

Legislative History for Connecticut Act

Act Number: PA 04-199
Bill Number: 27
Senate Pages: 2080-2085, 2086-2087 8
House Pages: 4913-4970 58
Committee: Transportation: 32-33, 36-38, 41-45, 66-69 14

Page Total: 80

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
and House of Representatives Proceedings

Connecticut State Library
Compiled 2012

S-497

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
2004

VOL. 47
PART 7
1872-2165

Senator McDonald.

SEN. McDONALD:

Thank you, Madam President. Madam President, I move passage of the bill as amended by the Senate previously.

THE PRESIDENT:

Thank you, sir.

The question is on passage as amended. Will you remark further? Will you remark further?

Senator McDonald.

SEN. McDONALD:

Madam President, if there's no objection, might this item be placed on the Consent Calendar?

THE PRESIDENT:

Without objection, so ordered.

THE CLERK:

Calendar Page 26, Calendar No. 398, File No. 545, Substitute for SB 27, AN ACT CONCERNING EFFICIENCIES OF THE DEPARTMENT OF MOTOR VEHICLES. Favorable report of the Committees on Transportation, Finance, Revenue and Bonding and Appropriations.

THE PRESIDENT:

Senator Ciotto.

SEN. CIOTTO:

Thank you very much, Madam President. There was an

outburst of laughter here on this side when somebody mentioned efficiencies in the Department of Motor Vehicles. And I don't understand what the laughing is all about. But I'll accept it and take it in good sense and good humor this evening because of the late hour and we don't want to try your patience.

Madam President, I move the joint committees' favorable report and passage of the bill.

THE PRESIDENT:

The question is on passage. Will you remark?

SEN. CIOTTO:

The Clerk has LCO 4314.

THE CLERK:

LCO 4314, which will be designated Senate Amendment Schedule "A". It's offered by Senator Ciotto of the 9th District.

THE PRESIDENT:

Senator Ciotto.

SEN. CIOTTO:

I move adoption of the amendment, Madam President.

THE PRESIDENT:

The question is on adoption. Will you remark?

SEN. CIOTTO:

If I comment? What the amendment does is it changes the hours of service exemption for utility

service employees. It defines major loss of utility service and clarifies that drivers of certain utility company vehicles, electric, gas, telephone, et cetera, are not subject to the mandatory hours of operation when they're trying to restore or repair utility services. During normal conditions, drivers are restricted from working more than 16 hours in any 24-hour period.

And it also touches on ignition interlock. It clarifies legislation passed during the 2003 session that perhaps the use of an ignition interlock device by persons who are convicted a second time of driving under the influence.

These provisions will clarify the terms of last year's legislation and are necessary to set up an effective program. Most importantly, these changes repeal the part of the law that refers to the immobilization device which is not required by federal guidelines, clarifies that a person who is under suspension for a second DUI conviction must serve one year of a hard suspension then may apply to DMV for permission to install and use an ignition interlock device.

It also requires dealers to provide customers with replaced car parts. It clarifies that motor vehicle repair shops shall make available to the customer all

replaced parts, components or equipment if the customer requests at the time written or oral authorization is provided for the work to be performed.

It also requires VIN etching on component parts and repeals Section 20 which would have required DMV to study the feasibility and benefits of a program to permit a new and used car dealer to offer the service of etching six or more of a vehicle's component parts and, instead, requires dealers to specify the charge for marking vehicle components if they offer the service to their customers.

It also contains miscellaneous technical changes.

THE PRESIDENT:

The question is on adoption of Senate Amendment "A". Will you remark? Will you remark?

If not, all those in favor indicate by saying Aye?

VOICES:

Aye.

THE PRESIDENT:

Opposed, Nay?

REP. CIOTTO:

Thank you. If I may -- oh.

THE PRESIDENT:

The Ayes have it. The amendment is adopted.

Senator Ciotto.

April 28, 2004

REP. CIOTTO:

Thank you, Madam President. The bill itself would authorize DMV to perform a computer vehicle identification number check as an alternative to physical inspection, similar to other states and programs, clarify the second year registration refund procedure, allow marine dealers to submit boat and trailer registrations to the agency electronically, thereby increasing its efficiency, Madam President, permit advance practice registered nurses to certify handicap parking credential applications, clarify the license and registration fee waiver available to persons who are in the active service of the Armed Forces and require commercial driver's licenses, CDL's, to be issued for a period of four instead of six-year terms to meet the Federal Patriot Act.

Thank you very much, Madam President.

THE PRESIDENT:

Thank you, sir.

Will you remark further on the bill as amended? If not --

Senator Ciotto.

SEN. CIOTTO:

I move the bill be placed on the Consent Calendar without objection, Madam President.

prh
Senate

214

002085

April 28, 2004

THE PRESIDENT:

Without objection, so ordered.

SEN. CIOTTO:

Thank you.

THE PRESIDENT:

Senator Looney.

SEN. LOONEY:

Thank you, Madam President. Madam President, I would ask the Clerk to call the items on the second Consent Calendar.

THE PRESIDENT:

Mr. Clerk, would you first announce a Roll Call vote on the Consent Calendar? The machine will be opened.

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, those items placed on the second Consent Calendar begin on Calendar Page 9, Calendar No. 336, Substitute for SB 566;

Calendar Page 10, Calendar 350, Substitute for SB 547;

prh
Senate

215

002086

April 28, 2004

Calendar Page 11, Calendar 447, HB 5200;

Calendar Page 12, Calendar 473, Substitute for HB
5242;

Calendar Page 14, Calendar 482, Substitute for HB
5477;

Calendar Page 20, Calendar No. 179, Substitute for
SB 336;

Calendar Page 25, Calendar No. 325, Substitute for
SB 291; and

Calendar Page 26, Calendar No. 398, Substitute for
SB 27.

Madam President, that completes those items placed
on the second Consent Calendar.

THE PRESIDENT:

Thank you, sir. Would you once again announce a
Roll Call vote?

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 voting by Roll Call on the
Consent Calendar. Will all Senators please return to
the Chamber?

THE PRESIDENT:

If all members have voted, the machine will be
locked.

April 28, 2004

Clerk, please announce the tally.

THE CLERK:

The motion is on adoption of Consent Calendar No.
2,

Total number voting, 35;

Necessary for adoption, 18;

Those voting Yea, 35;

Those voting Nay, 0;

Absent, not voting, 1.

THE PRESIDENT:

The bill is -- the Consent Calendar is adopted.

Senator Looney.

SEN. LOONEY:

Thank you, Madam President. Madam President, I would move for suspension of the rules for immediate transmittal to the House of Representatives of those items on the two Consent Calendars voted today that require additional action by the House of Representatives.

THE PRESIDENT:

Without objection, so ordered.

Senator Looney.

SEN. LOONEY:

Thank you, Madam President. Madam President, I would also move for suspension for immediate transmittal

H-923

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
2004

VOL. 47
PART 15
4608-4973

House of Representatives

Tuesday, May 4, 2004

"A" and "B" and "C" and Senate Amendment Schedule "A",
in concurrence with the Senate

Total Number Voting	148
Necessary for Passage	75
Those voting Yea	130
Those voting Nay	18
Those absent and not voting	3

DEPUTY SPEAKER CURREY:

The bill passes, in concurrence with the Senate.
Will the Clerk please call Calendar 512.

CLERK:

On page 14, Calendar 512, Substitute for S.B. 27,
AN ACT CONCERNING EFFICIENCIES OF THE DEPARTMENT OF
MOTOR VEHICLES. Favorable Report of the Committee on
Appropriations.

DEPUTY SPEAKER CURREY:

Representative Cocco of the 127th.

REP. COCCO: (127TH)

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

DEPUTY SPEAKER CURREY:

The question before us is on acceptance and
passage, in concurrence with the Senate. Please proceed,
Madam.

House of Representatives

Tuesday, May 4, 2004

REP. COCCO: (127TH)

Thank you, Madam Speaker. This is a large bill. It eliminates SR22 which is a duplication. It also allows DMV to perform computer vin check as an alternative to physical inspection.

It makes use of windshield emission stickers discretionary. It makes the special interest plate program discretionary. It limits the discretionary \$50 civil penalty since DMV has not collected that penalty.

It makes a revision to the definition of "passenger motor vehicle" to allow certain pickup trucks to obtain passenger registrations. It revises taxi and service bus registrations. It repeals the requirement that DMV issue a permit for racing events.

It clarifies a \$15 per driving history record shall be charged for for-profit businesses. It allows marine dealers to submit boat and trailer registrations electronically. It allows advanced practice registered nurses to certify applicants for handicap parking credentials.

It exempts firms from having to obtain an auction permit from DMV who are engaged primarily in the business of auctioning.

It clarifies the license and registration fee waiver available to persons who are in active service.

gmh

446

House of Representatives

Tuesday, May 4, 2004

It requires a four year commercial driver's license term to conform with federal requirements.

And with that, Madam Speaker, the Clerk has an amendment, LCO 4314, which is Senate Amendment "A". If he would call and I be allowed to summarize.

DEPUTY SPEAKER CURREY:

Will the Clerk please call LCO 4314, previously designated Senate Amendment "A".

CLERK:

LCO number 4314, Senate "A" offered by Senator Ciotto and Representative Cocco.

DEPUTY SPEAKER CURREY:

Representative Cocco.

REP. COCCO: (127TH)

Thank you, Madam Speaker. This amendment adds provisions requiring CDL drivers at the time of their first renewal to provide the names of all the states where they have been issued a license.

It defines a major loss of utility service and clarifies the circumstances under which certain utility companies are not subject to mandatory hours.

