

Legislative History for Connecticut Act

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**Public Act:** 00-169  
**Bill Number:** 98  
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**House Pages:** 5062-5075, 5425-5428 18  
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CONNECTICUT  
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SENATE

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Senate

Friday, April 28, 2000

minds. All those in favor indicate by saying, aye?

SENATORS:

Aye.

THE CHAIR:

Opposed nay? The aye's have it. Senate A is adopted. Will you remark further on the bill? Senator Colapietro.

SEN. COLAPIETRO:

Thank you, Madam President. The bill requires occupational services contractors to register with the Department of Consumer Protection. Also it defines what occupational services contractors are.

The bill requires registered occupational contractors to display their registration numbers on all commercial plates, vehicles, and conspicuously on all the printed advertisement bids, contracts, invoices, etcetera.

I would move the bill, Madam President. If there's no further -- if there's no discussion or objection, I would move to the Consent Calendar.

THE CHAIR:

Motion is to refer this item to the Consent Calendar. Without objection, so ordered.

THE CLERK:

Calendar Page 11. Calendar No. 220, File No. 253,

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Senate

Friday, April 28, 2000

Substitute for SB98 AN ACT REVISING CERTAIN MOTOR  
VEHICLE LAWS. Favorable report of the Committees on  
Transportation, Judiciary, and Finance Revenue and  
Bonding. Clerk is in possession of amendments.

THE CHAIR:

Senator Ciotto.

SEN. CIOTTO:

Thank you very much, Madam President. Madam  
President, I move acceptance of the Joint Committee's  
favorable report and passage of the bill.

THE CHAIR:

Question is on passage. Will you remark?

SEN. CIOTTO:

In addition, Madam President, the Clerk has LCO-  
4829. May he please call it?

THE CLERK:

LCO-4828, which will be designated Senate Amendment  
Schedule A. It is offered by Senator Ciotto of the 9th  
district.

THE CHAIR:

Senator Ciotto.

SEN. CIOTTO:

Permission to summarize, Madam President.

THE CHAIR:

Move adoption first.

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SEN. CIOTTO:

Move adoption of the amendment and permission to summarize. Thank you. The hour is late, Madam President. It's been a long day. And that last go-around on video games almost put me out here. But thank you very much for your kindness. Thank you kindly.

Now, this amendment makes very cyclical changes to the motor vehicle bill SB98. What it really does, Madam President, it makes changes to assist the Department of Motor Vehicles in moving ahead in the 21st century.

It enables people to conduct motor vehicle affairs, not making it necessary for them to go to motor vehicle offices. And permits dealers to issue a longer temporary registration plate, but it shortens the time in which they have to return their information to the Motor Vehicle Department for processing.

It makes certain that emission contracts can be for less than a five-year period. And it does many, many things, Madam President. I move adoption of the amendment.

THE CHAIR:

Thank you, Senator Ciotto. On an amendment that does many, many things, I will try your minds. All those in favor indicate by saying, aye?

SENATORS:

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Aye.

THE CHAIR:

Opposed nay? The aye's have it. Senate A is  
adopted. Will you remark further on the bill as  
amended? Senator Ciotto.

SEN. CIOTTO:

I would move passage of the bill as amended.

THE CHAIR:

Question is on passage. Will you remark further?

SEN. CIOTTO:

No, exception. May it go onto the Consent  
Calendar, Madam President.

THE CHAIR:

Without --

SEN. CIOTTO:

Objection.

THE CHAIR:

I was almost going to say, exception, sir. Without  
objection, sir.

SEN. CIOTTO:

I get a lot of help back here, Madam President.

THE CHAIR:

I'm no help, sir, right now. Thank you.

SEN. CIOTTO:

Thank you.

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THE CHAIR:

Without objection, this item is placed on the  
Consent Calendar.

THE CLERK:

Calendar Page 13. Correction, Calendar Page 12.  
Calendar No. 237, File No. 301, Substitute for SB571 AN  
ACT CONCERNING THE USE OF MTBE. Favorable report of the  
Committees of Environment, Judiciary, and  
Appropriations. Clerk is in possession of Amendments.

THE CHAIR:

Senator Daily.

SEN. DAILY:

Thank you very much, Madam President. I would like  
to move acceptance of the Joint Committee's favorable  
report and passage of the bill.

THE CHAIR:

Question is on passage. Will you remark?

SEN. DAILY:

Thank you, Madam President. The bill brings to an  
end the use of MTBE as a gasoline additive by the year  
2003. It also directs an educational, public education  
program to be set up. And that will be done by the  
association.

It puts in place penalties for the willful  
mishandling of gasoline. That's a problem throughout

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Madam President, that completes those items previously placed on the Go list.

THE CHAIR:

Senator Jepsen.

SEN. JEPSEN:

Madam President, if the Clerk could call the Consent Calendar.

THE CHAIR:

Mr. Clerk, would you announce a roll call vote first, and then call the Consent Calendar.

THE CLERK:

An immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. An immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

Madam President, first Consent Calendar begins on Calendar Page 3. Calendar No. 392, Substitute for SB281.

Calendar Page 4. Calendar No. 464, Substitute for HB5909.

Calendar Page 9. Calendar No. 139, SB572.

Calendar Page 10. Calendar No. 161, SB576.

Calendar Page 11. Calendar No. 220, Substitute for SB98.

