

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 23-40—sSB 994
Transportation Committee
Judiciary Committee

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE DEPARTMENT OF MOTOR VEHICLES, STUDYING AN EMERGENCY CONTACT INFORMATION DATABASE OR REVISIONS TO MOTOR VEHICLE RECORDS AND CONCERNING THE SAFETY DRIVING COURSE, MOTOR VEHICLE DEALERS AND REPAIRERS, MOTOR VEHICLE SAFETY RECALLS, THE KNOWLEDGE TEST FOR AN OPERATOR'S LICENSE, RECIPROCAL RECOGNITION OF DRIVER TRAINING REQUIREMENTS, TRESPASS ON WATERSHED LAND, EMERGENCY LIGHTS, REMOVABLE WINDSHIELD PLACARDS, SCHOOL BUSES, REGISTRATION CERTIFICATES AND MINOR REVISIONS TO MOTOR VEHICLE STATUTES

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§ 40 — DUPLICATE REGISTRATION FEE

Eliminates the fee for duplicate registration certificates provided online, conforming to existing agency practice

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Makes two technical corrections

SUMMARY: This act 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. creates an Accessible Parking Advisory Council and charges it with developing a strategy to deter, detect, and prevent fraud and misuse related to issuing and using placards, among other things;
4. requires the knowledge test for a class D license to be offered in 26 additional languages;
5. requires repairers, certain businesses, and emissions inspectors to check whether a vehicle is subject to an open safety recall when they provide services for the vehicle and give the vehicle owner written notice about the

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recall;

6. 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
7. 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 and makes other related changes conforming with federal law

The act makes several changes related to the Drug and Alcohol Clearinghouse to conform to federal law. The clearinghouse is an online database maintained by the Federal Motor Carrier Safety Administration (FMCSA) that gives employers and government agencies access to information about CDL and commercial learner's permit (CLP) holders' drug and alcohol program violations (e.g., positive drug or alcohol test results and test refusals).

The act delays, from January 6, 2023, to November 18, 2024, the start date for DMV to begin complying with FMCSA 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 FMCSA's extended compliance date (86 Fed. Reg. 55718).

The act also requires DMV to request records from the clearinghouse when a driver applies for, renews, transfers, or upgrades a CLP and incorporates provisions from federal law on the actions the commissioner must take when he receives information from the clearinghouse that a CDL or CLP holder or applicant is prohibited from operating a commercial vehicle. Specifically, the commissioner must refuse to issue, renew, or upgrade the CDL or CLP, downgrade the CDL to a class D license, or cancel the CLP, as applicable. Anyone subject to these actions must be given opportunity for a hearing under the Uniform Administrative Procedure Act.

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; requires previously issued licenses to remain valid until they expire; requires DMV to notify licensed limited repairers of these changes

Prior law required businesses seeking to repair motor vehicles to obtain either a repairer's or limited repairer's license, depending on the type of work performed. It generally defined "limited repairer" as anyone in the business of making minor repairs to motor vehicles, 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 act eliminates the separate license for limited

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repairers, instead requiring that people engaging in the above listed activities have a repairer's license. It correspondingly expands the definition of "repairer" to explicitly include any person or business making the minor motor vehicle repairs described above. The act specifies that all valid limited repairer 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. By July 12, 2023, DMV must notify, in writing, each licensed limited repairer (1) that the limited repairer's license will not be renewed as of January 1, 2024, and (2) how to get a repairer's license.

By law, unchanged by the act, applicants for a repairer license must provide a \$25,000 surety bond. Prior law required applicants for a limited repairer license to provide a \$10,000 surety bond.

By law, unchanged by the act, 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 notify limited repairers is effective upon passage.

§ 6 — DEALER AND REPAIRER PLATES

Allows the DMV commissioner to issue dealer and repairer plates at his discretion, rather than based on the dealers' and repairers' 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 (i.e., dealer and repairer plates).

The act allows the DMV commissioner to issue these registrations to dealers and repairers as he deems necessary. Prior law generally limited new car dealers to one registration per year for every 10 sales transactions and used car dealers, repairers, and limited repairers to three registrations per year, but allowed them to apply for additional registrations, which the DMV commissioner could issue as he deemed necessary.

