



House of Representatives

General Assembly

File No. 365

February Session, 2018

Substitute House Bill No. 5390

House of Representatives, April 10, 2018

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

AN ACT CONCERNING CRIMINAL HISTORY RECORDS CHECKS FOR OPERATORS OF SCHOOL BUSES.

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

1 Section 1. Subsection (e) of section 14-44 of the 2018 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2018*):

4 (e) (1) Prior to issuing an operator's license bearing a public
5 passenger endorsement pursuant to [subdivision (3) of] subsection (a)
6 of this section, the Commissioner of Motor Vehicles shall require each
7 applicant to submit to state and national criminal history records
8 checks, conducted in accordance with section 29-17a. The
9 Commissioner of Emergency Services and Public Protection shall
10 complete such state and national criminal history records checks
11 required pursuant to this section within sixty days of receiving such a
12 request for a check of such records. If notice of a state or national
13 criminal history record is received, the Commissioner of Motor
14 Vehicles may, subject to the provisions of section 46a-80, refuse to issue

15 an operator's license bearing such public passenger endorsement and,
16 in such case, shall immediately notify the applicant, in writing, of such
17 refusal. Each applicant for a public passenger endorsement to operate
18 a school bus or student transportation vehicle shall submit to a check
19 of the state child abuse and neglect registry established pursuant to
20 section 17a-101k. If notification that the applicant is listed as a
21 perpetrator of abuse on the state child abuse and neglect registry is
22 received, the Commissioner of Motor Vehicles may refuse to issue an
23 operator's license bearing such public passenger endorsement and, in
24 such case, shall immediately notify the applicant, in writing, of such
25 refusal. The Commissioner of Motor Vehicles shall not issue a
26 temporary operator's license bearing a public passenger endorsement
27 for operation of a school bus or student transportation vehicle.

28 (2) For the purposes of this subdivision, "certificate or permit
29 holder" means any person, association, limited liability company or
30 corporation that holds a certificate of public convenience and necessity
31 to operate a taxicab, as described in section 13b-97 or holds a permit to
32 operate a motor vehicle in livery service, as described in section 13b-
33 103. Any certificate or permit holder who seeks to employ a person
34 who has applied for a public passenger endorsement to operate a
35 taxicab or motor vehicle in livery service under subdivision [(1)] (3) of
36 [this] subsection (a) of this section may permit such person to operate a
37 taxicab or motor vehicle in livery service prior to the approval by the
38 Commissioner of Motor Vehicles of the application for such
39 endorsement, but in no event for a period longer than ninety days after
40 the date of application for such endorsement, provided such certificate
41 or permit holder determines such person meets the requirements to
42 operate a taxicab or motor vehicle in livery service set forth in
43 regulations adopted by the commissioner pursuant to subsection (f) of
44 this section. In making such determination, such certificate or permit
45 holder shall (A) conduct, or have a consumer reporting agency
46 regulated under the federal Fair Credit Reporting Act conduct, a local,
47 state and national criminal history records check, including a search of
48 state and national sexual offender registry databases, and (B) review
49 such person's driving history record maintained by the commissioner

50 and dated not more than seven days prior to the date of such review. A
51 person who is approved by a certificate or permit holder under this
52 subdivision shall carry and present, upon request, a copy of such
53 person's application to the commissioner and criminal history records
54 check when such person is operating a taxicab or motor vehicle in
55 livery service.

