

SB 705

PA 630

1971

Transportation 161-162, 188-189, 558-559

House 5165

Senate 2815-2816

**JOINT
STANDING
COMMITTEE
HEARINGS**

TRANSPORTATION

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Rep. Greene -----got lost in the Senate. It is my fervent hope that it does not get lost anyplace this year. I don't believe I've had any one subject that I've had so much pressure from my school not just P.T.A., but also Administration of the two regional school districts which are in my district. Now I do believe that somebody from - representing both our regional school districts will be here to speak on this bill if they can possibly get away today, but there are many other bills in here, and if I had known all the other bills were going to be in, I would have signed their bill instead of filing one of my own. But I certainly do hope that you ack favorably on - as you did two years ago on this subject of marking part-time school buses. Thank you.

Rep. Stevens 122nd District, Milford. This is the third time, third session that I
HB 5510 I've been here on the same subject, Mr. Chairman, and I would have to honestly say that probably financially it's the worst of the three years to be asking for any Motor Vehicle offices so I had modified my request this year and we in Milford would be extremely pleased if we could only have a part-time Motor Vehicle Department office, not a full-time one which would save the State of Conn. some money. I would like to point out to the Committee some things that I didn't know last time. I have here with me the chart of the Motor Vehicle Dept. that shows the seven districts in the State of Conn. and much to my surprise District 2 in which Milford is located is the only one of the seven districts in the State that has one Motor Vehicle Department office, yet is second to Wethersfield in volume of exams processed in a period of one year. It consists of 18 towns and 514,000 people and is one of the largest districts in population yet again the only district that has but one Motor Vehicle Department office. I think it's important this year to note that the New Haven office is in the process of going to Hamden. It should be there in a period of one to two years which would mean that the entire eastern section of District 2 - western section of District 2, would be without a Motor Vehicle Department service. Milford is, in my opinion an ideal location because Milford is contiguous to a series of five towns that have a total population of 204,000 people, so I think it is ideally situated within the district for a part-time operation, and I'm serious about a part-time operation for two reasons. One, to save money, and two because if we could have a temporary part-time operation for a period of one year, we would learn whether or not there is really enough volume taken away from Hamden, the main office, to justify the State in maintaining part-time operation in another town in District 2, and I would ask the Committee to consider this. I also would just like to speak very, very briefly in opposition to Senate Bill 705 which would exempt from 14-51 to 14-65 Motor Vehicle - to exempt from the Motor Vehicle Dealers Repairers Law, dealers in small trailers, mobile homes, and all terrain vehicles. I think this would be a very serious mistake and a step backward in the State of Conn., because I think today the fact that people who have problems with dealers can go to the Motor Vehicle Department and have some redress for their problem, is important. This would specifically exempt I'm sure things such as snowmobiles which are being sold in a very large volume in the State of Connecticut today and to exempt from the Motor Vehicle Dealers and Repairers Law people who sell these - I think would open the door to fly-by-night operations and the people would have no recourse should a problem develop in the service or the warranty, so I think that rather than exempting we should take a

close look at the Motor Vehicle Repairers Section now and if anything, strengthen it and not let out from under its jurisdiction any dealer such as those specified in Senate Bill #705.

Rep. Reinhold: 71st District - Would you care to enlarge a little on your concept of a part-time Motor Vehicle office?

Rep. Stevens Yes, I'm talking about perhaps two days a week from say 8 in the morning to 4 in the afternoon. This type of an operation. There are sections of the state - when I went to the Univ. of Conn. which is about 13 years ago, the Town of Willimantic had a Motor Vehicle Department office that was not open on a full-time basis, so I say a part-time operation, Rep. Reinhold, I'm talking about perhaps two days a week.

Question inaudible

Rep. Stevens That I don't know, I don't know where they come from. Thank you.

