



Senate

General Assembly

File No. 401

February Session, 2022

Substitute Senate Bill No. 333

Senate, April 11, 2022

The Committee on Transportation reported through SEN. HASKELL of the 26th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF MOTOR VEHICLES.

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

1 Section 1. Section 14-46e of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2022*):

3 (a) The commissioner shall give due consideration to any
4 recommendations of the board and to any reports, records or opinions
5 submitted pursuant to sections 14-46a to 14-46g, inclusive, but such
6 recommendations, reports, records or opinions shall be merely advisory
7 and not binding on the commissioner.

8 (b) The commissioner may authorize a person whose license is
9 withdrawn under sections 14-46a to 14-46g, inclusive, to operate a motor
10 vehicle on a limited basis provided the following conditions are met: (1)
11 The commissioner, after [a hearing held in accordance with chapter 54]
12 consultation with the board, determines that such person does not have
13 a health problem that affects such person's ability to safely operate a

14 motor vehicle and has ordered that such person submit to and pass a
15 road skills test as a condition of license reinstatement; and (2) such
16 operation occurs only while the person is under the instruction of and
17 accompanied by a driving instructor licensed under section 14-73, as
18 amended by this act, or is in a vehicle with a motor vehicle testing agent
19 who is administering a road skills test. Any person aggrieved by the
20 decision of the commissioner to deny such person the operation of a
21 motor vehicle on a limited basis shall be afforded an opportunity for a
22 hearing in accordance with the provisions of chapter 54.

23 (c) Any person who is the subject of any inquiry under sections 14-
24 46a to 14-46g, inclusive, who refuses to submit to a physical examination
25 or provide other information requested by the commissioner or board
26 shall be considered unfit to operate a motor vehicle until [he or she] such
27 person complies with such request.

28 Sec. 2. Subsection (b) of section 14-52 of the 2022 supplement to the
29 general statutes is repealed and the following is substituted in lieu
30 thereof (*Effective July 1, 2022*):

31 (b) (1) Except as provided in subsection (c) of this section, each
32 applicant for a repairer's [or a limited repairer's] license shall furnish a
33 surety bond in the amount of [five] fifty thousand dollars.

34 (2) Except as provided in subsection (c) of this section, each applicant
35 for a limited repairer's license shall furnish a surety bond in the amount
36 of ten thousand dollars.

37 [(2)] (3) Except as provided in subsection (c) of this section, each
38 applicant for a new car dealer's or a used car dealer's license shall
39 furnish a surety bond in the amount of [fifty] sixty thousand dollars.

40 [(3)] (4) Each applicant for a leasing or rental license issued pursuant
41 to section 14-15, who is engaged in the leasing or renting of motor
42 vehicles for periods of thirty days or more, shall furnish a surety bond
43 in the amount of [ten] fifteen thousand dollars.

44 [(4)] (5) Each such bond required under subdivisions (1) to [(3)] (4),

45 inclusive, of this subsection shall be conditioned upon the applicant or
46 licensee complying with the provisions of any state or federal law or
47 regulation relating to the conduct of such business and provided as
48 indemnity for any loss sustained by any customer by reason of any acts
49 of the licensee constituting grounds for suspension or revocation of the
50 license or such licensee going out of business. Each surety bond shall be
51 executed in the name of the state of Connecticut for the benefit of any
52 aggrieved customer, but the penalty of the bond shall not be invoked
53 except upon order of the commissioner after a hearing held before said
54 commissioner in accordance with the provisions of chapter 54. For
55 purposes of this subdivision, "customer" does not include (A) any
56 person, firm or corporation that finances a licensed dealer's motor
57 vehicle inventory, or (B) any licensed dealer, in such person's capacity
58 as a dealer, who buys motor vehicles from or sells motor vehicles to
59 another licensed dealer.