It clarifies legislation on ignition interlock that was passed in the last session.

There is a technical change on repair shops for them to present equipment or parts before the vehicle is

House of Representatives

Tuesday, May 4, 2004

returned to the customer.

It requires dealers to specify charge for marking vehicle components and it also creates a non-lapsing brain injury prevention services account.

And I move adoption of the amendment.

DEPUTY SPEAKER CURREY:

The question is on adoption of Senate "A". Would you care to comment further on the amendment?

Representative Scribner of the 107th.

REP. SCRIBNER: (107TH)

Thank you, Madam Speaker. I rise in support of the amendment and the bill before us which does indeed improve efficiencies of the Department of Motor Vehicles.

As outlined by the Chairman of the Transportation Committee, there are twenty-one issues addressed in the underlying bill and additional ones in Senate Amendment "A" that have been combined into the bill in cooperation and with the recommendation of the Commissioner's Office.

And with the unanimous support of the Transportation Committee, I urge support and passage of Senate Amendment "A" and the bill, in concurrence with the Senate.

Thank you.

gmh

448

House of Representatives

Tuesday, May 4, 2004

DEPUTY SPEAKER CURREY:

Thank you, sir.

Would you care to comment further on the amendment before us? Would you care to comment further on the amendment?

If not, let me try your minds. All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER CURREY:

All those opposed, nay. The amendment's adopted.

Would you care to comment further on the bill, as amended? Would you care to comment further on the bill, as amended?

Representative Hamzy of the 78th.

REP. HAMZY: (78TH)

Thank you, Madam Speaker. Madam Speaker, the Clerk has an amendment, LCO number 5127. May he call it and I be allowed to summarize.

DEPUTY SPEAKER CURREY:

Will the Clerk please call LCO 5127, designated House "A".

CLERK:

LCO number 5127, House "A" offered by Representative Hamzy.

House of Representatives

Tuesday, May 4, 2004

DEPUTY SPEAKER CURREY:

Representative Hamzy.

REP. HAMZY: (78TH)

Thank you, Madam Speaker. This is a rather lengthy amendment, but it does a very simple thing. It discontinues the emission testing system that we have effective July 1, 2006 and I move adoption.

DEPUTY SPEAKER CURREY:

The question before us is on adoption of the amendment. Would you care to proceed, sir?

REP. HAMZY: (78TH)

Yes, Madam Speaker. I think everyone is aware of the problems that we've been having with our emissions testing system, whether it was the old centralized system or the new decentralized system and I believe that in the next two years and some odd months, that we can come up with a system that complies with the federal Clean Air Act and also cleans our air, which is the bottom line goal that we have and I would urge support of this amendment.

Madam Speaker, when the vote is taken, I would ask that it be taken by roll.

DEPUTY SPEAKER CURREY:

All those in favor of a roll call vote, please signify by saying aye.

House of Representatives

Tuesday, May 4, 2004

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER CURREY:

The minimum of 20% has been met. When the vote is taken, it will be taken by roll call.

Would you care to comment further on the amendment before us?

Representative Cocco of the 127th.

REP. COCCO: (127TH)

Thank you, Madam Speaker. A question or two to the proponent of the amendment.

DEPUTY SPEAKER CURREY:

Please frame your question, Madam.

REP. COCCO: (127TH)

Through you, Madam Speaker to Representative Hamzy, is there a fiscal note on your amendment?

DEPUTY SPEAKER CURREY:

Representative Hamzy.

REP. HAMZY: (78TH)

Madam Speaker, I've been informed that it's on its way. I don't have it right here in front of me and I looked on the system, it's not on the system either.

I would add that I called this amendment in yesterday. So I would assume that it would be here very shortly.

House of Representatives

Tuesday, May 4, 2004

REP. COCCO: (127TH)

Madam Speaker, in the absence of that, if I could perhaps ask another question?

DEPUTY SPEAKER CURREY:

Please proceed, Madam.

REP. COCCO: (127TH)

Thank you, Madam Speaker. And through you, I was wondering whether or not Representative Hamzy had discussed with the Department of Environmental Protection the effects that this would have, not necessarily on our pollution, but the amount of money that comes to us through the federal government, which is \$400 million a year to the State of Connecticut?

DEPUTY SPEAKER CURREY:

Representative Hamzy.

REP. HAMZY: (78TH)

Through you, Madam Speaker. I've not had that discussion with the Department of Environmental Protection. However, the provision I had put in here to make this effective July of 2006, would give us enough time to come up with an alternative system that would accomplish the goals of this Legislature which are currently not being met. I think we can all agree upon that fact that the goals that we have set, that this Legislature has set, has not been met through the

House of Representatives

Tuesday, May 4, 2004

current system.

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Cocco.

REP. COCCO: (127TH)

Thank you, Madam Speaker. Let me just remind the Chamber of a few things that have been happening in recent weeks.

Everyone knows that just two weeks ago, it will be two weeks tomorrow, the emissions program was suspended. The actual testing was suspended for a period of time because, indeed, everyone in the Chamber knows that we do have a problem with that program.

However, we have had a full public hearing on the program. We are now receiving an independent audit which should be ready by May the 17th at the latest. The amendment is certainly premature and unfortunately, I don't like to call it irresponsible, but Madam Speaker, when we realize the affect that this particular amendment would have, possibly, on a program right now that has the inspections suspended and we have spent, I believe it was sixteen months without a program, and we were able to get a waiver from the EPA, because they knew that we were working on something else. And now we are asking them to consider that we are doing another

gmh

453

House of Representatives

Tuesday, May 4, 2004

suspension in time, my fear is, Madam Speaker, that if in the out years of 2006, they realize that we are again going to come to them with a possible another suspension of the program, that we will be inviting them to put sanctions against the State of Connecticut and God knows who much money that would be and it's something without a fiscal note that I don't think that we can even consider.

So Madam Speaker, I certainly urge members of this Chamber, when they do a roll call vote, to understand the amount of money the State of Connecticut would lose if, indeed, we pass this amendment.

DEPUTY SPEAKER CURREY:

Thank you, Madam.

Representative Cardin of the 53rd.

REP. CARDIN: (53RD)

Thank you, Madam Speaker. Through you, might I ask the proponent of the amendment a few questions?

DEPUTY SPEAKER CURREY:

Please frame your questions, sir.

REP. CARDIN: (53RD)

Thank you. Through you, Madam Speaker. Representative Hamzy, is it my understanding that you're not trying to get rid of an emissions testing program, but instead shed some light on exactly what's happening

House of Representatives

Tuesday, May 4, 2004

there?

DEPUTY SPEAKER CURREY:

Representative Hamzy.

REP. HAMZY: (78TH)

Through you, Madam Speaker. I'm not sure that we have the ability or even the discretion to get rid of the testing system that we have in place pursuant to the Clean Air Act and pursuant to the federal EPA.

What I'm trying to do is, I guess, encourage us to come up with a system that is going to accurately accomplish the goals that this Legislature sets out and more importantly, cleans the air. That is the ultimate goal.

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Cardin.

REP. CARDIN: (53RD)

Thank you, Madam Speaker. And through you, Madam Speaker, Representative Hamzy, your amendment says that the program will end in 2006. Is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Hamzy.

REP. HAMZY: (78TH)

July 1st of 2006, yes.

House of Representatives

Tuesday, May 4, 2004

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Cardin.

REP. CARDIN: (53RD)

And through you, Madam Speaker, at that point in 2006, what process will be held or what process will be in place so that we, as a legislature, have an understanding of what's taking place in terms of an emissions testing program, whether it be run by state employees, contracts that the State may enter into? Is that outlined in your amendment?

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Hamzy.

REP. HAMZY: (78TH)

Through you, Madam Speaker. It's not outlined in my amendment, but it's my hope that with the two years and two months that this amendment gives us, that we have now the ability to come up with an alternative system that accomplishes the goals.

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Cardin.

REP. CARDIN: (53RD)

Thank you, Madam Speaker. And I'd like to thank

House of Representatives

Tuesday, May 4, 2004

Representative Hamzy.

I rise in support of this amendment. I've had a lot of questions about the emissions testing program since we ended the last one and I've actually been asking that we hold public hearings on any future contracts such as the one we entered in Agbar so we have an understanding of what it is the State is doing in terms of the emission testing program. No public hearings were held on the proposed contract that went out to bid. No public hearings were held on what was going on with the Agbar fiasco. And I'm hopeful that with the passage of this amendment, that we, as a legislature, when we're going back home to our constituency, can answer some of these very important questions.

I'm sure we've all received those e-mails or phone calls about constituents who went to an Agbar facility and they just don't know if they were overcharged or erroneously charged for a service that may have not been necessary and I think that the Legislature needs to take some more ownership and have some greater light shed on not only what's taking place with Agbar when it's under suspension, but any future contracts or programs that the State enters into.

And I would encourage my colleagues to join Representative Hamzy and myself in supporting this very

House of Representatives

Tuesday, May 4, 2004

important amendment.

DEPUTY SPEAKER CURREY:

Representative Powers of the 151st.

REP. POWERS: (151ST)

Thank you, Madam Speaker. I rise in support of this amendment. I am sure that all my colleagues on both sides of the aisle have gotten as many phone calls as I have. First, people were just in total disbelief. Then they were disgusted and then they said well why don't you fix this? And then when I indicated it was very difficult to fix, then we suspended it and then all of the station owners who had invested all the money in the equipment and redesigning their bays in their stations were furious that we suspended the program.

