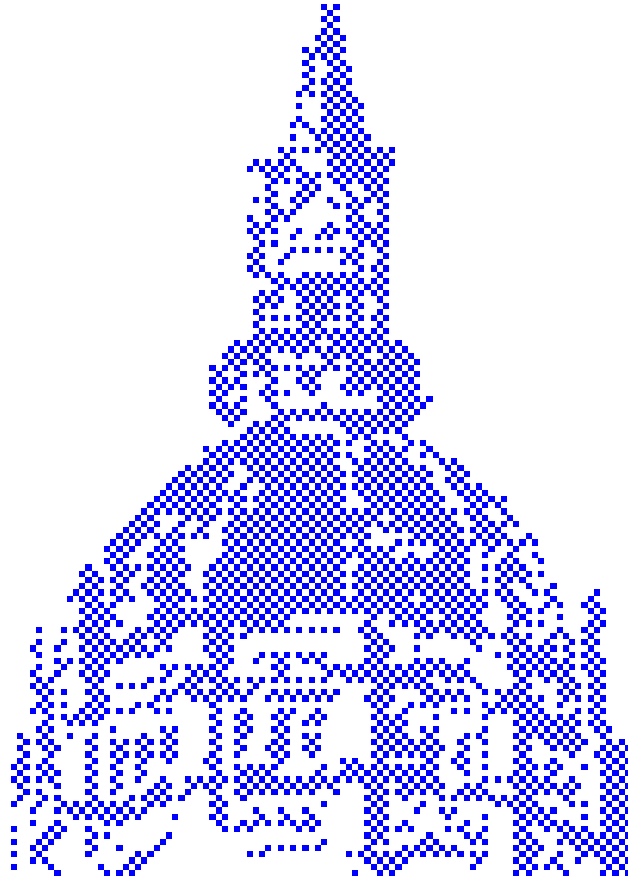




ACTS AFFECTING TRANSPORTATION



2015-R-0171

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NOTICE TO READERS

This report provides highlights of new laws (public acts) affecting transportation enacted during the 2015 regular and special legislative sessions. In each summary, we indicate the public act (PA) number.

Not all provisions of the acts are included here. Complete summaries of all 2015 public acts are available on OLR's webpage:

<https://www.cga.ct.gov/olr/olrsums.asp>

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, the House Clerk's Office, or the General Assembly's website: <http://www.cga.ct.gov>.

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AUTOCYCLES AND MOTORCYCLES

A new law allows the Department of Motor Vehicles (DMV) to register "autocycles," a three-wheeled vehicle it defines as a type of motorcycle. It (1) allows drivers to operate autocycles with a standard "class D" license and (2) subjects autocycle operators to insurance requirements and other laws applicable to motorcycles and motor vehicles.

The act also makes minor changes to laws affecting motorcycle operators, including (1) creating a separate license endorsement allowing people to drive three-wheeled (but not two-wheeled) motorcycles, (2) requiring passengers under age 18 to wear helmets when riding on certain vehicles, including certain motorcycles and motor scooters, and (3) subjecting motorcycles, including autocycles, to laws on odometers and towing.

([PA 15-46](#), effective July 1, 2015)

AUTOMOBILE INSURANCE

DMV Insurance Verification

New legislation requires DMV to establish an online insurance verification system in order to, among other things, (1) confirm that a vehicle owner or operator obtains and continuously maintains the insurance coverage required by law and (2) reduce the number of uninsured motor vehicles in the state. Insurers must submit certain motor vehicle insurance

records to DMV, and DMV must, at least monthly, use the records to (1) update the system's database, (2) match the records to DMV's vehicle and owner information, and (3) compare them with all current vehicle registrations.

([PA 15-5, June Special Session](#), §§ 229 - 232, effective upon passage)

AVIATION

Connecticut Airport Authority

New legislation generally transfers the jurisdiction over airports and air travel (i.e., aeronautics) in the state from the Department of Transportation (DOT) to the Connecticut Airport Authority (CAA), except that the DOT commissioner retains jurisdiction over the taking of property connected with airports. This conforms to existing law and current practice.

It also (1) transfers CAA's airport development zone administrative functions to the Department of Economic and Community Development (DECD), (2) allows the CAA board to authorize the executive director to make certain nonbudgeted expenditures, and (3) requires the CAA advisory committee to include a representative from western Massachusetts.

