
OLR Bill Analysis

sSB 261

AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF MOTOR VEHICLES.

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SUMMARY

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

1. expands the circumstances under which the Department of Motor Vehicles (DMV) can renew and duplicate credentials without an applicant's personal appearance (§ 11);
2. eliminates a restriction requiring DMV contractors to process license and registration transactions at their own facilities (§ 14);
3. allows for driver education courses, operator retraining programs, and school bus and student transportation vehicle safety training to be provided fully or partially online (§§ 12, 13, 25, 26, 30 & 31); and
4. increases the minimum insurance coverage requirements for non-livery service vehicles (e.g., buses) that transport eight or more passengers (§ 9).

Lastly, the bill makes numerous technical and conforming changes.

EFFECTIVE DATE: July 1, 2021, unless otherwise noted below, and a technical change effective upon passage (§ 34).

§§ 1 & 2 — IDENTITY CARDS

Establishes grounds for revoking identity cards and establishes a restoration fee for a revoked identity card

The bill requires the DMV commissioner to revoke an identity (ID) card if (1) the owner misrepresents his or her age or otherwise deceives

to get the ID card or (2) it is used or exhibited by someone other than the owner. Under existing law, these actions are class D misdemeanors, punishable by a fine of up to \$250, up to 30 days imprisonment, or both.

The bill also requires owners of a revoked ID card to pay a \$175 restoration fee in order to obtain a new ID card, which is the same amount to restore a suspended or revoked driver's license. By law, a restoration fee must be paid in addition to other applicable fees.

§ 4 — LIEN OR TITLE SERVICE FILING FEE

Imposes a fee on a lien or title service that files seven or more registration or title applications per month and fails to do so electronically

The bill imposes a \$25 fee on applications submitted by a lien or title service that files seven or more motor vehicle registration or title applications per month and fails or refuses to do so electronically when requested by the DMV commissioner.

§ 5 — VEHICLE TRANSFERS TO BENEFICIARIES

Extends the timeframe to transfer a vehicle to a beneficiary after the owner's death

This bill lengthens, from 60 to 120 days, the time period during which a beneficiary designated on a motor vehicle registration certificate must request a new registration certificate and title in his or her name after the vehicle owner's death.

§ 6 — "SAVE OUR LAKES" PLATES

Establishes fees for Save Our Lakes commemorative plates and allows DMV to retain a portion to defray production and issuance costs

The bill (1) establishes fees of \$60 and \$80 for Save Our Lakes commemorative plates and (2) allows DMV to keep a part of the fees (\$15) to defray plate production and issuance costs. Under the bill, the lower \$60 fee is charged if the DMV commissioner selects the plate's letters and numbers. The bill's higher \$80 fee is for plates with letters in place of numbers or for low number plates. The remainder of each plate fee, after DMV's costs, must be deposited into the Connecticut Lakes, Rivers, and Ponds Preservation account. By law, plate fees are in addition to other vehicle registration fees.

Correspondingly, the bill eliminates the current requirement that the DMV commissioner establish the Save Our Lakes plate fees by regulation. It also deletes a requirement that the DMV commissioner adopt specific regulations on the plates' issuance, renewal, and replacement.

Additionally, the bill extends by 18 months the date by which the DMV commissioner must begin issuing Save Our Lakes plates, from January 1, 2020, to July 1, 2021.

§ 8 — STUDENT TRANSPORTATION VEHICLE REGISTRATION

Increases the registration fees for student transportation vehicles designed as passenger vehicles to reflect current DMV practice

The bill increases the annual registration fee for student transportation vehicles (STVs) designed as passenger vehicles from \$40 to \$44 to reflect DMV's current practice of issuing these vehicles combination plates rather than passenger plates due to their mixed-use nature.

§ 9 — COMMERCIAL PASSENGER VEHICLE INSURANCE

Principally increases the minimum insurance coverage requirements for non-livery service vehicles (e.g., buses) that transport eight or more passengers

The bill makes several modifications to the requirements on insurance policies and indemnity bonds for buses, taxis, livery service vehicles, and STVs. It eliminates the option for these vehicles to select double or split limit of liability policies or bonds and instead requires them to have single limit of liability providing coverage against claims for personal injury or death and property damage for any one accident.

