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ACTS AFFECTING TRANSPORTATION



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NOTICE TO READERS

This report summarizes acts affecting transportation that the legislature passed during the 2010 regular and June special sessions. We do not summarize all provisions of each act. Consequently, we encourage readers to obtain full texts of the acts that interest them online at www.cga.ct.gov, or from the State Library or the House Clerk's Office. Complete analyses are on our webpage (www.cga.ct.gov/olr).

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AIRPORTS

Bradley Development Zone

PA 10-98 creates an inter-municipal development zone around Bradley International Airport and extends enterprise zone property exemptions and corporation business tax credits to manufacturers and other specified businesses that develop or acquire property in the zone and create jobs. The zone, called the Bradley Airport Development Zone, encompasses specified contiguous census tract blocks in Windsor Locks, Suffield, East Granby, and Windsor. The act designates these blocks as “distressed municipalities,” a designation that qualifies projects in the zone for other economic assistance.

EFFECTIVE DATE: October 1, 2011 and (1) the property tax exemptions apply to assessment years beginning on or after October 1, 2012 and (2) the corporation business tax credit applies to income years beginning on or after January 1, 2013.

Environmental Impact Evaluation (EIE) for a State-Owned Airport Development Project

PA 10-120 requires that, in the case of an EIE of a development project at a state-owned airport (1) completed

before the act’s passage by a contractor retained by a private, non-state entity, and (2) independently evaluated by the Department of Transportation (DOT), DOT must review, circulate, publish, and hold a public hearing on the EIE as the Connecticut Environmental Policy Act (CEPA) requires and submit all comments and responses it receives to the Office of Policy and Management (OPM). The act requires OPM to review the EIE, comments, and responses within 30 days of receiving the submission. But it specifically bars OPM, in determining whether the EIE complies with CEPA, from considering that the EIE was prepared by a contractor retained by a private, non-state entity. The airport to which the act refers is the Waterbury-Oxford Airport.

EFFECTIVE DATE: Upon passage

AUTOMOBILE INSURANCE

PA 10-7 codifies and amends the Insurance Department’s guidelines on how insurers can use a person’s credit history when underwriting or rating a personal risk insurance policy (e.g., homeowners or private passenger non-fleet automobile (auto)). It also makes numerous changes in laws relating to auto insurance, including:

1. requiring an insurer that cancels an auto insurance policy to give written cancellation notice to any lien holder listed in the insurer's records as having a legal interest in the motor vehicle;
2. requiring a person whose vehicle has been impounded for not having the required registration to present a valid registration and current auto insurance identification card to regain possession of the vehicle;
3. allowing an auto insurer to use any publicly available auto industry source approved by the commissioner to determine a totaled vehicle's retail value; and
4. requiring an auto insurer to give a claimant details on how it calculated a totaled vehicle's loss value, including how to dispute the settlement through the Insurance Department.

EFFECTIVE DATE: January 1, 2011, except the provisions affecting lien holders and impounded vehicles, which take effect October 1, 2010.

BACKGROUND CHECKS

Criminal History Records Checks for Department of Motor Vehicle (DMV) Employees, Driver School Operators, and Driving Instructors

PA 10-110 requires the Department of Motor Vehicles (DMV) commissioner to conduct state and federal criminal history records checks of DMV employees who make or produce driver's licenses or identity cards or who are able to affect the identity information that appears on them, and to remove from such a position a person with a disqualifying criminal offense or condition. It also requires the commissioner to conduct state and national criminal history record checks on, and check the state child abuse and neglect registry for, applicants seeking or renewing a license to conduct a driving school or be a driving instructor.

EFFECTIVE DATE: October 1, 2010, except changes to the application procedures for applicants seeking to conduct driving schools take effect July 1, 2010.

CAPITAL PROJECTS

Capital Road Resurfacing Projects

PA 09-2, September Special Session, authorized up to \$68.9 million in Special Tax Obligation

(STO) bonds for use by DOT's Bureau of Engineering and Highway Operations for capital projects involving resurfacing and related road reconstruction during the 2010 construction season. **PA 10-1** made the authorization effective on February 4, 2010 instead of May 1, 2010, thus making the funds available earlier.

EFFECTIVE DATE: Upon passage

Service Plaza and Railroad Crossing Improvements

PA 10-44 authorizes up to \$4.825 million in STO bonds for DOT to pay for environmental clean-up at service plazas along I-95, the Merritt and Wilbur Cross parkways, and I-395. The act also authorizes up to \$2.5 million in STO bonds for DOT to establish a Fix-It-First Program to repair, upgrade, or eliminate at-grade railroad crossings in Connecticut.

EFFECTIVE DATE: July 1, 2010

Stamford Transportation Center

PA 10-159 requires that the proceeds of bonding authorized in 2007 be used for repairing, reconstructing, or expanding the existing parking garage at the Stamford Transportation Center, rather than building a garage there.