([PA 15-192](#), effective upon passage)

BICYCLES

Bicycle Operation and Bikeways

A new law clarifies the responsibilities of bicyclists riding on roads or bikeways and motorists operating near them. Among other things, it (1) allows motorists to pass bicyclists in a marked no passing zone if they can do so safely, (2) specifies where a motorist must park when there is a bikeway between a curb and a parking lane, and (3) expands the circumstances when a bicyclist is not required to ride as close as practical to the right side of the road. It also requires DOT to implement, where appropriate, bikeway and urban street design standards and consider implementing minimum lane widths when doing so allows the addition of a bike lane that meets design standards.

([PA 15-41](#), effective July 1, 2015)

Bikeway Grant Program

The bond act (1) authorizes \$5 million in bonds in each of FY 16 and FY 17 for an existing municipal grant program to establish bikeways, pedestrian walkways, and greenways and (2) expands the purposes of the program to allow a wider range of potential projects and grant recipients. It expands the program to cover recreational trails and makes private nonprofit institutions, agencies, districts, and other organizations eligible for grants.

([PA 15-1, June Special Session](#), § 65, effective July 1, 2015)

BOATS AND BOATING

Operating a Vessel for Water Skiing

A new law requires people who operate a vessel for water skiing to be at least age 16 and hold specified licenses and certificates, including a Department of Energy and Environmental Protection (DEEP)-issued safe water skiing endorsement. The new law requires DEEP to amend its regulations to require that safe boating operation courses (1) include content on safe water skiing and (2) provide procedures for issuing and revoking safe water skiing endorsements.

([PA 15-25](#), most sections effective October 1, 2015)

Another new law allows the amended water skiing regulations to include provisions establishing a fee for a safe water skiing endorsement and an alternative online course for the endorsement.

([PA 15-5, June Special Session](#), § 412, effective upon passage)

DOT OPERATION

Competitive Bids on Contracts Paid for with U.S. Department of Transportation Funds

The act exempts contracts that may be paid for with U.S. Department of Transportation funds from certain aspects of the Department of Administrative Services' (DAS) selection process for (1) competitively bid contracts and (2) proposals submitted in response to a DAS request. This effectively means such contracts must be awarded to the lowest responsible qualified bidder or most advantageous proposer.

([PA 15-5, June Special Session](#), § 221, effective upon passage)

DOT Alternative Construction Projects

By law, the DOT commissioner may designate certain projects to be built using alternatives to the traditional "design-bid-build" construction process. Such alternatives include the "construction manager at risk" (CMAR) and "design-build" processes. A new law, among other things, (1) makes changes to laws governing CMAR contracts, (2) extends how long DOT may continue to use consultants on projects using alternative construction methods, and (3) requires DOT to create a program to train its employees to support alternative project delivery methods.

([PA 15-5, June Special Session](#), §§ 159 & 160, effective upon passage)

DOT Land Acquisition

The law allows DOT to buy or condemn land for state highways, bridges, highway maintenance storage areas, and garages. Under prior law, the commissioner, if he determined it was in the state's best interest, could buy, lease, or otherwise acquire or exchange land, buildings, or both for use as a (1) highway maintenance storage area or (2) garage. The act extends this authority to include the acquisition of such property for more general highway or bridge uses. The act also makes a few changes to laws allowing property owners to live or operate a business rent-free for a period of time on property DOT acquires.

([PA 15-5, June Special Session](#), § 158, effective upon passage)

DRIVER'S LICENSES

Driver Training for People with Medically Withdrawn Licenses

A new law authorizes the DMV commissioner to allow people whose licenses have been withdrawn for medical reasons to drive while being trained by a licensed driving instructor or while taking a road test with a motor vehicle testing agent. The affected person must (1) not have a health condition that prevents him or her from driving safely and (2) pass a road test to have his or her license reinstated.

The act also allows the commissioner to permit people who have had their licenses withdrawn because of a physical or mental disability to drive with an instructor from the Department of Rehabilitation Services' (DORS) driver training program. After a driver successfully completes the program, the DMV commissioner may waive the road test and issue a driver's license with any restrictions DORS recommends.