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Calendar Page 12. Calendar No. 237, Substitute for SB571.

Calendar Page 13. Calendar No. 443, Substitute for HB5590.

Calendar No. 476, Substitute for HB5531.

Calendar Page 14. Calendar No. 104, Substitute for SB154.

And, Calendar Page 15, Calendar No. 140, SB558.

Madam President, that completes today's Consent Calendar.

THE CHAIR:

Thank you, sir. Would you once again announce a roll call vote on the Consent Calendar. The machine will be open.

THE CLERK:

The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the Chamber. The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? If all members have voted, the machine will be locked. Clerk, please announce the tally.

THE CLERK:

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Motion is on adoption of Consent Calendar No. 1.

Total Number Voting	36
Those Voting Yea	36
Those Voting Nay	0
Those absent and not voting	0

THE CHAIR:

The Consent Calendar is adopted. Are there any points of personal privileges or announcements? Senator Crisco.

SEN. CRISCO:

Thank you, Madam President. For the purpose of announcement. I'd like to inform the members of the Appropriations Committee that after adjournment we will meet in room 310 to take action on five bills referred from the House to the Senate. And the House will go into recess as soon as we adjourn.

THE CHAIR:

Thank you, sir. Are there other announcements?

SEN. PRAGUE:

Madam President?

THE CHAIR:

Senator Prague.

SEN. PRAGUE:

Thank you. I'd like to announce that the Labor Committee will hold a meeting on Monday, fifteen minutes

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So I expect to see all of you upstairs.

Thank you.

SPEAKER LYONS:

Are there any other additional announcements or points of personal privilege? If not, would the Clerk please return to the Call of the Calendar, Calendar 557.

CLERK:

On page 17, Calendar 557, Substitute for Senate Bill Number 98, AN ACT REVISING CERTAIN MOTOR VEHICLE LAWS. The Senate has added Senate Amendment Schedule "A". It's a favorable report of the Committee on Finance, Revenue and Bonding.

SPEAKER LYONS:

Representative Cocco, Madam. Good to see you. You have the floor.

REP. COCCO: (127TH)

Thank you, Madam Speaker. I move for acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate.

SPEAKER LYONS:

The question before the Chamber is on acceptance and passage. Would you remark?

REP. COCCO: (127TH)

Yes. Thank you, Madam Speaker. Sections 1 through 3 deal with the issuance of registration credentials by

licensed motor vehicle dealers.

Section 4 deals with the use of farm plates.

Section 5 talks about restrictions on used brake discs.

Section 8 refers to the use of closed video monitor for backing up.

Section 7, the applicability of federal safety regulations.

Section 8, safety ratings.

Sections 9 and 10 are technical changes to laws governing school buses.

Section 11 talks about DMV vehicles responding to emergencies.

Section 12 deals with over sized permits.

Sections 13 and 14 address diesel emissions technical changes.

Section 15 applies federal standards on vehicle running boards.

Sections 16 and 17 are title processing.

Sections 18 and 19 deal with handicapped parking.

Section 20 is special plates for auto recyclers.

Section 21, year of manufacture plates.

And Sections 22 through 26 are technical and corrective changes.

Madam Speaker, with that explanation, the Clerk has

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an amendment, LCO 4829. I ask that he call and I be allowed to summarize.

SPEAKER LYONS:

The Clerk is in possession of LCO 4829, previously designated Senate Amendment "A". Would the Clerk please call and the lady has asked leave to summarize.

CLERK:

LCO Number 4829, Senate "A" offered by Senator Ciotto and Representative Cocco.

SPEAKER LYONS:

Representative Cocco, you have the floor, Madam.

REP. COCCO: (127TH)

Thank you, Madam Speaker. I urge adoption of this amendment in concurrence with the Senate. It allows antique ambulances to display exterior equipment. It amends the original bill language regarding farm plates.

There are technical changes to the emission law. It addresses disclosure of information.

And Madam Speaker, again I move adoption.

SPEAKER LYONS:

The question before the Chamber is on adoption. Will you remark? Will you remark on the amendment that is before us?

Representative Prelli.

REP. PRELLI: (63RD)

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Thank you, Madam Speaker. Madam Speaker, through you, a question to the Chairman.

SPEAKER LYONS:

Please frame your question, sir.

REP. PRELLI: (63RD)

Thank you, Madam Speaker. Through you to Representative Cocco.

Representative Cocco, in the amendment there's a section and I'm sorry, I haven't quite found it yet, but I think you'll remember it, that says that because the contract currently is up on the late fees that those were lined up with the late fees so they're going to end the late fees on that contract effective with this bill and allow the Commissioner to establish late fees.

Do you know what the Commissioner is going to establish for late fees?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Cocco.

REP. COCCO: (127TH)

Through you, Madam Speaker. Is Representative Prelli talking about the emissions contract?

SPEAKER LYONS:

Representative Prelli.

REP. PRELLI: (63RD)

Through you, Madam Speaker. Yes.

SPEAKER LYONS:

Representative Cocco.

REP. COCCO: (127TH)

Through you, Madam Speaker. We are doing an emissions bill also following this one and Representative Prelli, we have left the language rather broad in that bill and we're addressing that broad language here. Because we're in the process of negotiating, we don't want to tie down anyone with specific language. So it's impossible at the present time to tell you exactly how that will turn out.

SPEAKER LYONS:

Representative Prelli.