Rep. Morano Greenwich, Conn. There is a Statement of Purpose Bill before the -- in the Legislative Commissioner's Office, dealing with noise pollution - an act establishing a decibel level. Many of you know that three or four years ago the State Research Commission appropriated some \$90,000 for a study to build and develop a machine that would measure decibel levels. This contract was awarded to Columbia Broadcasting System in Stamford, Conn. It was developed by a Dr. Goldmark - I had the pleasure along with Rep. Frate to see this machine in action, experimental project in Darien, Conn. along the Conn. Turnpike. The machine has now been manufactured. It's in the possession of the State Police now being used occasionally in Westport, Conn. The measuring device has been claimed all over the United States and I'm sure soon will be used by many of the states. This is another first for the State of Conn. The Legislative Bill that I have introduced would establish a decibel level. As many of you know, it measures sound. I've corresponded with other states - California, New York and found that these states, although they established a decibel level, do not have equipment to measure it. Connecticut now has the tools to do it. Leading scientists will tell you that the decibel level that they recommend so that it does not do ultimate damage to your ears and your disposition, mood and manner is a decibel level of 86. As I said the bill is being worked on in the Legislative Commissioner's office and it's part of our mass pollution program. First of course, being noise pollution. I would hope that you would withhold any action on any of your noise bills - noise pollution bills until the Legislative Commissioner's office is able to produce a copy of this bill for your study before making a determination before an executive session on any noise level bills.

Rep. Reinhold This instrument that you speak of - is it portable?

Rep. Morano Yes, the instrument - the scientific operation I can't tell you, but in the demonstration it has a monitor that's placed on the side of the road, it looks like a tripod. This monitor picks up the sound, flashes it into a portable unit that's in the State Policeman's car and aside of the policeman's car is a instrument that immediately photographs the number and license of the vehicle that's going by. It looks like a series of two tripods. The first one picks up the noise and you can see it tick right off on the machine. The second one picks up the license plate and records

Anyone else in favor of the bill?

Alden Rudder: Representing our local union 1512 Peter Pan Bus Lines drivers, Springfield, Mass. Our Local would like to go on record as being in favor of Bill No. 378 for the reasons given before me.

Anyone else in favor? Anyone opposed? The hearing is closed on SB 378. We will now hear SB 705, an act concerning dealers exempted from requirements of motor vehicle dealers and repairers law. Anyone in favor? Anyone opposed?

Robert Burns: Legislative Chairman for the New England Motor Homes and Travel Trailer Association. SB 705 is quite similar to a bill that was heard in the 69 session by this Committee and it was HB 5775, which again would have done a similar type of thing. Fortunately, we were able to defeat the bill so that a real problem did not occur. However, in the previous legislation there was going to exempt what we call the travel trailer or the camping trailer from the motor vehicle dealer law. And it would also extend to the mobile home. We're adding to this confusion by the statement of the purpose of the bill before you which says: To exempt from motor vehicle dealer and repairer laws, dealers and small trailers mobile homes and all terrain vehicles. All terrain vehicles is a rather new word - I don't know how many members of the Committee know a snowmobile is an all terrain vehicle - a six wheeled ATV as it is called in the trade which can go on land and water - there is a new type of snowmobile coming out that has a dual track similar to a bulldozer. Now, would this bill exempt skimobiles from registration and dealer licensing law that the 69 session just passed. I feel that the bill is not properly - not proper at this time. I must apologize to the Committee because I said that in the 69 hearing that I would see that a meeting would be held with the Motor Vehicle Dept. to properly draft a proper law that would spell out all the definitions of the various types of vehicles and how they should fit into the motor vehicle classification. Unfortunately, due to two personal tragedies, last year, I just did not have the time to do that, so I do have to apologize to the Committee, but if you will look where my main concern is, it says: Sub-section 5 of Section 141 of the Motor Vehicles Statute. Now if you will read it, Sub-section 5 says camp trailer includes any trailer designed and used exclusively for camping or pleasure purposes or used for the purposes of transferring personal property of the owner. Now the purpose of the bill says mobile home and says nothing about camp trailers. There is another definition of camper which means any motor vehicle primarily equipped designed converted or used for private living quarters by one or more individuals. Which means if you convert a car by putting a mattress in the back seat, it's a camper. Now is that a camper? They told us the definition of camper was to include the word mobile home. We have a great variety of confusion in the availability of various types of vehicles, some that should not be registered. I think the skimobiles should, I think it's proper. I think the all terrain vehicles because we are going to run into the same problems in summer use and I feel that if we allow just anybody to sell without registration, without dealer licensing, what safety requirements are the all terrain vehicles going to give the purchaser and the user of this type of vehicle. I think what the problem is, it's a small segment and very possibly the dealer repairer division just doesn't want to be bothered. This is the feeling I get from the Department, and I don't wish to cast any dispersions on them - it's simply a case we must have this registration. Now, if the bill should pass and become law in the State of Conn. every sales location of mobile homes and travel trailers will become a non-conforming use. Anybody wishing to establish a sales lot for selling this type of vehicle would be prohibited by local zoning law because we have no way because the local law says to sell a motor vehicle you must be a licensed dealer.