([PA 15-5, June Special Session](#), §§ 196 & 207, effective upon passage)

Identity Documents for "Drive Only" Licenses

A new law changes the types of documents that applicants for a "drive only" license may submit to DMV as proof of identity. Existing law requires drive only license applicants to provide DMV with certain documents to prove their identity. The law classifies these documents as either primary or secondary proofs of identity.

Starting July 1, 2015, the new law (1) reduces, from three to two, the types of documents considered primary proof of identity; (2) adds two types of documents that DMV may accept as secondary proof of identity; and (3) bars DMV from accepting three types of documents the law previously allowed as secondary proof.

The act also prohibits applicants from submitting photocopies, notarized photocopies, or noncertified documents

as proof of (1) identity or (2) residency. Starting July 1, 2016, the back of each drive only license must contain a statement that it cannot be used for voter identification purposes.

([PA 15-79](#), effective July 1, 2015, except the provision adding the statement on the back of the drive only license takes effect July 1, 2016)

Issuing and Renewing Licenses

New legislation allows the DMV commissioner to issue or renew any license, permit, or identity card by any method he deems secure and efficient. These methods may include producing these documents at a centralized location and mailing them to an applicant. Specifically, it allows the commissioner to issue temporary licenses, permits, and cards to an applicant until he or she receives the permanent one by mail. These temporary documents are valid for 30 days or until the applicant receives the permanent one, whichever is earlier.

([PA 15-5, June Special Session](#), § 199, effective upon passage)

Limited License Study

New legislation requires the DMV commissioner to review DMV's issuance of limited licenses. By law, the commissioner may issue a license, with any limitations he deems appropriate, to a person with a health condition that may affect his or her ability to drive, provided the applicant demonstrates that he or she can drive safely.

Under the act, the review must (1) consider the criteria used by DMV to issue or renew limited licenses, (2) compile limited license holders' driving record data, and (3) consider whether the limitations imposed ensure the safety of the public while recognizing the needs of limited license holders. DMV must report the results of the review to the Transportation Committee by February 1, 2016.

([PA 15-5, June Special Session](#), § 219, effective upon passage)

Medical Advisory Board

By law, the Motor Vehicle Operator's License Medical Advisory Board advises the DMV commissioner on the medical aspects and concerns of licensing motor vehicle operators. The act allows physician assistants and advanced practice registered nurses to (1) serve on the board and (2) complete physicals and medical reports requested by the board for the purposes of licensing decisions. Under prior law, only physicians and optometrists could perform these functions. The act also allows these physicals and medical reports to be completed by medical professionals licensed out of state.

([PA 15-5, June Special Session](#), §§ 205 & 206, effective upon passage)

Medical Permits for People with Suspended Licenses

Existing law allows certain people whose licenses have been suspended to apply for special work or education

permits that allow them to drive to and from work, higher education institutions, or private occupational schools. Under the act, individuals may also apply for medical permits that allow them to drive to and from ongoing, medically necessary treatment. Individuals may not apply for this permit until DMV adopts regulations specifying the qualifications needed to obtain the permit. The act also makes a conforming change.

([PA 15-5, June Special Session](#), §§ 222 & 223, effective upon passage)

HARBORS AND PORTS

Connecticut Port Authority

A new law (1) establishes the quasi-public Connecticut Port Authority starting July 1, 2015, (2) explicitly extends the authority's jurisdiction to state harbors and ports, and (3) transfers authority over maritime and most harbor and port-related laws from DOT to the authority as of July 1, 2016. Among other things, the authority must (1) coordinate state port development, focusing on private and public investments, and (2) work with DECD and state, local, and private entities to maximize the ports' and harbors' economic potential.

The new law also (1) transfers from DOT to DEEP the powers and duties of existing harbor boards and boards of harbor commissioners and (2) places harbor masters under the direction and control of DEEP, rather than DOT.

([PA 15-5, June Special Session](#), §§ 1-39, 519 & 523, most provisions effective July 1, 2016)

Marine Pilot Licensing

The act creates an alternative path for applicants to get marine pilot licenses and transfers the administration of marine pilot licensing from DOT to the Connecticut Port Authority starting in 2016. Specifically, the act adds an alternative “extension of route” in which a license applicant already licensed by DOT for eastern Long Island Sound and at least one of the ports of Bridgeport, New Haven, or New London may, under certain conditions, obtain a license for state waters, including the Connecticut waters of the Sound.