60 ~~[(5)]~~ (6) The commissioner shall assess an administrative fee of two
61 hundred dollars against any licensee for failing to provide proof of bond
62 renewal or replacement on or before the date of the expiration of the
63 existing bond. Such fee shall be in addition to the license suspension or
64 revocation penalties and the civil penalties to which the licensee is
65 subject pursuant to section 14-64.

66 Sec. 3. Subsection (a) of section 14-52a of the 2022 supplement to the
67 general statutes is repealed and the following is substituted in lieu
68 thereof (*Effective July 1, 2022*):

69 (a) The commissioner may, after notice and hearing, refuse to grant
70 or renew a license to a person, firm or corporation to engage in the
71 business of selling or repairing motor vehicles pursuant to the
72 provisions of section 14-52, as amended by this act, if the applicant for,
73 or holder of, such a license, or an officer or major stockholder, if the
74 applicant or licensee is a firm or corporation, has been found liable in a
75 civil action for odometer fraud or operating a dealer, repairer or motor
76 vehicle recycler business without a license, convicted of a violation of
77 any provision of laws pertaining to the business of a motor vehicle

78 dealer or repairer, including a motor vehicle recycler, or convicted of
79 any violation of any provision of laws involving fraud, larceny or
80 deprivation or misappropriation of property, in the courts of the United
81 States or any state. Each applicant for such a license shall be
82 fingerprinted and submit to state and national criminal history records
83 checks, conducted in accordance with section 29-17a₂ [and based on the
84 applicant's name and date of birth,] not more than thirty days before
85 such application is made and provide the results of such records [check]
86 checks to the Department of Motor Vehicles. The commissioner may
87 require a person, firm or corporation to submit its application
88 electronically. Upon renewal of such license, a licensee shall make full
89 disclosure of any such civil judgment or conviction under penalty of
90 false statement.

91 Sec. 4. Section 14-69 of the 2022 supplement to the general statutes is
92 repealed and the following is substituted in lieu thereof (*Effective July 1,*
93 *2022*):

94 (a) No person shall engage in the business of conducting a drivers'
95 school without being licensed by the Commissioner of Motor Vehicles.
96 An application for a license shall be in writing and shall contain such
97 information as the commissioner requires. Each applicant for a license
98 shall be fingerprinted before such application is approved. The
99 commissioner shall subject each applicant for a license to state and
100 national criminal history records checks conducted in accordance with
101 section 29-17a, and a check of the state child abuse and neglect registry
102 established pursuant to section 17a-101k. If any such applicant has a
103 criminal record or is listed on the state child abuse and neglect registry,
104 the commissioner shall make a determination of whether to issue a
105 license to conduct a drivers' school in accordance with the standards and
106 procedures set forth in section 14-44 and the regulations adopted
107 pursuant to said section. If the application is approved, the applicant
108 shall be granted a license upon the payment of a fee of seven hundred
109 dollars and [a deposit with the commissioner of a bond of a] submission
110 of a surety bond from a surety company authorized to do business in
111 this state, conditioned [on] upon the faithful performance by the

112 applicant of any contract to furnish instruction, [in either case] in such
113 amount as the commissioner may require. [, such] Such surety bond [to]
114 shall be held by the commissioner to satisfy any execution issued against
115 such school in a cause arising out of failure of such school to perform
116 such contract. For each additional place of business of such school, the
117 commissioner shall charge a fee of one hundred seventy-six dollars,
118 except if the licensee opens an additional place of business with one year
119 or less remaining on the term of its license, the commissioner shall
120 charge a fee of eighty-eight dollars for each such additional place of
121 business for the year, or any part thereof, remaining on the term of such
122 license. No license or surety bond shall be required in the case of any
123 board of education, or any public, private or parochial school, which
124 conducts a course in driver education established in accordance with
125 sections 14-36e and 14-36f. A license so issued shall be valid for two
126 years. The commissioner shall issue a license certificate or certificates to
127 each licensee, one of which shall be displayed in each place of business
128 of the licensee. In case of the loss, mutilation or destruction of a license
129 certificate, the commissioner shall issue a duplicate license certificate to
130 the licensee upon proof of the facts and the payment of a fee of twenty
131 dollars.