EFFECTIVE DATE: Upon passage

DMV REORGANIZATION

PA 10-3 requires the DMV commissioner to submit to the transportation and appropriations committees, by October 1, 2010, a report on DMV reorganization. The report must include recommendations to:

1. expand technological options for streamlining and decentralizing the delivery of DMV services,
2. increase public access to routine services,
3. merge DMV's administrative services with other state agencies,
4. maintain license security measures federal law requires, and
5. reduce DMV costs by other measures the commissioner proposes.

EFFECTIVE DATE: Upon passage

DOT MASTER TRANSPORTATION PLAN AND OTHER PROVISIONS

PA 10-159 modifies the scope of DOT's master transportation plan and the factors the DOT commissioner must consider in preparing it. It requires DOT to prepare an assessment of existing transportation facilities every even-numbered year, rather than annually, and specifies the factors the commissioner must consider in developing this assessment.

By law, a State Traffic Commission certificate is required for certain large developments that affect state highways. The act requires DOT to review the commission's procedures and analyze the average length of time from the date an application is submitted to when the commission approves or denies it, including the number of applications that are withdrawn. DOT must also develop a plan to improve the timeliness of the commission's permit application and decision process.

EFFECTIVE DATE: Upon passage

DISTRACTED DRIVING

PA 10-109 increases fines for most drivers who use a hand-held cell phone or mobile electronic device while driving, specifies that it is illegal to text while driving a moving vehicle, requires the state to remit 25% of the amount it receives from each summons to the municipality that issues the summons, and eliminates the requirement that judges suspend the fine for a first-time offender who acquires a hands-free accessory before the fine is imposed.

EFFECTIVE DATE: October 1, 2010

DRIVER'S LICENSES AND MOTOR VEHICLE REGISTRATION

Personal Appearances at License and Identity Card Renewals and Automobile Club Transactions

PA 10-110 requires driver's license and non-driver's identity card holders to appear in person only at every other renewal if the DMV has their digital image on file. It also allows automobile clubs and associations to process identity card renewals for non-drivers and conduct registration transactions for a maximum \$2 fee per transaction.

EFFECTIVE DATE: July 1, 2010

Expiration of Driver's Licenses Issued to Members of the Armed Forces

PA 10-16 extends the validity of a driver's license held by a service member who was on active duty until 30 days after he or she is honorably separated from service or returns to Connecticut. It applies only if the (1) license has not been suspended, cancelled, or revoked; (2) service member was out of state on active duty service; and (3) service member has the license and discharge or separation papers in his or her immediate possession.

EFFECTIVE DATE: October 1, 2010

Anatomical Gifts

PA 10-123 replaces the 1987 Uniform Anatomical Gift Act with its 2007 successor. The act retains many provisions of the existing law, updates others, and introduces new provisions on organ and tissue procurement organizations and the role of the chief medical examiner.

The act specifies that revocation, suspension, expiration, or cancellation of a DMV operator's license or identification card does not invalidate an anatomical gift.

It defines a donor registry as the DMV registry or any other database that identifies donors. It eliminates the current requirement that a procurement organization maintain a registry.

Under the act, when a hospital refers a person near or at death to a procurement organization, the organization must search the DMV registry and any other geographically relevant donor registries to find out whether the person has made an anatomical gift. It requires DMV to give these organizations reasonable access to its donor records. Under the act, procurement organizations include organ, tissue, and eye banks.

It prohibits the use or disclosure of personally identifiable information on a registry without the consent of the donor or the person who made the gift except to determine if a donor or prospective donor

(but apparently not a third party) made a gift.

EFFECTIVE DATE: October 1, 2010

Disclosing Delinquency Records to the Department of Motor Vehicles

PA 10-1, June Special Session, requires that delinquency proceedings that contain information that a child has been convicted as delinquent for specified offenses must be disclosed to DMV. The department must use the records in determining whether administrative sanctions on the delinquent's driver's license are warranted. It may not further disclose the delinquency record.

The covered offenses are:

1. misrepresenting one's age to get an identity card or using someone else's card;
2. using someone else's motor vehicle registration or driver's license;
3. operating with a revoked or suspended license;
4. reckless driving;
5. failing to bring a vehicle to a full stop when signaled by a police officer;
6. leaving the scene of an accident;
7. drag racing;
8. if a minor, using a fake or borrowed license to buy alcohol; and
9. if a minor, possessing alcohol.

EFFECTIVE DATE: July 1, 2010

DRIVER EDUCATION AND TRAINING

Four-Hour Accident Prevention Course for Older Drivers

PA 10-53 requires an accident prevention course for drivers age 60 and older to be four hours long. By law, these drivers are eligible for an automobile insurance premium discount for successfully completing the DMV-approved course.