([PA 15-5, June Special Session](#), §§ 22, 165, & 166, effective upon passage, except the provision transferring licensing to the Port Authority is effective July 1, 2016)

HIGHWAY SAFETY

Enhanced Accident Response Plan

The act requires the commissioners of DOT, emergency services and public protection, and DEEP to report, by January 1, 2017, to the Environment, Public Safety and Security, and Transportation committees on the development and implementation of an enhanced accident response plan.

The report must include a description of, among other things, (1) existing programs and policies, (2) interagency initiatives to ensure a prompt, coordinated, and efficient response to accidents or other traffic incidents, and (3) any federal programs to improve accident or traffic incident response, including the availability of federal funding to implement them.

([PA 15-5, June Special Session](#), § 164, effective upon passage)

“Hit and Run” Penalties

A new law increases the penalty for drivers who fail to stop after being involved in accidents causing serious physical injury or death. It doubles the (1) prison penalty from between one and 10 years to between two and 20 years and (2) maximum fine from \$10,000 to \$20,000.

([PA 15-211](#), § 28, effective October 1, 2015)

MOTOR VEHICLE DEALERS AND REPAIRERS

Aftermarket Parts and Warranties

A new law requires new car dealers to provide a written statement, as specified in the act, notifying a purchaser that federal law prohibits voiding a warranty simply because aftermarket or recycled parts were used on the vehicle or someone other than

the dealer serviced the vehicle. The act does not specify any penalties for failing to provide the notice.

Under the act, an “aftermarket part” is one made by a company other than the vehicle manufacturer or original equipment manufacturer, and a “recycled part” is a part made for and installed in a new vehicle by the manufacturer or the original equipment manufacturer and later removed from the vehicle and made available for resale or reuse.

([PA 15-230](#), effective July 1, 2015)

Dealer Conveyance Fee Changes

A new law changes dealer conveyance fee notification requirements. Among other things, it requires new and used motor vehicle dealers to (1) notify prospective buyers that dealer conveyance fees are negotiable and (2) state the conveyance fee separately in vehicle advertisements and when quoting the vehicle sale price. It also requires the Legislative Program Review and Investigations Committee (PRI) to compile information on conveyance fees and report to the Transportation Committee by January 15, 2016.

([PA 15-5, June Special Session](#), §§ 426-428, effective July 1, 2015)

Motor Vehicle Franchise Agreements

A new law makes changes in and clarifies some of the legal duties that motor vehicle manufacturers and distributors owe the motor vehicle dealers with whom they have franchise agreements.

Among other things, it addresses (1) manufacturers’ and distributors’ right of first refusal to acquire a motor vehicle franchise from a dealer, (2) manufacturer or distributor “charge backs” for false or unsubstantiated claims, and (3) inventory compensation on termination of a franchise agreement.

([PA 15-191](#), October 1, 2015)

RAILROADS

Commuter Rail Branch Lines

The act requires DOT to continue planning to improve the Danbury, New Canaan, and Waterbury branch rail lines, including upgrading and electrifying them. The department must report by January 6, 2017 to the Transportation Committee on its progress and provide additional updates to the committee on request.

([PA 15-5, June Special Session](#), § 164, effective October 1, 2015)

Indemnification of Metro North and the Operator of the Hartford Line

The act allows the DOT commissioner, if he finds it is in the state's best interest, to indemnify and hold harmless Metro North Railroad against claims brought by Amtrak or other third parties against Metro North related to M-8 rail car operation on Amtrak property, provided the indemnification does not relieve Metro North of liability for its willful or negligent acts or omissions.

The act also allows the commissioner to indemnify and hold harmless the operator of the new rail passenger service on the New Haven-Hartford-Springfield line if (1) he finds it is in the state's best interest to do so and (2) Amtrak requires the operator to indemnify it and hold it harmless. DOT has not yet selected an operator for this service.

([PA 15-5, June Special Session](#), §§ 161, effective upon passage)

State Rail Line Study

New legislation requires the DOT commissioner to study options for the operation of state rail lines. He must report to the Transportation Committee on his findings by January 1, 2017.