I think that this is an amendment that we need to pass. We need to take care of this particular situation. I know that the gasoline retailers organization in my area of the State came to me several times and said Agbar is not going to work, they are in trouble in other states where they are working now, we do not want to hire this firm. I passed that along and as we all know, we hired Agbar.

Those folks are now calling me and leaving messages saying well, I told you so. We told you this would be a problem. We told you they wouldn't do a good job. And

House of Representatives

Tuesday, May 4, 2004

now you've spent all this money and you've had all the local guys spend their money, as well.

I strongly urge my colleagues to support this amendment. We really, really need to get a handle on this.

Thank you.

DEPUTY SPEAKER HYSLOP:

Representative Farr.

REP. FARR: (19TH)

Thank you, Mr. Speaker. When we first put emissions program in place in Connecticut, it made a great deal of sense. In those days, cars had to be periodically adjusted. You had to have your car tuned every year in order to control the emissions and the emissions devices we had on cars, had to be periodically replaced.

And the initial programs were quite successful in terms of identifying those cars in need of tune-ups and reducing the emissions from those cars.

What's happened is with the progress in the design of cars, today most automobiles have sensors on them. They are, in effect, self-tuning. So if you take a new car today with an oxygen sensor, and do a test on it, it's very little likelihood that you're going to find that this car needs a tune-up. It's the older cars that are still emitting and the irony is we ended up with

House of Representatives

Tuesday, May 4, 2004

this system that it will cost you a lot of money to fix the older car because it's so out of tune, that we give you a waiver so we don't require the real big emitters to get fixed and then we continue to drive these older cars.

If instead of the emissions program we had an alternative which, for example, might be a program that you collected the fees and you paid people to acquire their old cars that are high emitters and remove them from the roads, you could make a substantial reduction in emissions without the inconvenience of the present program and I believe a much more efficient program than what we have today.

I think it's time for us to move beyond the emissions program. I think that the amendment is a good idea and I would support it.

DEPUTY SPEAKER HYSLOP:

Representative Scribner.

REP. SCRIBNER: (107TH)

Thank you, Mr. Speaker. I fully appreciate and share the concerns of my friend and colleague, Representative Hamzy and I believe that the Commissioner's Office and the leadership of the Transportation Committee has been dealing with the very serious and frustrating issues that we've been faced

House of Representatives

Tuesday, May 4, 2004

with Agbar.

I do feel compelled to point out to my colleagues some information that I have for you to consider that would be directly impacted by this amendment.

The Deputy Commissioner of the DEP has offered information that from the federal EPA they've only allowed us to go without testing so long because we were in constant contact with them and when I say that, I'm referring to the period of time of roughly sixteen months that the State of Connecticut had suspended testing while we put a plan in place, which began last October.

We've been further advised that it is very unlikely that they would not allow us another grace period with no testing which means that we would likely be in danger of having sanctions put on us nearly immediately. And they've also stated that the EPA has never granted a waiver of any kind for any emissions requirements.

In addition to that, under the federal Clean Air Act, there are sanctions that are broken into two groups. And based on information that was offered to us by OFA, and the State Department of Transportation, we could potentially lose 90% of our federal funding, which would equate to anywhere between \$350 and 450 million.

So I think it's important that you give very

House of Representatives

Tuesday, May 4, 2004

serious consideration with this information in mind before you act on this amendment. I believe it is well intended and I do understand the frustration that we've all been through in recent months on the emissions program.

I'm just not convinced that this is the way to go to resolve it and I think you need to consider that.

Thank you.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "A"? Will you remark further on House "A"?

Representative Cocco.

REP. COCCO: (127TH)

Thank you, Mr. Speaker. Mr. Speaker, through you to Representative Hamzy. I just wondered had he received his fiscal note yet?

DEPUTY SPEAKER HYSLOP:

Representative Hamzy.

REP. HAMZY: (78TH)

Through you, Mr. Speaker. Yes, I do have the fiscal note. It's rather lengthy, but I can try to summarize it. It does say that there is a significant fiscal impact if the alternative to the existing program is not put in place within the allowed time.

So I'm assuming if we don't put a substitute

program within the next two years, the repercussions, as elicited by yourself and Representative Scribner, I guess will be going out.

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

Thank you, Mr. Speaker. I would just like to remind the Chamber that it took us a very lengthy time when we were changing from one provider of this service to another. It wasn't only the sixteen months that we were not conducting any emissions testing, but it was at least a year or a year and a half before that when we knew that our contract was running out and we were working in DMV to make a decision as to how we should go after that contract did run out.

And on Representative Farr's comments, I agree with him. The cars today are certainly not anything like the cars were in 1983, I believe, when we started the program and recognizing that, we have forgiven those cars that are four years and younger. I also believe, Representative Farr, that by the time this contract is over if indeed we do continue it, that we will no longer need an emissions program, but we're not there yet, unfortunately, we're not there yet. There's not a person in this Chamber that wants to see the emissions program

House of Representatives

Tuesday, May 4, 2004

continue. But can we, can we look at the possibility of \$400 million being taken away from us? Can we look at the fact that we may, unfortunately, by virtue of a contract that we've already entered into, suffer a financial loss, should we not go through all we need to go through in looking at the private audit that is coming back to us next week or the week after and finding out whether, indeed, Agbar has violated the contract to the degree that we can suspend that program forever? I don't think that we can take that chance at this point in time.

So, I would again ask the Chamber to please defeat this amendment by virtue of that fiscal note that certainly tells us that we may suffer a very great financial loss.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "A"?

Representative Metz.

REP. METZ: (101ST)

Thank you, Mr. Speaker. Mr. Speaker, I would love to vote in favor of this amendment. I would love to see an end to the emissions testing and I know that every constituent in my district would applaud if I were to do so. But I'm curious and I have a question for

House of Representatives

Tuesday, May 4, 2004

Representative Hamzy. The bill takes effect two years from now and he's remarked that in order to enable us to come up with an alternative, Representative Cocco remarked that she wished or hoped that within two or three years we could do away with the emission system.

It was my understanding that the federal government required us to have an emission system and so my question to Representative Hamzy, through you, Mr. Speaker, would be, what is the alternative to the emissions system? Is it another emission system? Is it another provider or are there some other things that we can do that would make it unnecessary for us to have an emissions system?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Hamzy.

REP. HAMZY: (78TH)

Through you, Mr. Speaker. I don't have the specific answer as to whether or not if there is another provider that will continue to do these emissions testing, perform these emissions tests. It's my own personal belief that we could probably spend less money subsidizing the purchase of newer cars and accomplishing the goal of cleaner air than through the current emissions program that we have.

House of Representatives

Tuesday, May 4, 2004

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Metz.

REP. METZ: (101ST)

Thank you, Mr. Speaker. Mr. Speaker, I can't disagree with that and it's similar to the remarks that Representative Farr made and I guess I would then ask would that be an acceptable alternative to the federal government or would we still risk the loss of federal funding if we were to adopt such a policy of buying older cars and subsidizing the purchase of newer cars or whatever?

DEPUTY SPEAKER HYSLOP:

Representative Hamzy.

REP. HAMZY: (78TH)

Through you, Mr. Speaker. Personally, I believe twenty-six months, which is the time that we have given ourselves, if this amendment is adopted, to come up with an alternative program is a sufficient enough time to develop that program. I'm not saying that we should discontinue the emissions program tomorrow, because then I know there are severe consequences which are certain. What I'm saying is that twenty-six months from now this program is going to end and we will need to have a program in place to take its place.

House of Representatives

Tuesday, May 4, 2004

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Metz.

REP. METZ: (101ST)

Thank you, Mr. Speaker. Mr. Speaker, through you, what would that alternative be? What alternative two years from now are we likely to find that would be acceptable to the federal government in lieu of an emissions program? Is there any such program contemplated at this time?

DEPUTY SPEAKER HYSLOP:

Representative Hamzy.

REP. HAMZY: (78TH)

Through you, Mr. Speaker. I haven't had those conversations with the federal officials, but I think in the next twenty-six months, that's a conversation that we can have that I'm sure we could come to an agreement with or come up with a program to replace this system that we -- I don't think anyone could acknowledge that the system we have in place right now is not working. So anything that we develop over the next twenty-six months is going to be an improvement over what we have right now.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

gmh

467

House of Representatives

Tuesday, May 4, 2004

Representative Metz.

REP. METZ: (101ST)

Thank you, Mr. Speaker. Mr. Speaker, I guess I'd like to pose a similar question to Representative Cocco. When she spoke of her desire to do away with the emissions program in two or three years or her hope that we could do that, I wonder if she has in mind an alternative that would be acceptable to the federal government that would allow us to no longer have an emissions program?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

Thank you, Mr. Speaker. And through you, the last public hearing or informational hearing that the Transportation Committee held was attended by representatives from our DEP and the person who spoke to us at that time told the committee that they believed by the time the contract with Agbar was over, which is a six year contract which began, I believe, last September, that there would, at that point in time, not be a need for an emissions program. So it is my view that by the time this contract is over, there will be cars that will be clean up so that having a program

House of Representatives

Tuesday, May 4, 2004

would actually be rather a silly thing to do because all we would be doing would be testing very clean vehicles and if we also considered that we did pass a clean car bill this year, then we would be adding cleaner cars to our fleet.

So, Mr. Speaker, it is my belief that by the time we're finished with this contract and by the word of the person from DEP who spoke to the committee, we will not need the emissions program at that point in time, not two years from now, Representative Metz, but by the time the Agbar contract is over in less than six years.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Metz.

REP. METZ: (101ST)

Thank you, Mr. Speaker. And Mr. Speaker, one more question for Representative Cocco. Representative Farr made the suggestion that we undertake a program of purchasing older vehicles, older polluting vehicles and getting them off the road and Representative Hamzy suggested the possibility of subsidizing the purchase of newer cars for those who had older polluting cars.