EFFECTIVE DATE: October 1, 2010

Motorcycle Training Before Issuance of a Motorcycle Endorsement

PA 10-153 requires all applicants for a motorcycle license endorsement, rather than just those under 18, to demonstrate to the DMV commissioner that they have successfully completed a novice motorcycle training course. The act eliminates the DMV commissioner's authority to waive the on-road skills portion of license examination for an applicant who (1) presents evidence of passing a motorcycle training course or (2) has held a license or endorsement in other states requiring a similar test or course.

EFFECTIVE DATE: January 1, 2011

DRIVING UNDER THE INFLUENCE

Ignition Interlock Devices

PA 10-110 requires, rather than allows, the installation of ignition interlock devices on vehicles driven by certain people convicted of driving under the influence, and imposes a \$100 ignition interlock fee.

EFFECTIVE DATE: October 1, 2010

HANDICAPPED DRIVERS

PA 10-110 makes it a misdemeanor for certain health professionals to falsely certify in writing that a driver is handicapped.

EFFECTIVE DATE: Upon passage

MARITIME COMMISSIONS

PA 10-159 eliminates reimbursement of necessary expenses for members of the Connecticut Pilot and Connecticut Maritime commissions. It requires DOT's State Maritime Office to provide staff support to the Pilot Commission; it already supports the Maritime Commission.

EFFECTIVE DATE: Upon passage

MOTOR VEHICLE FINE INCREASE

PA 10-3 increases fines for various motor vehicle and other violations (see Table 1). It raises the minimum fine for any motor vehicle infraction, except parking tag violations, from \$35 to \$50, and institutes a \$100 fee for

people with suspended licenses who apply for special work or education permits. By law, people who commit certain motor vehicle violations must pay surcharges in addition to the fine.

EFFECTIVE DATE: Upon passage

Table 1: Motor Vehicle Fee and Fine Increases

<i>Act §</i>	<i>CGS §</i>	<i>Description</i>	<i>Prior Law</i>	<i>The Act</i>
50, 52	14-100a (c) and 51-164m (c)	Failure to wear seat belt	\$ 15	\$ 50
51	14-37a (a), 2010 CGS Supp.	Application fee for special work or education permits	0	100
52	51-164m (a), (c)	Minimum fine for speeding infractions	35	50
52	51-164m (e)	Fine for infractions for which no other fine is specified	35	50
52 & 53	51-164n(g) and 51-164m (c)	Minimum fine for any motor vehicle infractions, except for parking tag violations	35	50
54	14-13 (b)	Failure to carry registration or insurance card in vehicle, first offense	35, first offense, up to 50, subsequent offenses	50
55	14-17 (b)	Altering appearance of motor vehicle without changing registration	35	50
56	14-26 (c)	Failure to carry registration certificate of bus, taxi, school bus, or motor vehicle in livery on vehicle	35, first offense; 35 to 50, subsequent offenses	50
57	14-36a (e)	Operating a motor vehicle in violation of a person's driver's license classification, first offense	35 to 50	50
58	14- 40a (e)	Operating a motorcycle in violation of the motorcycle endorsement, first offense	35 to 50	50
59	14-81 (b), 2010 CGS Supp.	Trailer braking system violations	35 to 50	50
60	14-145 (c)	Improper storage fee charge on vehicles removed from private property, first offense	35 to 50	50
61	14-164c (n)	Emissions systems inspection violations, first offense	35	50
62	14-223 (a)	Failure to stop motor vehicle when signaled	35, first offense; 35 to 50, subsequent offenses	50
63	14-285	Failure to equip non-motor vehicles with mirrors or reflectors when operated on highway	35 to 50	50

PERMITTING AND ENVIRONMENTAL IMPACT EVALUATIONS (EIEs)

Agency Permitting and Regulatory Authority

PA 10-158 makes several changes to the process and practice for issuing regulatory permits and adopting regulatory requirements and standards. It requires expedited permitting for economic development projects that need environmental, public health, and transportation permits and the creation of a permit ombudsman office to coordinate the expedited permitting process.

EFFECTIVE DATE: October 1, 2010 for expedited permitting; various dates for other provisions.

PA 10-120 allows state agencies conducting an EIE under the Connecticut Environmental Policy Act (CEPA) to contract with a person to prepare the EIE as long as the agency (1) guides the person in preparing the EIE, (2) participates in its preparation, (3) independently reviews the EIE before submitting it for comment under CEPA, and (4) ensures that any third party responsible for conducting an activity that the EIE is evaluating is not a party to the contract. The agency may require that such a third party pay the agency enough

money for the agency to hire the person preparing the EIE.

