

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 18-164—sHB 5312
Transportation Committee

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

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§§ 1, 2, 6 & 8 — 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 vehicle registrations and title certificates with DMV must subsequently submit the hardcopy applications and related documents to DMV

The act increases, from five to 10 days, the timeframe within which entities that electronically file applications for motor vehicle registrations, registration transfers, or title certificates with the Department of Motor Vehicles (DMV) must subsequently submit the hardcopy 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 act, 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 prior law required.

EFFECTIVE DATE: July 1, 2018

§§ 3 & 4 — REGISTRATION CANCELLATIONS

Eliminates requirements to return license plates and specified documents to DMV when a motor vehicle is transferred or its registration expires or is not renewed; 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. Prior law required the transferor to return the registration certificate, license plates, and a specified written notice about the transfer to the DMV commissioner, within 24 hours of the vehicle’s transfer. The act 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 act 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. Prior law required them to return the plates within 10 days after the registration period ended. The act instead requires such owners to cancel their registrations, according to procedures established by the commissioner, within this 10 day period.

EFFECTIVE DATE: July 1, 2018

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§ 5 — TECHNICAL CHANGES

Makes numerous technical and conforming changes

The act makes numerous technical and conforming changes to the definition of “motor vehicle receipts” by eliminating obsolete provisions, and correcting internal references, among other things. By law, revenue defined as “motor vehicle receipts” is required to be deposited into the Special Transportation Fund (STF).

EFFECTIVE DATE: July 1, 2018

§§ 7 & 9 — 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 act makes a dealer’s or repairer’s failure to do so an infraction (see Table on Penalties).

The act also allows motor vehicle repairers who operate a wrecker service to maintain required records electronically. (Existing law already allows motor vehicle dealers who operate wrecker services to do so.) As is the case under existing law for dealers who operate wrecker services, failure to produce records, in written format, during business hours on the day of DMV’s request is an infraction.

EFFECTIVE DATE: July 1, 2018

§ 10 — LICENSE REVOCATION REVERSAL OR REDUCTION

Makes minor changes to the conditions a person whose license has been revoked due to multiple DUI offenses must meet to have the revocation reversed or reduced

The act makes several minor changes to the conditions a person whose driver’s license has been revoked for driving under the influence (DUI) three or more times within 10 years must meet to have the revocation reversed or reduced. By law, a person may not request such a reversal or reduction until at least two years after the date of the revocation.

Existing law requires the person to complete an education and treatment program and provide the DMV commissioner with evidence that he or she did so. The act specifies that the program must have been completed after the person’s most recent conviction or privilege suspension for an alcohol-, drug-, or controlled substance-related offense. It also makes a minor change to specify that drug education and treatment programs, rather than just alcohol education and treatment programs, are eligible.

The act also requires that the person provide evidence that he or she has not, during the previous two years, (1) operated a motor vehicle or (2) had his or her operating privilege suspended for any alcohol, drug, or controlled substance

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offenses.

EFFECTIVE DATE: July 1, 2018

§ 11 — LICENSE SUSPENSION FOR MINORS CONVICTED OF CERTAIN OFFENSES

Specifies that driver's license-related penalties for certain offenses committed by minors are based on the offender's age at the date of the violation, rather than the date of conviction

Existing law subjects minors (i.e., under age 21) to periods of license suspension for the following offenses: (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 involving less than one-half ounce of marijuana. Existing law also prohibits the DMV commissioner, for a specified period of time, from issuing a new license to certain individuals who have committed these offenses or the following: (1) purchasing, attempting to purchase, or lying to procure alcohol; (2) possessing alcohol in a public or private location; (3) misrepresenting their age or engaging in other deceit to get a state-issued identity card; or (4) using or showing another's identity card.

The act expands the category of violators subject to these penalties by specifying that they apply to violators who were under age 21 at the time of the violation, rather than just those who were age 21 at the time of conviction or at the time they applied for a driver's license.

EFFECTIVE DATE: July 1, 2018

§ 12 — SCHOOL BUS CARRIERS

Modifies the timeframes during which school bus carriers must check DMV's report of suspended school bus drivers and prohibit suspended drivers from driving students

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 prior law, carriers had to review DMV's report at least twice per month. Under the act, they must do so at least once during the first and third week of each month.

Removal of Suspended Drivers

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

By law, carriers who fail to remove drivers as the law requires are subject to civil penalties of \$2,500 for a first violation and \$5,000 for each subsequent violation, but the DMV commissioner may reduce the penalty with appropriate

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justification.