132 (b) The biennial fee for the renewal of a license shall be seven hundred
133 dollars and the biennial renewal fee for each additional place of business
134 shall be one hundred seventy-six dollars, except if the licensee opens an
135 additional place of business with one year or less remaining on the term
136 of its license, the commissioner shall charge a fee of eighty-eight dollars
137 for each such additional place of business for the year, or any part
138 thereof, remaining on the term of such license. If the commissioner has
139 not received a complete renewal application and all applicable renewal
140 fees on or before the expiration date of an applicant's license, the
141 commissioner shall charge such applicant, in addition to such renewal
142 fees, a late fee of seven hundred dollars. Upon the expiration date of a
143 license, the licensee shall cease to conduct business until such time as
144 the licensee's application for renewal is approved by the commissioner.
145 The commissioner shall not renew any license under this section that
146 has expired for more than sixty days.

147 (c) Any person who engages in the business of conducting a drivers'
148 school without being licensed in accordance with this section shall be
149 guilty of a class B misdemeanor.

150 Sec. 5. Section 14-73 of the 2022 supplement to the general statutes is
151 repealed and the following is substituted in lieu thereof (*Effective July 1,*
152 *2022*):

153 (a) No person shall be employed by [any such school licensee] a
154 drivers' school to give instruction in driving a motor vehicle unless such
155 person is licensed to act as an instructor or master instructor by the
156 commissioner.

157 (b) Application for an instructor's license or a master instructor's
158 license shall be in writing and shall contain such information as the
159 commissioner requires. Each applicant for a license shall be
160 fingerprinted and shall furnish evidence satisfactory to the
161 commissioner that such applicant: (1) [is] is of good moral character
162 considering such person's state and national criminal history records
163 checks conducted in accordance with section 29-17a, and record, if any,
164 on the state child abuse and neglect registry established pursuant to
165 section 17a-101k. If any applicant for a license or the renewal of a license
166 has a criminal record or is listed on the state child abuse and neglect
167 registry, the commissioner shall make a determination of whether to
168 issue or renew an instructor's license or master instructor's license in
169 accordance with the standards and procedures set forth in section 14-44
170 and the regulations adopted pursuant to said section; (2) has held a
171 license to drive a motor vehicle for the past [four] five consecutive years
172 and has a driving record satisfactory to the commissioner, including no
173 record of a conviction or administrative license suspension for a drug or
174 alcohol-related offense during such [four-year] five-year period; (3) has
175 [had a recent medical] passed a physical examination, administered not
176 more than ninety days prior to the date of application, by a physician,
177 physician assistant or an advanced practice registered nurse licensed to
178 practice within the state and the physician, physician assistant or
179 advanced practice registered nurse certifies that the applicant is

180 physically fit to operate a motor vehicle and [instruct] provide
181 instruction in driving; (4) has received a high school diploma or has an
182 equivalent academic education; and (5) has completed an instructor
183 training course of forty-five clock hours given by a school or agency
184 approved by the commissioner, except that any such course given by an
185 institution under the jurisdiction of the board of trustees of the
186 Connecticut State University System shall be approved by the
187 commissioner and the State Board of Education. During the period of
188 licensure, an instructor shall notify the commissioner, within forty-eight
189 hours, of an arrest or conviction for a misdemeanor or felony, or an
190 arrest, conviction or administrative license suspension for a drug or
191 alcohol-related offense. Upon such notification, the commissioner may
192 suspend, revoke or withdraw the instructor's license or master
193 instructor's license pursuant to the provisions of section 14-79, as
194 amended by this act.