REP. PRELLI: (63RD)

Thank you, Madam Speaker. Madam Speaker, then a follow-up question, through you to Representative Cocco.

Representative Cocco, will the new contract be done by the effective date of this act?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Cocco.

REP. COCCO: (127TH)

Through you, Madam Speaker. The new contract is due July 1, 2002.

SPEAKER LYONS:

Representative Prelli.

REP. PRELLI: (63RD)

Thank you, Madam Speaker. And I thank the lady for her answers. I will tell the Chamber that I'm waiting an amendment on that to say that we will establish the \$10 late fee until the contract is signed. But I don't like the idea that we're leaving up to the Commissioner to establish that late fee. I feel very uncomfortable if we left here passing this bill and all of a sudden got home and found out we're going to have a \$40 late fee and our people are seeing it and they would say to us why did you allow that to happen?

I'm a little concerned about that section of the amendment.

I'm going to support the amendment, but I think we're going to follow it -- I would like to follow it with some other questions.

Thank you, Madam Speaker.

SPEAKER LYONS:

Will you remark further on the amendment that is before us? Will you remark further?

Representative Sawyer.

REP. SAWYER: (55TH)

Thank you, Madam Speaker. A question to

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Representative Cocco on the amendment, Madam.

SPEAKER LYONS:

Please frame your question, Madam.

REP. SAWYER: (55TH)

Having just recently seen this amendment, I haven't had a chance to go through it and I was wondering if you could explain on page 11, Section I referring to personal information contained in a motor vehicle record.

SPEAKER LYONS:

Representative Cocco.

REP. COCCO: (127TH)

Through you, Madam Speaker. The language simply says that expressed consent must be given before the Department of Motor Vehicles can release any photograph or computerized image.

SPEAKER LYONS:

Representative Sawyer.

REP. SAWYER: (55TH)

Thank you, Madam Speaker. How does that differ from current law at this time?

Through you, Madam Speaker.

SPEAKER LYONS:

Representative Cocco.

REP. COCCO: (127TH)

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Through you, Madam Speaker. We're not changing current procedure. We're simply putting in statute what is currently done.

SPEAKER LYONS:

Representative Sawyer.

REP. SAWYER: (55TH)

Thank you, Madam Speaker.

SPEAKER LYONS:

Will you remark further on the amendment that is before us? Will you remark further on the amendment that is before us?

If not, let me try your minds.

All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER LYONS:

Those opposed, nay. The ayes have it. The amendment is adopted.

Will you remark further on the bill, as amended?

If not, -- oh, I'm sorry. Representative Farr.

REP. FARR: (19TH)

Thank you, Madam Speaker. Madam Speaker, the Clerk has an amendment. Will the Clerk please call and I be allowed to summarize, LCO Number 4906?

SPEAKER LYONS:

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The Clerk is in possession of LCO 4906, to be designated House Amendment "A". Will the Clerk please call and the gentleman has asked leave to summarize.

CLERK:

LCO Number 4906, House "A" offered by Representative Farr.

SPEAKER LYONS:

Representative Farr, you have the floor, sir.

REP. FARR: (19TH)

Thank you, Madam Speaker. Madam Speaker, members of the House, this is an amendment which like many amendments at this time of the session saw its life in the previous form in terms of a bill which was file number 224 in our files.

What this amendment does is it requires testing for drugs and alcohol for any new drivers who have not previously had a drivers license and I move adoption of the amendment.

SPEAKER LYONS:

The question before the Chamber is on adoption. Will you remark, sir?

REP. FARR: (19TH)

Yes, Thank you, Madam Speaker. Members of the House, one of the problems in terms of public safety in Connecticut and throughout the country that everybody

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recognizes is the relationship between alcohol and fatalities on our highways.

Unfortunately, what isn't as clearly recognized is the relationship between the use of drugs and fatalities on our highways. Part of the reason for that is it's much more difficult for police departments to tell whether somebody's been using drugs when they are investigating a fatal accident. And this is because when they're doing a fatal accident investigation if the individual, the driver has been drinking, they can smell it. They then require a test. If the driver has been using drugs, it's very difficult for them to detect that without doing some California test and without the smell of alcohol they often don't go ahead and do that.

But there was a recent study in California which indicated that in examining fatalities in California, 37% of all the fatalities involved drivers who were under the influence of drugs at the time of the accident, 37%.

In Connecticut we all recognize that new drivers are the most dangerous drivers, but it's also important to recognize how prevalent the use of drugs are in our high schools. The last survey we have indicates that 30% of all high school students reported using drugs in the last 30 days. Those students who are using drugs are

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going ahead and getting drivers licenses and then too frequently are driving while under the influence of those drugs.

This is a major contributor towards fatalities in Connecticut as it is throughout the land.

The bill before us would require before anybody gets their learner's permit if they're under 18 or before they take the test if they're over 18 and have never had a license before, that they get tested for drugs and alcohol.

The most - if, in fact, the person detects - if we detect that they're using drugs or alcohol they would have to go through a simple intervention program. That intervention program would require them to go through a presumably a few days of intervention, some counseling. If they needed more treatment they would be sent to treatment, but before they could proceed with their learner's license or take their test, they would have to have three -- I'm sorry, they would have to have two clean screens. So the individual would take a urine test. If it was clean, it went 30 days, they would take another urine test. If they were clean, they would then proceed with the license.

