REGISTRATION CANCELLATIONS

Eliminates requirements to return license plates and other specified documents to DMV when a motor vehicle is transferred or its registration expires or is not renewed, and authorizes the DMV commissioner to establish procedures for cancelling such registrations

By law, a motor vehicle's registration expires when the vehicle's ownership transfers. Current law requires the transferor to return to the DMV commissioner, within 24 hours of the vehicle's transfer, the registration certificate, license plates, and a specified written notice about the transfer. The bill eliminates this requirement and instead requires the commissioner to enter the registration's expiration in DMV's records when the (1) transferor cancels his or her registration for the vehicle, according to procedures established by the commissioner, or (2) transferee reregisters the vehicle with DMV, whichever comes first.

The bill also allows, rather than requires, owners who do not reregister their vehicles at the end of a registration period to return their license plates to the commissioner. Under current law, they must return the plates within 10 days after the registration period ends. The bill instead requires such owners to cancel their registrations, according to procedures established by the commissioner, within this 10 day period.

§§ 5 & 6 — SECOND YEAR REGISTRATION REFUNDS

Eliminates partial refunds for cancelling a registration with more than one year remaining before it expires

The bill eliminates the requirement that the DMV commissioner refund half of the registration fee for motor vehicles and campers if the license plates and registration certificate are returned with at least one year remaining before the registration expires.

It also eliminates obsolete provisions and makes technical and conforming changes.

§ 7 — TECHNICAL CHANGES

Makes numerous technical and conforming changes

The bill makes numerous technical and conforming changes to the definition of "motor vehicle receipts" for the purposes of the Special Transportation Fund (STF) revenue, eliminating obsolete provisions and correcting internal references, among other things.

§ 8 — ADDITIONS TO PROPERTY OF CAR DEALERS AND CAR REPAIRERS

Allows a licensed dealer or repairer to add abutting land, rather than adjacent land, to its place of business without obtaining a certificate of approval from local officials and an additional license from DMV

By law, new car dealers, used car dealers, and car repairers must get a license for each location where they conduct business. To be issued a license, dealers and repairers must obtain a certificate of approval for their location from the local zoning authority and other local officials (CGS § 14-54).

Under current law, licensees can add buildings and adjacent property to an existing licensed location without obtaining local approval and an additional license. The bill instead allows them to add abutting property, rather than adjacent property

As under existing law, the DMV commissioner may require licensees who add such buildings or property to provide evidence that doing so complies with local zoning and building requirements.

§§ 10 & 12 — DEALER AND REPAIRER ELECTRONIC RECORDS

Makes it an infraction for dealers and repairers to fail to produce electronic records upon DMV's request; allows repairers that operate wrecker services to maintain records electronically

By law, the DMV commissioner may allow licensed motor vehicle dealers and repairers to maintain required records electronically. Upon DMV's request, such dealers and repairers must produce the records, in written format, during their business hours on the day of DMV's request. The bill makes a dealer's or repairer's failure to do so an infraction (see BACKGROUND).

It also allows motor vehicle repairs who operate a wrecker service to maintain required records electronically. Existing law already allows motor vehicle dealers who operate wrecker services to do so.

§ 13 — LICENSE REVOCATION REVERSAL OR REDUCTION

Specifies and adds to the evidence a person whose license for DUI has been revoked must provide to the DMV commissioner to have the revocation reversed or reduced

The bill specifies and adds to the evidence that a person whose

license has been revoked for driving under the influence three or more times within 10 years must provide to DMV in order to have the revocation reversed or reduced. By law, two years must have elapsed since the license revocation.

Under current law, a person seeking to have his or her license revocation reversed or reduced must provide proof that he or she (1) successfully completed an alcohol education and treatment program and (2) has not been convicted of any offense related to alcohol, controlled substances, or drugs within the last two years.

The bill specifies that the required education and treatment program must be successfully completed after the most recent conviction or privilege suspension for an offense related to alcohol, controlled substances, or drugs. It also allows a drug education and treatment program to fulfill the education and treatment requirement.

Additionally, the bill requires the person to provide proof that he or she has not (1) operated a motor vehicle during the last two years and (2) had his or her driving privileges suspended due to any alcohol, controlled substance, or drug offenses. (By law, a person with a revoked license may receive additional operating privilege suspensions if they drive and commit a violation for which the penalty is suspension.)