195 (c) The commissioner may deny the application of any person for an
196 instructor's license or a master instructor's license if [he] the
197 commissioner determines that the applicant has made a material false
198 statement or concealed a material fact in connection with his or her
199 application for the instructor's license or master instructor's license.

200 (d) The commissioner shall conduct such written, oral and practical
201 examinations, as [he] the commissioner deems necessary, to determine
202 whether an applicant has sufficient skill in the operation of motor
203 vehicles to ensure their safe operation, a satisfactory knowledge of the
204 motor vehicle laws and the ability to impart such skill and knowledge
205 to others. If the applicant successfully completes the examinations and
206 meets all other requirements of this section, the commissioner shall issue
207 an instructor's license or a master instructor's license, as the case may
208 be, to such applicant. The license shall be valid for use only in
209 connection with a drivers' school or schools licensed pursuant to section
210 14-69, as amended by this act. If the applicant fails the examination, such
211 applicant may apply for reexamination after five days. The license and
212 the license renewal shall be valid for two years.

213 (e) The licensee shall be reexamined periodically in accordance with
214 standards specified in regulations adopted under section 14-78.

215 (f) The commissioner may establish, by regulations adopted in
216 accordance with the provisions of chapter 54, standards and procedures
217 for the training and licensing of master instructors who are qualified to
218 train driving instructors. [The provisions of subsection (b) of this section
219 and section 14-74 shall apply to master instructors.]

220 (g) The fee for an instructor's license, or for any renewal thereof, shall
221 be one hundred dollars. The fee for a master instructor's license, or for
222 any renewal thereof, shall be two hundred dollars. If the commissioner
223 has not received a complete renewal application and fee on or before the
224 expiration date of an applicant's license, such applicant shall be charged,
225 in addition to the renewal fee, a late fee in an amount equal to the fee
226 for such applicant's license. The commissioner shall not renew an
227 instructor's license or a master instructor's license that has expired for
228 more than sixty days.

229 (h) Any person who is not licensed in accordance with this section
230 shall be guilty of a class B misdemeanor if such person: (1) Engages in
231 the business of providing, for compensation, instruction in driving a
232 motor vehicle; or (2) is employed by a drivers' school to give instruction
233 in driving a motor vehicle.

234 Sec. 6. Section 14-74 of the general statutes is repealed and the
235 following is substituted in lieu thereof (*Effective July 1, 2022*):

236 The commissioner may suspend, revoke or refuse to renew any
237 instructor's license or master instructor's license if: (1) The licensee has
238 made a material false statement or concealed a material fact in
239 connection with [his] the licensee's application for the license or any
240 renewal thereof; (2) the licensee has failed to comply with any of the
241 provisions of this part or any of the regulations adopted by the
242 commissioner, in accordance with the provisions of chapter 54,
243 pursuant to this part; or (3) the licensee has been guilty of fraud or
244 fraudulent practices in relation to securing for [himself] the licensee or

245 another person a license to drive a motor vehicle.

246 Sec. 7. Section 14-79 of the general statutes is repealed and the
247 following is substituted in lieu thereof (*Effective July 1, 2022*):

248 [The] (a) Except as provided in subsection (b) of this section, the
249 Commissioner of Motor Vehicles may, after notice and opportunity for
250 a hearing, in accordance with the provisions of chapter 54, suspend, [or]
251 revoke or withdraw the license or licenses of any licensee or impose a
252 civil penalty of not more than one thousand dollars for each violation
253 on any person or firm that violates any provision of this part. In addition
254 to, or in lieu of, the imposition of any penalty authorized by this section,
255 the commissioner may order any such licensee to make restitution to
256 any aggrieved customer.

257 (b) If the commissioner determines that an imminent threat to public
258 safety or welfare exists by reason of a licensee's continued possession of
259 an instructor's license or a master instructor's license, the commissioner
260 shall suspend, revoke or withdraw such license and schedule a hearing,
261 in accordance with the provisions of chapter 54, not later than twenty
262 days after the date of such suspension, revocation or withdrawal.