EFFECTIVE DATE: January 1, 2024

§ 14 — DRIVING SCHOOL LICENSEE RENEWALS

Specifically requires driving school licensees to be fingerprinted and undergo background checks when renewing their license

The act specifically requires that driving 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 as existing law requires.

EFFECTIVE DATE: July 1, 2023

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§ 15 — CAR SEAT VIOLATION FINE CANCELLATION

Allows the court to waive the 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 act allows the court, within 14 days after the violation but before imposing the fine, to waive the fine for 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 act, 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 & 20-22 — 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, to an infraction, the penalty for using someone else's driver's license or using a registration on a vehicle other than the one for which it was issued; increases the maximum fine for certain other violations by classifying them as class D misdemeanors

The act 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 (see [Table on Penalties](#)). Previously, it was punishable by a fine of up to \$100.

The act 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. Under prior law, violators faced a fine of up to \$500, up to 30 days in prison, or both. Under the act, a violation is an infraction.

Under prior law, certain violations related to counterfeiting or altering a credential were punishable by a fine of up to \$200, up to 30 days in prison, or both. The act classifies these violations as class D misdemeanors. 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. giving, loaning, or selling an altered or counterfeit license plate, marker, registration, or driver's license.

Lastly, the act makes a minor change classifying the following violations as infractions, conforming to current practice: (1) illegally selling or loaning a DMV-issued license plate, marker, or registration and (2) loaning a DMV-issued license for use by another person. The act also makes numerous technical and conforming changes (§§ 17-18 & 20-22). As under existing law, a person convicted of loaning

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or selling a DMV-issued driver's license, license plate, marker, or registration is subject to license suspension of at least 90 days for a first violation and at least five years for a second violation.

EFFECTIVE DATE: October 1, 2023

§ 19 — EMERGENCY CONTACT STUDY

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

The act 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 wants 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.

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

EFFECTIVE DATE: Upon passage

§ 23 — DEALER ELECTRONIC REGISTRATION FILING

Extends the electronic registration filing requirement to dealers that file an average of five, rather than seven, applications per month

The act potentially increases the number of car dealers who must file applications for permanent vehicle registrations electronically. It does so by extending the electronic filing requirement to dealers who file, on average, at least five applications monthly, rather than at least seven, as under prior law.

Existing law, unchanged by the act, allows dealers to request an exemption from electronic filing due to hardship (e.g., lacking access to a device capable of communicating electronically).

EFFECTIVE DATE: July 1, 2023

§§ 24-26 — NOTICE OF SAFETY RECALLS

Requires repairers, certain businesses, and emissions inspectors to check whether a vehicle is subject to an open safety recall when they provide services for the vehicle and give the vehicle owner written notice about the recall

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The act requires the following people to determine whether a motor vehicle is subject to an open recall:

1. a licensed repairer or a person, firm, or corporation engaged in the business of changing a vehicle's oil or tires and tubes, when performing repair work or changing the oil or tires and tubes of a vehicle, and
2. an authorized emissions inspector when doing an inspection.

The repairer, business, or inspector must do so by checking information provided by the manufacturer or another known and readily available source, such as the National Highway Traffic Safety Administration. If the vehicle is subject to one or more open recalls, the repairer, business, or inspector must give the vehicle owner written notice, including a description of each recall and a statement that it may be repaired or modified by a manufacturer-approved dealer at no cost to the owner, unless federal law provides a different remedy.

The act specifies that it does not alter the liability under common law of any motor vehicle manufacturer or dealer approved by the manufacturer to repair or modify a vehicle subject to an open recall. Repairers, businesses, independent contractor-inspectors, and their employees are not liable for any act or omission related to the act's notice requirements.

Under the act, an "open recall" is a safety-related recall for which a manufacturer has provided notice under federal law and that requires an authorized dealer to repair or modify a vehicle. It does not include a recall (1) related to defects or noncompliance with labeling or notice requirements in an owner's manual or (2) where the remedy is for the manufacturer to buy back the vehicle or otherwise give financial compensation to the vehicle owner.