The Office of Legislative Research in researching the impact of the bill, report that they estimate that

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5,000 - that over 5,000 youngsters a year would test positive for drug use.

Now, a lot of people are concerned that what we would be detecting is somebody who is what they call a recreational user, somebody who simply used drugs once and once in a while and wasn't likely to be driving while the influence. But I would suggest to you that since this is not a random test, this is a scheduled test, that it's going to be unlikely that you're going to get recreational users. What you will get are kids, who when told they're going to be tested, when told they have to be clean from the use of drugs prior to going in and applying for their learner's permit are so out of control, they're still going to go in an test positive.

Fifty-two hundred kids a year is what we estimate we will detect. What this bill will do is it will divert those kids into programs where there's interventions and we can be assured that before they get their drivers license they will at least be clean at that point in time.

As far as the cost of this bill, the bill is estimated - the original file copy was estimated to actually, because of the fees involved and I think the original file copy was \$35 for the test, it was

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estimated that there would be a revenue of over \$2 million in net revenue to the State.

In the amendment that has been changed we reduced the charge so that youngsters would have to pay a \$20 fee for the test. That still will probably result in a small net revenue to the State, but the program should be more than self sustaining.

There have been a number of concerns raised about this program and one of the concerns people raise is well why would we - isn't this some kind of intervention and invasion of privacy? Is it really necessary to do this? Let me just give you some other interesting statistics.

Right now in Connecticut, as in every state in nation, if you want a commercial driver's license you have to go through this test. We don't allow truck drivers to drive unless they're tested, but with truck drivers we go beyond the original test. We also do random tests after they're driving and any time they test positive, they're off the road.

I would suggest to you that young drivers are every bit as dangerous as truck drivers. I realize that this is late in the session to be bringing this out as an amendment. The bill was fully heard and it did get through one committee, but I do that because I would

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represent to this body, there is no single action this body can take that would greater contribute to safety on our roads or contribute towards the reduction of drug use in our society than the passage of this amendment.

With that, Madam Speaker, I don't want to belabor the point, but I do think this is a terribly important bill and I would urge adoption of the amendment.

Thank you.

SPEAKER LYONS:

Thank you, sir. The question is on adoption, but at this time I believe Representative Godfrey is on his feet.

REP. GODFREY: (110TH)

Good morning, Madam Speaker. I move that this item be passed temporarily.

SPEAKER LYONS:

Good morning to you, sir. With the motion to PT, hearing no objection, it will be passed temporarily.

Are there any announcements or points of personal privilege? Take your time, Representative Abrams.

Yes, sir. Representative Abrams.

REP. ABRAMS: (83RD)

Thank you, Madam Speaker. With us in the gallery today is the fifth grade class from St. Joseph School in Meriden, Connecticut, Mrs. Spencer's class. St.

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House of Representatives

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report back to us.

DEPUTY SPEAKER CURREY:

Will the Clerk please call Calendar 557.

CLERK:

On page 17, Calendar 557, Substitute for Senate Bill Number 98, AN ACT REVISING CERTAIN MOTOR VEHICLE LAWS. Senate "A" has been adopted. House "A" rejected. House "B" rejected. And House "C" rejected.

I take it back. House "A" is designated.

DEPUTY SPEAKER CURREY:

Representative Cocco of the 127th.

REP. COCCO: (127TH)

Good evening, Madam Speaker. I move for acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER CURREY:

The question is on acceptance and passage. Please proceed, Madam.

REP. COCCO: (127TH)

Thank you, Madam Speaker. Madam Speaker, I believe that we have House "A" before us.

DEPUTY SPEAKER CURREY:

Which must be withdrawn.

REP. COCCO: (127TH)

Which I believe that I would --

DEPUTY SPEAKER CURREY:

Thank you, Representative Cocco.

Representative Farr of the 19th.

REP. FARR: (19TH)

Madam Speaker, I believe we had called number LCO 4906 which was designated -- could I ask the Clerk to call it again, I guess? Or has it been called?

DEPUTY SPEAKER CURREY:

My understanding is that the bill has been asked for passage by Representative Cocco. Presently we did have House "A" prior before us. However, it needs to be recalled and you are correct that the amendment should be called.

REP. FARR: (19TH)

Would the Clerk please call 4906 which was designated House "A"?

DEPUTY SPEAKER CURREY:

Would the Clerk please call LCO 4906, previously designated House "A"?

CLERK:

LCO Number 4906, House "A" offered by Representative Farr.

REP. FARR: (19TH)

Thank you, Madam Speaker. Madam Speaker, I previously brought this amendment out. As I explained at

that time, it's to me a very important bill that was before the session. It was file number 224. And it effects the use of drugs by young people.

I think it's unfortunate that at this point in the session I guess we have some 31 hours left in the session and unfortunately we are simply not going to be able to address this as this time. I think that's really unfortunate because the LCO note indicates that we might have been able to identify some 5,000 individuals in need of drug treatment and unfortunately, those individuals will be obtaining their license during the course of the next year without the necessary treatment.

But recognizing the time and recognizing the reality that this isn't going to get adopted this year, I would then ask for permission to withdraw the amendment.

DEPUTY SPEAKER CURREY:

Without objection, so ordered.

Would you care to remark further on the bill before us? Would you care to remark further on the bill before us?

If not, staff and guests to the well of the House. The machine will be opened.

