

PA13-271

HB6033

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| House | 7945-7961 | 17 |
| <u>Senate</u> | <u>5384-5390</u> | <u>7</u> |
| | | 24 |

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2013**

**VOL. 56
PART 17
5161 - 5475**

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Madam President, I would like to move for immediate transmittal to the House of Representatives of the item just taken up with the last roll call vote in the Senate and that was Calendar page 19, Calendar 243, Senate Bill 1043, AN ACT ESTABLISHING THE CONNECTICUT STATEWIDE PORT AUTHORITY, would move for an immediate transmittal of that item to the House of Representatives.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, I would like to mark as go an item on Calendar page 13, Calendar 675, House Bill 6033, would mark that item go and ask the Clerk to call it as the next ready item --

THE CHAIR:

Mr. Clerk, on page 13, Calendar 675, House Bill Number 6033, AN ACT CONCERNING DISTRACTED DRIVING AND REVISIONS TO THE MOTOR VEHICLE STATUTES, favorable report of the Committee on Transportation.

THE CHAIR:

Good evening, Senator Maynard.

SENATOR MAYNARD:

Good evening, Madam President, lovely to see you so soon.

THE CHAIR:

It's wonderful to see you, Senator.

SENATOR MAYNARD:

Thank you, Madam President.

Yes, Madam President, I move the joint committee's favorable report and passage of the bill.

THE CHAIR:

The motion is on acceptance and passage. Will you remark in concurrence with the House?

SENATOR MAYNARD:

In concurrence with the House, yes. Thank you.

THE CHAIR:

Thank you.

SENATOR MAYNARD:

Yes, this bill, Madam President, is the annual omnibus DMV bill. It has some -- excuse me -- just to reference my notes, some 60 sections so I will save us all a lot of time by pointing to a few of the highlights and then happy to entertain questions from anyone. It increases the fines for handheld cell phones and any other electronic devices while driving; it creates a task force to prevent distracted driving; changes license and renewal fees and other motor vehicle fees; requires some background checks at the Department of Motor Vehicles; deals with a great many areas of modest change to permitting and violations and fines.

I'm sorry I'm trying to summarize in short order.

THE CHAIR:

You're doing fine, sir.

SENATOR MAYNARD:

It clears up the powers of motor vehicle inspectors; it increases fines and other changes to the law with respect to distracted driving.

Let me just get to some of the higher points. It deals with some serious traffic violations with additional fines and penalties. It deals with background checks of DMV employees; lease or rentals of company proof of motor vehicle insurance.

It does a host of all of the things the DMV regularly regulates. It changes us over to black and white license photos in compliance with federal practice now; special education drivers permit; a waiver for motorcycle testing for servicemen and women. It does a variety of things on CDL renewals and two years licenses and just looking for any other --

It's a very technical and dense document that deals with all of the minutia of the running of our highways and streets. And I won't bore people with all of that.

It requires eye protection for motor-driven cycle operators. It contains a certain new regulations on CDL holders and repair shop violations and penalties. And changes, finally, a few items related to driving course fees for use, motor homes and recreational vehicles abandoned at campgrounds, et cetera.

So I know that's a rather brief overview but this is our, as I say, our comprehensive DMV bill. It's run through with extreme scrutiny by the entire committee. It's reviewed closely with the Commissioner and our attorneys for the Transportation Committee and is just part of keeping operations of government running smoothly. So I'd happily happy to take any questions.

THE CHAIR:

Will you remark?

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President.

Madam President, I wanted to certainly commend the staff at the DMV, including the Commissioner, for taking such care and time to go over every single one of those 59 sections of this bill that includes so many of the concepts and issues that are brought before the committee this year both by the agency and the public and certainly the committee members themselves. And, as I said, we have a thorough vetting of each of the items on there as was briefly stated by our good chairman.

For the legislative intent, however, may I please ask two questions to our good chairman of the --

THE CHAIR:

Senator, please proceed, ma'am.

SENATOR BOUCHER:

Yes. Through you, Madam President, Senator Maynard, does the definition of the word "vehicle" in line 1134 in the proposed bill only include noncommercial passenger cars?

THE CHAIR:

Senator Maynard.

SENATOR MAYNARD:

Yes, thank you. Through you, Madam President, yes, I'm pleased to say that does include just licensed passenger vehicles, noncommercial.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you very much, Madam President.

