

# Transportation Committee JOINT FAVORABLE REPORT

**Bill No.:** SB-261

AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF

**Title:** MOTOR VEHICLES.

**Vote Date:** 3/3/2021

**Vote Action:** Joint Favorable Substitute

**PH Date:** 1/27/2021

**File No.:** 89

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## **SPONSORS OF BILL:**

THE TRANSPORTATION COMMITTEE

[Rep. Ben McGorty, 122nd Dist.](#)

## **REASONS FOR BILL:**

This is the Connecticut Department of Motor Vehicles' annual agency update request with many provisions carried over from the 2020 legislative session. The bill contains various measures meant to increased efficiency & services of the agency through; removal of obsolete provision(s), authorizations for online/digital and/or extended business interactions (in response to the unique challenges in the Covid-19 health pandemic), compliance with federal & state laws, and technical changes.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

### **Commissioner Sibongile Magubane Department of Motor Vehicles (CTDMV)**

Every year the Department of Motor Vehicles submits a proposal to the Transportation Committee to ensure compliance with federal requirements, make technical changes to statutes and streamline processes. This proposal contains language originally submitted in the 2020 legislative package. During the pandemic the DMV deployed new processes and technology to enable the agency to deliver critical services to customers in a safe manner. Customer convenience continues to be the main focus. Therefore, rolling back the changes implemented during Covid would have a devastating impact on our ability to service Connecticut businesses and residents.

### **Commissioner Katie Dyke Department of Environmental Protection (DEEP)**

Sections of this bill are highly important for DEEP. This bill sets a fee for the Save the Lakes commemorative number plates, and provides for how much of that fee is dedicated toward DMV's cost of producing, issuing, renewing and replacing such plates and how much of that fee is dedicated toward the Connecticut Lakes, Rivers and Ponds Preservation account. The bill clarifies that the term "Commissioner" in section 14-21aa of the general statutes is meant to be the Commissioner of DEEP and that the DEEP Commissioner may receive private donations to the Connecticut Lakes, Rivers and Ponds Preservation account and may provide for the reproduction and marketing of the Save our Lakes commemorative plate image for use on a variety of merchandise, including clothing, recreational equipment, posters, and more.

Section 14-283 of the general statutes would be amended to clarify that DEEP vehicles operated by DEEP personnel when responding to or during a fire or emergency call would fall under the definition of "emergency vehicle." Helping DEEP emergency responders to get on-site as quickly as possible provides valuable support to federal, state and local emergency responders during emergency incidents given the potential public health and safety hazards associated with exposure to certain environmental and radiological releases. The General Assembly may wish to substitute "emergency vehicle" for "authorized emergency vehicle." In the alternative, the General Assembly may wish to amend the definition of "authorized emergency vehicle" in section 14-1(5) of the general statutes to simply provide that it is "a vehicle specified in subsection (a) of section 14-283 of the general statutes."

Marine dealers are already issuing temporary registrations upon the sale or transfer of vessels. The revisions proposed in the bill related to section 15-144 (e) of the general statutes would allow for marine dealers to issue permanent registrations, making for a more efficient and streamlined process for the boating public, obviating the need for them to visit a DMV office to register their vessels.

### **Beverly K. Streit-Kefalas Probate Court Administrator**

The proposed expansion set forth in Conn. Gen. Stat. sec. 14-16(b) from 60 to 120 days may cause confusion as to the process to follow and distress to family members after a death. And significantly, it may result in legal disputes over title ownership. By expanding the transfer application process now set forth in Conn. Gen. Stat. sec. 14-16(b) to 120 days, the Probate Court may have already issued a decree allowing the transfer of title or have authorized a fiduciary to sell or transfer the motor vehicle title. If a beneficiary were to then seek a transfer of title from the commissioner at that juncture, it will give rise to disputed ownership claims potentially between family members and cause title uncertainty to any third-party purchaser of a motor vehicle after death of the original owner.

## **NATURE AND SOURCES OF SUPPORT:**

### **Connecticut Association of Optometrists**

I feel strongly that a vision assessment is truly needed prior to granting a driver's license. However, in requiring the vision assessment to be completed by a medical professional, in lieu of the DMV, this move will have an impact on both drivers and physicians alike. First of all, license applicants will now carry the burden of obtaining the appropriate vision screening at a physician's office at a cost, possibly not covered by their insurance. Secondly, if a license applicant requests "only" a vision screening for DMV purposes, there becomes a question of medical / professional liability on the medical professional's behalf. For example, what would happen if a person comes in for a simple screening (moreover, a screening is NOT equivalent to a comprehensive eye exam) and an ocular condition is not discovered because the evaluation was limited to the vision and visual field requirements? The DMV would have no accountability by performing a vision screening on their premises, but an ophthalmologist or optometrist may be at risk if only visual acuity and gross visual fields were obtained. Perhaps I may suggest a solution. Rather than removing free vision screenings from the DMV offerings, I would suggest allowing EITHER a free DMV screening OR a visual assessment certification by the previously-defined medical professionals. This gives back the benefit of choice to the constituent and providers could perform full eye exams without concern for liability.

