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## OLR Bill Analysis

### sSB 994

#### **AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE DEPARTMENT OF MOTOR VEHICLES, STUDYING AN EMERGENCY CONTACT INFORMATION DATABASE OR REVISIONS TO MOTOR VEHICLE RECORDS AND REQUIRING THE SAFETY DRIVING COURSE TO INCLUDE EDUCATION ON THE EFFECTS OF CANNABIS.**

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*Beginning January 1, 2024, eliminates the separate license for limited repairers, instead requiring these businesses to get repairer's licenses; current licenses remain valid until they expire; requires DMV to notify licensed limited repairers*

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*Increases the penalty for selling a state-issued driver's license to a class D misdemeanor; lowers the penalty for using someone else's registration or driver's license to an infraction; increases the maximum fine for certain other violations by classifying them as class D misdemeanors*

#### § 19 — EMERGENCY CONTACT STUDY

*Requires DMV and DESPP to study the feasibility of establishing and maintaining an emergency contact information database or revising motor vehicle records to add emergency contact information*

**§ 20 — CANNABIS EDUCATION IN EIGHT-HOUR SAFE DRIVING COURSE**

*Specifically requires that cannabis be covered in the eight hour safe driving practices course and additionally requires that the course include a video presentation specific to cannabis's impact on drivers*

**SUMMARY**

This bill makes several changes in the motor vehicle statutes, including the following:

1. delays the date by which the Department of Motor Vehicles (DMV) must begin checking the federal Drug and Alcohol Clearinghouse before processing commercial driver's license (CDL) transactions;
2. eliminates the separate license for limited repairers, instead requiring these businesses to get repairer's licenses;
3. modifies penalties related to license plate and driver's license sale and counterfeiting;
4. allows the court to cancel the fine for a first-time violator of the state's car seat law if he or she shows proof of getting an appropriate car seat; and
5. requires DMV to study establishing and maintaining an emergency contacts database or modifying the driver record to include this information.

EFFECTIVE DATE: Various, see below

**§ 1 — DRUG AND ALCOHOL CLEARINGHOUSE CHECKS**

*Delays the deadline for DMV to begin requesting a commercial driver's record from the Drug and Alcohol Clearinghouse in conformance with federal law*

The bill delays, from January 6, 2023, to November 18, 2024, the deadline for DMV to begin complying with federal regulations

requiring state licensing agencies to request a driver's record from the Drug and Alcohol Clearinghouse anytime the driver applies for, renews, transfers, or upgrades a CDL. The delay conforms to Federal Motor Carrier Safety Administration's (FMCSA) extended compliance date (86 Fed. Reg. 55718).

The bill also requires DMV to request records from the clearinghouse when a driver applies for, renews, transfers, or upgrades a commercial learner's permit.

The clearinghouse is an online database that gives employers and government agencies access to information about CDL and commercial learner's permit holders' drug and alcohol program violations (e.g., positive drug or alcohol test results and test refusals). FMCSA regulations require that state licensing agencies deny CDL transactions if the clearinghouse shows the driver is prohibited.

EFFECTIVE DATE: Upon passage

### **§§ 2-5 & 7-13 — LIMITED REPAIRER LICENSE ELIMINATION**

*Beginning January 1, 2024, eliminates the separate license for limited repairers, instead requiring these businesses to get repairer's licenses; current licenses remain valid until they expire; requires DMV to notify licensed limited repairers*

Current law requires businesses seeking to repair motor vehicles to obtain either a repairer's or limited repairer's license, depending on the type of work they perform. A limited repairer engages in the business of making minor repairs to a motor vehicle, including cooling, electrical, fuel, and exhaust system repairs or replacements; brake adjustments, relining, and repairs; wheel alignment and balancing; and shock absorber repair and replacement.

Beginning January 1, 2024, the bill eliminates the separate license for limited repairers, instead requiring that people engaging in the above listed activities obtain a repairer's license. The bill specifies that all valid licenses issued before that date (1) remain valid, according to their terms, until they expire and (2) authorize the businesses to continue their business of making minor repairs. Within 30 days after the bill takes effect, DMV must notify, in writing, each licensed limited repairer

that (1) the limited repairer's license will not be renewed on or after January 1, 2024, and (2) after the license expires, the limited repairer must apply for a repairer's license to continue repairing motor vehicles.

Qualifications and requirements for repairers and limited repairers are substantially similar under current law, except that the required surety bond amount is higher for repairers (\$25,000) than for limited repairers (\$10,000). Thus, the bill increases the surety bond amount for businesses currently operating under a limited repairers license by \$15,000. (A surety bond is an agreement between three parties – the principal (e.g., business owner), the surety (guarantor), and the obligee (e.g., the government) – that guarantees the principal will fulfill their obligations. Bond premiums are generally a percentage of the bond's value and vary based on risk-related factors such as credit score and experience.)

By law, unchanged by the bill, lubricating motor vehicles, adding or changing oil or other fluids, changing tires and tubes (including wheel balancing), or installing batteries, light bulbs, windshield wiper blades, or drive belts is not considered repairing motor vehicles and does not require a license.

EFFECTIVE DATE: January 1, 2024, except that the provision requiring DMV to provide notice is effective upon passage.

## **§ 6 — DEALER PLATES**

*Allows dealer and repairer plates to be issued at the DMV commissioner's discretion, rather than based on sales transactions and annual limits*

Under existing law, rather than requiring car dealers and repairers to register each vehicle they own or temporarily possess, DMV issues them a general distinguishing number and mark and registration certificates and license plates containing the general mark.