Where we cannot comply with the registration law as a licensed dealer we have just no physical means of establishing a place of business. And therefore I request the Committee please kill this bill - I will re-commit myself for the next session which is only a year from now. And I will make sure that we come in with a clearly defined bill and straighten up these problems. Thank you.

Richard Meek: Executive Vice President Connecticut Automotive Trade Association. Our association wishes to oppose this bill. We'll agree with the remark of Rep. Stevens that anybody selling any sort of an motor vehicle to the public of Conn. should be subjected to licensing. We support this measure.

Anyone else opposed? The hearing is closed on SB 705.

We'll now hear SB 629 an act concerning the operation of school buses. Mr. Blasco has already spoken on this bill. Anyone else in favor?

Barbara Kenny: Representing the Parent Teacher Association of Conn. We strongly oppose SB 629 which would exempt school buses carrying aids when stopping at a location where an aid is on duty from flashing the signal lights and stopping traffic. We feel that this would add to the confusion of the motorist and would tend to make chaos and would end up being unsafe for children, and we would strongly request an unfavorable report by this Committee. Thank you.

Anyone else to comment on 629?

Lt. Michael Griffin: State Police Dept. Traffic Division. We'd like to go on record as being opposed to Senate Bill 629 concerning the operation of school buses. This proposed bill makes reference to an aid who might ride the school bus or who may be on duty at a bus stop. The presence of this so-called aid exempts the bus driver from the use of the lights on the bus and waiting in a line of traffic before taking or discharging passengers from this bus. The term aid is not defined. The duties of this aid is specified only as assisting children boarding or leaving or crossing the highway. There is no authority for this aid, there is no indications to the qualifications for such an aid - they must be any responsibility involved. No conclusion is made for identifying this aid. As if a 10 year old child with a badge and a white belt or is it a person with a uniform, is a police officer or a crossing guard? The presence of moving traffic in the area of a bus stop where a bus is picking up or discharging passengers would present an extreme hazard to children using the bus. The presence of a school bus picking up or discharging passengers with no lights would cause a great deal of confusion in the minds of other motorists in the immediate area, as to the proper course of action for them to follow. In addition to this, this proposal does not conform with the uniform vehicle code which is used in many states. I would like to also say, Gentlemen, what happens if a motorist ignores this aid. The aid calls the local police in the area, that is the police that have the jurisdiction over that particular area. Here we have a school bus with no lights indicated as required by statute and an aid who has no authority, who is making a complaint against an individual who broke no law, by statute. So, Gentlemen, we feel that it is very poor legislation and strongly advise, or strongly request that you pass unfavorably on this particular bill. Thank you.

Anyone else to comment on the bill? The hearing is closed on SB 629 and Transportation hearing is through for today.

**JOINT
STANDING
COMMITTEE
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Sen. Mondani: Right under the current law, under the old law you had to make an arrest before the blood test was taken which meant-----.

Sgt. Bohan: You had to take them into physical custody, and then tell them their rights and then go through all the elements of this crime and presenting their visual test and have a qualified physican and soforth.

Sen. Mondani: But now you can just do this without making the arrest and if he didn't test at that level you didn't have to make that type of arrest.

Sgt. Bohan: Yes, it would be the fringe area where you wouldn't be sure. And if he was under or not according to what the scientific community tells us is what is under the influence of liquor.

Rep. O'Dea: Anyone else in favor?