EFFECTIVE DATE: October 1, 2023

§ 27 — CANNABIS EDUCATION IN EIGHT-HOUR SAFE DRIVING COURSE

Specifically requires that cannabis be covered in the eight-hour safe driving practices course for youth instruction permit holders and requires that the course include a video presentation specific to cannabis's impact on drivers

By law, adult and youth instruction permit holders must complete an eight-hour safe driving practices course before getting 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.

For youth instruction permit holders, the act (1) specifically requires that the drugs covered include cannabis and (2) 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

§§ 27 & 28 — KNOWLEDGE TEST LANGUAGES

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Requires the knowledge test for a class D license to be administered in at least 26 additional languages that the DMV commissioner, in consultation with specified groups, determines are responsive to the state's emerging immigrant and refugee populations; requires the commissioner to report certain information on these tests to the legislature

Language Requirements

By law, the class D driver's license knowledge test must be offered in English, Spanish, and any language spoken at home by at least 1% of the state's population, based on the most recent U.S. decennial census. Under prior law, the test could be administered in the form the commissioner deemed appropriate, including audio, electronic, or written testing. The act instead requires that the test be offered in electronic and audio format and any other format the commissioner deems appropriate, conforming to agency practice.

The act additionally requires that the test be administered, electronically or in writing, in at least 26 other languages that the DMV commissioner determines are responsive to the language needs of the state's emerging immigrant and refugee populations. In making this determination, the commissioner must consult with organizations advocating for or assisting immigrants, refugees, or other English language learners. Knowledge tests offered in these other languages must be reviewed by a fluent speaker and may also be offered in audio format as the commissioner deems appropriate.

By law, unchanged by the act, the commissioner must require a driver's license applicant to have sufficient understanding of English to interpret traffic control signs.

Report

By February 1, 2024, the DMV commissioner must report to the Transportation Committee on administering the knowledge test in different languages. The report must do the following:

1. identify the languages that the commissioner determined were responsive to the linguistic needs of the emerging immigrant and refugee populations;
2. state the number of requests the department received for a test in a specific language from April 1, 2023, to January 1, 2024; and
3. recommend which languages, if any, should be administered in electronic or audio format and the level of funding the department needs to do so.

EFFECTIVE DATE: October 1, 2023, except the report provision is effective upon passage.

§ 29 — DRIVER TRAINING RECIPROCITY WITH TAIWAN

Requires the DMV commissioner to give the Transportation Committee a status report about a reciprocal agreement with Taiwan for recognizing driver training requirements

By February 1, 2024, the act requires the DMV commissioner to submit a status report to the Transportation Committee about a reciprocal agreement with Taiwan

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for recognizing driver training requirements.

EFFECTIVE DATE: Upon passage

§ 30 — DEALER AND REPAIRER CERTIFICATES OF APPROVAL

Transfers authority to issue motor vehicle dealer and repairer certificates of approval from a municipality's zoning board of appeals to its zoning enforcement official

With limited exceptions, the law requires a business applying to the DMV for a motor vehicle dealer's or repairer's license to submit a certificate of approval from the municipality where the business intends to locate. (These certificates indicate the municipality has determined the location is suitable and has been approved by the local building official and fire marshal.) The act transfers authority to issue certificates of approval from the municipality's zoning board of appeals (or if the municipality does not have one, the entity designated by local law) to its zoning enforcement official.

Under the act, the zoning enforcement official must determine whether the proposed location and use complies with the municipality's zoning regulations. Prior law specified no criteria for the zoning board of appeals, or other designated municipal entity, to consider when reviewing these applications (see *Background — Certificate of Approval Suitability Criteria*).

By law, unchanged by the act, individuals aggrieved by decisions on certificates of approval may appeal to the Superior Court after exhausting all administrative remedies (CGS §§ 14-57 & 4-183).