§ 14 — LICENSE SUSPENSION FOR MINORS CONVICTED OF CERTAIN OFFENSES

Broadens who may be subject to laws related to license suspension or delay in issuing a new license

The bill specifies that certain offenses involving a person under age 21 are based on his or her age at the date of conviction. These offenses are for (1) using another person's driver's license to obtain alcohol, (2) possessing alcohol on a public street or highway, (3) possessing less than one-half ounce of marijuana, or (4) certain drug paraphernalia offenses related to such possession. The bill expands the category of individuals subject to license suspension to include drivers who were under age 21 at the time of the violation, rather than just those violators who are currently under age 21. (As under current law, the

length of the suspension varies depending on the circumstances.)

Current law also prohibits the commissioner from issuing a new license for 150 days after the applicant meets all licensing requirements if the applicant is under age 21 and was convicted of any of the above offenses or (1) attempting to purchase, or lying to procure, alcohol; (2) possessing alcohol in a public or private location; or (3) misrepresenting age or engaging in other deceit to procure a state-issued identity card. The bill specifies that this restriction on issuing new licenses applies if the applicant was under age 21 at the time of the offense.

§ 15 — DOCUMENTS FOR VEHICLE RESALE

Modifies the documents that a dealer must submit to the commissioner when it buys a vehicle for resale or transfers a vehicle

Under current law, if a dealer buys a vehicle for resale and (1) obtains the title from the owner or lienholder or (2) submits a title application, the dealer does not need to submit the title to the commissioner. Under the bill, if the dealer submits the title application, it must additionally submit a commissioner-prescribed ownership transfer document. If the dealer submits the application and transfer document to DMV, it may resell the vehicle without sending the title certificate or application and transfer document to the commissioner (see COMMENT).

As under current law, upon transferring the vehicle to another person, other than by creating a security interest, the dealer must promptly execute the assignment and warranty of title by a dealer. Current law requires the dealer in such circumstances to (1) provide certain information on the title or as the commissioner prescribes and (2) mail or deliver the title or statement to the commissioner with the application for a new title. The bill instead requires the dealer to provide the information on the title or the above-referenced application and ownership transfer document. The bill requires these documents to include the name of each transferee if there is more than one and the dealer to mail the title or the form and transfer document to the commissioner with the title application.

§§ 16 & 20 — SCHOOL BUS CARRIERS

Among other things, reduces the time carriers have to remove a bus driver whose license has been suspended and eliminates a requirement that DMV takes steps to ensure carriers are reviewing suspended license reports

Suspended Driver Report

By law, DMV must periodically provide to school districts and school bus companies (i.e., carriers) a report listing the names and driver's license numbers of each public passenger endorsement holder whose license or endorsement has been suspended or revoked. Under current law, carriers must review DMV's report at least twice per month. Under the bill, they must do so at least once during the first and third week of each month.

The bill eliminates the requirements that PA 17-68 (§ 15) placed on DMV to ensure that that each carrier is reviewing the report, including (1) random compliance audits of carriers to determine if they are reviewing the report, (2) maintaining a record of each time a carrier reviewed the report in the prior two years and, (3) making the record publicly available upon request.

Removal of Suspended Drivers

The law requires carriers to prohibit any employee listed on DMV's report from driving a school bus or student transportation vehicle. Current law requires that they do so within 48 hours after reviewing the report; the bill instead requires them to take immediate action after such review.

Existing law, unchanged by the bill, imposes civil penalties on carriers who fail to remove drivers as the law requires. The penalty is \$2,500 for a first violation and \$5,000 for each subsequent violation, but the DMV commissioner may reduce the penalty upon appropriate justification.

EFFECTIVE DATE: The elimination of the requirement that DMV ensure carriers review such reports is effective upon passage.

§ 17 — WARNINGS FOR PASSING SCHOOL BUS

Eliminates the explicit statutory authority to issue a warning to drivers who pass a stopped school bus

By law, drivers must stop at least 10 feet away from a school bus that is stopped and displaying flashing red lights. Drivers who fail to do so face (1) a fine of \$450 for a first offense and (2) for a second offense, a fine between \$500 and \$1,000, up to 30 days in jail, or both.

Under current law, after receiving a school bus driver's report or video evidence from a school bus violation detection system of a driver violating this law, a police officer must issue a summons or a written warning to the vehicle's owner. The bill instead requires that the police officer issue a summons by eliminating the officer's authority to issue warnings.