Mr. Booth: Gentlemen, my name is Norman Booth, I'm the Connecticut Safety Program Administrator. I'd like to support this bill lowering the .152.10 and similar legislation like this. It's important to our program, it's one of these standards again that we have to adhere to and work toward in our overall program. What I'd like to tell you is, enough has been said about the one we want and all. We've had an interesting talk with our Federal people in Washington, and they had a live demonstration. Perhaps some of you aren't aware of what this .15, what you have to do to even get up to it, and once you get into it it's a pretty significant. A judge in Virginia they recently had a live test down there with a, in a restaurant with a blood measuring device, and a judge volunteered, sat down, before dinner, and in a period of one hour and a half had seven scotches. He then tested at .08. He then sat down had his meal, had two additional glasses of wine with the meal, and he tested at .07, an actual reduction. So you see to get up to this .15, which we are trying to reduce, you have to kind of get into it pretty seriously. Thank you.

Rep. O'Dea: Next in favor? Any opposition? The hearing is closed on S.B. 1432. The next bill is 5502 AN ACT PROHIBITING THE SALE OF NAMES BY THE STATE. There have been three bills on this that were heard in the General Law Committee. Anyone want to comment?

Sen. Mondani: There are two bills 6430 and 6431 that refer to camper and camp trailers, anyone want to speak on both in favor and opposition?

Mr. Burns: Mr. Chairman, Robert Burns representing the New England Mobile Homes Association. And as you recall I appeared before your committee on your bill Senator on 705, which I just found in the current legislative bulletin is up for rehearing. Now whether it's on the ----- . As you know there are many, many, definitions in the motor vehicle code. I'm standing here before you on both of these bills while the act concerning occupancy of camp trailers this is simply a change from the existing statute, which is 14296a which says "house trailers may not be occupied when on the highway, no person or persons shall occupy a house trailer while it is being moved on a public highway". Nowhere else is there any definition in the motor vehicle as to what is a house trailer, the only definition is under 14-16 campers, camper means any motor vehicle properly equipped, designed, converted or used for private living quarters by one or more individuals. Now if you'll look at both the bills that are presently before you, the one that deals with Section 14-296a removing the word "house" and inserting the word "camp trailer"

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means that 141-5 would only be effective if somebody where to ride in it while it is being moved on a public highway. While your second bill H.B. 6431 is adding the word into the definition of "camper" and maybe used for the transporting of persons, and necessary personal property. Your going to have a big conflict in the law. I think the thing as I wrote some of the Representatives----dealing with your original bill, Senator 705, in which I drafted a substitute bill taking care of one problem. I found out a week after I mailed it to you, that there was S.B. 792 dealing with registration of all three vehicles, which I included in my redrafting. I wrote Representative Hannon, my Representative suggesting because of the many definition bills that were coming in and many conflicts in definitions, that it might be prudent if the Transportation Committee were to create a commission to study motor vehicle definitions and report back to the next session of the General Assembly, and allow the various industries to come in to be properly definèd and properly regulated. Now I know motor vehicles has been in opposition to me in the past, but I would like to point out to you that Motor Vehicle is a service organization to the citizens of the State of Connecticut. I do not feel that we should take one type of vehicle and divorce it from the Motor Vehicle Department. I do not feel that if there are a dozen type of this type that they do not want, that we should have a dozen other state agencies. I don't think we need the cost, and I think the Motor Vehicle Department would be properly equipped if we had better definitions and better understandings. Thank you.

Rep. O'Dea: Thank you Mr. Burns. Anyone else to speak on these bills?

Mr. Carroll: I'm not sure if I understood all of Bob Burns remarks, and I may be in error here, but there is a definition here for the term camp trailer, as well as the term camper in the motor vehicle book. And a camp trailer includes any trailer designed and used exclusively for camping and pleasure purposes, or used for the purpose of transporting personal property of the owner. And this is opposed to the definition of a camper means, any motor vehicle primarily equipped, designed, converted, or used for private living quarters, by one or more individuals. But, I'm sure that if we are at odds on this that we can iron it out somehow. In any event, with regard to bills 6430, occupancy of camp trailers, this bill would expand the language of the law which presently prohibits occupancy of house trailers when they are being moved over the highway, to extend to all camp trailers. Now camp trailers include utility trailers, house trailers, and boat trailers. H.B. 6431 DEFINITIONS OF A CAMPER. This bill expands the present definition of the term camper to make it clear that a camper may be used for transportation of people and their belongings. Under the present definition a question has been raised as to whether a camper might be used to drive to and from work, or for other personal transportation. This bill would clearly provide for such use to be made of campers. Thank you very much.