I wonder if Representative Cocco thinks that such a program might possibly accelerate the time by which we might expect to no longer need an emissions program to

gmh

469

House of Representatives

Tuesday, May 4, 2004

less than the six years that she projects to the end of the Agbar contract, even if it were a little more than the two years that this bill would give us?

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

Thank you, Mr. Speaker. And through you, I have not had those conversations with anyone and I really couldn't give you an opinion on that at this point in time.

DEPUTY SPEAKER HYSLOP:

Representative Metz.

REP. METZ: (101ST)

Thank you, Mr. Speaker. Thank you, Representative Cocco. Thank you, Representative Hamzy.

DEPUTY SPEAKER HYSLOP:

Representative Chapin.

REP. CHAPIN: (67TH)

Thank you, Mr. Speaker. Reluctantly I rise to oppose this amendment for some of the reasons that Representative Scribner pointed out earlier. As the Ranking Member of the Environment Committee, I was invited to two separate meetings by the Transportation Committee chairs with the DOT, DMV, and Agbar and actually learned a lot more than I probably ever wanted

House of Representatives

Tuesday, May 4, 2004

to know about Connecticut's emissions program.

Representative Hamzy stated earlier that it's not working and it certainly has had its share of problems and I would be the first one that would love to go back to my constituents and say, we got rid of it, it's an inconvenience to go, it's an extra fee, but guess what, as the gentleman from Brookfield already mentioned, there are sanctions if we don't comply.

Now, the federal Clean Air Act requires states to file a plan working towards meeting the national ambient air quality standards and depending on the state you're in and how dirty your air is, the plans change. We all know that Connecticut ends up with poorer air quality from some of the climate wind patterns from the Midwest.

So there are things that we can do and there are things that we can't really control. In this particular case, if we don't comply, and sanctions are levied against the State of Connecticut, there are two types of sanctions. There are the ones, as I said that the gentleman from Brookfield stated earlier, highway sanctions. Now according to a note I had from OFA, by not being in compliance, we jeopardize losing close to \$360 million, 10% of the \$400 million that we receive is earmarked for safety, for different DOT projects that deal with safety and reduction in pollution. Ninety

House of Representatives

Tuesday, May 4, 2004

percent is for other things. So if these sanctions are imposed on us, sure we'll be able to add extra rail cars because that does help to reduce air pollution and we'll be able to fix some bridges, but we won't be able to widen roads, we won't be able to repave roads and quite honestly, I don't think any one of us wants to go back to our constituencies and tell them that the state highway running through their town can't be repaved because we opted out of doing what the EPA is requiring us to do.

As I stated earlier, I would be the first one in this Chamber that would love to go back to my community and tell them we eliminated this program. I did ask the question of DEP, what happens if we do eliminate this program? They gave me a very candid answer and said, "You probably don't want to know, it would involve emissions standards on your lawnmower, it would possibly include prohibitions on gas grills."

As I stated earlier, there were two types of sanctions, the highway sanctions and the offsets. Without an approved state implementation plan, we may be subject to new source permit sanctions in the form of offsets.

As Deputy Commissioner Stahl stated, in the meeting that I attended, those sanctions would require a two to

House of Representatives

Tuesday, May 4, 2004

one offset for all new sources of hydrocarbons.

For example, if a new factory that was going to produce twenty tons of hydrocarbons a year was going to be built in Connecticut, before DEP or EPA could approve the permit, the State would have to show a reduction of forty tons in a year. And I ask the colleagues who are in support of this, what that might do to industry.

Mr. Speaker, I urge my colleagues to defeat this amendment.

Thank you.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "A"? Will you remark further on House "A"?

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 call. Members to the Chamber. The House is voting House Amendment Schedule "A" by roll call. Members to the Chamber.

DEPUTY SPEAKER HYSLOP:

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

House of Representatives

Tuesday, May 4, 2004

The Clerk will announce the tally.

CLERK:

House Amendment Schedule "A" to S.B. 27

Total Number Voting	148
Necessary for Adoption	75
Those voting Yea	50
Those voting Nay	98
Those absent and not voting	3

DEPUTY SPEAKER HYSLOP:

House "A" fails.

Will you remark further on the bill, as amended?

Will you remark further on the bill, as amended?

Representative Megna.

REP. MEGNA: (97TH)

Thank you, Mr. Speaker. Mr. Speaker, through you, I just have a couple of questions of the bill to the proponent.

DEPUTY SPEAKER HYSLOP:

Proceed, sir.

REP. MEGNA: (97TH)

Representative, Sections 511 and 512 of the bill, there is an assessment of \$5 for certain violations. How much money does that amount to?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

House of Representatives

Tuesday, May 4, 2004

Representative Cocco.

REP. COCCO: (127TH)

Through you, Mr. Speaker. You know, I don't have that amount of money in front of me. If you would - just one second. I am told, through you, Mr. Speaker, \$360,000, give or take a bit.

DEPUTY SPEAKER HYSLOP:

Representative Megna.

REP. MEGNA: (97TH)

Is that \$360 per year that's anticipated from that charge?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

It's \$360,000 and it is per year.

DEPUTY SPEAKER HYSLOP:

Representative Megna.

REP. MEGNA: (97TH)

The violations that that surcharge is going to be for, it references 14-219, 14-222, and 14-227a. What are those violations?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

House of Representatives

Tuesday, May 4, 2004

REP. COCCO: (127TH)

Thank you, Mr. Speaker. Through you, Mr. Speaker. It is on persons convicted or who plead no contest to speeding, reckless driving, and driving under the influence of drugs or alcohol.

DEPUTY SPEAKER HYSLOP:

Representative Megna.

REP. MEGNA: (97TH)

Thank you, Mr. Speaker. Now this money, through you, Mr. Speaker, is going into a -- is going to be diverted to a brain injury association of Connecticut?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

Through you, Mr. Speaker. Yes.

DEPUTY SPEAKER HYSLOP:

Representative Megna.

REP. MEGNA: (97TH)

What will that money be used for by this association?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

gmh

476

House of Representatives

Tuesday, May 4, 2004

Through you, Mr. Speaker. I actually have a letter here. And through you, Mr. Speaker. The purpose is to support people with brain injury and their families and to educate the public about the consequences of brain injury. It not a part of the mission to change laws or to require people to change their behavior. So actually it is just support for people with brain injuries.

DEPUTY SPEAKER HYSLOP:

Representative Megna.

REP. MEGNA: (97TH)

Through you, Mr. Speaker. Why brain injuries? Are these brain injuries as a result of motor vehicle accidents? Are these people that are injured and money's going to go to help them out or educate the public about brain injuries through motor vehicle accidents?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

Through you, Mr. Speaker. I am certain that some of them have come about as a result of motor vehicle accidents, however, it's impossible for me to stand here and say what caused each brain injury for the persons that will be helped by this money.

DEPUTY SPEAKER HYSLOP:

gmh

477

House of Representatives

Tuesday, May 4, 2004

Representative Megna.

REP. MEGNA: (97TH)

So it's possible that money from some of these motor vehicle violations will go to people with brain injuries that sustain brain injuries from other than motor vehicle accidents? Is that true?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

Through you, Mr. Speaker. It is my opinion that they would certainly not take in account exactly what caused that injury and indeed, yes some of these fines might be used to help people whose brain injury resulted from some sort of a fall.

DEPUTY SPEAKER HYSLOP:

Representative Megna.

REP. MEGNA: (97TH)

Through you, Mr. Speaker. What percent of motor vehicle accidents or motorcycle accidents a brain injury may result from?

Through you, Mr. Speaker, on an annual basis.

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

Through you, Mr. Speaker. I have no idea.

DEPUTY SPEAKER HYSLOP:

Representative Megna.

REP. MEGNA: (97TH)

Through you, Mr. Speaker. Why do we select brain injuries rather than, say, back injuries or knee injuries or any other kind of injuries?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

Through you, Mr. Speaker. It would be my impression that the rate of recovery from brain injuries is much less than the rate of recovery from either a back or a leg injury.

DEPUTY SPEAKER HYSLOP:

Representative Megna.

REP. MEGNA: (97TH)

So through you, Mr. Speaker, the cost of the slower rate of recovery of a brain injury, we chose to give this money to the Brain Injury Association of Connecticut rather than any other organization involving any other kind of injury to any other part of the body?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

gmh

479

House of Representatives

Tuesday, May 4, 2004

Representative Cocco.

REP. COCCO: (127TH)

Through you, Mr. Speaker. There is not only slower recovery, in many instances there is no recovery and I'm told that in the past we did fund the Traumatic Brain Injury Fund and we are not funding it at the present.

DEPUTY SPEAKER HYSLOP:

Representative Megna.

REP. MEGNA: (97TH)

Thank you, Mr. Speaker. Just a few other questions. Will any of this money, either directly or indirectly, go towards any type of movement or education or promotion of any type of helmet protection while riding motorcycles?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

Ah, through you, Mr. Speaker, I think we get to the base of the questions. No.

DEPUTY SPEAKER HYSLOP:

Representative Megna.

REP. MEGNA: (97TH)

Okay, thank you, Mr. Speaker and thank you for your answers, Representative Cocco.

gmh

480

House of Representatives

Tuesday, May 4, 2004

DEPUTY SPEAKER HYSLOP:

Representative Cardin.

REP. CARDIN: (53RD)

Thank you, Mr. Speaker. Might I ask a question of the proponent of the bill?

