
OLR Bill Analysis

sSB 333 (File 401, as amended by Senate "A")*

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 increases surety bond requirements for dealer and repairer licenses and strengthens licensing and enforcement requirements related to driving schools and their instructors. By February 1, 2023, the bill requires the Department of Motor Vehicles (DMV) commissioner to report to the Transportation Committee on the following topics:

1. the preceding fiscal year's number of department-administered road skills tests for a driver's license at DMV offices and off-site locations and the passage rates for those tests (§ 506);
2. the results of her review of other states' laws and regulations, and any legislative or regulatory recommendations, on applying for, issuing, and using removeable windshield placards for people with disabilities or blindness (§ 507); and
3. for the previous year, and annually afterwards, the average amount of time a person spends at the DMV for an appointment scheduled on its website (rather than the average number of days between scheduling an appointment online and the appointment date, as required under current law) (§ 526).

It also eliminates a redundant safety inspection requirement for retired school buses (§ 10) and makes numerous technical and conforming changes (§§ 510 - 525).

*Senate Amendment "A" among other things, (1) adds provisions (a) prohibiting vehicle identification number (VIN) etching unless the vehicle purchaser or lessee consents in writing; requiring the DMV commissioner to submit an implementation plan for state-wide vehicle noise level testing; providing a 180-day extension for vehicles failing an emissions test if the repair is delayed due to part supply issues; and requiring the above-described DMV reports to the Transportation Committee on road skill testing, removable windshield placards, and online services; and (b) that are the same or substantially similar to those in related bills (see BACKGROUND); (2) modifies the underlying bill by reducing the auto repairer surety bond requirement from \$50,000 to \$25,000; and (3) removes provisions from the underlying bill giving the DMV discretion in staffing weigh stations (§ 9); requiring that off-site road skills testing at licensed driving schools be available to all the school's students who are otherwise eligible regardless of age (§ 12); and requiring DMV to develop a plan to increase road skills test availability (§ 13).

EFFECTIVE DATE: July 1, 2022, 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. 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 Uniform Administrative Procedure Act (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 \$25,000; (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.

§ 501 — DRIVERS WEARING GLASSES WITH BIOPTIC LENSES

The bill requires the DMV commissioner to issue driver's licenses to people wearing glasses with bioptic lenses if the applicant otherwise meets regulatory vision standards and license requirements. (By law, the commissioner must adopt regulations specifying vision standards that are necessary to safely operate a motor vehicle.) Generally, bioptic lenses consist of miniature telescopic lenses mounted on top of eyeglasses.

EFFECTIVE DATE: October 1, 2022

§ 502 — LIGHTS ON WRECKERS

The bill eliminates requirements in current law that wreckers be equipped with two flashing yellow lights installed and mounted on the truck that span its full width and are at least eight feet above the road surface. It instead requires that wreckers be equipped with an unspecified number of flashing yellow lights. As under existing law, the lights must (1) continuously show in all directions, (2) be as close to the back of the cab as practicable, and (3) be used when the wrecker is towing a vehicle and at the scene of an accident or a disabled vehicle.

EFFECTIVE DATE: October 1, 2022

§ 503 — AUTOCYCLES

Existing law allows drivers to operate autocycles with a standard "class D" license (i.e., without needing a motorcycle license endorsement) (CGS § 14-36a). The law defines "autocycle," in part, as a motorcycle with up to three wheels that has seat belts and partially or fully enclosed seats in which occupants sit with their legs forward. Current law additionally provides that an autocycle is designed to be controlled with a steering wheel and foot pedals. The bill instead provides that it is designed to be controlled with a steering mechanism, rather than a steering wheel.

EFFECTIVE DATE: October 1, 2022

§ 504 — VIN ETCHING

Current law requires new and used car dealers and lessors to offer the purchaser or lessee of a new or used motor vehicle the optional service of etching the complete VIN on the lower corner of the vehicle's windshield and on each of its side and rear windows so long as the service is separately charged on the vehicle's sale order. Beginning July 1, 2022, the bill allows, rather than requires, these dealers and lessors to offer this option. The bill sunsets the requirement that the service charge be provided, and instead it prohibits them from etching the VIN on any vehicle in their inventory prior to its sale or lease without the written consent of the vehicle's purchaser or lessee.

Current law authorizes the DMV commissioner to adopt regulations to implement the provisions on VIN etching. It also provides, beginning July 1, 2022, that these regulations may specifically provide standards for (1) the secure marking of component parts, including the use of a covert application (only visible under ultraviolet light); (2) telephone or online access to a secure database of vehicles, including motorcycles and parts that have been marked and registered in the database; and (3) the marking of parts used to replace parts that have been marked by licensed repairers.

The bill requires, rather than allows, the commissioner to adopt implementing regulations, which may provide these standards. It also eliminates the specific reference to addressing marking component parts using a covert application, as well as the definition for that phrase. The bill also deletes current law's definition of component parts.

§ 505 — ORGAN DONOR CONSENT

Under current law, the DMV commissioner must require any person applying for a driver's license or identity card to indicate whether they consent to or decline organ donation through inclusion on the state donor registry. The bill adds that this requirement also applies to anyone who renews a license or identity card.

EFFECTIVE DATE: October 1, 2022

§§ 508 & 509 — VEHICLE NOISE

The bill requires the DMV commissioner to, by January 1, 2023, submit to the Transportation, Appropriations, and Finance, Revenue, and Bonding committees (1) an implementation plan for a statewide decibel level testing program at official emissions inspection stations for motor vehicles and motorcycles and (2) any recommendations for legislation and funding necessary for implementation.

By January 1, 2024, it requires the commissioner to amend current regulations setting maximum vehicle decibel levels and related testing procedures, with the advice of the energy and environmental protection commissioner, to reflect industry standards and technology advancements and submit them to the Regulation Review Committee.

The bill eliminates from current law the testing procedure requirements that are repeated under existing regulations (Conn. Agencies Regs. § 14-80a-8a).

§ 527 — EMISSIONS RE-TESTING EXTENSION FOR SUPPLY CHAIN ISSUES

For FYs 23 and 24, the bill requires the DMV commissioner to grant an extension of time for vehicles to obtain needed repairs after failing an emissions inspection, so long as a licensed new or used car dealer or licensed repairer or limited repairer certifies, in writing, that the part needed to repair the associated problem is delayed due to market conditions. If granted, it must be valid for 180 days after the certification date.

BACKGROUND

Related Bills

sHB 5366 (File 392), favorably reported by the Transportation Committee, contains similar or identical provisions about licenses for drivers wearing bioptic lenses; organ donor consents; wrecker lights; and the definition of “autocycles.”

SB 391 (File 387), favorably reported by the Transportation Committee, contains the same minor and technical changes.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 35 Nay 0 (03/24/2022)