Rep. O'Dea: Thank you Mr. Carroll.

Mr. Burns: The situation here is in the current wording of the definition "private living quarters". Now our industry defines a camper as a item mounted on the back of a pick-up truck for camping and recreational purposes. The definition of camp trailer says, "for camping and recreational purposes". The mobile home, the permanent living quarters has got to fall in one of these definitions. If you say that you can't ride in a camper, but can you ride in a mobile home. In other words, I think the thing has to be established, and this is where the confusion between Ed and I come. Thank you.

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Monday, June 7, 1971

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for H. B. No. 8485, An Act Concerning Retirement of State's Attorneys, File No. 1642; Calendar No. 1479, substitute for H. B. No. 6372, An Act Concerning Charitable Remainder Trusts, File 1676; Calendar No. 1481, H. B. No. 8125, An Act Concerning Notice of Sessions for the Admission of Electors, File No. 1677; on page 2, Calendar No. 1488, substitute for H. B. No. 6841, An Act Concerning the Application of The Cigarette Tax to Unlicensed Person Selling Untaxed Cigarettes, File No. 1658; Calendar No. 1492, substitute for H. B. No. 7996, An Act Concerning the Registration of Snowmobiles for Tax Purposes, File No. 1667; Calendar No. 1495, substitute for H. B. No. 9221, An Act Concerning Minor Parties, File No. 1662; Calendar No. 1498, H. B. No. 5174, An Act Concerning Limitation of Mechanic's Lien, File No. 1636; Calendar No. 1504, substitute for H. B. No. 6843, An Act Concerning Refunds of the Motor Fuel Tax, File No. 1683; Calendar No. 1506, substitute for H. B. No. 8852, An Act Concerning Equipment Requirements for Motor Vehicles Used in Making Highway Safety Motion Pictures, File No. 1682; Calendar No. 1531, S. B. No. 0676, An Act Concerning the Definition of Officer Under the Motor Vehicle Statutes, File No. 48; on page 3, Calendar No. 1532, substitute for S. B. No. 705, An Act Concerning Dealers Exempted from the Law Relating to Motor Vehicle Dealers and Repairers, File No. 1412; Calendar No. 1537, substitute for S. B. No. 1067, An Act Concerning Use of Revised Form of Absentee Ballot, File No. 1549; Calendar No. 1538, S. B. No. 1155, An Act Concerning the Incorporation of Political Committees, as amended by Senate Amendment Schedule "A", File No. 1055; Mr. Speaker, I move the adoption of these items.

THE SPEAKER:

Question is on acceptance and passage. Are there any individual objections? Hearing none, all those in favor indicate by saying aye. Opposed?

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SENATE

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1035, 1037, 1038, 1040; page 12; place at the Foot 1041, take up 1043, 1044 1045, 1046; page 14, take up 1060; on page 15, take up 1063, 1066; page 17, place at the foot, 1081, take up 1083 and 1084; page 18, take up every item with the exception of 1085 at the top; page 19, take up all items; page 20, take up 1103; page 21, take up 108; page 26, take up 340, 469; page 27, take up Cal. 695, 807, 860; page 28, take up 665, 938, 939, 940 and 941; page 29 take up 111; page 30 take up 179, page 32, take up 459; page 34, take up 605 page 38, take up 880 and I believe that is it. We do have a consent Calendar; but I prefer to take up debatable matters first, Mr. President,

I move that all single starred items, for suspension of the rules for taking up all no starred and single starred items.

THE CHAIR:

There being no objection, it is so ordered. And the Calendar will be in the order recommended by the Majority Leader.

THE CLERK:

CAL. NO. 39. File No. 48. Favorable report of the joint committee on Judiciary. Senate Bill 676. An Act Concerning The Definition of Officer Under the Motor Vehicle Statutes.

SENATOR JACKSON:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill. This adds Sheriffs and Deputy Sheriffs to Section 14 of the General Statutes.

THE CHAIR:

Question is on passage. Will you remark further? If not, all those in favor signify by saying, "Aye". Opposed, "nay". The Bill is passed.