CLERK:

The House of Representatives is voting by roll

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call. Members to the Chamber. The House is voting by roll call. Members to the Chamber, please.

The House of Representatives is voting by roll call. Members to the Chamber. The House is taking a roll call vote. Members to the Chamber, please.

DEPUTY SPEAKER CURREY:

Have all members voted? Have all members voted? Please check the board and make sure your vote is properly cast. If all members have voted, the machine will be locked. The Clerk will please take a tally.

The Clerk will please announce the tally.

CLERK:

Senate Bill Number 98, as amended by Senate "A" in concurrence with the Senate

Total Number Voting	147
Necessary for Passage	74
Those voting Yea	147
Those voting Nay	0
Those absent and not Voting	4

DEPUTY SPEAKER CURREY:

The bill passes in concurrence with the Senate.

Will the Clerk please call Calendar 543.

CLERK:

On page 15, Calendar 543, Substitute for Senate Bill Number 358, AN ACT CONCERNING THE SPECIAL

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SEN. CIOTTO: Any further questions. Thank you very much.

SEN. NICKERSON: Thank you for your -- pleasure to appear before you as always.

SEN. CIOTTO: Next speaker is the Deputy Commissioner, Gary DeFilippo of the Department of Motor Vehicles. Good morning Commissioner.

GARY DEFILIPPO: Good morning Senator, Representative Cocco.

SEN. CIOTTO: Perhaps you like that I didn't imply who was accompanying you this morning?

GARY DEFILIPPO: Yes, I have with me John Yacavone who's our Deputy legal counsel, and Deputy Commissioner Anthony Portinova.

SEN. CIOTTO: Good morning gentlemen.

GARY DEFILLIPO: I'll give you a brief summary of the departments five proposals as well as S. B. No. 360, and then we -- our staff here will be able to be available to answer any questions you may have. Keeping in mind of the short session, we limited our legislative recommendations to primarily technical changes that will stream line internal administrative processes, and improved customer service to better insure the public safety.

SB 317  
HB 5201  
HB 5202  
HB 5203

These proposals are SB No. 98 which will expedite the DMV's ability to process title transactions by simplifying requirements for the public, and will clarify current law governing the issue of handicap parking permits. Specifically these changes will allow title applications to be processed in cases where the old title cannot be located by the lien holder. By allowing a motor vehicle dealer or customers to submit an affidavit in lieu of the original certificate of title.

We have amended the handicapped parking permits statutes to comply with a recent federal court decision which concluded that a \$5 for the

permanent handicapped parking credentials was a violation of the Americans with Disability Act.

SB No. 317 was submitted to clarify which motor vehicles are subject to mandatory liability insurance requirements. The current statutes are confusing to the public and to the insurance industry, and difficult for the DMV staff to administer. This legislation changes current statutes to require all registered motor vehicles to maintain insurance.

HB No. 5201 amends public act 99-170 which created occupational licenses for contractors and journeymen engaged the automotive glass and flat glass work to exempt the licensed motor vehicle dealers and repairers.

Automotive glass work is a component of existing dealers and repairers license as administered by the DMV, and the department does not believe it is necessary to require dealers and repairers to obtain a second occupational license.

HB No. 5202 clarifies current law defining which vehicle registrations dealers may process. Increasing the validity of temporary registrations, credentials issued by dealers from 45 to 60 days, and requiring dealers to submit paperwork to transfer registrations within five instead of seven days. The current regulation already mandates new registration applications to be submitted within the five days.

Temporary credentials issued by licensed motor vehicle dealers and repairers are now valid for 45 days, and within that time frame our dealer processing unit is required to manually input data and issue permanent registrations to customers.

Because this is a time sensitive process, and this department wishes to avoid cases where permanent registrations are not received within the statutory defined period, we propose these changes.

HB No. 5203 amends current statutes governing the departments commercial vehicle safety division by

REP. MCCLUSKY: Thank you Senator. I apologize if this question had already been asked earlier, but on SB No. 98 in your prepared remarks you say, for section three that they're going to remove the date of expiration listed on the permanent handicap parking permit and this is to reflect a change as a result of complying with a recent federal court decision. Are you telling me that the court decision specifically required the Department of Motor Vehicles to remove the expiration date on that?

GARY DEFILLIPO: No Representative that's not the correct interpretation. Basically what the court decision said is that we're not authorized to charge a fee, or renew a fee for the permanent handicap parking credentials that are issued to people that qualify under the Americans with Disabilities Act. Since we can't charge a fee, or a renewal fee, the five year -- the current five year period doesn't seem to -- frankly doesn't seem to make much sense.

REP. MCCLUSKY: Well, that really gets to my question, doesn't it make sense to have the public know whether or not this person has a valid handicap, because this committee took extensive testimony last year regarding the problems with handicapped parking, and I would like to know -- this at least provides a member of the public to know whether or not someone is abusing a handicap parking sticker.

So I'd really like to know the policy reason. As a practical matter it may not serve regarding the fee issue, but in terms of providing the public with a tool to find out whether or not someone is misusing a handicap parking -- I think that that's a concern of mine.

GARY DEFILLIPO: Well, we do maintain a record Representative of all the handicap parking credentials that are issued. And we do receive letters and questions from the public from time to time and we do research those, and check those out to make sure that that vehicle registration is still active and that that person still has need of the credential.