DEPUTY SPEAKER HYSLOP:

Proceed.

REP. CARDIN: (53RD)

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Proceed.

REP. CARDIN: (53RD)

Through you, Mr. Speaker to the proponent of the bill. In addition to the fee increases that were just talked about from the gentleman from New Haven, what other fee increases are in this bill?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

Through you, Mr. Speaker. Just a moment. So far, through you, Mr. Speaker, I'm finding a elimination of fees, but I will continue looking.

We have a clarification, Mr. Speaker, that there will be a \$115 fee per driving history record for for-

House of Representatives

Tuesday, May 4, 2004

profit businesses, but I believe that is a fee that has already been established.

And through you, Mr. Speaker, the changes in the driver's license fees has been in several other bills, so that is not a change either from what we presently require.

And after looking at the entire bill, Mr. Speaker, I would say that there is no other change that is an increase in fees.

DEPUTY SPEAKER HYSLOP:

Representative Cardin.

REP. CARDIN: (53RD)

Through you, Mr. Speaker. Is that no change of fees since last year or I guess I'm confused because some of the sections I read say that we're increasing fees on seniors and increasing fees for commercial drivers licenses. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

Through you, Mr. Speaker. No, it is not. The commercial drivers portion that you are reading, Representative Cardin, simply brings us into compliance with the federal law. It does not increase the fees. It

House of Representatives

Tuesday, May 4, 2004

changes them simply because we are changing the numbers of years that that license is held for.

DEPUTY SPEAKER HYSLOP:

Representative Cardin.

REP. CARDIN: (53RD)

And then how about the other section that relates to original driver license fee and two year license fee for seniors?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

Through you, Mr. Speaker. It is not an increase. It is simply bringing that into conformance with the six year license fee that is normally obtained and allowing seniors to get their licenses for a shorter period of time.

DEPUTY SPEAKER HYSLOP:

Representative Cardin.

REP. CARDIN: (53RD)

I'd like to thank the chairwoman from the Transportation Committee. I guess I'm reading this differently. The way that our staff is writing these analyses say that we're increasing fees. Maybe I'm reading it differently and not seeing what the

House of Representatives

Tuesday, May 4, 2004

chairwoman of the Transportation Committee is seeing, but I'm seeing in two different sections that we're increasing fees on senior citizens and commercial drivers licenses.

Thank you for your time, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

Thank you, Mr. Speaker. Mr. Speaker, there was some discussion earlier about Section 511 and 512 of the bill before about a surcharge on certain motor vehicle violations of \$5. In Section 511 and Section 512 that said we're going to take that money and we're going to give it to the Department of Social Services so that they can make grants to a specific organization.

Now, all this is well and good and I certainly have empathy for those that have traumatic brain damage. But Mr. Speaker, this is another special fund. This is another case where we're going to divert monies. We're adding a fee and we're going to divert those monies outside the appropriations cycle and we'll never see it again and nobody will ever bring it up again. And I voted against a lot of bills this year and last year that had these diversions in them.

Ladies and gentlemen, at some point in time there

House of Representatives

Tuesday, May 4, 2004

are tens and twenties and thirty millions of dollars that never get appropriated. We put the charges on, the money goes to DEP or it goes here or it goes there, all good causes. But we never get, in the appropriations cycle, you know all those subcommittees and I served on Appropriations for about ten years. So I'm not a novice. You go through all that grunt work to try to analyze each department's budget and do you know what? You don't even see these things.

It's a direct pass-through. And because of that, Mr. Speaker, I think that if we want to give money to a specific purposes to DSS, we ought to appropriate there and for that reason, I have an amendment.

Would the Clerk please call LCO 4930 and may I be given permission to summarize.

DEPUTY SPEAKER HYSLOP:

Clerk, please call LCO 4930, to be designated House "B" and the Representative has asked leave to summarize.

CLERK:

LCO number 4930, House "B" offered by
Representative Belden, et al.

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

Thank you, Mr. Speaker. The amendment just deletes

House of Representatives

Tuesday, May 4, 2004

Sections 511 and 512, which does away with the surcharge and the special fund and I move adoption.

DEPUTY SPEAKER HYSLOP:

The question is on adoption of House "B". Will you remark further? Will you remark on House "B"?

Representative Cocco.

REP. COCCO: (127TH)

Thank you, Mr. Speaker. Very briefly, just to oppose. I understand Representative Belden's concern about the pass-through. I've been on the Finance Committee serving with Representative Belden for a number of years and I understand his position perfectly. However, this is an important part of the bill. It is an important cause that we are trying to fund here. It seems appropriate to do it in this manner and I would ask the members of the Chamber to please reject the amendment.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "B"?

Representative Winkler.

REP. WINKLER: (41ST)

Thank you, Mr. Speaker. I too rise in support of -- excuse me, in opposition to the amendment that's before us.

House of Representatives

Tuesday, May 4, 2004

I have a great deal of respect for Representative Belden and sitting on Finance I know he, on a regular basis, opposes any funding to a dedicated account. But as Representative Cocco said, this is a very important issue. We, a group of us in the Legislature have met with the Brain Association on a yearly basis discussing their work, trying to come up with innovative ways to fund this group. And we have gotten support from the Legislature in the past, but their budget has been cut and I believe now it's pretty much eliminated.

They provide a great service to many individuals and families throughout this State. Without that help, many of these families, I don't think could survive.

So, I do ask the Chamber to reject the amendment and support the bill.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Dyson.

REP. DYSON: (94TH)

Thank you, Mr. Speaker. Mr. Speaker, I concur with Representative Winkler and with all her comments. And most especially the comments she made about the integrity of Representative Belden and what he's always strived to do.

And I agree with it. I agree with him and I agree

House of Representatives

Tuesday, May 4, 2004

with her. In this particular instance, I'm going to come down on Representative Winkler's side upon this issue.

So I would ask members of the Chamber to vote against the amendment.

Thank you.

DEPUTY SPEAKER HYSLOP:

Representative Sawyer.

REP. SAWYER: (55TH)

Thank you, Mr. Speaker. You know, a few years ago you may remember when the speed limit in this state was 55 miles an hour. And the esteemed Transportation Committee, after years of deliberation and debate, I think in opposition to a particular Representative's wishes, but we did raise the speed limit to 65 miles an hour.

There was a gentleman who served in this Chamber by the name of Scott Santa Maria and one of the issues that Scott had was the high fines that we had on the speeding bills. The three pieces that Representative Cocco just addressed are the three pieces that these \$5 goes onto.

One of the reasons that Scott was so opposed to our high fines is he felt very badly when he would pull people over the side of the road, people whom he felt did not have the wherewithal to take a very large motor vehicle fine and somehow manage the budget for the rest

gmh

488

House of Representatives

Tuesday, May 4, 2004

of the week, the rest of the month. Some of these fines could be a whole paycheck.

Why I bring that up is because do you know what we did in our wisdom, because it was going to be well received in the State, we raised the speed limit from 55 to 65 miles an hour. But when it was at 55 miles an hour, the large fines kicked in at 16 miles an hour over that 55. That magic number is 71 miles an hour. But what happened? When we raised it from 55 to 65, we left it at 71 miles an hour. So when you look at our fines, where they may look similar to those of other states, they are not. They kick in at a much lower number when it comes to speeding and the fines are much higher.

What this last section does is it increases those fines by another \$5. I would like to applaud what Representative Winkler said before. I agree and I applaud what Representative Cocco said because I think this is a great cause. And I feel very badly that we reduced the funding by almost 50% that we gave them.

I understand that part. We didn't do our part. But what this does is put it on the backs of people that are getting a huge fine and many of them who can't afford it. And another \$5 goes onto that because we didn't pay our obligation to one a very, very important fund.

Representative Dyson will tell you that it is time

House of Representatives

Tuesday, May 4, 2004

to look for a new way of funding it, but I don't think this is the right way for a very important cause.

I tried it for a couple of years after Scott Santa Maria passed away to carry on his cause and try and get it changed, but it's very complicated because there's so many little fines that are added on top when you get pulled over for speeding. So that was the reason that I supported Representative Belden's amendment because there's a broken piece in the fine system and it's that very small number of miles per hour between 65 and 71 miles per hour.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "B"?

Representative Ruwet.

REP. RUWET: (65TH)

Thank you, Mr. Speaker. Actually, it's very difficult for me to stand and oppose an amendment that's being presented by people I respect very dearly and as a freshman and also as someone that has a great interest in the Brain Association, it is really -- I know for this Chamber, this is a very important Transportation bill and I don't want to lose sight of the importance of this bill.

This particular amendment, in trying to take away

House of Representatives

Tuesday, May 4, 2004

this fund, I think hurts a tremendous amount of people in Connecticut. So I urge you to reject this amendment and continue on with voting on the full Transportation bill.

Thank you.

DEPUTY SPEAKER HYSLOP:

Representative Hetherington.

REP. HETHERINGTON: (125TH)

Thank you, Mr. Speaker. Very briefly, perhaps it's part of the learning process, but there are some things I don't understand.

We had earlier this evening a bill that talks about financing municipal elections and it turns out it's about financing gubernatorial elections. Now we have a bill that talks about efficiencies of the Department of Motor Vehicles and it's about brain injuries, unrelated to motor vehicles.

It seems to me that we must be missing something and we are incorporating matters that ought to go through another process into this bill, particularly and maybe there's need here for a truth in labeling process, but in any event, I would urge that we adopt this amendment.

Thank you very much, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

House of Representatives

Tuesday, May 4, 2004

Will you remark further on House "B"?

Representative Bernhard.