The bill allows the DMV commissioner to issue these registrations to dealers and repairers as he deems necessary. Current law generally prohibits DMV from issuing more than (1) one registration to new car dealers for every 10 sales transactions and (2) three per year to used car dealers, repairers, and limited repairers.

EFFECTIVE DATE: January 1, 2024

**§ 14 — DRIVER’S SCHOOL LICENSEE RENEWALS**

*Specifically requires driver’s school licensees to be fingerprinted and undergo background checks when renewing their license*

The bill specifically requires that driver’s school licensees be fingerprinted and undergo a state and national criminal records check and a review of the state child abuse and neglect registry when renewing their license, in addition to when they initially apply.

EFFECTIVE DATE: July 1, 2023

**§ 15 — CAR SEAT VIOLATION FINE CANCELLATION**

*Allows the court to refrain from imposing a fine on a first-time violator of the state’s car seat law if the person shows proof of getting an appropriate car seat for the child he or she transports*

Existing law requires people transporting children to secure them as the law requires (e.g., in a car seat or booster seat) and makes a first violation an infraction.

The bill allows the court, within 14 days after the violation but before imposing the fine, to refrain from imposing a fine on a first-time violator if he or she shows proof of acquiring, renting, or buying a car seat or booster seat appropriate for the age and weight of the child he or she transports.

Existing law, unchanged by the bill, requires the DMV commissioner to require first- and second-time violators to attend a car seat safety course.

EFFECTIVE DATE: October 1, 2023

**§§ 16-18 & 21-23 — PENALTIES FOR CRIMES AND VIOLATIONS RELATED TO DRIVER’S LICENSES, REGISTRATIONS, AND LICENSE PLATES**

*Increases the penalty for selling a state-issued driver’s license to a class D misdemeanor; lowers the penalty for using someone else’s registration or driver’s license to an infraction; increases the maximum fine for certain other violations by classifying them as class D misdemeanors*

The bill makes changes to penalties for the unlawful use or transfer

or counterfeiting of license plates, registrations, and driver's licenses.

It increases the maximum penalty for selling a DMV-issued driver's license by making it a class D misdemeanor, punishable by a fine up to \$250, up to 30 days in prison, or both. Currently, it is punishable by a fine of up to \$100.

The bill also lowers the maximum penalties for (1) using a registration or driver's license that was issued to someone else or (2) using a registration on a vehicle other than the one for which the registration was issued. Currently, violators face a fine of up to \$500, up to 30 days in prison, or both. Under the bill, a violation is an infraction.

Currently, certain violations of the law related to counterfeiting or altering a credential are punishable by a fine of up to \$200, up to 30 days in prison, or both. The bill classifies these violations as class D misdemeanors, which increases the maximum fine from \$200 to \$250. The specific counterfeiting or altering offenses are:

1. counterfeiting a license plate, or making any substitute or temporary marker;
2. counterfeiting or altering a driver's license or registration; and
3. loaning or selling an altered or counterfeit license plate, marker, registration, or driver's license.

Lastly, the bill makes a minor change classifying the following violations as infractions, conforming to current practice: (1) illegally selling or loaning a DMV-issued license plate or marker and (2) loaning a DMV-issued license for use by another person. The bill also makes numerous technical and conforming changes (§§ 17-18 & 21-23).

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the fine's amount. There may also be other applicable charges depending on the type of infraction. For example, certain motor vehicle infractions trigger a Special Transportation Fund surcharge of 50% of the fine. An infraction is not a crime, and violators

can pay the fine by mail without making a court appearance.

EFFECTIVE DATE: October 1, 2023

### **§ 19 — EMERGENCY CONTACT STUDY**

*Requires DMV and DESPP to study the feasibility of establishing and maintaining an emergency contact information database or revising motor vehicle records to add emergency contact information*

The bill requires the DMV and Department of Emergency Services and Public Protection (DESPP) commissioners to study the feasibility of establishing and maintaining an emergency contact information database or, alternatively, revising motor vehicle records to add emergency contact information. The database or revised motor vehicle record must do the following:

1. give a Connecticut driver's license, instruction permit, or identity card holder the opportunity to provide and update information (name, address, phone number, and relationship) for at least one contact person who the holder wishes to be notified if he or she dies, is seriously injured, or is rendered unconscious and unable to communicate with the contact person and
2. be accessible to police officers to notify the contact person if the holder is involved in a motor vehicle accident or an emergency situation.

By February 1, 2024, the agencies' commissioners must submit the study's results and recommendations on implementing a database or revised motor vehicle records, to the Transportation, Public Safety, and Appropriations committees.

EFFECTIVE DATE: Upon passage

### **§ 20 — CANNABIS EDUCATION IN EIGHT-HOUR SAFE DRIVING COURSE**

*Specifically requires that cannabis be covered in the eight hour safe driving practices course and additionally requires that the course include a video presentation specific to cannabis's impact on drivers*

By law, adult instruction permit and youth instruction permit holders

must complete an eight-hour safe driving practices course before obtaining a driver's license. The course must include at least four hours on (1) the nature and the medical, biological, and physiological effects of alcohol and drugs; (2) how they impact a driver; (3) the dangers associated with driving after consuming alcohol or drugs; (4) the problems of alcohol and drug abuse; and (5) the penalties for alcohol and drug-related motor vehicle violations.

The bill (1) specifically requires that the drugs covered include cannabis and (2) additionally requires that the course include a video presentation specific to cannabis's impact on drivers and how ingesting cannabis can impair motor function, reaction time, perception, and peripheral vision.

EFFECTIVE DATE: October 1, 2023

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable Substitute

Yea 36 Nay 0 (03/10/2023)