And the second question to the good senator, also for a point of clarification, in line 1134, again, does

the provision financial institution or other institutions mean lien holder?

Through you, Madam President.

THE CHAIR:

Senator Maynard.

SENATOR MAYNARD:

Yes, I'm glad again to have that clarified. It does indeed mean lien holder.

THE CHAIR:

Thank you.

Senator Boucher.

SENATOR BOUCHER:

Thank you very much, Madam President, to establish that for legislative intent.

Madam President, although I support many increases and penalties for violations on our motor vehicle laws that's embedded in this particular bill, I have a difficult time supporting the bill out of this committee and will probably put a protest "no" vote maybe in the minority of this simply because it does include a number of increases in fees.

On our driver's license fees, it will issue a fee of \$72 for everyone from the current \$66. It also changes the fee for our driver's license for seniors making a fee for two-year license for those over 65 going up to \$72 and as well would be the 24 not \$22.

And also increases the changes in the renewal for a license that is currently at \$65 and goes up to \$72 as well as increasing the safe driving course currently at \$125 going up to a \$150.

Now, in its flush, this may seem rather minor but the reason for my "no" vote, as again just to make a statement that in the last several years we've seen

anywhere from \$50 million to \$75 million, and in the current budget nearly \$100 million being taken from the Special Transportation Fund and some would say that it is being raided and moved over to the General Fund to close our budget gaps and given the age of our infrastructure and the needs that we have there, it's just one way for me to highlight that issue for today, but I do thank the chairs of the committee, the Transportation Committee, and the ranking members for, again, a hardworking collegial and bipartisan process this year.

Thank you very much, Madam President.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further?

If not, I will call for a roll call vote.

Mr. Clerk, will you call for a roll call vote, please. The machine will be open.

THE CLERK:

Immediate roll call vote has been ordered in the Senate. Senators please return to the chamber.
Immediate roll call has been ordered in the Senate.

THE CHAIR:

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

Mr. Clerk, will you please call the tally.

THE CLERK:

House Bill 6033

Total Number Voting 35

Those voting Yea 26

Those voting Nay 9

Those absent and not voting 1

THE CHAIR:

The bill passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk would call as the next go item, Calendar page 7, Calendar 564, House Bill Number 6329.

Thank you, Madam President.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 7, Calendar 564, House Bill Number 6329, AN ACT CONCERNING DISSECTION CHOICE.

THE CHAIR:

Senator Bartolomeo.

SENATOR BARTOLOMEO:

Hello, Madam President.

THE CHAIR:

Good evening.

SENATOR BARTOLOMEO:

Madam President, I move acceptance of the joint committee's joint favorable report, and I urge passage of this bill in concurrence with the House of Representatives.

H – 1172

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
PART 23
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call. Members to the Chamber please. The House of Representatives is voting by roll call. Members to the Chamber please.

DEPUTY SPEAKER RITTER:

Have all the members voted? Have all the members voted? Will the members please check the board carefully to determine if your vote is properly cast. If all the members have voted the machine will be locked and the Clerk will take a tally. The Clerk will please announce the tally.

THE CLERK:

Madam Speaker, substitute House Bill 5761 as amended by House A and House C.

| | |
|------------------------|-----|
| Total Number Voting | 142 |
| Necessary for Adoption | 72 |
| Those voting aye | 118 |
| Those voting nay | 24 |
| Absent and not voting | 8 |

DEPUTY SPEAKER RITTER:

The bill as amended passes. Will the Clerk please call Calendar number 223.

THE CLERK:

Madam Speaker, on page 41, Calendar number 223, favorable report of the joint standing Committee on

HB 6033

Finance, Revenue and Bonding, House Bill number 6033,
AN ACT CONCERNING MOTOR VEHICLE INSURANCE PROVIDERS
AND DISTRACTED DRIVING.

DEPUTY SPEAKER RITTER:

Representative Guerrero, you have the floor.

REP. GEURRERA (29th):

Thank you, Madam Speaker. I move acceptance of
the joint committee's favorable report and passage of
the bill.

DEPUTY SPEAKER RITTER:

The question is acceptance of the joint
committee's favorable report and passage of the bill.
Representative Guerrero.