REP. BERNHARD: (136TH)

Thank you, Madam Speaker or Mr. Speaker. Mr. Speaker, forgive me. I caught it very quickly.

Thank you, Mr. Speaker. Through you, Mr. Speaker. I wonder if I could ask a couple of questions to the proponent of the amendment.

DEPUTY SPEAKER HYSLOP:

Proceed.

REP. BERNHARD: (136TH)

Thank you, Mr. Speaker. Through you, Mr. Speaker. My question is, is there anything that prohibits this body from assessing, increasing the fine and taking that money into the general revenues and then subsequently when we review the budget for the Department of Social Services, allocating a similar amount of money and go through the regular regulatory or excuse me, legislative process in allocating those funds?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

I think the gentleman has described the normal way that appropriations would be made and I know of no

House of Representatives

Tuesday, May 4, 2004

reason why we can't do it that way.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Bernhard.

REP. BERNHARD: (136TH)

And if I understand correctly what's being proposed in this bill, or excuse me, this amendment, you're suggesting that this be eliminated in the underlying bill, these sections, 511 and 512, and to resort to the normal procedure for allocating funds to the Department of Social Services?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

Through you, Mr. Speaker. I believe Representative Dyson had indicated that has been the policy in the past, that the brain injury group had, in fact, been funded through the normal appropriations cycle to DSS who then provided funds to the Brain Injury group.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Bernhard.

REP. BERNHARD: (136TH)

I thank Representative Belden for his answers. I

House of Representatives

Tuesday, May 4, 2004

wonder, Mr. Speaker, if I could ask a question, through you to Representative Cocco.

DEPUTY SPEAKER HYSLOP:

Proceed.

REP. BERNHARD: (136TH)

Thank you, Mr. Speaker. Representative Cocco, why are we singling out this particular injury for the bounty of the fines that are to be collected on the tickets?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cocco.

REP. COCCO: (127TH)

Through you, Mr. Speaker. They made the request.

DEPUTY SPEAKER HYSLOP:

Representative Bernhard.

REP. BERNHARD: (136TH)

Thank you, Mr. Speaker. I'll have to say I'm somewhat troubled. My sympathies go out to people who have suffered brain injury, as much as anyone else in this Chamber. But if I understood the debate here, a particular group has approached this body and has asked that they be given special treatment for the funding of their cause and that this body is inclined to go along with them and if I understood Representative Belden's

House of Representatives

Tuesday, May 4, 2004

comments about the process, that once it's implemented, herein after, this Legislature will not have the opportunity to review the funding in the future, will have no control over the allocations of the funds, and notwithstanding the fact that I have sympathy for this particular cause, it seems to me that any one of us in this Chamber could make a case out for another cause.

And regretfully I'm going to have to support this amendment. I don't mean any ill will to anyone who has a particular reason for supporting brain injury damaged people, but this seems to me like a very bad process for us to engage in and I applaud Representative Belden for bringing it to the attention of this body and giving me the opportunity to support it.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Googins.

REP. GOOGINS: (31ST)

Thank you, Mr. Speaker. Very briefly. We have a strange record in many cases of things that we choose to do or don't do choose to do, depending on the will of the body at the time of the day, the day of the week, and as we talk about selecting brain injury in this case in this bill, I remember that we have also appropriated for all the worthy groups that there are in the State of

House of Representatives

Tuesday, May 4, 2004

Connecticut, YMCA's, the health associations and so on. We've chosen Boys and Girls Club as one of the many, many institutions that we support. So should it be the will of the body, this evening, at this time, to support that cause, so be it.

Thank you.

DEPUTY SPEAKER HYSLOP:

Representative Winkler for the second time.

Will you remark further on House "B"?

Representative Belden.

REP. BELDEN: (113TH)

Thank you, Mr. Speaker. Speaking for the first time on House "B". It's very difficult for me to even offer this amendment because of the use of the funds. But somewhere, somehow, we have to start saying and I know Representative Dyson is still in the Chamber, so through you, Mr. Speaker. Representative Dyson gave quite an answer before. He's very capable of being on both sides of the issue and not saying anything when he's finally all done and I believe that was somewhat the summation of his previous comments.

Through you, Mr. Speaker to the distinguished gentleman. Could he tell me why the Appropriations Committee has either reduced or eliminated the allocations to DSS for this particular group?

House of Representatives

Tuesday, May 4, 2004

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Dyson.

REP. DYSON: (94TH)

Through you, Mr. Speaker. Probably the reason the appropriations has been reduced or wiped out entirely, because of pressing issues related to a number of other things that we've had to do within the document and the monies that we were setting aside for traumatic brain injury never reached a large amount and I think part of that was attributed to the difficulty we were having over the years in terms of taking care of those other basic needs. So it was one of those things that kind of fell off the table.

I think members of the committee understood the need for it, but when you match that against other more compelling needs, it didn't make it.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113TH)

I thank the gentleman for his response, Mr. Speaker.

Mr. Speaker, what the file copy, the amendment that became the file copy would do, it would divert about in

House of Representatives

Tuesday, May 4, 2004

the range of \$300,000 to \$400,000 from the general fund revenues if, in fact, the fine was increased by \$5. Specifically, and only to be diverted to this particular organization. And as Representative Dyson said, we have many needs and the people that, for whatever reason are breaking the law on our fines, you know we have raised the fine levels to such an extent that another surcharge on that is punitive to some degree and let's not forget, a number of years ago when a police gave a ticket out a number of years ago, part of the money used to come to the State and part of it used to be apportioned from the courts to each municipality. And we did away with that and set up a different funding for that because how do you keep track of all of that administratively? How do we keep -- where's the cost of the surcharge separating it and sending it over and going through all of that? Not mentioned in here anywhere. So you have a law of diminishing returns in terms of what you get for this surcharge.

So Mr. Speaker, I urge the members to support this amendment.

Thank you.

DEPUTY SPEAKER HYSLOP:

Representative Winkler for the second time.

REP. WINKLER: (41ST)

House of Representatives

Tuesday, May 4, 2004

Thank you, Mr. Speaker. I just wanted to share with the Chamber that the Brain Injury Association of Connecticut was founded back in 1982 by a group of parents who were concerned about the lack of services available for their children with brain injuries.

This Association has grown to a statewide association and they provide resources and education throughout Connecticut. This is something that is very worthwhile. I can't stress the importance and do urge the Chamber for their support for this.

Thank you.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "B"?

Representative Thompson.

REP. THOMPSON: (13TH)

Mr. Speaker, thank you very much. As the subcommittee chairperson in Human Services for a number of years, the Brain Injury organization, we have discovered is probably the only real continuous line of services that people who receive these traumatic brain injuries. They have really taken over the case management and I think we did a cleanup bill where we directed money from one account to another to take care of that cleanup. It's more or less the same thing. The Association will be working very closely with the

House of Representatives

Tuesday, May 4, 2004

Department of Social Services. It will be overseen. It probably is the best program available for people who suffer from these brain injuries and I certainly would endorse that we approve that funding.

So, I bow to Representative Winkler whose worked on this with the Brain Injury Association for many years. I know she's invited me to a number of meetings. So we are supporting the funding mechanism and it's not really -- as I mentioned, it is very similar to other programs and you can name a number of them, Soldiers, Sailors, and Marines' Fund and so on, that take money and direct it to a program. And this is one program that where I'm very confident that they're worth every penny that we can advance them and to assure that there is a continuous stream of income to this program.

Thank you.

DEPUTY SPEAKER HYSLOP:

Representative Hovey.

REP. HOVEY: (112TH)

Thank you, Mr. Speaker. Since this has turned into a bit of a debate about the validity of funding the brain injured society, I feel I need to stand up and have my voice heard with regards to this subject.

As someone who advocates for individuals who are brain injured, what I will tell you is that this

House of Representatives

Tuesday, May 4, 2004

population, if given the appropriate intervention and provided the appropriate transition services, can become a vital part of our society again and become working participants in our communities and not be burdens on us as a state.

So to provide them appropriate funding is very, very important and I'm not sure which vehicle we should be using to do that, but I would suggest that it's something that we all should look at very seriously.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "B"? Will you remark further on House "B"?

If not, we'll try your minds. All those in favor, signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER HYSLOP:

Those opposed.

REPRESENTATIVES:

No.

DEPUTY SPEAKER HYSLOP:

The nays have it, House "B" fails.

Will you remark further on the bill, as amended?

Will you remark further on the bill, as amended?

If not, staff and guests to the Well of the House.

House of Representatives

Tuesday, May 4, 2004

The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by roll call. Members to the Chamber.

DEPUTY SPEAKER FRITZ:

Have all the members voted? Have all the members voted? Please check the board and sure your vote is accurately cast. If so, the machine will be locked and the Clerk will take the tally.

The Clerk will announce the tally.

CLERK:

S.B. 27, as amended by Senate Amendment Schedule "A", in concurrence with the Senate

Total Number Voting	149
Necessary for Passage	75
Those voting Yea	143
Those voting Nay	6
Those absent and not voting	2

DEPUTY SPEAKER FRITZ:

The bill, as amended by Senate "A" is passed, in concurrence with the Senate.

Will the Clerk please call Calendar number 97.

CLERK:

On page 18, Calendar 97, H.B. 5163, AN ACT

JOINT
STANDING
COMMITTEE
HEARINGS

TRANS-
PORTATION
PART 1
1-220

2004
INDEX

CMSR. JAMES BYRNES: You're welcome.

SEN. CIOTTO: As usual, you never cease to amaze me. Your knowledge in depth of the actions of your department speak loudly for themselves and it's a true reflection on you and your character as a State employee for thirty-six years. You know, State employees take a lot of beatings in these places. You stand up high in my mind.