Under the bill, non-livery service vehicles designed or used to transport eight to 14 passengers without compensation must have at least \$750,000 in coverage. Currently, the minimum coverage requirements for those vehicles range from \$150,000 to \$200,000.

For non-livery service vehicles designed or used to transport (1) eight or more passengers for compensation or (2) 15 or more passengers without compensation, the bill requires at least the

amounts established under federal law, which are currently \$1.5 million for vehicles with a seating capacity of 15 passengers or fewer, including the driver, and \$5 million for vehicles with a seating capacity of 16 passengers or more, including the driver (49 CFR. § 387.33). Under current law, the minimum coverage requirements for those vehicles ranged from \$150,000 to \$300,000 and \$200,000 to \$300,000 respectively.

Under existing law, unchanged by the bill, the minimum coverage requirement is (1) \$100,000 for non-livery service vehicles that transport seven or fewer passengers (e.g., taxis); (2) \$1.5 million for livery service vehicles that transport 14 or fewer passengers; and (3) \$5 million for livery service vehicles that transport 15 or more passengers.

EFFECTIVE DATE: October 1, 2021

§§ 10 & 19 — DRIVER’S LICENSE CHANGES

Increases the time period by which individuals must obtain a Connecticut driver’s license after establishing residency in the state; modifies driver testing requirements for applicants with expired licenses; and gives the DMV commissioner more discretion in directing how applicants submit supporting documents

The bill lengthens, from 30 to 60 days, the time period within which a person with an out-of-state driver’s license must obtain a Connecticut license after establishing residency here.

Under current law, driver’s license applicants who have not operated a motor vehicle in the preceding two years must take a driver’s test and may be required to pass a vision screening. The bill instead applies these provisions to applicants whose Connecticut licenses expired more than two years prior.

Additionally, the bill authorizes the DMV commissioner to direct how driver’s license applicants must submit supporting documents.

§ 10 — COMMERCIAL DRIVER’S LICENSE KNOWLEDGE TESTS FOR ELIGIBLE VETERANS AND SERVICE MEMBERS

Allows for the waiver of commercial driver’s license knowledge tests for qualifying veterans and service members

The bill authorizes the DMV commissioner, in her discretion, to

waive commercial driver's license (CDL) knowledge tests for eligible veterans and active duty service members who meet conditions set by federal regulation. By law, unchanged by the bill, the commissioner must waive the CDL driving skills test for such applicants who meet similar conditions.

The bill specifically applies to:

1. armed forces and National Guard members who currently hold a military operator's license of the same class as the CDL they are applying for and
2. veterans who (a) apply within two years after their military discharge and (b) before their discharge, held a military operator's license to drive the same class of vehicles allowed under their prospective CDL.

By law, a "veteran" is anyone discharged or released under conditions other than dishonorable from active service in the armed forces (i.e., the U. S. Army, Navy, Marine Corps, Coast Guard, and Air Force and any of their reserve components, including the Connecticut National Guard performing duty under Title 32 of federal law).

For purposes of the knowledge test waiver, under federal regulations an applicant must certify and provide evidence that during the one-year period prior to applying for the CDL, he or she has not had:

1. more than one license (except for a military license);
2. any license suspended, revoked, or cancelled;
3. any type of motor vehicle conviction that would disqualify an applicant from getting a commercial license (e.g., driving under the influence);
4. more than one conviction for a serious traffic violation (e.g., driving recklessly); or

5. any conviction for violating any military, state, or local law relating to motor vehicle traffic control (other than a parking violation) in connection with any traffic accident or any record of an accident where he or she was at fault.

The applicant must also provide evidence and certify that he or she:

1. is or was regularly employed and designated as an operator of one of eight specific vehicles (e.g., Air Force 2T1 vehicle operator) and
2. is or was operating a vehicle that is representative of the type he or she expects to operate (49 CFR. § 383.77).