REP. GUERRERA (29th):

Thank you, Madam Speaker. The -- Madam Speaker,
the Clerk has an amendment, LCO 8291. I would ask the
Clerk please call the amendment and I be granted to
summarize in regards to the amendment. Thank you.

DEPUTY SPEAKER RITTER:

Will the Clerk please call LCO 8291 which will be
designated House Amendment Schedule A.

THE CLERK:

Yes, Madam Speaker. LCO number 8291 designated
House Amendment Schedule A offered by Representatives

Guerrera and Scribner.

DEPUTY SPEAKER RITTER:

The Representative seeks leave of the Chamber to summarize the amendment. Is there objection to summarization? Is there objection? Hearing none, Representative Guerrera, you may proceed with summarization.

REP. GUERRERA (29th):

Thank you, Madam Speaker. Madam Speaker, basically what happens here is this has become the DMV aircraft carrier which has folded into the distracted driving bill. And what this bill does it addresses obviously a variety of areas under the authority of the Commissioner of Motor Vehicles.

It includes provisions that ensure Connecticut compliance with federal laws in the areas of -- of commercial motor vehicle safety and enforcement and makes certain changes that are necessary as DMV moves closer to their final phases of modernization.

The -- the bill also makes provisions for active duty military in the area of motorcycle licenses and adult learning permits affording them a greater flexibility in the process. And also, Madam Speaker, is a portion of this bill has to do with distracted

driving. And if I could just make a few comments on this and that is during the public testimony -- first of all I want to thank the members of the Transportation Committee this year.

We had a number of bills come through our committee. And I think one of the most gut wrenching testimonies were through distracted driving. And my Ranking Member, Representative David Scribner and myself and the members of the committee along with Representative Mikutel stated that we needed to do something to make sure that people's lives were safe.

And what we did here, Madam Speaker, was that we addressed the distracted driving in the sense that we did raise the fines a little bit but also in regards to doing that we decided that we needed to go after a point system that would allow the commissioner to -- to assign points to the licenses for any distracted driving whether they're texting or using their cell phone. We heard from a number of individuals through the public hearing, the police union, testimony from individuals.

This is an epidemic. There is no way of stopping this right now. There will be technology in a number of years but as all of us know as we drive on our

roads today we can look to the side to the left and to the right and we always have to find somebody who is either texting or on the cell phone.

And when you're texting, Madam Speaker, your eyes are off the road which causes more of a vulnerability of an injury or even a fatality. So with that, Madam Speaker, I'd like to move for adoption.

DEPUTY SPEAKER RITTER:

The question before the Chamber is adoption of House Amendment Schedule A. Will you remark on the amendment? Representative Scribner.

REP. SCRIBNER (107th):

Thank you, Madam Speaker. I rise in support of the strike all amendment that was brought forward by Representative Guerrero. And I'd like to let the members of the Chamber know that this is our traditional large department bill.

It is one that requires a tremendous amount of time and effort not only by the leaders but the members of the Transportation Committee as well as the staff of the Department of Motor Vehicles and our staff here in the legislative office building. As Representative Guerrero pointed out there are many aspects to this bill, 59 sections as I count them.

Virtually all of them had a public hearing and were thoroughly vetted through the process. Many of them are individual bills that were brought forward as proposals by members back in January.

And I think that we have once again carried on the tradition in the Transportation Committee of working cooperatively with each other to accomplish positive and good things for the people of Connecticut as they pertain to the Department of Motor Vehicle and the services it provides.

Most importantly as Representative Guerrero pointed out one of the highlights of this bill does address distracted driving as suggested in its title which we do know is a very serious issue and a growing problem not only in Connecticut but nationwide. We've managed to learn a lot through this process by the laws that are already in place.

And we also know that there needs encouragement for enforcement as well as encouragement for people to obey the law as a public safety measure. A lot of the items that are within the bill, the sections within the bill are to complete federal law compliance for the Department of Motor Vehicle.

All of them in the interest of creating

efficiencies which ultimately should serve the public well but also create efficiencies that will serve the bottom line of the Department well. And I urge strong support of the bill by all members. Thank you.

DEPUTY SPEAKER RITTER:

Will you remark? Will you remark further on the amendment before us? Will you remark further on the amendment before us? If not, I will try your minds. Representative Smith of the 108th District, you have the floor, Sir.

REP. SMITH (108th):

Thank you, Madam Speaker. Just a couple quick questions to the proponent of the bill please.