CMSR. JAMES BYRNES: Thank you very much, Senator.

SEN. CIOTTO: Thank you for your testimony this morning.

REP. COCCO: Ditto from Mrs. Transportation. Since it's 11:00 o'clock, a.m., we will now go into our public hearing. Everyone has a public hearing agenda before them and our first person to testify is the Commissioner of the Department of Motor Vehicles, Commissioner DeFilippo.

CMSR. GARY DeFILIPPO: Good morning, Representative Cocco, Senator Ciotto. For the record, and members of the Transportation Committee. For the record, I'm Gary DeFilippo, Commissioner of the Department of Motor Vehicles.

Given the amount of work that you've crammed into the next three months, and the fact that DMV has probably enough projects to keep us busy for the next two decades, we've only submitted this year two proposals this session, S.B. 27, AN ACT CONCERNING THE EFFICIENCIES OF THE DEPARTMENT OF MOTOR VEHICLE and S B 28, AN ACT CONCERNING COMPLIANCE WITH THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT.

The first, S.B. 27 is a compilation of changes aimed at achieving administrative efficiencies, saving money, and reworking several measures, including in last year's budget, implementing legislation.

Some of the specific revisions will facilitate the vehicle identification number inspection process by allowing computer checks as an alternative to physical inspections and by allowing dealers to

perform these checks for no more than \$10 on vehicles that are exempt from the Emission Testing Program.

Dealers are currently performing a vin verification as part of the Emission Test. DMV has also recommended that after some concerns were raised, reinstating the required presence of motor vehicle inspectors at racing events and exhibitions.

You may remember that in August, the provision that had required inspectors was repealed because the statute has capped the fees the State could collect for the inspectors' services at the rate of \$100 for four hours or less and \$200 for longer than four hours.

Because most races occur on weekends or in the evening, DMV inspectors were almost always paid overtime wages for this service.

Section 11 of the bill requires the event permittee to cover the entire expense of providing DMV inspectors at these events if their presence and services are determined to be necessary and increase the maximum fine for violating these provisions from \$200 to \$1,000 and increase the application filing fee from \$75 to \$175.

I understand that the racing industry has some concerns and I look forward to working with them in the next few weeks to revise the language, keeping in mind that public safety is our only intention.

Other changes serve to revise the special interest plate program, make the use of all emission stickers discretionary, change the registration term for taxis and service buses to coincide with the biannual inspection term that was adopted during the 2003 special session, and repeal the Uninsured Motor Vehicle Forfeiture Revolving Account as recommended by the State Auditors.

The second bill DMV has submitted is AN ACT SB28 CONCERNING COMPLIANCE WITH THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT. It makes numerous changes to incorporate the federal legislation into

SEN. ANISKOVICH: Thank you, Mr. Chairman. Commissioner, good morning.

CMSR. GARY DeFILIPPO: Good morning.

SEN. ANISKOVICH: Can you tell me what the old -- this is on the racetrack issue. We've got a letter of opposition from the Stafford Motor Speedway and I just want to understand. The old system was that the State assigned and paid for an inspector at the racetracks. Is that correct? SB 27

CMSR. GARY DeFILIPPO: We were required to have the presence at the racetrack.

SEN. ANISKOVICH: Okay, so statute --

CMSR. GARY DeFILIPPO: You repealed -- I'm not sure the legislation was perfectly written.

SEN. ANISKOVICH: No, none of that was.

CMSR. GARY DeFILIPPO: It has us kind of in and out and our position is to --

SEN. ANISKOVICH: We were a little rushed.

CMSR. GARY DeFILIPPO: -- is to --

SEN. ANISKOVICH: We just wanted to go home.

CMSR. GARY DeFILIPPO: -- for actual time such as the firemen there. There were policemen. They could get reimbursed.

SEN. ANISKOVICH: So the system you now want to put in place in this bill does what?

CMSR. GARY DeFILIPPO: It just allows us to be reimbursed for our actual costs.

SEN. ANISKOVICH: And what's this issue of who actually decides when they're assigned and for how long? Is there -- this letter from (inaudible) suggests that rather than having the DMV inspector there at the racetrack's request when it's necessary, you guys are just going to put them whenever you want, for

as long as you want at an uncapped hourly amount.
Is that not accurate?

CMSR. GARY DeFILIPPO: No, that's not totally true. Like I said, we're going to be happy to sit with them to come up with something that will be agreeable for both sides.

SEN. ANISKOVICH: And is the idea to have someone there all the time or is it --

CMSR. GARY DeFILIPPO: If needed, depending on the race and if it is, we just want our costs covered.

SEN. ANISKOVICH: Great. Thank you.

SEN. CIOTTO: Representative Panaroni.

REP. PANARONI: Thank you. Good morning.

CMSR. GARY DeFILIPPO: Good morning.

REP. PANARONI: Almost afternoon. On the racetrack, I have a couple of questions, please bear with me. On the racetrack, the inspectors that were there, what did they actually inspect?

CMSR. GARY DeFILIPPO: They're there for safety.

REP. PANARONI: Did they ever have to shut the racetrack down for safety reasons?

CMSR. GARY DeFILIPPO: Not to my knowledge.

REP. PANARONI: Were there any times during an inspector being there that there was a problem, a serious problem or any problem or was it something where they were just there, but never were needed?

CMSR. GARY DeFILIPPO: Most of the time they're there performing safety checks. A lot of times --

REP. PANARONI: On the cars and what have you?

CMSR. GARY DeFILIPPO: In the past couple of years I haven't heard of any major problems. If there is a fatality --

REP. PANARONI: Just basically safety checks on the cars.

CMSR. GARY DeFILIPPO: If there is a fatality or something, we'll be there to investigate to see --

REP. PANARONI: The fees, this is the first I heard of the fees and I've never even been to Stafford. I don't even know how to get there.

The fees seem pretty high, don't they?

CMSR. GARY DeFILIPPO: Well, the fees are -- as far as what the racetracks are charging?

REP. PANARONI: Well, with what we're going to charge for an inspector to be there. How many inspectors would be there?

CMSR. GARY DeFILIPPO: Probably one.

REP. PANARONI: Just one?

CMSR. GARY DeFILIPPO: Just one. And it's usually on a weekend and it requires overtime and that comes out of our budget.

REP. PANARONI: Yeah, I understand.

CMSR. GARY DeFILIPPO: And whatever the actual cost is, is what I feel the racetrack should pay just like if a firefighter or a policeman is there, the actual cost of that person.

REP. PANARONI: I don't necessarily disagree with you. I mean, it's just -- have they gone through a season without an inspector?

CMSR. GARY DeFILIPPO: No.

REP. PANARONI: My other question on the CDL stuff. SB28
There's going to be changes made for -- there's specific changes served to add offenses to the list of serious traffic violations. Do you have a list of what those serious offenses could possibly be, being the CDL driver I am?

- REP. PANARONI: What would that -- what would your classification be then?
- JOHN YACAVONE: Well, a CDL is a higher classification. So that entitles you to drive any vehicle.
- REP. PANARONI: And the hazmat drivers, that's just hazmat or CDL?
- JOHN YACAVONE: Yeah, as of now, it's just the people who have hazmat endorsements that are going to be subject to this new federal program for background checks.
- REP. PANARONI: And that's going to be by the end of the year?
- JOHN YACAVONE: Yeah, we're going to be asking for an extension on that as are some other states, but as it stands now, it's a fingerprint base check of all such drivers in the country.
- REP. PANARONI: An excellent idea. Thank you very much and thank you for your time.
- SEN. CIOTTO: Representative Gibbons, I believe to be followed by Representative Witkos, to be followed by Senator McKinney. He of the cell phone issue.
- REP. GIBBONS: Thank you, Senator. I'll be brief. Good morning, Commissioner.
- CMSR. GARY DeFILIPPO: Good morning.
- REP. GIBBONS: I really have more of a statement than a question. First of all, I want to compliment you on setting up the Emissions Program. I've heard many good comments from my constituents saying that it has worked, they've been very efficient, they have been in and out.

5627

The one other comment I had on it came from a constituent whose got a ten or a fifteen year old truck with a diesel and can't get it inspected in our hometown of Greenwich because the one diesel area is closed and the comment was, "Are you thinking of using portable equipment when this

arises throughout the State so that if somebody can't get their truck within the bay, that somebody could come down and do the inspection?"

CMSR. GARY DeFILIPPO: That's a good question.

REP. GIBBONS: Well, that is the question. But it's really more complicated than that.

CMSR. GARY DeFILIPPO: In as far as --

SEN. CIOTTO: Excuse me, Representative Gibbons. Representative Panaroni is having a problem hearing you.

REP. GIBBONS: I'm sorry. My microphone is on.

REP. PANARONI: Oh, is it?

REP. GIBBONS: I was speaking in the wrong direction. This is to help you with your diesel trucks.

CMSR. GARY DeFILIPPO: We initially started with about 260 stations. We're about 280. We've held twenty back. Some of those to kind of see if the network had any voids. So we're actively out there recruiting some stations, especially down in your area. That probably would include a diesel testing area. And it probably makes sense to make sure that that testing area has a high enough bay to accommodate that.

REP. GIBBONS: Okay. Thank you. I appreciate that. Thank you, Mr. Chairman.

SEN. CIOTTO: Representative Witkos.

REP. WITKOS: Thank you, Mr. Chairman. I would like to piggy-back on Representative Gibbon's comments regarding the Emission Program. I was concerned that the amount of expenditure required before you can get the waiver form of \$660 and I was going to introduce some legislation until I found that that was governed by how we were rated through the federal EPA and I hope as our rating is improved that we can reduce the cost of or the balance, the benchmark for our waiver form.