§ 11 — ISSUING CREDENTIALS WITHOUT APPLICANT'S PERSONAL APPEARANCE

Expands the circumstances under which DMV can renew and duplicate credentials without an applicant's personal appearance

The bill expands the circumstances under which DMV can renew and duplicate credentials without an applicant's personal appearance. Under the bill, the DMV commissioner may renew or duplicate a driver's license, CDL, or an ID card without the applicant's personal appearance if:

1. the commissioner has on file the applicant's photo or digital image that (a) meets the standards and specifications the commissioner prescribes (see below) and (b) may be used on a license or ID card;
2. the commissioner has satisfactory evidence of the applicant's identity;
3. the commissioner is satisfied that the applicant is a legal resident of this state;
4. in the case of renewal, the applicant has personally appeared to renew the license or ID card within the time limitations specified in state or federal law; and

5. the applicant meets all other requirements for a renewal or duplicate license.

Under current law, the commissioner may renew these credentials without the applicant's personal appearance only (1) if the applicant is an armed forces member, (2) if the applicant is temporarily residing out-of-state for business or educational purposes, or (3) in other circumstances where, in the commissioner's judgement, personal appearance would be impractical or impose significant hardship. Current law does not allow the commissioner to issue duplicate credentials without personal appearance.

The bill specifies that temporary licenses, instruction permits, and ID cards are not required to contain an applicant's photo. Current law requires all licenses and ID cards to contain the holder's photo or digital image.

The bill also repeals the commissioner's authority to adopt regulations on renewing licenses and ID cards by mail or electronic communications with DMV. Instead, if the commissioner elects to renew or issue duplicate credentials without the applicant's personal appearance, she must establish procedures to renew or issue them by mail or electronic communication with DMV.

EFFECTIVE DATE: Upon passage

§§ 12, 13 & 25 — ONLINE DRIVER EDUCATION

Allows driver's education courses to be provided fully or partially through real-time, interactive distance learning

Under current law, driver's education provided by commercial driving schools and secondary schools must be provided through classroom instruction, which is generally defined as group instruction of students in a classroom or a similar group situation by qualified instructors (Conn. Agencies Regs. §§ 14-36f-1(2) & 14-78-20(2)).

The bill allows these courses to be provided fully or partially through real-time, interactive distance learning. For the purposes of courses provided by secondary schools, it defines "classroom

instruction” to include instruction provided through real-time, interactive distance learning or through a combination of in-person and real-time, interactive distance learning. It also requires that the regulations for commercial and secondary school driver’s education permit classes to be offered fully or partially through distance learning.

The law authorizes DMV to adopt regulations about commercial driving schools, including establishing instructional standards and recordkeeping requirements for them. The bill requires DMV to update its commercial driving school regulations to include (1) requirements as to the administration of a test at the conclusion of each class and (2) the form in which required student records must be transmitted to the commissioner, when required.

EFFECTIVE DATE: Upon passage

§ 14 — DMV CONTRACTORS

Eliminates a restriction requiring DMV contractors to process license and registration transactions at their own facilities

By law, the DMV commissioner is authorized to contract with other entities, including automobile clubs and municipalities, to conduct various license and registration transactions.

Under current law, the commissioner can only authorize a contractor or municipality to conduct these transactions at the contractor’s or municipality’s office or facilities. The bill eliminates this restriction.

EFFECTIVE DATE: Upon passage

§ 15 — COMMERCIAL DRIVER’S LICENSE VALIDATION

Requires DMV to check the federal Drug and Alcohol Clearinghouse before validating a commercial driver’s license, in accordance with federal regulations

The bill conforms state law to federal regulations by requiring the DMV commissioner, beginning January 6, 2023, to request a CDL applicant’s record from the federal Drug and Alcohol Clearinghouse to determine whether he or she is qualified to renew, transfer, or upgrade a CDL (49 CFR. § 383.725). The clearinghouse is an online database that

gives employers and government agencies access to information about CDL and commercial learner's permit holders' drug and alcohol program violations (e.g., positive drug or alcohol test results and test refusals).

In accordance with the federal regulations, the bill also prohibits the commissioner from disclosing the information in the applicant's clearinghouse record to any person or entity not directly involved in evaluating the applicant's CDL qualifications (49 CFS. § 383.725(c)).

§§ 16 & 17 — COMMERCIAL DRIVER'S LICENSE LEARNER'S PERMITS

Extends the duration of commercial driver's license learner's permits

This bill modifies the duration of a CDL learner's permit from 180 days (i.e., six months) with an option to have it reissued or renewed for an additional 180 days within a two-year period, to a single, one-year period. Relatedly, it adjusts the fee for the permit from \$10 to \$20.