In the nature of the case a lot of the oversight on that program has to be done in the field, as far as the actual issues.

REP. MCCLUSKY: Thank you, and which begs the question the easiest way to do it in the field would be to know whether or not on the sticker it has an expiration on it. And especially if enforcement of this is generated based on complaints by the public, this would provide a cheap and easy way for the public to know whether or not someone is misusing their handicap plate in my opinion.

REP. COCCO: Thank you Representative McClusky. And just -- I think maybe just to hopefully shed some light on this, at the present time when you receive a permanent handicap sticker are you obliged after that time in a certain number of years to reapply to the department, or to let the department know whether or not that permanent handicap status remains?

GARY DEFILLIPO: Yes, well prior to the federal court decision at least you were required to even if you were a permanently disabled individual, you were required to reapply for a credential. And by the way I might add the legislature has changed that statute over the years a couple of times as far as the period of time that's involved, but basically we were required to process renewal applications from individuals who were permanently disabled after the five year period of the initial issuing the initial credential and so forth for as long as those persons held the permit.

Basically this proposal would as we've stated in our testimony, this would not only eliminate the fee, but would eliminate the renewal requirement. Again, just for those individuals with a permanent disability.

REP. COCCO: So I guess when we say permanent disability we mean someone who is -- for whom there is no further expectancy of physical therapy or any improvement in their condition. I would say an amputee, who is always going to be an amputee would

be permanently disabled and therefore not required in the future to reapply to the department for sanction of their handicap sticker. But anyone who is temporarily disabled has a life on their sticker, and that date remains on the sticker. Am I correct?

GARY DEFILLIPO: Yes, yes Representative.

REP. COCCO: Thank you.

REP. GARVEY: Thank you. I guess I'm not really up to speed on the handicap sticker process. How would you -- how would you then with your proposal know that someone has passed away and their family isn't continuing to use that permit?

GARY DEFILLIPO: Representative in the nature of the case we might not know. Frankly, we might not know -- we are not usually able to clear our operator license file right away, because we don't know about people passing away who have licenses or credentials.

REP. GARVEY: If I may, so then with this change in the law what you would in fact be doing is giving people and their family for years to come the ability to have a handicap sticker that doesn't ever expire.

GARY DEFILLIPO: Well, the law states pretty clearly that those credentials are only supposed to be used by people to whom those credentials have been issued, and so forth. I would hope that the abusers out there are not that extensive that people would just continue to take advantage of these credentials that are out there to misuse them.

REP. GARVEY: Mr. Chairman, I just feel that this may be a little bit naive to believe that the public won't take advantage of every opportunity they can, and I really think that the fee is not a problem in my estimation, but I think that the period of time should be a continued part of our law. Thank you.

REP. PANARONI: Thank you. I have a couple of questions

about the handicap sticker myself. And one of the things that -- one of the questions that I have are the temporary stickers that are given out, have we ever done a study, or do we know how many times they have been reissued over the course of time?

In other words, if you gave me a temporary sticker today and it expired next year, how many times have I renewed it? Have we done anything to kind of zone in on how many times it's been redone?

GARY DEFILLIPO: I don't have exact numbers on that, but they're usually valid I believe it's for about a 90 day period of time, and in my experience they're not renewed that often, there's no attempt to get additional temporary credentials.

REP. PANARONI: There hasn't been a lot of reissuance of temporary credentials?

GARY DEFILLIPO: You have to get a doctor's signature each time, so my experience --

REP. PANARONI: Have we ever done any kind of study determining which doctor's give the most stickers? Just out of curiosity. When Representative Garvey was talking -- the answer was no. When Representative Garvey was talking about a misuse of handicap stickers, I totally agree with what she's saying, and it's not so much handed down from generation to generation.

We've heard testimony last year about one particular lady who's husband had passed away and she was still using the sticker three years later in her car because she didn't turn it in for whatever reason, however she did it, it just happened.

But when you go to shopping centers and you see young kids getting out of cars with handicap stickers, they have the placard that their mother or father maybe issued to them, go to shopping centers, park in the handicap spot because nobody wants to walk two feet anymore, and get out and go inside. They're taking away a spot that belongs to someone who may be severely handicapped. So there

is a gross misuse of the handicap stickers today without a doubt.

And one question I have for you is would you be acceptable to looking at the possibility of taking those handicap signs and having the person who it's issued to signature, when you go to get that placard, could we possibly set it up so that their signature would be on that placard so that if you are stopped -- if you were in a shopping center where the local police or the security of that center came and saw a young kid, went to the car -- all right sign your name, is your name Peter Panaroni? No. Is the signature the same? No. It would be something that I would like to see you look into and hopefully next legislative session when we have more time, come back --

GARY DEFILLIPO: Representative, we could look into that. I certainly understand the issue that you and Representative Garvey and others are referring to here, there's just a balance here. As far as the department was concerned the primary purpose of that five year expiration was when the fee was charged for the renewal fee. I think certainly we understand your concerns on this.

There -- as I say, in our experience there are people that have been issued the permanent credentials that kind of resent the fact of having to come back and renew them. On the other hand, your concerns I'm sure are valid about potential misuse. Whatever decision the committee reaches on this issue, I'm sure the department will administer.

