

---

---

## **OLR Bill Analysis**

### **sSB 333**

#### ***AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF MOTOR VEHICLES.***

#### **SUMMARY**

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

1. increases surety bond requirements for dealer and repairer licenses and requires applicants to be fingerprinted (§§ 2 & 3);
2. strengthens licensing and enforcement requirements related to driving schools and their instructors (§§ 4-7);
3. gives the DMV commissioner discretion in staffing and coordinating weigh station coverage and hours of operation (§ 9);
4. eliminates a redundant safety inspection requirement for retired school buses (§ 10); and
5. requires that off-site road skills testing at licensed driving schools be available to all the school's students who are otherwise eligible (§ 12).

The bill also makes changes related to license restoration after medical withdrawal, snowmobiles and all-terrain vehicles under the administrative per se law, and weigh stations.

Lastly, the bill makes numerous technical and conforming changes.

EFFECTIVE DATE: July 1, 2021, unless otherwise noted below.

#### **§ 1 — LICENSE RESTORATION AFTER MEDICAL WITHDRAWAL**

Under current law, the DMV commissioner may allow a person whose license was medically withdrawn to drive on a limited basis (i.e.,

with a licensed driving instructor or testing agent) if she (1) determines, after a hearing, that the driver does not have a health problem affecting his or her ability to drive safely and (2) requires the driver to pass a road skills test for license reinstatement.

The bill requires the commissioner to make her determination after consulting with the Motor Vehicle Operator's License Medical Advisory Board, rather than through a hearing. It provides a person aggrieved by the commissioner's denial of limited driving access under these conditions with an opportunity for an administrative hearing under the Uniform Administrative Procedure Act (UAPA).

Under existing law, unchanged by the bill, a person whose driver's license has been suspended, restricted, or revoked, or whose license application has been denied due to health problems, has the right to appeal under the UAPA (CGS § 14-46g).

## **§§ 2 & 3 — DEALER & REPAIRER SURETY BONDS & BACKGROUND CHECKS**

### ***Surety Bonds (§ 2)***

The bill increases the surety bond amounts for applicants of certain business licenses as follows:

1. repairer's licenses from \$5,000 to \$50,000;
2. limited repairer's licenses from \$5,000 to \$10,000;
3. new or used car dealer's licenses from \$50,000 to \$60,000; and
4. leasing or rental licenses from \$10,000 to \$15,000.

### ***Background Checks (§ 3)***

Under current law, applicants for a dealer or repairer license must submit to state and national criminal history records checks based on the applicant's name and date of birth. The bill instead requires that these background checks be based upon fingerprint data that the applicant must provide.

## **§§ 4-7 — DRIVING INSTRUCTION**

The bill makes several changes in the statutes governing driving schools. The bill specifically prohibits driving schools with expired licenses from conducting business until a license renewal is granted by the DMV commissioner. However, it also prohibits the commissioner from renewing a driving school license that has been expired for more than 60 days.

Under current law, the commissioner generally may suspend or revoke a school's license only after she has provided the licensee with notice and an opportunity for a hearing, in accordance with the UAPA. Under the bill, if she determines there is an imminent threat to public safety or welfare, the commissioner may suspend, revoke, or withdraw the license and then schedule a hearing, which must be within 20 days after the date he takes this action.

The bill also allows the DMV commissioner to order restitution to aggrieved customers if a driving school violates any statute and regulation governing them, in addition to, or instead of, a civil penalty.

### ***Driving Instructor and Master Driving Instructor Licenses***

The bill increases, from four to five years, the driving history review period for instructor and master instructor licenses. It also specifies that applicants must provide a physical examination that has been performed within 90 days from the application date, rather than a recent exam as current law requires. The bill also prohibits the commissioner from renewing an instructor or master instructor's license that has been expired for more than 60 days.

The bill authorizes the DMV commissioner to summarily suspend an instructor's or master instructor's license if she determines that continued possession of the license poses an imminent threat to public safety or welfare.

### ***Minor and Technical Changes***

The bill specifies that boards of education, public, private, and parochial schools (which do not need to be licensed as driving schools) are not required to provide a surety bond to provide a driver's

education course.

It also adds references to master driving instructors to license requirements for driving instructors, which already apply under current law and regulations.

### **§§ 8 & 11 — ADMINISTRATIVE PER SE STATUTES**

By law, motorists implicitly consent to be tested for drugs or alcohol and submit to the nontestimonial portion of a drug influence evaluation when they drive a vehicle. The law establishes administrative license suspension procedures, including a hearing, for drivers who refuse to submit to a test or evaluation or whose test results indicate an elevated blood alcohol content.

The bill expands the types of “motor vehicles” covered by the administrative per se statute to include a snowmobile or all-terrain vehicle, consistent with the criminal laws governing driving under the influence. It also allows DMV to send, with the driver’s written consent, notice of an administrative hearing decision by personal delivery (e.g., e-mail) rather than by certified mail.

### **§ 9 — WEIGH STATIONS’ OPERATION**

Under current law, the DMV commissioner must staff and coordinate the official weigh stations’ (Greenwich, Danbury, and Union) coverage and hours of operation as outlined in statute. She must also adjust the required work shifts daily to produce an unpredictable schedule.

Under the bill, the commissioner may, in her discretion, staff and coordinate the stations’ coverage and hours of operation according to statute. It authorizes, rather than requires, her to adjust work shifts daily for unpredictability.

### **§§ 12-13 — DMV ROAD TESTING**

#### ***Driving School Testing***

Beginning October 1, 2022, the bill requires DMV-administered off-site road skills test appointments at a licensed driving school to be made available to all of the school’s students who are otherwise eligible to take

the test. Under current agency practice, these road test appointments are only available to students under age 22.

By January 1, 2023, it requires DMV to develop and submit to the Transportation Committee a plan to increase road skills test availability, including the feasibility of partnering with other public entities or independent contractors.

EFFECTIVE DATE: Upon passage, except the provision on off-site test appointments is effective October 1, 2022.

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable Substitute

Yea 35 Nay 0 (03/24/2022)