§ 18 — COMMERCIAL DRIVER'S LICENSE DISQUALIFICATIONS

Adds certain human trafficking felonies to the list of offenses resulting in a lifetime disqualification for a commercial driver's license

The bill conforms state law to federal regulation by requiring a lifetime CDL disqualification without the possibility of reinstatement for any person who commits certain human trafficking felonies, as defined under federal law, while using a commercial motor vehicle. Specifically, this provision applies to the following felonies:

1. sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform the act is under age 18; or
2. the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery (49 CFR. § 383.51 & 22 USC. § 7201(11)).

By law, unchanged by the bill, CDL holders are disqualified for life

and ineligible for reinstatement if they commit a felony involving the manufacture, distribution, or dispensing of a controlled substance while using any motor vehicle.

EFFECTIVE DATE: October 1, 2021

§ 20 — ONE-YEAR REGISTRATIONS FOR SENIORS

Allows seniors to renew combination registrations for a one-year period

Existing law allows registrants age 65 or older to opt to renew their passenger motor vehicle registrations for a one-year period instead of a two- or three-year registration period (CGS § 14-49(a)). The bill additionally allows them to opt to renew combination registrations for a one-year period.

EFFECTIVE DATE: October 1, 2021

§§ 21 & 24 — LICENSE DEPOSITS

Eliminates the cash deposit option for repairer, dealer, leasing or rental, and drivers' school licenses

The bill eliminates the option to deposit cash with DMV as a condition of obtaining the following licenses: (1) repairer, (2) limited repairer, (3) new car dealer, (4) used car dealer, (5) leasing or rental, or (6) drivers' school. In doing so, it requires those license applicants to submit surety bonds, which is an option under current law.

EFFECTIVE DATE: October 1, 2021, except the change affecting drivers' school licenses is effective July 1, 2021.

§ 22 — DEALER AND REPAIRER LICENSES

Allows (1) the DMV commissioner to consider civil judgments against dealer and repairer license applicants and (2) new car dealer, repairer, and limited repairer license applicants to be licensed even if they owe sales tax

This bill (1) authorizes the DMV commissioner to consider civil judgments against dealer and repairer license applicants as part of deciding whether to grant or renew those licenses and (2) allows the commissioner to require those license applications be submitted electronically. Under the bill, license holders requesting renewals must disclose any civil judgements against them under penalty of false

statement.

Additionally, the bill eliminates current law's prohibition on new car dealers, repairers, and limited repairers from receiving initial or renewed licenses if they owe sales tax but maintains it for used car dealer licenses.

§ 23 — DEALER FINANCING REFUND

Establishes conditions for a vehicle purchaser's deposit to be refunded when financing through the seller

Under current law, vehicle sales must be evidenced by an order properly signed by the buyer and seller, which must contain certain specific information (e.g., the make and model year of the vehicle and the buyer's deposit). The bill specifies that this order is a "retail purchase order." Under the bill, when the buyer is financing the vehicle through the seller, the retail purchase order must also include a statement that a buyer's deposit is refundable if the seller does not provide written proof of approved financing to the buyer before executing the order.

EFFECTIVE DATE: October 1, 2021

§§ 26, 30 & 31 — OPERATOR RETRAINING AND SCHOOL BUS AND STUDENT TRANSPORTATION VEHICLE SAFETY TRAINING

Allows operator retraining programs and school bus and student transportation vehicle safety training to be conducted online

The bill specifies certain training may be offered in person in a congregate setting, through distance learning, or a combination of the two. It specifically applies to (1) operator retraining programs conducted by DMV or DMV-certified organizations, (2) school bus and STV operator safety training administered by DMV, and (3) school bus operator safety training required by a town or regional school district.

EFFECTIVE DATE: Upon passage

§ 28 — EMISSION TESTING DEADLINES

Permits extending the emissions testing deadline after vehicle purchases when DMV or testing stations are closed or have limited operations

By law, whenever a vehicle's ownership is transferred, the new

owner must present the vehicle for an emissions inspection within 30 days after registering the vehicle. The bill authorizes the DMV commissioner to extend that deadline for the new owner to comply if circumstances require DMV or emissions inspection stations to close or have limited operations.