EFFECTIVE DATE: July 1, 2023

Background — Certificate of Approval Suitability Criteria

Prior to 2003, state law required specific suitability criteria to be considered when reviewing certificate of approval applications. These criteria included, among other things, the proposed location's relation to schools, churches, and traffic conditions, and its effect on public traffic (CGS § 14-55, repealed by PA 03-184; see also *One Elmcroft, LLC v. Stamford Zoning Board of Appeals*, 337 Conn. 806 (2021)).

§ 31 — SIMPLE TRESPASS ON WATERSHED LAND

Establishes a separate, specific infraction for simple trespass of public water supply watershed land that is owned, controlled, or managed by a water company

By law, a person is guilty of simple trespass when, knowing that he or she is not authorized to do so, he or she enters or remains on any premises without intent to harm it (CGS §53a-110a). Simple trespass is an infraction (see [Table on Penalties](#)) subject to a \$50 fine plus surcharges.

The act establishes a separate, specific violation for simple trespass of public water supply watershed land that is owned, controlled, or managed by a "water company" (i.e., an individual, municipality, or other entity that owns, maintains,

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operates, manages, controls, or employs any pond, lake, reservoir, well, stream, or distribution plant or system that supplies water to two or more consumers or at least 25 people on a regular basis). Under the act, a person is guilty of this violation when, knowing that he or she is not authorized to, he or she enters or remains on the land without lawful authority or the water company's consent. Violators commit an infraction and are subject to a \$90 fine.

EFFECTIVE DATE: October 1, 2023

§ 32 — “MOVE OVER” LAW EXPANSION

Requires drivers, when approaching a stationary or slow-moving emergency vehicle on a two-lane road, to slow down until they have safely passed the vehicle; extends the existing enhanced penalties for violations causing an emergency vehicle driver's injury or death to include violations causing an emergency vehicle occupant's death or injury

The state's “move over” law requires drivers, when approaching slow or stationary emergency vehicles in the shoulder, lane, or breakdown lane, to (1) immediately slow down to a speed reasonably below the speed limit and (2) if traveling in the lane adjacent to the shoulder or lane with the emergency vehicle, move over one lane unless it would be unsafe to do so.

Previously, the move over law applied only on public roads with at least two travel lanes going in the same direction. The act extends the law to two-lane roads (i.e., those with two lanes of undivided traffic proceeding in opposite directions), requiring drivers approaching an emergency vehicle that is stationary or moving slowly in the shoulder, lane, or breakdown lane to immediately slow down to a reasonable speed below the speed limit until they are safely clear of the emergency vehicle.

By law, violations of the “move over” law are generally infractions (see [Table on Penalties](#)). However, violators are subject to higher fines if the violation results in an emergency vehicle driver's injury (up to \$2,500) or death (up to \$10,000). The act additionally applies these enhanced penalties to violations that result in the death or injury of an emergency vehicle occupant.

EFFECTIVE DATE: October 1, 2023

§§ 33 & 34 — ACCESSIBLE PARKING PERMIT

Requires placards used by people with certain disabilities or blindness to bear the words “Accessibility Parking Permit” and prohibits them from bearing the words “parking permit for persons with disabilities”

The act requires placards used by people with certain disabilities or blindness to bear the words “Accessibility Parking Permit” and, beginning October 1, 2023, prohibits any issued placard from bearing the words “parking permit for persons with disabilities.” However, under the act, any otherwise valid placard issued before this date is valid until it expires.

EFFECTIVE DATE: October 1, 2023

§ 35 — DEATH REGISTRY CHECKS

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Requires the DMV commissioner to check the Department of Public Health's state death registry at least monthly, rather than periodically, conforming to existing DMV practice

The act requires the DMV commissioner to check the Department of Public Health's state death registry at least monthly, rather than periodically as prior law required, and cancel placards issued to deceased people identified in the registry. This change conforms to existing DMV practice.