**Brandon Dufour, Founder and CEO at The Next Street**

Due to the pandemic, the DMV has temporarily allowed our classroom sessions to be taught virtually. This has been a silver lining for our industry. The DMV has included language in SB 261 to make Virtual Classroom Learning a permanent solution, and I support that proposal. We are seeing an increased number of students opting into the 30-hour classroom program because of the convenient access to the virtual classes. We have lost no education quality in the virtual medium and we hear only compliments and praise from our staff and customers. We do recommend some clarity for driving schools. I'd like to suggest a few items to assure that Virtual Learning remains high quality and focused on the local roads and driver education needs in Connecticut:

1. Classes must be taught by a live instructor that is teaching from within the State of Connecticut. Pre-recorded lectures or online learning modules would drastically reduce the quality of education.
2. Currently, students must take a quiz at the end of the classroom session to assess their understanding of the material. We believe this quiz should be law with clear and outstanding penalties for driving schools that do not offer quizzes or do not require passing grades before completing a student.
3. Current regulations require classroom locations to be licensed by the DMV. Language should be clarified as to where virtual classes can be taught from. Most of our instructors are currently broadcasting from their homes.
4. Driving schools should be required to teach both classroom training and practical driving lessons. There is a major correlation between the theory taught in class and the practical skills behind the wheel. Schools teaching only classroom sessions are a disservice to the student.

**Tasha Cusson, President of the Connecticut Marine Trades Association (CMTA).**

The CMTA, which represents nearly 350 member marine or boating related businesses and their employees, urges your support of Section 32 of SB 261, The DMV has been making a number of changes to streamline their operations in order to provide a better customer experience for Connecticut's citizens. Passage of this provision (Sec. 32) of SB 261 will be one more improvement that will benefit the agency and our citizens.

**Alicea Charamut, Executive Director Rivers Alliance Connecticut**

This was a much needed and common-sense measure as neglecting to provide resources and addressing AIS more uniformly in all of our surface waters will ultimately make management in lakes and ponds more challenging – not to mention leaving AIS impairments in our rivers unaddressed. Modification I recommend a change in the name of the commemorative license plate to “Save Our Lakes and Rivers” for two reasons:

1. Including rivers more accurately reflects how revenue from the commemorative plate can and will be spent.
2. Including rivers broadens the market of those who would be potentially interested in such a commemorative plate, therefore, increasing revenue.

**RIVER STEWARD AT THE CONNECTICUT RIVER CONSERVANCY (CRC)**

When aquatic invasive species (ais) are introduced to waterbodies, ais outcompete native species and, as a result replace habitat for threatened and sensitive species. These ais threaten the ecological integrity of the connecticut river, as well as the economic viability of local businesses that depend on the connecticut river. Sections 5 & 6 pertain to “save our lakes” commemorative license plates to promote awareness of connecticut’s waterbodies and direct funding to the account established under section 14-21aa through a \$60 fee applied to the sale of commemorative plates, funds would support ais education, planning and management. We strongly support this initiative to generate and streamline much needed funding in order to slow the spread of ais and manage existing infestations. As noted by rivers alliance, we support suggestions to modify the commemorative plate name to “save our lakes and rivers” to accurately represent the distributions of funds and attract a greater number of participants to the program.

**AMY BLAYMORE PATERSON, ESQ., EXECUTIVE**

Sb 261 builds upon existing legislation (pa 18-101 and pa 19-190), establishing a commemorative license plate program to provide a source of revenue for municipalities to help address this insidious problem. Clcc supports sections 5 and 6 which add detail and specificity with respect to the fees charged and revenue generated by the plate. In addition, consistent with changes made by pa 19-190, section 6 (d) of sb 261 corrects the name of the account to include “rivers.” In furtherance of that correction, as noted by rivers alliance of connecticut, clcc respectfully suggests also changing the name of the commemorative license plate to “save our lakes and rivers” to more accurately reflect the extension of the use of the funds to address invasives in rivers throughout the state.