§ 29 — SNOWMOBILE AND ALL-TERRAIN VEHICLE (ATV) OPERATORS

Specifically adds snowmobiles and ATVs to the implied consent testing statute

By law, motor vehicle operators implicitly consent to chemical analyses of their blood, breath, or urine; and if the operator is a minor, his or her parents or guardians have implicitly consented for him or her. Under current law, this statute applies to all vehicles used on public roads. The bill also applies this to snowmobiles and ATVs.

By law, a snowmobile is any self-propelled vehicle designed for travel on snow or ice, except for ones propelled by sail. An ATV is a self-propelled vehicle designed to travel over unimproved terrain, has been determined by the DMV commissioner to be unsuitable for operation on public roads, and is ineligible for registration (CGS § 14-379).

Under existing law, the implied consent statute establishes administrative license suspension procedures for operators who refuse to submit to a test or whose test results indicate an elevated blood alcohol content. Relatedly, the bill's specific inclusion of snowmobiles and ATVs will align the implied consent statute with the state's criminal DUI laws (CGS §§ 14-227a and 14-227m).

§ 32 — BOAT REGISTRATIONS AND DECALS

Allows marine dealers to issue permanent boat registrations and decals

The bill permits the DMV commissioner to allow marine dealers to issue boat registration and decal certificates without a limitation on the type of those certificates, thus allowing them to issue permanent certificates. Under current law, authorized marine dealers may only issue temporary boat registrations and decals.

Additionally, the bill eliminates a requirement that the DMV

commissioner adopt regulations about these transactions and instead grants her the discretion to adopt them.

EFFECTIVE DATE: Upon passage

§ 33 — NEW RESIDENT AND DEALER REGISTRATIONS

Extends the period during which new residents must register a vehicle in Connecticut and authorizes dealers to issue additional registrations

This bill lengthens, from 60 to 90 days, the period during which new residents must register a vehicle in the state by after establishing residency in order to legally operate the vehicle without penalty.

Additionally, the bill permits the DMV commissioner to appoint certain qualified and licensed dealers to issue original and renewal registrations for passenger motor vehicles, motorcycles, campers, camp trailers, commercial trailers, service buses, school buses, trucks, and other vehicle types determined by the commissioner, regardless of whether the dealers sold the vehicles to the registrants. Under current law, the commissioner could only appoint dealers to issue registrations on the vehicles that the dealers sold.

By law, registration applicants must pay the registration fee for their vehicles as well as any other applicable fees. The bill allows the DMV commissioner to authorize dealers, as part of their registration transactions, to charge the existing convenience fee (up to \$8) that other contractors (e.g., AAA) may charge.

The bill also eliminates a requirement that the DMV commissioner impose a \$10 fee for each new dealer issue form furnished to dealers.

EFFECTIVE DATE: October 1, 2021

§§ 35 & 36 — EMERGENCY VEHICLE DEFINITIONS

Makes several changes to emergency vehicle definitions, including adding certain Department of Energy and Environmental Protection (DEEP) vehicles

The bill modifies the statutory definitions of the terms “emergency vehicle” and “authorized emergency vehicle” as used in the laws establishing those vehicles’ rights and motorists’ responsibilities with respect to them.

Specifically, the bill expands the definition of “emergency vehicle” to include (1) any ambulance or vehicle operated by an emergency medical service organization member taking a patient to a hospital and (2) any DEEP vehicle operated by an authorized DEEP employee while in the course of his or her employment and while en route to a fire or responding to an emergency call, but not returning from a fire or an emergency call.

The bill also removes a public service company or municipal department ambulance or emergency vehicle designated or authorized by the DMV commissioner from the definition of “authorized emergency vehicle” and instead simply specifies that an ambulance is an authorized emergency vehicle.

EFFECTIVE DATE: Upon passage

§ 37 — STATE AND MUNICIPAL CONTRACT ELIGIBILITY

Repeals a provision that required a specific number of inspections of certain trucking companies and commercial motor vehicle drivers in order to make them ineligible for state or municipal contracts

The bill repeals a statute that prohibited certain trucking companies and commercial motor vehicle drivers from being found ineligible for state or municipal contracts based on the results of safety inspections, unless at least 10 safety inspections of the company’s or driver’s vehicle had been conducted during the 24 months before the contract’s starting date.

EFFECTIVE DATE: October 1, 2021

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 34 Nay 0 (03/03/2021)