DEPUTY SPEAKER RITTER:

Please proceed.

REP. SMITH (108th):

Thank you, Madam Speaker. I'm encouraged by the fact that what we're doing here tonight with distracted it is clearly an epidemic. It's something that's costing lives throughout the State, throughout the country. More and more people are texting and driving. It's become a quite -- quite of a bit of a hazard.

And I was trying to quickly look through the bill

to see how exactly we did deal with it in this bill. And I'm not sure what changes are being made or what proposals are incorporated into the bill and I was just wondering if the good Chairman could tell me what enhanced penalties if any or what the new changes are to deal with this clear epidemic? Thank you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Guerrero.

REP. GUERRERA (29th):

Thank you, Madam Speaker, and to the good Representative. The fines were increased from 125 to 150 for the first violation, 250 to 300 for the second and 400 to 500 for the third and also requires the DMV Commissioner to assess at least one point on the vehicle -- motor vehicle record driver who violates those laws. Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Smith.

REP. SMITH (108th):

Thank you, Madam Speaker. And I thank the Gentleman for his answers. I think this is a step in the right direction. I hope the committee may want to consider going forward. Some type of victim impact

panel because as we read in the paper all too frequently where one of these drivers is just going along, they're having a nice day texting and unfortunately they -- they either hit a pedestrian or slam into another vehicle and the -- (inaudible) car is not only physically but mentally into the families that are -- have to deal with this aftermath is -- is quite significant.

And I know we do this in some of the other areas our law where if someone's drinking and driving and they have an accident they get to go to a victim impact panel and see what the effect of that is.

And to me this is rising to that level because it's -- it's causing so many injuries and so much damage that I hope the committee would going forward might want to take into consideration and look at that. But I thank the Gentleman for his answers.

DEPUTY SPEAKER RITTER:

Will you remark further on the amendment before us? Representative Camillo, you have the floor, Sir.

REP. CAMILLO (151st):

Thank you, Madam Speaker. Good evening. Madam Speaker, about four and a half years ago I was driving on the Boston Post Road in Cos Cob and was struck from

behind by someone texting and while my dog almost ended up going through the windshield I was much luckier than a gentleman last year who was jogging in New Canaan who was struck and killed.

And I was contacted by that -- the deceased's girlfriend who I -- I knew from many, many years ago and that compelled me to reach out to Representatives Scribner and Guerrera to work with them to create and craft a bill that would address this problem which has really become a cultural issue. In both the short term with these fines being doubled and also the long term which where we -- where we tie it onto your insurance and then also with the study tacked onto that.

It really is a forward thinking bill and I think this would put Connecticut in the forefront with an issue that I think is -- even tops driving under the influence because as bad and as deadly as driving drunk can be you're still focused on the road however cloudy but when you take your eyes off of the road you're completely blind to the road.

And it's unfortunately we're starting to see now that this is having a deadly effect all across the nation. So I'm proud to have worked with

Representatives Scribner and Guerrera on this and I urge adoption -- passage. Thank you.

DEPUTY SPEAKER RITTER:

Will you remark further on the amendment before us? Representative Miner of the 66th District.

REP. MINER (66th):

Thank you, Madam Speaker. If I might a question or two to the proponent of the amendment please.

DEPUTY SPEAKER RITTER:

Please proceed.

REP. MINER (66th):

Thank you, Madam Speaker. Madam Speaker, I'm looking through the amendment and I remember during the committee process this year there had been conversations about whether or not the Commissioner of Motor Vehicles and in fact the Department of Motor Vehicles would revisit the issue of providing temporary registrations for people who showed up at a dealership, went through all the effort of picking out a car, spending time with a salesman, going to the F and I guy and then found out that in fact they had not gotten a receipt for delinquent taxes even when they had paid.

And so my question through you, Madam Speaker, is

if they good Gentleman knows, is there a section of this bill that actually reinstates something that used to be referred to as the 20 day temporary? Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Guerrero.

REP. GEURRERA (29th):

Thank -- thank you, Madam Speaker, and to the good Representative. This was brought up at one point during the committee process. Talking to the liaison from the Department of Motor Vehicle and I can tell this to Representative Miner that this is something we will be tackling the next session but we did not have time to put this in for this year. Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Miner.