**CONNECTICUT FEDERATION OF LAKES**

Protecting Connecticut's lakes, ponds, and rivers from damage done by aquatic invasive species and cyanobacteria has never been more important. The Connecticut federation of lakes strongly supports the clarifications and improvements that are in sections 5 and 6 of s.b. 261. These measures will help protect our state waters and the recreational, environmental, and aesthetic value they provide to the citizens of Connecticut.

### **AAA ALLIED GROUP AND AAA NORTHEAST**

AAA also supports sections 12 and 25 of s.b. 261, which allow driver education to be taught via distance learning. During the pandemic, AAA has virtually taught driver education to hundreds of students, to positive reviews from parents and students, and supports making this a permanent option. It allows students whose schedules may not permit a regularly scheduled session to get the necessary education about safe driving in a professional, engaging manner – which is preferable to having those individuals age out of the graduated driver licensing laws before they obtain a license.. Allowing classroom, virtual classroom, and online learning will enhance access to driver education for a wide variety of students, and AAA supports efforts to support all such options.

### **NATIONAL SAFETY COUNCIL (NSC)**

These changes would allow for the program to be provided in a class or online (distance learning) and would make the course accessible in challenging times, such as these. NSC is a participant in the orp and successfully transitioned to online programming quickly after the pandemic hit. Participants in the online program receive the same content as they would in the classroom and are able to access it in a safe location convenient to them. Online courses can be bookmarked, providing the learners with the ability to start and stop the course. Distance learning allows the course to be taught in a consistent manner ensuring all learners receive the same training in the same manner. Online courses provide immediate bilingual options, closed captioning for the hearing impaired, and are secure, ensuring identity verification at registration randomly throughout the course.

## **NATURE AND SOURCES OF OPPOSITION:**

### **Sal Luciano, President Connecticut AFL-CIO**

While the Connecticut AFL-CIO supports the goal of reducing consumer wait times and enhancing customer service at the DMV, we cannot support this bill with the inclusion of lines 757-760. The most effective and cost-effective way to improve these essential agency operations is to consult and engage with staff who perform them. By working collaboratively with DMV employees who serve the public directly, agency leadership can develop unique, specific changes to improve Connecticut taxpayers' experience, without saddling DMV with expensive private consultants and the one-size-fits-all remedies. Instead, lines 757-760 provide far too much discretion to the commissioner, opening to the door to a variety of no-bid outsourcing schemes that constrain legislative

oversight and invite potential corruption. We caution the transportation committee from greenlighting the privatization of any state function without first requiring the agency to comply with the requirements of the state contracting standards board.

**John DiSette President of A&R Employees Union Local 4200**

The highlighted proposed language releases all transactions of the DMV to outsourced vendors and shifts the mission of the DMV from the sole provider of motor vehicle services to an agency detached from the millions of transactions taking place. This is a fundamental change in what is expected from our government. By taking this step and allowing this language change, we would be removing the trust and faith in our government institution and handing it over to organizations that have no vested commitment to the role of the DMV. The careful cross-checks and processes which have been built into the DMV over decades become reduced to a fragmented system of ad hoc vendors. We lose the training to identifying fraudulent documentation, we lose the training in utilizing multiple systems to validate information, in essence, the core security over the State's identification cards for individuals and vehicles is downgraded.

**Kelly McConney Moore American Civil Liberties Union of Connecticut (ACLU-CT).**

Here, we do not believe that lifetime driver's license bans will reduce recidivism, make Connecticut safer, or serve any purpose except to make the lives of people living with a criminal record more difficult. Accordingly, we urge you to oppose Section 17 when considering Senate Bill 261.

**Stacey Zimmerman, SEIU CT State Council**

Lines 757 to 760 give the commissioner far too much discretion. Not just not this commissioner specifically but all commissioners in any Department. Connecticut ranks 40th per capita of public employees to population, yet we still provide tremendous and needed services to our residents. Since the John Rowland era there has been a continued assault on our public sector with the illusion that contractors are better, cheaper, faster. This proposal could lead to the digital version of the no drains on I-84 debacle of the Rowland Administration. We have procedures in place such as the State Contracting Standard Board if we need an outside vendor and in some cases the need will certainly be there. That need cannot circumscribed the need to build a bench of well-trained public employees. In the end it is a more cost-effective solution and with the silver tsunami happening we need to start building soon.

