

(Reprint of File No. 188)

Senate Bill No. 341
As Amended by Senate
Amendment Schedule "A"
and House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 29, 1998

AN ACT CONCERNING CERTIFICATION OF WRECKER
OPERATORS PARTICIPATING IN THE STATE POLICE
WRECKER ROTATION SYSTEM.

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

1 Section 29-23a of the general statutes is
2 repealed and the following is substituted in lieu
3 thereof:

4 (a) The Division of State Police within the
5 Department of Public Safety may establish within
6 its patrol jurisdiction, a rotational system for
7 summoning licensed wrecker operators for the
8 purpose of towing or transporting motor vehicles
9 which are disabled, inoperative or wrecked in the
10 event the owners or operators of such vehicles are
11 incapacitated, unavailable or leave the
12 procurement of wrecker service to the officer at
13 the scene of an accident or the location of a
14 disabled vehicle. Any such licensee may
15 participate in such system, provided (1) his
16 operators fulfill certain qualifications,
17 INCLUDING CERTIFICATION BY THE TOWING AND RECOVERY
18 ASSOCIATION OF AMERICA OR A CERTIFICATION PROGRAM

19 APPROVED BY THE COMMISSIONER OF PUBLIC SAFETY, and
20 his equipment meets safety and mechanical
21 standards established by the COMMISSIONER OF
22 PUBLIC SAFETY AND THE Commissioner of Motor
23 Vehicles, and (2) his business is located so as to
24 provide prompt and efficient service. [The
25 Commissioner of Public Safety may adopt
26 regulations in accordance with the provisions of
27 chapter 54 concerning the operation of such
28 rotational system and the removal from the system
29 of wrecker services which fail to comply with the
30 requirements specified in such regulations.]

31 (b) THE COMMISSIONER OF PUBLIC SAFETY SHALL
32 GRANT VARIATIONS OR EXEMPTIONS FROM, OR APPROVE
33 EQUIVALENT OR ALTERNATE COMPLIANCE WITH, THE
34 PROVISIONS OF THIS SECTION WHERE STRICT COMPLIANCE
35 WITH SUCH PROVISIONS WOULD ENTAIL PRACTICAL
36 DIFFICULTY OR UNNECESSARY HARDSHIP OR IS OTHERWISE
37 ADJUDGED UNWARRANTED, PROVIDED ANY SUCH VARIATION,
38 EXEMPTION, APPROVED EQUIVALENT OR ALTERNATE
39 COMPLIANCE SHALL, IN THE OPINION OF SAID
40 COMMISSIONER, SECURE THE PUBLIC SAFETY.

41 (c) THE COMMISSIONER OF PUBLIC SAFETY SHALL
42 ADOPT REGULATIONS IN ACCORDANCE WITH THE
43 PROVISIONS OF CHAPTER 54 CONCERNING THE OPERATION
44 OF SUCH ROTATIONAL SYSTEM AND THE REMOVAL FROM THE
45 SYSTEM OF WRECKER SERVICES WHICH FAIL TO COMPLY
46 WITH THE REQUIREMENTS SPECIFIED IN SUCH
47 REGULATIONS OR ANY PROVISION OF THE GENERAL
48 STATUTES OR A REGULATION CONCERNING THE OPERATION
49 OF A MOTOR VEHICLE REPAIR, TOWING OR STORAGE
50 FACILITY OR THE OPERATION OF A MOTOR VEHICLE.

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF 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 HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER SB 341

STATE IMPACT	None, see explanation below
MUNICIPAL IMPACT	None
STATE AGENCY(S)	Departments of Public Safety and Motor Vehicles

EXPLANATION OF ESTIMATES:

STATE IMPACT: The passage of this bill would not result in additional costs to the Department of Public Safety (DPS). The bill requires wrecker operators participating in the DPS rotational towing system to be certified by the Towing and Recovery Association of America or another certification program approved by the Commissioner of DPS. It requires wrecker equipment to meet standards established by DPS (they will also continue to be subject to standards established by the Commissioner of the Department of Motor Vehicles). The Commissioner of DPS must also establish a program to grant exemptions and variances from these standards under certain circumstances.

DPS has already been working with the Connecticut chapter of the Towing and Recovery Association of America to develop specific requirements for wrecker operators in the DPS rotational system. The bill requires DPS to adopt regulations for the rotational system and for removing wrecker operators for non-compliance. This would not result in additional costs to DPS.

Senate Amendment "A" requires rather than permits the Department of Public Safety to grant variations and

exemptions from the program and results in no fiscal impact.

House Amendment "A" requires rather than permits the Department of Public Safety to adopt regulations and results in no fiscal impact.

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OLR AMENDED BILL ANALYSIS

SB 341 (File 188, as amended by Senate "A" and House "A")*

AN ACT CONCERNING CERTIFICATION OF WRECKER OPERATORS PARTICIPATING IN THE STATE POLICE WRECKER ROTATION SYSTEM

SUMMARY: This bill requires wrecker operators participating in the Department of Public Safety's (DPS) rotational system for removing vehicles that are disabled, inoperative, or wrecked to be certified by the Towing and Recovery Association of America or another certification program the DPS commissioner approves. It requires wrecker equipment, which must now meet standards established by the motor vehicles commissioner, to also meet standards established by the DPS commissioner. The bill requires the DPS commissioner to grant variations or exemptions or approve equivalent or alternate compliance with these requirements if strict compliance would entail practical difficulty or unnecessary hardship or is otherwise adjudged unwarranted. But the variation, exemption, or alternate compliance must secure the public safety.

Under current law, DPS may adopt regulations for the rotational system and for removing wreckers for noncompliance with its regulations. The bill requires, rather than allows, these regulations and also allows them to require removal of wrecker services that fail to comply with the laws or regulations pertaining to the operation of a (1) motor vehicle or (2) motor vehicle repair, towing, or storage facility.

*Senate Amendment "A" requires, rather than allows, the commissioner to grant variations and approve alternate compliance with the bill's provisions.

*House Amendment "A" requires, rather than allows, DPS to adopt the regulations.

EFFECTIVE DATE: October 1, 1998

BACKGROUND

Rotational System

By law, DPS can establish, within its patrol jurisdiction, a rotational system for summoning licensed wrecker operators to tow or transport motor vehicles that are disabled, inoperative, or wrecked if the owners or operators are incapacitated, unavailable, or leave the procurement of wrecker service to the officer at the scene.

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Change of Reference
Yea 21 Nay 1

Transportation Committee

Joint Favorable Report
Yea 21 Nay 0