REP. MINER (33rd):

Thank you. Thank you, Madam Speaker. And I thank the Gentleman for his response. Madam Speaker, when we spoke about this earlier in the session process one of the concerns that I expressed was that back during the deliberations for deficit mitigation in fact the Speaker himself had come to us and

suggested that perhaps this was an opportunity for us to get some tax revenue at a time when people were willing to make a purchase from people who were willing to collect the tax and so on and I -- I remember that the number was about -- I think about 12 million. It was almost a million a month.

And since that time I've had a chance to speak with a number of car dealers throughout the State all of whom I think we know have managed to weather one of the worst recessions, maybe the worst recession in the country's history. Many of these people employ many of our constituents, mechanics, car salesman, finance people.

It goes on and on and on. Madam Speaker, I have an amendment that actually would kind of force the issue and rather than call it because I don't think it would be helpful to the situation now I take the Gentleman at his word but I really do hope that the administration, the Commissioner of Motor Vehicle will look deeply into this issue.

I believe there are resolutions to this for which the auto industry is willing to participate. My understanding is the cost of this can be borne by the industry so it isn't necessarily on the taxpayer's

dime.

And I really would have hoped that this could have been handled this year and absolutely hope that for those businesses that have managed to still struggle through this economy that we'll find a way to make that happen next year. Thank you, Madam Speaker. And I thank the Gentleman for his time.

DEPUTY SPEAKER RITTER:

Will you remark further on the amendment before us? Representative Wood.

REP. WOOD (141st):

Sorry.

DEPUTY SPEAKER RITTER:

Will you remark further on the amendment before us? Representative Scribner.

REP. SCRIBNER (107th):

Thank you, Madam Speaker. I would -- I would like to just offer a sense of reassurance based on the comments made by Representative Miner that that concern of his has been discussed with the leaders of the Transportation Committee as well as people from the industry and we have come to an agreement and offered that agreement to them that we will address this issue moving forward beyond this session.

And so I thank him for bringing that forward publicly. And I'm very pleased to offer the assurance with my good friend and colleague, Chairman Guerrero that we will address that going forward. Thank you.

DEPUTY SPEAKER RITTER:

Will you remark further on the amendment before us? Will you remark further? If not, I will try your minds. All those in favor please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER RITTER:

All those opposed, nay. The ayes have it and the amendment is adopted. Will you remark further on the bill as amended? Will you remark further on the bill as amended? If not, will staff and guests please come to the well of the House. Will members please take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll.
The House of Representatives is voting by roll. Will members please return to the Chamber immediately.

SPEAKER SHARKEY:

Have all the members voted? Have all the members

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

THE CLERK:

Yes, Mr. Speaker. House Bill 6033 as amended by House A.

| | |
|------------------------|-----|
| Total Number Voting | 140 |
| Necessary for Adoption | 71 |
| Those voting aye | 139 |
| Those voting nay | 1 |
| Absent and not voting | 10 |

SPEAKER SHARKEY:

Representative Zoni, for what purpose do you rise?

REP. ZONI (81st):

I'd like to indicate that I'd like to vote yes on this bill for the record. In the affirmative, Sir.

SPEAKER SHARKEY:

Will the Clerk please reannounce the tally.

THE CLERK:

Change to the tally sheet. H.B. 3066 as amended by House A.

HB 6033

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|---------------------|-----|
| Total Number Voting | 140 |
|---------------------|-----|

| | |
|------------------------|-----|
| Necessary for Adoption | 71 |
| Those voting aye | 139 |
| Those voting nay | 1 |
| Absent and not voting | 10 |

SPEAKER SHARKEY:

The bill as amended passes. Are there any announcements or introductions? Announcements or introductions? Representative Hovey of the 112th.

REP. HOVEY (112th):

Thank -- thank you, Mr. Speaker. For an announcement please.

SPEAKER SHARKEY:

Please proceed.

REP. HOVEY (112th):

Thank you, Sir. Just reminding everyone that tomorrow is dress down. Tomorrow is dress down day. Don't forget. Five dollars to dress down, ten if we catch you in a suit. And we'll look forward to seeing everyone in their casual attire tomorrow.

SPEAKER SHARKEY:

Are there any other announcements or introductions? Representative Piscopo.

REP. PISCOPO (76th):

Thank you, Mr. Speaker. For a journal notation.