But I do have a question on -- just a comment on S.B. 27, as to why we're doubling the rate increase for nonprofit charitable organizations for fees. Those were doubled. I had some concern there.

CMSR. GARY DeFILIPPO: Are you talking about the change in the Special Interest (inaudible) Program?

REP. WITKOS: No, I'm talking about registrations for vans and seating passengers. Everything was doubled for everybody, but I was specifically questioning for nonprofit charitable religious educational community service organizations where the fees went from \$75 to \$150 and then from \$250 to \$500. The reason why we would increase for nonprofit charitable organizations?

JOHN YACAVONE: Representative, it's actually not an increase. It comes about as a result of the fact that there was some legislation that was passed last year in the special session regarding all these types of vehicles, service buses. And the Department currently has those on a one-year registration renewal and what this bill does is put them on a two-year renewal cycle because the legislation that was passed last year mandates inspections.

So, the fee is in effect being doubled, but you're also getting twice the term. That's the only way we could think to reconcile these provisions.

REP. WITKOS: Okay. And my last question was the part where if somebody is issued a written warning or given an infraction for an equipment violation, they have to go to an authorized station to have that repaired and the prior practice was that the authorized signer could send a portion into the Department of Motor Vehicles and if they didn't do that within "x" amount of days the Commissioner could assess a fine and now I am having a little trouble understanding that.

If they don't receive the notice, is it permissive that the Commissioner may suspend or cancel the registration or what do you envision happening here?

JOHN YACAVONE: Basically, the current legislation says that if a person fails to get repairs made after they've been issued a warning ticket by the police, the Department may assess them a \$50 civil penalty. Then if they don't pay the civil penalty, the Department might proceed to suspend the registration of the vehicle unless they submit evidence that they've had the repairs made.

The Department has not collected that \$50 civil penalty nor do we really understand why the legislation, which I think goes back to 1994, was framed in that way. Basically, our concern is to make sure that vehicles get repaired. And basically if we would want to proceed to sending out a notice of suspension if we don't get that evidence of repairs having been made. Repairs may be made at any licensed dealer or repairer as long as they serve (inaudible)

REP. WITKOS: Well, the language is permissive in that it says "or if the registration for such vehicle is not cancelled, the Commissioner, after giving notice and opportunity for a hearing, may suspend the privilege of the owner to register any vehicle or operate any vehicle on the highways of this state which are registered in another jurisdiction."

So, are you saying that if I have my vehicle registered in the State of Connecticut and that is the one in question where there is equipment violations, I get a notice now of the Commissioner saying I don't have a right to operate, myself personally, any vehicle that's registered in another state in the State. What happens if I have another vehicle registered in this state because this says registered in another jurisdiction? I'm unclear how this language reads.

JOHN YACAVONE: Well, let me try and explain at least some of it, I hope. The reason that it refers to cancellation is because some vehicle owners may choose to take a vehicle off the road. So just a clarification in there that that is an option that a vehicle owner has rather than having the vehicle repaired and submitting evidence, they can choose

to cancel the registration.

REP. WITKOS: And that's the owner's choice to do that?

JOHN YACAVONE: Yes.

REP. WITKOS: That's what that's about.

JOHN YACAVONE: Yes. The other language I believe you're referring to refers to registration privilege. What the Department has found whenever we take action against a registration, unless we have a suspension of what we call "privilege" there are ways to re-register that vehicle or to register other vehicles. Frankly, we think it's a loophole in the situation and that's why we are referring to "privilege" in the language that we're proposing. So it will be effective. Hopefully it doesn't come to that. Hopefully we just get the evidence that the repairs have been made.

I might add that this program is important to us because we no any longer do the regular administrative inspections. So we depend a lot on these stops that are made and on the system that we have with regard to the warning tickets to keep vehicles in safe condition.

REP. WITKOS: Okay, thank you.

SEN. CIOTTO: Pardon me for calling you Representative (inaudible-microphone not on) Senator McKinney.

SEN. MCKINNEY: Thank you, Mr. Chairman. Just a quick question. Is there going to be an additional cost in order to comply with the federal mandates in S.B. 28 and if so, how much do you anticipate it will cost and what's that going to do to your budget?

CMSR. GARY DeFILIPPO: Senator, we could basically accomplish this in-house if we had significant lead time in doing that. A lot of it's IT, just a matter of scheduling their time.

SEN. CIOTTO: Just a couple of quick ones. The last item on your right of repeal the uninsured motor vehicle

**Stafford Motor Speedway**

55 West Street • P.O. Box 105
Stafford Springs, CT 06076
Phone: 860-684-2783 • Fax: 860-684-6236
E-Mail: stafford.speedway@snet.net
Website: staffordspeedway.com

Testimony of

Mr. Jack Arute, Jr.

On behalf of the

Connecticut Racing Industry

In Opposition to

S.B. 27, Section 11, An Act Concerning Efficiencies of the DMV

Chairman Ciotto, Chairwoman Cocco and members of the Transportation committee. Thank you for the opportunity to submit testimony on behalf of the Connecticut Racing Industry regarding opposition to SB 27, specifically Section 11.

For more than a quarter Century, the State of Connecticut has been at the forefront of Motorsports safety, thanks to the joint efforts of Nutmeg race track operators and Connecticut's Department of Motor Vehicles.

This leadership position was forged from a solid pro-active working relationship that concentrated upon both spectators and competitors. DMV exacted a demanding attention to the realm of safety and as a result Connecticut is often sought out by other states as case model for both enforcement and regulations.

During the June 30, 2003 Special Session the legislature eliminated DMV's responsibility to assign a DMV inspector to monitor motor vehicle racing events or exhibitions. This session, SB 27, Sec. 11, brings back the DMV inspectors at full cost to the race tracks. It is an inappropriate burden to mandate DMV inspectors at our races based on the Commissioners request at an un-capped hourly cost to the race tracks.

Because of our rich history of working with the DMV, we believe that DMV inspectors should be available to our race tracks and races per the tracks request. It is understood that if we request a DMV inspector that the permittee would be required to pay a reasonable fee for the inspector's presence. However, we feel that to mandate the presence of DMV inspectors goes against necessary requirements for our races and exhibitions as well as the original intent of the CGS prior to July 1, 2003.

000067



Stafford Motor Speedway

55 West Street • P.O. Box 105
Stafford Springs, CT 06076
Phone: 860-684-2783 • Fax: 860-684-6236
E-Mail: stafford speedway@snet.net
Website: staffordspeedway.com

It is understood that the DMV and Connecticut's racing industry must work together. The safety of our fans, drivers, staff and others at our races is the highest concern of the inspectors, the race tracks and NASCAR and other nationally recognized sanctioning bodies. We realize that this is what the legislature also has in mind when drafting legislation like SB27, however, we feel that by having the DMV inspectors available by request, at cost to us, we save money and continue to ensure the safety of racing fans and competitors throughout Connecticut.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jack Arute, Jr.", is written over the typed name.

Jack Arute, Jr.



STATE OF CONNECTICUT

DEPARTMENT OF MOTOR VEHICLES

Rowland Government Center, 55 West Main Street, Waterbury, CT 06702-2004
<http://dmvct.org>



*Transportation Committee Public Hearing
 February 9, 2004
 Testimony of the Department of Motor Vehicles*

Raised Bill No. 27

An Act Concerning Efficiencies of the Department of Motor Vehicles

During the last several months, the Department of Motor Vehicles (DMV) has reviewed its operating procedures in an effort to pinpoint changes that could improve customer service, achieve agency efficiencies, and save money. Senate Bill 27 is a result of DMV's study, and includes both new cost-saving measures and revisions to legislation that was passed in 2003.

Specific recommendations included in this proposal serve to:

- Eliminate a special insurance filing by individuals whose driver's license was suspended for certain offenses, as a condition for the return of their licenses. This law predates mandatory liability insurance requirements for all registered motor vehicles (1975) as well as DMV's Insurance Compliance Program (1994). As such, it represents a time-consuming duplication of effort and protection.
- Facilitate the vehicle identification number (VIN) inspection process by allowing computer checks as an alternative to physical inspections, and by allowing licensed dealers to perform physical inspections, for no more than ten dollars, on vehicles that are exempt from emissions testing.
- Modify the Special Interest License Plate Program. DMV is proposing to make the Special Interest Plate Program discretionary, rather than mandatory, until July 1, 2005, and to allow the commissioner to discontinue the issuance of any special number plates, upon written notice to the organization if the commissioner finds that the demand for such plates is insufficient to support the plate's production costs.
- Reinstate the required presence of Motor Vehicle Inspectors at racing events and exhibitions. During last year's Special Session this requirement was repealed because the statute had capped the fees that could be collected for Inspectors' services, and the state could no longer support this cost. Section 11 restores this requirement, holding

Seat Belts Do Save Lives

event permittees responsible to cover the entire expense incurred by DMV. We understand that members of the racing industry have expressed concern with this provision, and we anticipate working with them to discuss viable alternatives, keeping public safety in mind.

- Eliminate the mandatory use of all emissions inspection stickers, as the program is now using a system of mail notices. This change will cut one to two minutes per transaction, for more than 100,000 transactions, and will eliminate costs associated with sticker administration, including auditing and fraud investigation.
- Change the registration terms for taxis and service buses to coincide with the biennial inspection terms that were adopted during the June 2003 Special Session.
- Repeal the 'Uninsured Motor Vehicle Forfeiture Revolving Account' as recommended by the State Auditors.