56 (3) Any carrier, as defined in section 14-212, who seeks to employ a
57 person who has applied for a public passenger endorsement to operate
58 a school bus pursuant to subsection (a) of this section, may permit such
59 person to operate a school bus, prior to the approval by the
60 Commissioner of Motor Vehicles of the application for such
61 endorsement, but in no event for a period longer than ninety days after
62 the date of application for such endorsement, provided such carrier
63 determines such person (A) holds a commercial driver's license of the
64 appropriate class for the type of vehicle being driven, (B) meets the
65 requirements to operate a school bus set forth in regulations adopted
66 by the commissioner pursuant to subsection (f) of this section, (C)
67 meets the minimum physical requirements to operate a school bus and
68 the safety training requirements set forth in regulations adopted by the
69 commissioner pursuant to subsection (a) of section 14-276a, (D) passes
70 an examination in proficiency in school bus operation given by the
71 commissioner, and (E) submits to a urinalysis drug test as required by
72 subsection (d) of section 14-276a and receives a negative test result for
73 such test. In making such determination, such carrier shall conduct, or
74 have a consumer reporting agency regulated under the Federal Credit
75 Reporting Act conduct, a local, state and national criminal history
76 records check, including a search of state and national sexual offender
77 registry databases and the state child abuse and neglect registry
78 established pursuant to section 17a-101k, and review such person's
79 driving history record maintained by the commissioner and dated not
80 more than seven days prior to the date of such review. A person who
81 is approved by a carrier under this subdivision shall carry and present,
82 upon request, a copy of such person's application to the commissioner
83 and criminal history records check when such person is operating a
84 school bus.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2018</i>	14-44(e)

TRA *Joint Favorable Subst.*

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 19 \$	FY 20 \$
Resources of the General Fund	GF - Revenue Gain	up to \$10,000	up to \$10,000
Resources of the Special Transportation Fund	TF - Revenue Gain	up to \$10,000	up to \$10,000

Note: GF=General Fund; TF=Transportation Fund

Municipal Impact: None

Explanation

There is anticipated to be a minimal revenue gain of up to \$10,000 to the General Fund and the Special Transportation Fund resulting from the bill, which allows applicants of a school bus operator's license to work in a certain capacity while their application with the Department of Emergency Services and Public Protection is pending. There is approximately a three month backlog in license applications, deterring individuals from applying for a license. It is expected that, if individuals are able to work while their application is pending, more will be encouraged to apply and submit the associated fees.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of applicants.

OLR Bill Analysis

sHB 5390

AN ACT CONCERNING CRIMINAL HISTORY RECORDS CHECKS FOR OPERATORS OF SCHOOL BUSES.

SUMMARY

This bill allows school bus carriers (i.e., school districts or the school bus companies they hire) to conditionally allow a prospective employee to drive a school bus, on a temporary basis, before such person is issued a school bus (“S”) license endorsement from the Department of Motor Vehicles (DMV).

Under the bill, to be eligible to drive a bus prior to getting an S endorsement, a person must (1) have applied for the endorsement but not yet received final DMV approval and (2) meet, in the carrier’s determination, specified requirements and conditions required for S endorsement issuance under existing law. In order to make this determination, the carrier must conduct the following:

1. a local, state, and national criminal history records check;
2. a state and national sex offender registry search;
3. a state child abuse and neglect registry search; and
4. a review of the person’s DMV-maintained driving history record, dated within the seven days prior to the review.

The carrier may have a consumer reporting agency regulated under the Fair Credit Reporting Act conduct the check, searches, and review. Under the bill, any person a carrier approves to drive must carry his or her S endorsement application and criminal records check while driving a school bus and present the documents upon request.

The bill also makes technical and conforming changes to correct internal references.

EFFECTIVE DATE: July 1, 2018

CONDITIONS FOR CARRIER APPROVAL OF DRIVERS

Under the bill, a carrier may permit a person to drive a school bus for up to 90 days after the person’s S endorsement application date if the carrier determines that the applicant:

1. holds a commercial driver’s license of the appropriate class for the school bus the person will drive;
2. has had a physical and meets the minimum physical standards applicable to public passenger endorsements (which include the S endorsement) (Conn. Agencies Regs. § 14-44-1);
3. has an acceptable driving record that meets the required conditions (e.g., fewer than four moving violations within a two-year period) (Conn. Agencies Regs. § 14-44-4(a));
4. has not committed a felony or any other disqualifying crime or violation (Conn. Agencies Regs. § 14-44-4 (c) & (d));
5. completes the applicable school bus safety training (Conn. Agencies Regs. §14-276a);
6. passes a DMV-administered school bus operation proficiency test; and
7. submits to a urinalysis drug test and receives a negative.

BACKGROUND

Related Bill

sSB 447, favorably reported by the Commerce Committee, requires the Department of Emergency Services and Public Protection to retain a portion of its records-related fees to cover the administrative costs of

expediting the records checks required for S endorsement issuance.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 35 Nay 1 (03/23/2018)