**Stephen Anderson President, CSEA SEUI Local 2001**

Specifically opposing line 757 through 760 which gave the commissioner far too much discretion and should be seen as a warning light of possible misuse and corruption the best way for the DMV to quote reduced customer wait times and enhance customers convenience" is for its leadership to work directly with frontline staff.

**Union-Lyceum Taxi Company, Inc.**

The safety and well being of the public is of the utmost importance to all of us who live and work in the state of Connecticut. This bill is being examined with that in mind. Our competitor industries have the advantage of less regulatory requirements, oversight and buying power with their sheer size. If this bill goes forward as written we shall have great difficulty in obtaining an insurer willing to write a 500,000 limit on taxicab insurance. It is already a shrinking market as it stands now. Additionally, if we can find an insurer, what will be the cost? The insurance costs could be high enough to close our doors!

**Groton Cab Company, Inc.**

From year to year we struggle in finding affordable rates from the few carriers authorized and willing to issue taxicab insurance policies in Connecticut. At 100,000 minimum coverage the rates are already high despite better than average losses. Exploring obtaining 500,000 in minimum coverage found no takers. If an insurance company decides to issue a policy at 500,000 minimum coverage the cost will be quite high. As in any business, increased costs eventually get passed on to the consumer which would likely cause an additional decline in our business

**BILL SCALZI, PRESIDENT - M7 TAXI**

Of particular concern is the proposed 500% increase on the limits necessary to operate a taxicab. Any increase is both unnecessary and has the potential to force even more taxicab companies, particularly the one or two cab operations, out of business. In fact, since the Department published the idea last year M7 has reached out to it's insurer and been unable to procure a financially feasible policy for its fleet with the new limits.

The proposal tries to compare the limits set on Transportation Network Vehicles (TNC's) to those set on taxicabs. This is not a proper comparison because the vast majority of time that a TNC is on the road it is only covered by the driver's personal automobile coverage. It is only when a passenger gets in that the higher limit is in effect, and even then it is not the owner of the vehicle or driver that has to carry the insurance, but the unaffiliated transportation network company.

Taxicabs are subject to numerous restrictions and mandates that TNC's are not restricted by. Taxicabs must pick up any and all passengers requesting rides in their territory and are not free to redline or exclude riders from their taxicab or booking platform. In contrast taxicabs must carry coverage twenty-four hours a day, regardless if a passenger is present. There is no available market to provide a taxicab with off/on insurance. In fact, a national compromise had to be reached between the insurance and TNC industries in order for them to be able to procure such policies.

**Waterbury Yellow Cab & Service Company, Inc.**

Over the many years we have been in the taxicab business, insurance has been our second highest cost of doing business. Even with an extensive nationwide search for carriers who would entertain providing a quote with 500,000 minimum coverage, we were unable to get a quote from any carrier. If forced to provide the coverage it is certain to be at a price that could devastate

our business. Passing the cost off to our clients would certainly result in reduced traffic.

### **Edward W. Ernst Curtin Transportation Group**

Having been aware of this pending bill, in the 3rd quarter of 2020 I worked with brokers in Connecticut, New York, Massachusetts, California, Utah and Nevada seeking to find any insurance company that would provide a quote for taxicab insurance coverage in Connecticut at a minimum of \$500,000. Not one of the brokerage houses could get any insurance company to provide a quote or even express an interest. I would like to point out that the cost of insurance for rideshare platform programs are much lower as a result of the use of a new, and exclusive, insurance methodology that is not available at the present time for other members of the transportation community. Presuming this bill passes and “pool companies” are the only resort to obtain coverage then the increased cost will be substantial. As we all know, increased costs get passed on to the client base. Taxicab companies will have to petition for a rate increase. The average taxicab client is ill equipped to absorb the increased rate costs and will undoubtedly be forced to find other means of transportation. I

### **Executive 2000 Transportation**

With the industry already as fragile as it is today, this proposal has great potential to destroy many local transportation companies. The pandemic has caused the greatest decline of revenue in history as ridership is at an all-time low while traveling is limited, the general economy is down, and physicians are conducting virtual appointments. Since the beginning of the pandemic, we have been constantly analyzing our overhead expenses to find even the slightest way to help compensate for the drastic decline in revenue. To add to our deficit, underwriters are not allowing suspension of coverage on vehicles that are not needed due to the lack of demand for services. The safety requirements that taxi companies and their drivers undergo makes this increase unnecessary. Taxis are regulated closely and are required to pass a rigorous safety inspection at the time of initial registration as well as every 2 years when the vehicle’s registration is to be renewed.

**Reported by: Philip N Mainiero**

**Date: 3/16/21**