Among other things, the commissioner must study (1) rail line operators and the services they provide, (2) the structure and governance of rail lines subject to contracts, (3)

performance standards and enforcement methods, and (4) the competitive procurement of rail operation contracts.

([PA 15-5, June Special Session](#), § 169, effective upon passage)

TRANSPORTATION FUNDING

Bonding for Transportation Projects

The bond act authorizes new general obligation bonds for transportation projects and programs as follows: (1) up to \$17.5 million in FY 16 and FY 17 for grants for port, harbor, and marina improvements, at least \$5 million of which must be used for ports, harbors, and marinas other than the deep water ports of Bridgeport, New Haven, and New London; (2) up to \$60 million in each of FY 16 and FY 17 for the Town-Aid Road program; (3) up to \$5 million in FY 16 for a pot hole repair assistance program; and (4) up to \$5 million in each of FY 16 and FY 17 for the bikeway grant program (see above).

The act authorizes a total of (1) \$1.375 billion in new special tax obligation (STO) bonds over two years for the transportation infrastructure improvement program and (2) \$2.8 billion in new STO bonds between FY 16 and FY 20 for the Let's Go Connecticut transportation improvement program. It also cancels \$3 million in previously authorized STO bonds

([PA 15-1, June Special Session](#), various effective dates)

Special Transportation Fund (STF) Changes

The budget act requires the Department of Revenue Services to direct a portion of sales tax revenue to the STF according to a schedule that increases the amount directed over three fiscal years, from 4.7% of sales tax revenue in FY 16 to 7.9 % of sales tax revenue in FY 18. It also (1) eliminates statutorily scheduled transfers from the General Fund to the STF and (2) directs all petroleum products gross earnings tax revenue to the STF, rather than requiring that a portion of the tax attributable to the sale of gasoline be transferred to the fund.

([PA 15-244](#), §§ 74, 91 & 92; effective July 1, 2015, except for the provision directing a portion of the sales tax to the STF, which are effective upon passage and applicable to sales occurring on or after October 1, 2015)

New legislation allows STF money to be used to pay for (1) boating regulation and enforcement by DEEP and (2) the Department of Social Services' transportation for employment independence program.

([PA 15-5, June Special Session](#), § 40, effective July 1, 2015)

STF Statutory "Lockbox"

A new law requires STF funds to be used for transportation purposes only, including paying debt service on state obligations incurred for transportation

purposes. It replaces a previously authorized, more general provision restricting the use of STF funds.

The new law requires all funds that must be deposited in the STF on or after June 30, 2015 continue to be deposited in the STF as long as the state collects them. It also requires any money the state receives or collects from the use of highways, expressways, or ferries to be deposited in the STF, except as necessary to pay debt service on bonds incurred for transportation purposes.

([PA 15-5, June Special Session](#), §§ 432, 433, & 514, effective upon passage)

TRUCKS AND TRUCKING

Commercial Driver's License (CDL) Changes

Federal law requires that state CDL laws be consistent with federal regulations. A new law conforms state law to federal regulations regarding self-certification and medical certificates.

Among other things, it requires (1) people applying for or renewing a CDL to self-certify the type of commerce in which they expect to or currently engage; (2) CDL applicants and holders to have their medical certificates completed by a federally-certified medical examiner who is listed on the national registry; and (3) DMV to downgrade, to a Class D operator's

license, the CDL of anyone who does not meet these requirements.

([PA 15-5, June Special Session](#), §§ 201, 202, & 204, effective upon passage)

Unemployment Benefits for Individuals Who Lose Their Driver's License

A new law expands the circumstances in which a private-sector employer can discharge or suspend an employee without affecting the employer's unemployment taxes. It creates a "non-charge" against an employer's experience rate for employees discharged or suspended because they failed a drug or alcohol test while off duty and subsequently lost a driver's license needed to perform the work for which they were hired. (Existing law disqualifies a person from operating a commercial motor vehicle for one year if he or she is convicted of driving under the influence.) In effect, this new law allows the discharged or suspended employee to collect unemployment benefits without increasing the employer's unemployment taxes.