263 Sec. 8. Subsection (h) of section 14-227b of the 2022 supplement to the
264 general statutes, as amended by section 118 of public act 21-1 of the June
265 special session, is repealed and the following is substituted in lieu
266 thereof (*Effective July 1, 2022*):

267 (h) If, after a hearing under subdivision (2) of subsection (g) of this
268 section, the commissioner finds in the negative on any one of the issues
269 specified in subparagraph (A), (B), (C) or (D) of said subdivision, the
270 commissioner shall reinstate such license or operating privilege. If, after
271 a hearing under subdivision (3) of subsection (g) of this section, the
272 commissioner finds in the negative on any one of the issues specified in
273 subparagraph (A), (B), (C) or (D) of said subdivision, the commissioner
274 shall reinstate such license or operating privilege. If, after such hearing
275 under subdivision (2) or (3) of subsection (g) of this section, the
276 commissioner does not find on any one of said issues in the negative or

277 if such person fails to appear at such hearing, the commissioner shall
278 affirm the suspension contained in the suspension notice for the
279 appropriate period specified in subsection (i) of this section. The
280 commissioner shall render a decision at the conclusion of such hearing
281 and send a notice of the decision by bulk certified mail or by personal
282 delivery, as defined in section 4-166, to such person. The notice of such
283 decision sent by bulk certified mail or by personal delivery to the
284 address of such person as shown by the records of the commissioner
285 shall be sufficient notice to such person that such person's operator's
286 license or operating privilege is reinstated or suspended, as the case may
287 be. A notice of the decision shall only be transmitted by personal
288 delivery if the operator has consented, in writing, to such personal
289 delivery.

290 Sec. 9. Section 14-270c of the general statutes is repealed and the
291 following is substituted in lieu thereof (*Effective July 1, 2022*):

292 (a) The Commissioner of Motor Vehicles [shall] may, in the
293 commissioner's discretion, staff [,] and [shall] coordinate the coverage
294 and hours of operation of [,] the official weighing areas as follows:

295 (1) Greenwich: Eight work shifts in each seven-day period from
296 Sunday through Saturday. No such shifts shall be worked
297 consecutively, except that two shifts may be worked consecutively on
298 not more than three days;

299 (2) Danbury: The Department of Motor Vehicles [shall] may staff six
300 work shifts in each seven-day period from Sunday through Saturday.
301 The Commissioner of Motor Vehicles [shall, whenever possible,] may
302 coordinate coverage between this official weighing area and the official
303 weighing area in Greenwich in order to ensure concurrent coverage;

304 (3) Union: Between five and eight work shifts in each seven-day
305 period from Sunday through Saturday; and

306 (4) Portable scale locations: The Commissioner of Emergency Services
307 and Public Protection shall assign troopers to work ten shifts in each

308 seven-day period from Sunday through Saturday to conduct
309 commercial motor vehicle enforcement throughout the four
310 geographical areas established by the Commissioner of Motor Vehicles
311 with concentration in areas that have fewer hours of operation for the
312 permanent weighing areas.

313 (b) The Commissioner of Motor Vehicles [shall] may adjust the work
314 shifts [required] set forth in subsection (a) of this section on a daily basis
315 in order to effectuate an unpredictable schedule.

316 (c) The Commissioner of Motor Vehicles may assign personnel to the
317 permanent weighing areas in Waterford and Middletown or to the
318 portable scale operations.

319 (d) The Commissioner of Emergency Services and Public Protection,
320 in consultation with the Commissioner of Motor Vehicles, shall assign
321 one trooper to each weighing area working shift in each seven-day
322 period from Sunday through Saturday to enforce laws relative to the
323 safe movement of all vehicles on the highways of the state.

324 (e) In addition to the weighing area commercial motor vehicle
325 enforcement activities, the Department of Emergency Services and
326 Public Protection shall perform roaming commercial motor vehicle
327 enforcement on the highways of the state and such work shall be
328 assigned to troopers trained in commercial motor vehicle enforcement.