REP. PANARONI: Just so you know my concerns are because of family that I have who have permanent handicap placards for legitimate reasons. Having gone through the process over 12 years of health decline through temporary and to a permanent status. And when they pull into a shopping center they can't find a spot to park. And then you see these young kids -- short of me becoming some kind of nut case out there. It just seems wrong, there's something wrong with the whole system then. There's just something wrong.

GARY DEFILLIPO: Hopefully the measure that you enacted last year to put the fine -- require that the amount of the fine be put on the signs will have some effect.

REP. METZ: Thank you Mr. Chairman. I'd just like to say shame on Representative Garvey and Representative Panaroni for assuming that so many people are out to fervently use these handicap stickers. I'm sure it happens, but I doubt that it's as wide spread as would be implied by their remarks.

And I think that the idea of making someone who is permanently disabled come back every five years, every ten years, any period and re qualify themselves, and get a new sticker whether it's free or not, it's really ridiculous. It's ridiculous bureaucracy, it's contrary to the bill that we passed last year that said to a disabled veteran, just show us your disabled veteran papers and we'll leave you alone for the rest of your -- here's your sticker, we're not going to make you otherwise qualify.

And I think we should do what we can to make the burden on that group of people less. And if there's a fault in the system it's in the enforcement against those who would in fact be so venal as to misuse a handicap sticker.

Let's not blame the department for trying to reduce bureaucracy in this area. Call the police the next time you see somebody doing it, make them enforce it.

REP. PANARONI: To Representative Metz, I'm not insinuating that we should make the -- those who are handicapped come back every so often. What I'm saying is very simple, is that through the process of the police officer going out to check those stickers, if there was a signature of the person who that sticker was given to it would make it very very simple without going through a lot of effort to find out whether or not that sticker belongs to them, or belongs to the 18 year old kid that's

driving it, or whoever it may be. That's all I'm saying. I like the idea --

REP. METZ: I wasn't commenting on that Representative, perhaps that would be a way of enhancing enforcement and would make you feel better.

REP. SHEA: Thank you Mr. Chairman. I just wanted to comment and follow up on Representative Metz's comment. The issue here to me seems very clear, it's really not a problem of anything other than enforcement when there is a misuse of the sticker, be it because it's expired, somebody's using it incorrectly. I'm not real sure that a date or anything else is going to make a difference there, and I would rather err on allowing those individuals to have those stickers without the date, and without having to come back and reapply, and hope that maybe the issue then becomes how can we better -- for a lack of better words, police the issue in terms of the use of these stickers.

REP. WIDLITZ: Thank you Mr. Chairman. I have a question about -- we're going on and on with this handicap sticker, but does someone have to have a valid drivers license to get a handicap parking permit, or can you just -- can another family member drive the person who has the handicap parking permit?

GARY DEFILLIPO: The latter representative. It goes with the vehicle with registration, so that the credential -- it goes -- the individual has to qualify, but the individual may be able to drive, or may be regularly transported -- he or she may be regularly transported in that vehicle, but the credential is issued and the placard would be issued, and if the applicant wants they can also apply with the plate that goes with the vehicle. So the vehicles that are regularly used to transport individuals who qualify can display the credential.

REP. WIDLITZ: So then if vehicle actually receives the permit, how would we possibly enforce that to know who is appropriately using that vehicle? There really is no way, a signature doesn't help you out

then. If the permit goes with the vehicle and not the person, then we've lost all ability to enforce misuse of it, is that not correct?

GARY DEFILLIPO: Well, I agree Representative that that wouldn't solve the problem. For example, to take a hypothetical here you could have a family member who qualifies and that family member could pass away, and that credential could still be if they were, as somebody said, so venal as to continue to use that vehicle even though -- or actually, I could give you a simpler example, it could be just in situations where the disabled individual is at home and the vehicle is being used by some other family member with the credential, if that's happening, it's happening Representative.

I don't know other than if there just happens to be an enforcement person nearby, or somebody files a complaint or something, it would be enforced, but a lot of this is pretty much dependent on the honesty of the individuals of the vehicles that have it.

REP. WIDLITZ: Thank you. I would agree that we should take a look when we have more time and a longer session, that we take another look at this whole system. I did not realize that the permit ran with the vehicle, and not the individual.

Perhaps we should have some sort of photo I.D. like you do with your drivers license, or some way of identifying who is really able to use that permit.

But I guess we certainly couldn't do it in this session, but I think that's something we should look at in the future.

REP. METZ: Thank you. I agree this is a matter for maybe another session, but it would seem to me that the placard may be issued to the vehicle, but it's for the benefit of a particular individual, and there must be a simple way of either putting that individuals name on the placard so that -- not necessarily a signature, just a name, so that a policeman could say, who's benefit is this placard for, is that person in the car.

And I would also think that if a handicapped

individual were riding in my car, even though I didn't have a placard, if I were taking that individual some place where they needed the service of the handicapped parking place, I should be able to park in that place so that individual wouldn't have to cope with the rest of the problems of the parking. Well, I would think that I should be able to.

So that to that extent having the handicapped person in the car would seem to be much more significant than the attachment of the placard to the car itself.

But we're getting off the subject and we're not going to do anything about this this year, so let's quit.

REP. COCCO: That's a good idea, but I'll tell you as chairman of this committee, I believed that that placard went with the person, and I often took a handicapped person with that and drove to a doctors office and parked in the handicapped parking place with the placard hanging, and I did not think it made a difference whether my relative was in my car, or the car that belonged to that family. And now I'm learning that I was doing something that wasn't correct.