EFFECTIVE DATE: July 1, 2018

§ 13 — NOTICE OF AUTOMOBILE INSURANCE POLICY ADDITIONS

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 act authorizes the DMV commissioner to require automobile insurers to notify him monthly of any policies they added during the previous month. Existing law already allows him to do this for policy cancellations. Existing law also allows the commissioner to request information on new policies in the course of identifying individuals with coverage gaps. Under the act, the notice must include the same information for policy additions as existing law requires for cancellations (i.e., the insured's name, policy number and effective date, and vehicle identification number).

The act requires the commissioner to accept, review, and analyze the policy addition data for purposes of identifying gaps in coverage, just as he must already do for policy cancellation data.

EFFECTIVE DATE: October 1, 2018

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

Eliminates a 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

The act eliminates a 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. Under prior law, this procedure required:

1. municipal tax assessors to make reasonable efforts to provide information on any motor vehicle they determine is taxable but registered out-of-state to the DMV commissioner;
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 date; 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

§ 15 — PROHIBITION OF PRIVATE PARKING CITATIONS

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Prohibits private property owners and lessees from issuing parking tickets

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

Existing law, unchanged by the act, 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

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

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

Under certain circumstances, the act provides an affirmative defense against civil damages or criminal penalties to a person who enters a passenger motor vehicle, including forcibly, to remove an animal. A “passenger motor vehicle” is a vehicle used for private transportation that is designed to carry up to 10 occupants in comfort and safety (CGS § 14-1(68)).

As is the case when entering a vehicle to remove a child, in order for the individual to use the affirmative defense, 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 he or she knows at the time, to enter the vehicle;
3. report the entry and related circumstances to a law enforcement or public safety agency (i.e., a state or municipal agency providing fire, medical, and other emergency services) within a reasonable time period 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 act authorizes.

EFFECTIVE DATE: October 1, 2018

§ 17 — DOCUMENTS FOR VEHICLE RESALE

Modifies documentation procedures a dealer must follow when it buys a vehicle for resale or transfers a vehicle

The act modifies the documents that a dealer must obtain and submit when it

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buys a vehicle for resale and subsequently transfers the vehicle.

The act requires a dealer who buys a motor vehicle for resale to complete, as the buyer, (1) the title certificate from the owner or lienholder or (2) a statement, on a DMV commissioner-prescribed form, that the vehicle's title is lost or destroyed. Prior law required a dealer to either (1) procure the title certificate or (2) submit the statement.

After transferring the vehicle (other than by creating a security interest), existing law requires dealers to promptly execute the assignment and warranty of title. The act specifies that dealers who do not do so in the spaces provided on the title certificate must do so on an ownership transfer form approved by the commissioner. It also makes a conforming change to specify that an ownership transfer document, if required, must be mailed or delivered when the dealer provides the statement or the title certificate along with the transferee's application for a new title.

Lastly, the act specifies that these provisions do not apply to a vehicle that does not, and is not required to, have a title certificate issued by the commissioner.

EFFECTIVE DATE: July 1, 2018

§§ 18-20 — SCHOOL BUS PASSING VIOLATIONS

Resolves a statutory conflict regarding the issuance of warnings and citations for school bus passing violations

The act resolves a statutory conflict regarding the issuance of warnings and citations for school bus passing violations based on evidence from a school bus violation detection video monitoring system. Prior law required police to both issue (1) a warning or summons upon receiving such evidence and (2) a summons, but only if they determine there are reasonable grounds to believe a violation has occurred after reviewing such evidence.

The act resolves the conflict by eliminating the provision requiring police to issue a warning or summons upon receiving such evidence.

EFFECTIVE DATE: July 1, 2018

§ 21 — REGISTRATION RENEWAL REMINDERS

Modifies the deadline by which DMV must mail registration renewal applications

By law, DMV must send a registration renewal application to a registrant before his or her registration expires. The act changes the deadline by which DMV must so to 30 days, rather than 45 days, before a registration expires.

EFFECTIVE DATE: July 1, 2018

§ 22 — OPERATOR RETRAINING PROGRAM FEE

Increases, from \$60 to \$85, the maximum fee for the Operator Retraining Program

The act increases, from \$60 to \$85, the maximum fee for the Operator Retraining Program. As authorized under existing law, DMV requires drivers to

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complete the program if they have certain speeding violations or multiple violations of certain motor vehicle laws (i.e., moving violations or suspension violations). The fee is paid to private vendors who provide the program.