EFFECTIVE DATE: October 1, 2023

§ 36 — ACCESSIBLE PARKING ADVISORY COUNCIL

Creates an Accessible Parking Advisory Council and charges it with developing a strategy to deter, detect, and prevent fraud and misuse related to windshield placards for people with disabilities, among other things

The act creates an Accessible Parking Advisory Council within DMV for administrative purposes only and tasks the council with the following:

1. developing a strategy to deter, detect, and prevent fraud and misuse related to issuing and using placards;
2. reviewing other states' laws on placard use and issuance;
3. recommending best practices for policies and regulations on placard application, issuance, and use and enforcement of them through fines;
4. identifying and making recommendations on streetscape issues that interfere with the ability of a person with disabilities or blindness to access accessible parking;
5. making educational material available to medical professionals, police officers, and the public on the proper issuance and use of placards; and
6. reviewing the status of lifetime placards (which were issued before January 1, 2010).

Membership and Governance

Under the act, the council consists of nine specified members (see table below) and any other members the council decides to include. Initial appointments must be made by September 1, 2023. Appointed members serve two year terms but may continue serving after the term expires until a successor is appointed. Vacancies must be filled by the appointing authority.

Advisory Council Membership

Description	Appointing Authority
DMV commissioner or designee	N/A
Department of Aging and Disability Services (ADS) commissioner or designee	N/A
Two licensed physicians, physician assistants, or advanced practice registered nurses who certify placard applications in the course of their employment	DMV commissioner

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<i>Description</i>	<i>Appointing Authority</i>
Representative of an advocacy organization for people with physical disabilities	ADS commissioner
Municipal planner	Transportation Committee House chairperson
Two accessible parking users or advocates	Transportation Committee Senate chairperson and House ranking member (one each)
Municipal police officer	Transportation Committee Senate ranking member

The DMV commissioner, or his designee, serves as the council’s chairperson. The council must meet as it determines is necessary and may make rules governing its internal procedures.

Reporting

Starting in 2025, the act requires the council to annually report to the Transportation Committee by January 1 on the strategy it developed, its findings, and any legislative recommendations.

EFFECTIVE DATE: Upon passage

§ 37 — GPS USE ON SCHOOL BUSES

Allows school bus drivers to use certain DMV-approved mobile electronic devices for navigation

The act creates an exception to the distracted driving law for school bus drivers using certain mobile devices for navigation. Prior law generally prohibited school bus drivers from using any mobile electronic device, including hands-free devices, except in an emergency. By law, a “mobile electronic device” is any handheld or portable electronic equipment that can provide data communication between two or more people, but excludes certain devices installed in a motor vehicle (e.g., navigation devices).

Under the act, drivers may use a mobile electronic device with a video display if it is (1) used as a global positioning system (GPS) or for navigation, (2) securely attached inside the school bus near the driver, and (3) approved by DMV.

EFFECTIVE DATE: July 1, 2023

§ 38 — SCHOOL BUS DRIVER ROAD TESTS

Requires DMV to prioritize scheduling road tests for people seeking or renewing a public passenger endorsement to drive a school bus

The act requires DMV to prioritize scheduling road tests for people seeking or renewing a public passenger endorsement to drive a school bus.

EFFECTIVE DATE: July 1, 2023

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§ 39 — SCHOOL BUS DRIVER SHORTAGE STUDY

Requires the DMV commissioner to study and make recommendations on policies or initiatives to respond to the nationwide school bus driver shortage

The act requires the DMV commissioner to study and make recommendations on policies or initiatives to respond to the nationwide school bus driver shortage. The study must at least consider increasing CDL validity from four to five years and streamlining the licensing and renewal processes for a public passenger endorsement to operate a school bus. The commissioner must submit the study's results and recommendations to the Transportation Committee by February 1, 2024.
EFFECTIVE DATE: Upon passage

§ 40 — DUPLICATE REGISTRATION FEE

Eliminates the fee for duplicate registration certificates provided online, conforming to existing agency practice

The act limits the application of the \$20 fee for a duplicate registration certificate to those provided at a DMV office or by a contractor. In doing so, it eliminates the fee for duplicate certificates provided online, conforming to existing agency practice.
EFFECTIVE DATE: Upon passage

§§ 41 & 42 — TECHNICAL CHANGES

Makes two technical corrections

The act makes two technical changes to correct statutes on (1) the Connecticut Hydrogen and Electric Automobile Purchase Rebate Advisory Board and (2) extensions of time for emissions compliance.
EFFECTIVE DATE: July 1, 2023