§ 18 — NOTICE OF AUTOMOBILE INSURANCE POLICY ADDITIONS TO DMV

Authorizes the DMV commissioner to require automobile insurers to notify him of any policies they add each month, which he may already do for policy cancellations

The bill authorizes the DMV commissioner to require automobile insurers to notify him of any policies they add each preceding month. Existing law already allows him to do so for policy cancellations. Under the bill, the notice must include the same information for policy additions as current law requires for cancellations (i.e., the insured's name, policy number, vehicle identification number, and effective date).

The bill requires the commissioner to accept, review, and analyze the policy addition data, just as he must already do for policy cancellation data.

EFFECTIVE DATE: October 1, 2018

§ 19 — INFORMATION PROVIDED TO TAX ASSESSORS ON OUT-OF-STATE REGISTRATIONS

Eliminates a (1) procedure by which municipal tax assessors and the DMV commissioner share information on vehicles that are subject to property tax in Connecticut but registered in other states and (2) requirement that municipalities remit 1% of the property tax collected on such vehicles to the Special Transportation Fund (STF)

The bill eliminates a (1) procedure through which municipal tax

assessors and the DMV commissioner share information on vehicles that are subject to property tax in Connecticut but registered in other states and (2) requirement that municipalities remit 1% of the property tax collected on such vehicles to the Special Transportation Fund.

Under current law, this procedure requires:

1. municipal tax assessors to make reasonable efforts to provide to the DMV commissioner information on any motor vehicle they determine is taxable but registered out-of-state;
2. the DMV commissioner, after receiving the information on a vehicle's out-of-state registration, to make a reasonable effort to provide the assessor with the vehicle's make and model, model year, and identification number, and the registered owner's name and mailing address;
3. municipal tax assessors to determine the vehicle's value (if the information DMV provided is sufficient to do so) and add it to the grand list for the immediately preceding assessment year; and
4. municipalities to remit to the STF 1% of any property taxes collected for such vehicles to fund administrative costs associated with registering these out-of-state vehicles.

EFFECTIVE DATE: Upon passage

§ 21 — PROHIBITION OF PRIVATE PARKING CITATIONS

Prohibits private property owners and lessees from issuing parking tickets

The bill prohibits private property owners and lessees, or their agents, from issuing, to owners of vehicles parked on their property, parking citations to impose monetary sanctions, including by written warning, posted signs, or any other means.

Existing law, unchanged by the bill, allows private property owners and lessees to tow or render immovable (i.e., "boot") unauthorized vehicles left on their property.

EFFECTIVE DATE: October 1, 2018

§ 22 — AFFIRMATIVE DEFENSE FOR ENTERING A VEHICLE TO REMOVE AN ANIMAL

Under certain circumstances, provides an affirmative defense against civil damage or criminal penalties to a person who enters a vehicle to remove an animal

Under certain circumstances, the bill provides an affirmative defense against civil damage or criminal penalties to a person who enters a passenger motor vehicle, including forcibly, to remove an animal. As is the case when entering the vehicle to remove a child, in order for the individual to have an affirmative defense for removing an animal, he or she must:

1. reasonably believe, at the time of entry, that entering the vehicle is necessary to remove the animal from imminent danger of serious bodily injury;
2. use no more force than reasonably necessary, under the circumstances the person knows at the time, to enter the vehicle;
3. report the entry and related circumstances to a law enforcement or public safety agency within a reasonable time after entering the vehicle; and
4. take reasonable steps to ensure the animal's safety, health, and well-being after removing the animal from the vehicle.

As is the case for the affirmative defense under existing law for removing a child from a passenger vehicle, (1) the defense is in addition to defenses or immunities available under federal, state, or common law but does not apply to acts or omissions constituting gross, willful, or wanton negligence and (2) a person may still be liable for civil damages if he or she attempts to provide aid to the animal in addition to the actions the bill authorizes.

EFFECTIVE DATE: October 1, 2018

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

Related Bill

sHB 5313, favorably reported by the Transportation Committee, makes the same technical changes to the definition of “motor vehicle receipts.”

COMMENT

Conflicting provisions in §15

Conflicting Provisions

The bill contains a conflicting provision. Under the bill, if a dealer buys a vehicle and has submitted a title application and an ownership transfer document to DMV, the dealer may resell the vehicle without submitting the title certificate or the application and transfer document to DMV.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 35 Nay 1 (03/23/2018)