



House of Representatives

General Assembly

File No. 625

February Session, 2024

Substitute House Bill No. 5327

House of Representatives, April 30, 2024

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT REVISING MOTOR VEHICLE STATUTES CONCERNING TOWING OCCUPIED VEHICLES AND THE OPERATION AND INSPECTION OF SCHOOL BUSES.

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

1 Section 1. Subsection (b) of section 14-66 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2024*):

4 (b) The commissioner, or an inspector authorized by the
5 commissioner, shall examine each wrecker, including its number,
6 equipment and identification, and shall determine the mechanical
7 condition of such wrecker and whether or not it is properly equipped to
8 do the work intended. A wrecker shall be deemed properly equipped if
9 there are flashing yellow lights installed and mounted on such wrecker
10 that (1) show in all directions at all times, and (2) are as close to the back
11 of the cab of such wrecker as practicable. Such lights shall be in
12 operation when such wrecker is towing a vehicle and when such
13 wrecker is at the scene of an accident or the location of a disabled motor

14 vehicle. In addition, each wrecker shall be equipped with a spot light
15 mounted so that its beam of light is directed toward the hoisting
16 equipment in the rear of such wrecker. The hoisting equipment of each
17 wrecker shall be of sufficient capacity to perform the service intended
18 and shall be securely mounted to the frame of such vehicle. A fire
19 extinguisher shall be carried at all times on each wrecker which shall be
20 in proper working condition, mounted in a permanent bracket on each
21 wrecker and have a minimum rating of eight bc. A set of three flares in
22 operating condition shall be carried at all times on each wrecker and
23 shall be used between the periods of one-half hour after sunset and one-
24 half hour before sunrise when the wrecker is parked on a highway while
25 making emergency repairs or preparing to pick up a disabled vehicle to
26 remove it from a highway or adjoining property. No registrant or
27 operator of any wrecker shall offer to give any gratuities or inducements
28 of any kind to any police officer or other person in order to obtain
29 towing business or recommendations for towing or storage of, or
30 estimating repairs to, disabled vehicles. No licensee shall require the
31 owner to sign a contract for the repair or storage of such owner's
32 damaged vehicle as part of the towing consideration or to sign an order
33 for the repair of, or authorization for estimating repairs to such vehicle,
34 until the tow job has been completed. No licensee shall tow a vehicle in
35 such a negligent manner as to cause further damage to the vehicle being
36 towed. No licensee shall knowingly permit any person to occupy a
37 vehicle while the vehicle is being towed. Nothing in this subsection shall
38 be construed to prohibit the licensee and owner of the damaged vehicle
39 from entering into an agreement for the repair or storage of such vehicle
40 upon the completion of the tow job.

41 Sec. 2. (*Effective from passage*) (a) Not later than September 1, 2024, the
42 Commissioner of Motor Vehicles shall review, and amend or revise as
43 necessary, any regulation, internal procedure or policy and any other
44 guidance provided to the owners or operators of school buses regarding
45 the operation and inspection of school buses to ensure such regulations,
46 procedures or policies and guidance (1) promote adherence to
47 subsection (b) of section 14-277 of the general statutes and the
48 regulations adopted under section 22a-174 of the general statutes, and

49 (2) do not explicitly or implicitly require a school bus to idle in excess of
50 three minutes during the performance of a daily vehicle inspection.

51 (b) Not later than September 1, 2024, the commissioner shall provide
52 guidance to the owners or operators of school buses that identifies the
53 portions of a daily vehicle inspection that could be performed while the
54 school bus is in accessory mode or while the engine is turned off and
55 post such guidance on the Internet web site of the Department of Motor
56 Vehicles.

57 Sec. 3. Subsection (f) of section 13a-26 of the 2024 supplement to the
58 general statutes is repealed and the following is substituted in lieu
59 thereof (*Effective October 1, 2024*):

60 (f) The provisions of this part restricting the use and accommodation
61 of motor vehicle traffic on parkways to noncommercial vehicles shall
62 not apply to use of the Merritt and Wilbur Cross Parkways by (1)
63 taxicabs, as defined in section 13b-95, (2) vanpool vehicles, as defined in
64 section 14-1, (3) service buses, service buses for students with special
65 needs, or two-axle, four-wheeled type II, registered school buses with a
66 gross vehicle weight rating of ten thousand pounds or less, which are
67 owned by or under contract to a public, private or religious school or
68 public school district and which are engaged in the transportation of
69 school children to and from school or school activities, provided (A)
70 such service buses conform to the regulations establishing the
71 maximum weight, length, height or width of vehicles permitted to use
72 such parkways; (B) such school buses are not more than ninety-eight
73 inches high, eighty-four inches wide and two hundred three inches
74 long; and (C) such service buses for students with special needs are not
75 more than one hundred twenty inches high, ninety inches wide and two
76 hundred eighty-eight inches long, (4) vehicles with a gross vehicle
77 weight rating of seven thousand five hundred pounds or less, even if
78 such vehicles contain any branding, advertising or logos thereon, or (5)
79 commercial motor vehicles used by an automobile club or association,
80 licensed in accordance with the provisions of section 14-67, solely for the
81 purpose of providing roadside assistance to vehicles located on the