([PA 15-158](#), effective October 1, 2015)

WRECKERS, TOWING, AND BOOTING

Booting Vehicles

A new law regulates the use of wheel locking devices used to immobilize unauthorized vehicles on private property (i.e., "booting"). Among other things, the act (1) establishes signage and notification requirements, (2) limits boot removal fees to \$50 or less, and (3) imposes penalties on those who violate its provisions.

([PA 15-42](#), effective October 1, 2015)

Signs Required to Tow or Boot Vehicles

New legislation requires that owners or lessees of private commercial property, in order to tow or boot vehicles, post conspicuous signs on the property stating that unauthorized vehicles may be booted or towed along with information on (1) where towed or booted vehicles may be stored, (2) how vehicles can be redeemed, and (3) fees that may be charged.

Another new law creates several exceptions to this rule, such as allowing private commercial property owners or lessees to tow vehicles parked in an area reserved for emergency vehicles without posting signs.

([PA 15-42](#) and [PA 15-5, June Special Session](#), § 233, both effective October 1, 2015)

Towing Vehicles for Repossession

A new law expressly permits lending institutions to repossess vehicles by contracting with a licensed wrecker or an entity that is exempt from licensure. In doing so, it applies a number of existing laws governing towing unauthorized vehicles to vehicles repossessed by towing (e.g., police notification and record retention requirements).

([PA 15-42](#), effective October 1, 2015)

Quick Clearance of Highways

A new law generally exempts wrecker operators from liability for property damage to a vehicle, its contents, or the surrounding area when removing a vehicle blocking a limited access highway travel lane. Under the law, wreckers may remove such a vehicle only at the direction of police or a traffic authority that has determined that the wrecked vehicle's location poses an emergency and a threat to public safety. The wrecker operator must use all reasonable care to limit further damage to the vehicle, its contents, and the surrounding area.

([PA 15-5, June Special Session](#), § 163, October 1, 2015)

MISCELLANEOUS

Dumping Snow in Handicapped Parking Spots

A new law prohibits a private parking area owner or lessee or his or her agent from dumping or placing, or allowing someone else to dump or place, accumulated snow in a handicapped parking spot. Violators face a \$150 fine for a first violation, and a \$250 fine for each subsequent violation.

([PA 15-5, June Special Session](#), § 224, effective October 1, 2015)

License Plate Lottery Study

This act requires DMV to study the feasibility of creating a license plate lottery program and allowing license plate numbers to be sold at an online auction on DMV's website. It must report its findings and recommendations to the Transportation and Finance, Revenue, and Bonding committees by January 1, 2017.

([PA 15-5, June Special Session](#), § 221, effective upon passage)

Men's Health License Plates

This new law allows DMV to issue, beginning January 1, 2016, "Men's Health" commemorative number plates. The DMV and public health commissioners must agree on a plate design that enhances public awareness of efforts to treat and cure prostate cancer. DMV must charge \$60 for the number plates, \$15 of which goes to DMV's administrative costs. DMV must

deposit any fees not designated for administrative costs into the Men's Health account the act establishes.

([PA 15-5, June Special Session](#), § 228, effective upon passage)

Operating Golf Carts on Roads with Out-of-State License

This act permits people with out-of-state driver's licenses to operate a golf cart on roads where such operation is permitted. Prior law restricted such operation to people with Connecticut licenses.

([PA 15-5, June Special Session](#), § 218, effective upon passage)

Serving Notice of Parking Fines by the Hartford Parking Authority

By law, municipalities taking part in a DMV program to facilitate the payment of parking fines must serve notice of the violation in person on the driver or, if the driver is not present, conspicuously place the notice of violation on the vehicle. A new law allows the Hartford Parking Authority, if the driver is not present, to also notify the vehicle's registered owner of the violation by regular or certified mail.

([PA 15-5, June Special Session](#), § 237, effective July 1, 2015)

Young Drivers Transporting Passengers During Emergencies

Existing law establishes certain passenger and hour restrictions for 16- and 17- year old licensed drivers. Prior law made an exception for 16- or 17- year old licensees who are active members of an emergency medical services organization or a volunteer ambulance or fire department when responding to an emergency. This act specifies that such 16- or 17- year olds may transport passengers and drive during restricted hours while returning from, in addition to responding to, emergencies.

([PA 15-5, June Special Session](#), § 220, effective upon passage)

HP:bs