329 Sec. 10. Section 14-282 of the general statutes is repealed and the
330 following is substituted in lieu thereof (*Effective July 1, 2022*):

331 (a) Any person who is the owner or becomes the owner of a motor
332 vehicle formerly used as a school bus who discontinues the use of such
333 vehicle for the transportation of school children as stated in sections 14-
334 275 and 14-280 shall cause the same to be painted another color, readily
335 distinguishable from "National School Bus Chrome". [On and after July
336 1, 1990, each such motor vehicle ten years old or older shall be presented
337 for inspection every two years at any Department of Motor Vehicles
338 office.]

339 (b) Violation of any provision of this section shall be an infraction.

340 Sec. 11. Subsection (a) of section 14-227b of the 2022 supplement to
341 the general statutes, as amended by section 118 of public act 21-1 of the
342 June special session, is repealed and the following is substituted in lieu
343 thereof (*Effective July 1, 2022*):

344 (a) Any person who operates a motor vehicle in this state shall be
345 deemed to have given such person's consent to: (1) A chemical test of
346 such person's blood, breath or urine; and (2) a nontestimonial portion of
347 a drug influence evaluation conducted by a drug recognition expert. If
348 such person is a minor, such person's parent or parents or guardian shall
349 also be deemed to have given their consent for such test or evaluation.
350 As used in this section, "motor vehicle" includes a snowmobile and all-
351 terrain vehicle, as such terms are defined in section 14-379.

352 Sec. 12. (NEW) (*Effective October 1, 2022*) Any appointment for the on-
353 the-road skills test portion of the examination for a motor vehicle
354 operator's license administered by a motor vehicle inspector agent or an
355 agent of the Commissioner of Motor Vehicles at a drivers' school,
356 licensed in accordance with the provisions of section 14-69 of the general
357 statutes, as amended by this act, shall be made available to all students
358 of such school who are otherwise eligible to take such test.

359 Sec. 13. (*Effective from passage*) The Commissioner of Motor Vehicles
360 shall develop a plan to increase the frequency of the on-the-road skills
361 test portion of the examination for a motor vehicle operator's license
362 offered or conducted by the Department of Motor Vehicles. The
363 commissioner shall consider the feasibility of partnering with other
364 public entities or independent contractors to conduct or offer such
365 examination. Not later than January 1, 2023, the commissioner shall
366 submit such plan, in accordance with the provisions of section 11-4a of
367 the general statutes, to the joint standing committee of the General
368 Assembly having cognizance of matters relating to transportation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2022</i>	14-46e
Sec. 2	<i>July 1, 2022</i>	14-52(b)
Sec. 3	<i>July 1, 2022</i>	14-52a(a)
Sec. 4	<i>July 1, 2022</i>	14-69
Sec. 5	<i>July 1, 2022</i>	14-73
Sec. 6	<i>July 1, 2022</i>	14-74
Sec. 7	<i>July 1, 2022</i>	14-79
Sec. 8	<i>July 1, 2022</i>	14-227b(h)
Sec. 9	<i>July 1, 2022</i>	14-270c
Sec. 10	<i>July 1, 2022</i>	14-282
Sec. 11	<i>July 1, 2022</i>	14-227b(a)
Sec. 12	<i>October 1, 2022</i>	New section
Sec. 13	<i>from passage</i>	New section

Statement of Legislative Commissioners:

In Section 9(b), "required" was changed to "[required] set forth" for consistency with the changes made in Section 9(a).

TRA *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: None

Municipal Impact: None

Explanation

The bill makes numerous changes to the motor vehicle statutes and does not have a fiscal impact because the bill's provisions are either within the expertise of the Department of Motor Vehicles or otherwise do not materially impact agency operations.

The Out Years

State Impact: None

Municipal Impact: None

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)