82 parkway, provided such commercial motor vehicles [confirm] conform
 83 to the regulations establishing the maximum length, height or width of
 84 vehicles permitted to use such parkways. The Office of the State Traffic
 85 Administration shall adopt regulations, in accordance with chapter 54,
 86 establishing the maximum allowable length and height for any vanpool
 87 vehicle using said Merritt and Wilbur Cross Parkways and reducing the
 88 maximum weight, length, height or width of, or limiting the registration
 89 classes of, motor vehicles permitted to use such parkways, in order to
 90 fully carry out the prohibition on the operation of commercial motor
 91 vehicles on such parkways.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	14-66(b)
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>October 1, 2024</i>	13a-26(f)

JUD *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 25 \$	FY 26 \$
Judicial Dept. (Probation)	GF - Potential Cost	Minimal	Minimal
State Resources	Various - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund; Various=Various

Municipal Impact: None

Explanation

The bill, which makes a change to an existing class D misdemeanor and requires the Department of Motor Vehicles (DMV) to review internal policy, results in a potential cost to the Judicial Department and a potential revenue gain from fines.

Section 1 expands an existing class D misdemeanor¹ for wrecker requirements to forbid towing to occur while a person occupies the vehicle being towed. This results in a potential cost to the Judicial Department and a potential revenue gain from fines. On average, the marginal cost for supervision in the community is less than \$800² each year.

¹In FY 23, there were 19 charges for similar offenses, and \$1,188 was collected in fines.

²Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

Section 2 requires the DMV to review existing policies and procedures on operating and inspecting school buses and to provide and post this guidance, as outlined in the bill. This section does not result in a fiscal impact to the state because it can be accomplished within DMV's current operations.

The Out Years

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

OLR Bill Analysis**sHB 5327*****AN ACT REVISING MOTOR VEHICLE STATUTES CONCERNING TOWING OCCUPIED VEHICLES AND THE OPERATION AND INSPECTION OF SCHOOL BUSES.*****SUMMARY**

This bill requires the Department of Motor Vehicles (DMV) commissioner, by September 1, 2024, to review, and amend or revise if needed, any regulation, internal procedure or policy, or other guidance provided to school bus owners and operators on operating and inspecting school buses (§ 2). Specifically, he must do so to ensure that these policies and procedures (1) promote adherence to the state's anti-idling law for school buses and the Department of Energy and Environmental Protection's (DEEP) air quality regulations related to idling and (2) do not explicitly or implicitly require a school bus to idle for more than three minutes during its daily vehicle inspection. (The anti-idling law generally prohibits school bus operators from idling their buses for more than three consecutive minutes and DEEP regulations similarly prohibit this for all vehicles; however, both allow certain exceptions.)

The bill additionally requires the commissioner, by September 1, 2024, to (1) provide guidance to school bus owners and operators on which aspects of a daily vehicle inspection can be performed with the engine off and (2) post the guidance on DMV's website.

Unrelatedly, the bill prohibits a licensed wrecker from knowingly allowing any person to occupy a vehicle while it is being towed (§ 1). As is the case under existing law for other provisions related to wreckers' towing and transporting of motor vehicles, a violation of this provision is (1) an infraction for a first offense (see BACKGROUND) and (2) a class

D misdemeanor for subsequent offenses (punishable by a fine of up to \$250, up to 30 days in prison, or both).

Lastly, the bill makes a technical change (§ 3).

EFFECTIVE DATE: October 1, 2024, except the school bus idling provisions are effective upon passage.

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 fine’s amount. There may also be other applicable charges depending on the type of infraction. For example, certain motor vehicle infractions trigger a Special Transportation Fund surcharge of 50% of the fine. An infraction is not a crime and violators can generally pay the fine by mail without making a court appearance.

Legislative History

The House referred the bill (File 328) to the Judiciary Committee, which reported a substitute that eliminated a provision increasing the penalties, from an infraction to a class D misdemeanor, for (1) using a registration or driver’s license that was issued to someone else or (2) using a registration on a vehicle other than the one for which it was issued.

COMMITTEE ACTION

Transportation Committee

Joint Favorable
Yea 35 Nay 0 (03/20/2024)

Judiciary Committee

Joint Favorable Substitute
Yea 32 Nay 3 (04/22/2024)