EFFECTIVE DATE: July 1, 2018

§ 23 — CONVENIENCE FEE FOR PROCESSING DMV TRANSACTIONS

Increases, from \$5 to \$8, the maximum fee that authorized contractors may charge to process DMV transactions

By law, the DMV commissioner may authorize contractors (e.g., AAA) or municipalities to process specified transactions, such as driver's license and registration renewals. The act increases, from \$5 to \$8, the maximum convenience fee that any authorized entity may charge to process these transactions.

EFFECTIVE DATE: July 1, 2018

§ 24 — SURCHARGE ON CERTAIN MOVING VIOLATIONS

Increases, from \$15 to \$20, the surcharge on certain moving violations that is remitted to municipalities

The act increases, from \$15 to \$20, the surcharge paid, in addition to a fine, by people who violate specified motor vehicle laws, regulations, and ordinances, such as speeding and reckless driving. By law, the state must remit this fee to the municipalities in which the violation occurs.

EFFECTIVE DATE: October 1, 2018

§ 25 — SECOND YEAR MOTOR VEHICLE AND CAMPER REGISTRATION REFUNDS

Modifies the process for obtaining a refund after cancelling a registration with at least one year remaining before it expires

Existing law allows individuals to receive a 50% refund if they cancel their motor vehicle or camper registration with at least one year remaining on the registration. The act modifies the process for obtaining this refund. Prior law required the DMV commissioner to issue the refund if a registrant returned the license plates and registration certificate with at least one year remaining before the registration expires. The act instead requires him to issue the refund if the registrant (1) cancels the registration with at least one year remaining before it expires and (2) requests a refund prior to the registration's expiration.

EFFECTIVE DATE: July 1, 2018

§ 26 — SCHOOL BUS ENDORSEMENT APPLICANT FINGERPRINTING

Specifies that S endorsement applicants may submit fingerprints electronically

By law, applicants for an endorsement to drive a school bus (i.e., an S endorsement) must submit to fingerprint-based national and state criminal history records checks before receiving approval for the endorsement. The act specifies

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that S endorsement applicants' fingerprints may be captured electronically or by other means, in accordance with the provisions on criminal records checks administered by the State Police Bureau of Identification.

EFFECTIVE DATE: July 1, 2018

§ 27 — PENALTY FOR IMPROPER USE OF DRIVER'S LICENSES OR REGISTRATIONS

Increases, from \$100 to \$500, the penalty for improperly using driver's licenses or registrations

The act increases, from \$100 to \$500, the maximum fine for (1) using another person's vehicle registration or driver's license or (2) using a vehicle registration on a vehicle other than the one for which it was issued. As under existing law, violators also face a penalty of up to 30 days in prison.

EFFECTIVE DATE: October 1, 2018

§ 28 — SUPERLOAD STUDY

Requires DMV, DOT, and the State Police to conduct a study on the transport of "superloads"

The act requires DMV, the Department of Transportation, and the State Police to conduct, within available appropriations, a study on the transport of loads commonly known as "superloads." Superloads are vehicles, vehicle-trailer combinations, or commercial vehicle combinations (including their loads) that are greater than 16 feet in length. (The act appears to incorrectly refer to length instead of width.)

Under the act, the departments and the State Police must (1) study the requirements of other northeastern states regarding the transport of superloads; (2) review any Northeast Association of State Transport Officials reports on the harmonization of state truck permitting requirements and other requirements applicable to superloads; and (3) make recommendations for revisions to state law to ensure consistency with other northeast states.

The departments and the State Police must submit the results of the study to the Transportation Committee by January 1, 2019.

EFFECTIVE DATE: Upon passage

§ 29 — TAILGATING PENALTY

Makes causing an accident while tailgating a violation and subjects drivers to a fine of \$100 to \$200

Existing law generally prohibits drivers from tailgating (i.e., following another motor vehicle more closely than is reasonable or in a way that obstructs or impedes traffic). Drivers in violation of this prohibition are deemed to have committed an infraction (see Table on Penalties). Under the act, if driving in this manner results in a motor vehicle accident, drivers are deemed to have committed a violation and are subject to a fine ranging from \$100 to \$200.

EFFECTIVE DATE: October 1, 2018

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