GARY DEFILLIPO: I don't want to create a misunderstanding Representative. An individual has to qualify. They have to apply, they have to get a signature of a physician, and qualify in they're issued a permanent placard, and also if they want to apply for a plate for the vehicle. The placard or the plate is for the use of the disabled individual, so it should not be used to park in a handicap space unless the individual is present.

REP. METZ: Now, step 2. What happens when the individual is riding in a different automobile with a portable placard?

GARY DEFILLIPO: Then that -- well I'm not sure -- I guess I'm really not sure the issue, but is the question can a disabled individual be transported in a vehicle and use a handicap parking space with

someone else's credential? The placard goes to the person, the plate is for the registration -- goes with the registration, there is a difference, so you were -- you were not violating the law represented.

SEN. CIOTTO: We can have a lengthy and full day discussion on handicap parking permits, and I don't think -- I think we've heard enough right now, the way it stands. For those of you who weren't here a couple of years ago, there was a full blown out committee that sat and tried to resolve the handicap parking situation.

And Mr. Fesallero who was a part of that committee can well attest to what happened. What you're hearing here today is what went on -- several members of the committee felt that the majority of the committee was acting in an improper manner for the handicap then vice a versa. And no matter what they tried to do, and they all thought they were doing the right thing and approaching it from the right way, it didn't turn out that way.

So I would respectfully ask that we move along at this time because there are several other people who have to testify.

Are there any other questions for the commissioner and the department? Now with the public who have been patient and kind to wait for an hour and a half, two hours. Good morning Mr. McKeon.

JOE MCKEON: Good morning Chairman Ciotto, Chairman Cocco, members of the transportation committee. SB 360 My name is Joe McKeon, I'm Vice President of Government Affairs for ESP who's your emissions contractor. There is no longer an enviro test for those people who have used that name, they were gone two years ago. We acquired them, taken them over, and continuing to improve and upgrade the program.

And we currently operate our headquarters in Connecticut, we moved it from California to here, and right now we're currently operating the programs here in Connecticut, Maryland, Florida,



# STATE OF CONNECTICUT

## DEPARTMENT OF MOTOR VEHICLES

60 STATE STREET. WETHERSFIELD, CONNECTICUT 06161  
<http://dmvct.org>



***Testimony the Department of Motor Vehicles  
 Transportation Committee Public Hearing  
 February 23, 2000***

The Department of Motor Vehicles submitted five proposals to the Transportation Committee for their consideration during this year's legislative session. Keeping in mind the nature of the short session, we limited these recommendations to primarily technical changes that will streamline internal administrative processes, improve customer service and better ensure the public's safety. These proposals are:

- Senate Bill 98, 'An Act Concerning Services of the Department of Motor Vehicles',
- Senate Bill 317, 'An Act Concerning Compulsory Liability Insurance Requirements for Registered Motor Vehicles',
- House Bill 5201, 'An Act Concerning Certain Exemptions from Glaziers' Licensing Requirements',
- House Bill 5202, 'An Act Concerning the Issuance of Registration Credentials by Licensed Motor Vehicle Dealers', and
- House Bill 5203, 'An Act Concerning Commercial Vehicle Safety and Equipment Standards'.

Attached is the Department's testimony on these proposals.



# STATE OF CONNECTICUT

## DEPARTMENT OF MOTOR VEHICLES

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*Testimony of the Department of Motor Vehicles  
 Transportation Committee Public Hearing  
 February 23, 2000*

### **Raised Bill No. 98**

### **AN ACT CONCERNING SERVICES OF THE DEPARTMENT OF MOTOR VEHICLES**

This legislation will expedite the DMV's ability to process various transactions by simplifying requirements for the public and clarifying current law governing the issuance of handicapped parking permits.

The proposed changes in Sections 1 and 2 of the bill concern the Department's Title Division, and would allow title applications to be processed in cases where the old title is lost or can not be located by a lien holder. (Connecticut law currently requires that when there is a lien on a motor vehicle, the title document be in the possession of the lien holder.) As a result of national changes in the financing industry, however, it has proven very difficult in many cases to locate the original Connecticut certificate of title. This change would allow a motor vehicle dealer or a customer to submit, with evidence of the lien payoff, an affidavit to the Commissioner in lieu of the original certificate. The Title Division would then cross-check its files to confirm the original title issuance and date.

Subsection (c) of Section 1 clarifies that for the purpose of issuing a title, the Commissioner may except a VIN # inspection made by a licensed motor vehicle dealer and evidenced by an affidavit, as authorized by Public Act 98-182.

Section 2 relaxes the current ten-day time frame to procure title certificate from lien holders. Again, this change is due to the fact that the original titles can not be readily located by major lien holders that operate nationally and frequently change the location of where their records are stored.

Sections 3 and 4 remove the requirement that a date of expiration be listed on a (permanent) handicapped parking permit and maintains in effect the \$5 fee that has been charged for temporary handicapped parking credentials. These changes are intended to amend the law to comply with a recent federal court decision (*Deprey v. State of Connecticut, Department of Motor Vehicles*) which concluded that a \$5 fee for a (permanent) handicapped parking removable placard was in violation of the Americans with Disabilities Act. DMV has already discontinued charging the fee to comply with the federal court order, although the court's decision does not effect DMV's right to charge the fee for temporary permits.