EFFECTIVE DATE: Upon passage

REPAIR SHOP NOTICE REQUIREMENT

PA 10-5 allows the DMV commissioner to impose penalties for violations of the motor vehicle repair shop notice requirements. It authorizes the commissioner to suspend or revoke a repair shop's license, fine the shop up to \$1,000 for each violation, or both. In addition to, or instead of these penalties, the commissioner may order the licensee to make restitution to an aggrieved customer.

By law, a repair shop customer may waive, in writing, his or her right to a repair estimate. The act prohibits a repair shop from using waivers to evade its repair shop notice requirements.

The act authorizes the DMV commissioner to conduct investigations and hearings regarding a repair shop's compliance with the notice requirements, and allows the attorney general, at the commissioner's request, to seek a restraining order requiring a repair shop to cease violating the law.

EFFECTIVE DATE: Upon passage

SCHOOL BUSES

School Bus Seat Belt Program

PA 10-83 requires DMV to administer a program to help pay for school buses equipped with lap/shoulder (3-point) seat belts. DMV must do this by raising, from \$125 to \$175, fees to restore suspended and revoked drivers' licenses and registrations. DMV must use this increase to offset a portion of the sales tax paid on school buses in participating school districts. School districts may apply to take part in the program from July 1, 2011 through December 31, 2017, and the legislature must decide whether to continue the program in the 2018 session.

EFFECTIVE DATE: July 1, 2010

School Bus Maintenance, Repair, and Use

PA 10-110 imposes penalties of up to \$2,500 per violation on school bus operators and others who, among other things, (1) file false reports relating to the maintenance, repair, or use of school buses or (2) fail to inspect, maintain, and repair the buses.

EFFECTIVE DATE: July 1, 2010

Vo-Tech School Bus Replacement

PA 10-76 requires, starting July 1, 2010, the State Board of Education to replace any vocational-technical (vo-tech) school bus that is 12 years old or older or any bus that has been ordered out of service by DMV for two years in a row for the same problem.

It requires the vo-tech system superintendent to report annually, starting by July 1, 2011, to the OPM secretary and the education and finance committees on vo-tech bus replacements, including the number of buses replaced in the previous school year and the number to be replaced in the coming school year.

EFFECTIVE DATE: July 1, 2010

TOWING

PA 10-110 requires all people and firms that operate a wrecker to be licensed, regardless of whether or not they tow motor vehicles for compensation, and that each wrecker be registered. The act excludes from these and other requirements (1) automobile clubs and associations; (2) motor vehicle recyclers; (3) people, firms, and corporations in the business of repossessing motor vehicles for lending institutions; and (4) people, firms, or corporations towing vehicles they own or lease.

Under prior law, motor vehicle dealers who towed a motor vehicle for salvage but who did not offer wrecker services to the public were exempt from certain requirements. The act also exempts them from the above and other requirements.

EFFECTIVE DATE: October 1, 2010

TRAFFIC SAFETY

Removing Snow and Ice from Motor Vehicles

PA 10-182 requires a motorist to remove accumulated snow and ice from his or her motor vehicle so that it does not pose a threat to people or property while being operated on a state street or highway. A violator faces a \$75 fine. It imposes a fine of between \$200 and \$1,000 on operators of noncommercial motor vehicles and \$500 and \$1,250 on operators of commercial vehicles who violate the law if snow or ice dislodged from the vehicle causes personal injury or property damage. Drivers are not required to clean snow or ice from a vehicle (1) while it is parked or (2) if snow, sleet, or freezing rain began, and accumulated, while the motorist was driving.

EFFECTIVE DATE: December 31, 2013

Requiring New Crosswalks to Provide Time for the Safe Crossing of Pedestrians

PA 10-159 requires that newly designated crosswalks have markings and other features the State Traffic Commission or local traffic authority considers necessary to give pedestrians enough time to cross safely.

EFFECTIVE DATE: Upon passage

MISCELLANEOUS

“Carriers”

Carriers, which under prior motor vehicle law included people and businesses that, for compensation, provided transportation exclusively to people younger than 21, are subject to certain laws and regulations. **PA 10-110** (1) expands the class of “carriers” to include people, firms, and corporations engaged in providing transportation primarily for people under age 21 for compensation and (2) exempts from carrier laws and regulations corporations, institutions, and nonprofit organizations that do not provide transportation primarily for people younger than 18 as their main purpose.

EFFECTIVE DATE: July 1, 2011

Motor Carrier Road Tax Reports

PA 10-188 eliminates the Department of Revenue Services commissioner's authority to adopt regulations setting alternate quarterly filing deadlines for motor carrier road tax reports. It thus requires all carriers filing quarterly operating reports to file them on the last days of January, April, July, and October.

EFFECTIVE DATE: July 1, 2010 and applicable to quarters beginning on or after January 1, 2010.

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