

Legislative History for Connecticut Act

PA 14-130

HB5290

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

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And with that, if there are no further announcements or introductions, we will return to the call of the Calendar.

And I believe that the Clerk should probably called Calendar Number 205.

THE CLERK:

On page 37, Calendar 205, Favorable Report of the joint standing Committee on Appropriations, Substitute House Bill 5290, AN ACT REVISING MOTOR VEHICLE LAWS.

DEPUTY SPEAKER ORANGE:

My good friend, Respective Tony Guerrero, you have the floor, sir.

REP. GUERRERA (29th):

Thank you, Madam Speaker; nice to see you up there.

I move acceptance of the joint's (sic) committee Favorable Report and passage of the bill, Madam Speaker.

DEPUTY SPEAKER ORANGE:

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.

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This is the DMV comprehensive bill that contains numerous changes to, obviously the motor vehicle statutes.

I would ask the Clerk to please call LCO 4390, and I be allowed to summarize.

DEPUTY SPEAKER ORANGE:

Will the Clerk please call LCO -- LCO Number 4390, which will be designated as House Amendment Schedule "A."

THE CLERK:

House Amendment "A," LCO 4390, introduced by Representative Guerrero, et al.

DEPUTY SPEAKER ORANGE:

The Representative seeks leave of the Chambers to summarize. Is there objection; objection?

Seeing none, Representative Guerrero.

REP. GUERRERA (29th):

Thank you, Madam Speaker.

Madam Speaker, this is a strike-all amendment. It obviously makes some modifications to the statutes governing our motor vehicles. This amendment helps improve DMV process and includes placing Connecticut in compliance in regards to our federal transportation laws.

Madam Speaker, as you know, I have the pleasure of working with many, many good Legislators on the Transportation Committee, and they've always been comprehensive in regards to making sure that when it comes to the DMV and the DOT package bills, that they're always, were willing to work hard to make sure that these bills are unified in regards to making sure that everyone agrees to it.

And I want to thank my Ranking Member, Steve Mikutel, and all the members on the committee. And I'd be, would be remiss not to thank my Ranking Member, Representative Scribner, who has worked with me over the last, probably ten years, in regards to getting these bills out.

So with that, Madam Speaker, I -- I ask if there's any other comments.

DEPUTY SPEAKER ORANGE:

Would you care to move adoption?

REP. GUERRERA (29th):

Yes, I move it.

DEPUTY SPEAKER ORANGE:

The question before the Chamber is on adoption of House Amendment Schedule "A."

Will you remark further on House Amendment

Schedule "A?"

My good friend, the Ranking Member,
Representative David Scribner, you have the floor,
sir.

REP. SCRIBNER (107th):

Thank you, Madam Speaker.

First of all, I -- I rise in strong support of the bill before us. And I think it's important to note that, as Chairman Guerrero promptly pointed out, this bill is -- is fairly comprehensive. It's one that we've worked throughout the session with the Commissioner and other staff of the Department of Motor Vehicle to put together and also important to note that of the 35 pages and 39 sections in this bill, many of which are technical in nature, it seeks to address a lot of the concerns that were brought forward to us by the department in regard to federal compliance and technical corrections that needed to be made to streamline and improve the process for the constituency that we serve.

It also includes a lot of measures that were brought forward by virtue of an individual proposal for many of our members on behalf of their constituency, in our efforts to continue to improve

the service that we provide to our constituents by the Department of Motor Vehicle.

We could not have done this without the level of respect and trust and cooperation amongst the leaders of the committee as well as all of the members. And we take pride in that and I hope serve as an example that when we work well with each other, we can get great things accomplished. But we also have staff members, including the staff of the Transportation Committee, itself, from the Department of Motor Vehicle as well as OLR and LCO to thank, to bring this where we are today.

So, again, I urge strong support of the measure and thank all of the members that helped contribute to the content of this bill.

Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Would -- would you care to remark on House Amendment Schedule "A?"

Representative Carter.

REP. CARTER (2nd):

Thank you, very much, Madam Speaker.

Just one question, through you, to the proponent

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of the amendment, please?

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. CARTER (2nd):

Through you, Madam Speaker, looking at Section 1, it basically takes a taxicab service and says that the vehicle can no longer be used if it's older than ten years old. Through you, Madam Speaker, was this a safety concern; is that why they put the ten model -- year old on there?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Guerrero.

REP. GUERRERA (29th):

Thank you, Madam Speaker.

And through you, this is already in regulation to the --

DEPUTY SPEAKER ORANGE:

Representative Carter.

REP. CARTER (2nd):

Okay, thank you, Madam Speaker.

I'll -- I'll try to research that. It -- it is in Section 1, which is a, which is a new section in the amendment, so I'll take a look and see if that is

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existing law.

Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further on House
Amendment Schedule "A?" Will you care to remark
further on House Amendment Schedule "A?"

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

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ORANGE:

All those opposed, Nay.

The Ayes have it. The amendment is adopted.

Will you care to remark further on the bill as
amended? Would you care to remark further on the bill
as amended?

Representative Greg Miner, you have the floor,
sir.

REP. MINER (66th):

Thank you, Madam Speaker.

Madam Speaker, I just want to make a comment;
it's not really a question. And my comment is I do
know that the state is engaged, is embarked in

providing a new electronic portal to provide information to people. And I think we all should be aware that there are a number of opportunities in our statute where the Commissioner has the ability to share information on each and every -- every one of us. Some have more restrictions than others.

Questions that I've asked in the past, I think still are pertinent. I'm not sure that we ever go back and look at the statute book and find out why we still do some of the things that we thought we needed to do back in 1971, but one of the concerns that I have is that there's a whole list in here of eligible parties who can request information on you and on me. And now as we enter in new phase of providing information for a fee, I'm concerned that some of that information has enough of a value that maybe some of the restrictions may not be as closely paid attention to as I think we all would like them to be.

I think one of the sections that I raised a question about recently and previously had to do with whether or not we should be providing that kind of data to organized labor, and it's -- it's in the statute, I believe; I don't think I misread it.

And so while I don't have any suggestion, I don't

have any amendment, I don't have anything to offer today, I continue to request that we as a Legislature look closely at this portal system, not in an effort to stop it but in an effort to kind of question how these agencies provide information and whether it actually is freer in the, in the sharing of that information that we might want to have at this point in time.

I think we're all concerned about identity theft. The agencies tried to reassure me that that's not a problem. I'm not sure it's affected specifically in this bill, but I just wanted to make that point, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further on the bill as amended? Will you care to remark further on the bill as amended? Will you care to remark?

If not, staff and guests please come to the Well of the House. Members take their seats. The machine will be open.

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.

DEPUTY SPEAKER ORANGE:

Have all members voted? Have all members voted?

Please check the board to determine if your vote has been properly cast. If your vote has been properly cast -- have all members voted? Have all members voted?

If all the members have voted, please check the board to determine if your vote has been properly cast. If so, the machine will be locked. And the Clerk will take a tally, please.

And will the Clerk please announce the tally.

THE CLERK:

House Bill 5290 as amended by House "A."

Total number voting	144
Necessary for passage	73
Those voting Yea	136
Those voting Nay	8
Absent, not voting	7

DEPUTY SPEAKER ORANGE:

The bill passes as amended.

And are there any announcements or introductions?

Are there any announcements or introductions?

Representative Boukus, my mentor.

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So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President. And also, Madam President, Calendar Page 21, Calendar 533, Substitute for House Bill Number 5290, move to place this item on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Madam President, if the Clerk would now read all the items on the Consent Calendar so that we might proceed to an immediate vote on the Consent Calendar.

THE CHAIR:

We're going to stand at ease for a moment and as soon as they have it all together, we will start calling them.

(Chamber at ease.)

SENATOR LOONEY:

Madam President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes, Madam President, while we're waiting for --

THE CHAIR:

Can I just ask everybody to quiet down? I know it's the end of the evening, but it's very hard to hear Senator Looney, thank you.

SENATOR LOONEY:

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Calendar 500, House Bill 5547.

On Page 18, Calendar 507, House Bill 5530.

On Page 19, Calendar 512, House Bill 5386.

Calendar 514, House Bill 5521.

Calendar 516, House Bill 5500.

Calendar 517, House Bill 5305.

On Page 20, Calendar 527, House Bill 5592.

Calendar 528, House Bill 5453.

On Page 21, Calendar 531, House Bill 5299.

Calendar 533, House Bill 5290.

On Page 22, Calendar 541, House Bill 5456.

Calendar 539, House Bill 5294.

On Page 24, Calendar 551, House Bill 5588.

Calendar 552, House Bill 5269.

On Page 25, Calendar 564, House Bill 5489.

Calendar 562, House Bill 5446.

(HB5466)

On Page 26 --

THE CHAIR:

Hold on. Okay. Sorry. Please proceed.

THE CLERK:

On Page 26, Calendar 568, House Bill 5434.

Calendar 569, House Bill 5040.

Calendar 566, House Bill 5535.

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SENATOR LOONEY:

If we might pause for just a moment to verify a couple of additional items.

Madam President, to verify an additional item, I believe it was placed on the Consent Calendar and Calendar Page 30, on Calendar Page 30, Calendar 592, Substitute for House Bill 5476.

THE CHAIR:

It is, sir.

SENATOR LOONEY:

It is on? Okay. Thank you. Thank you, Madam President. If the Clerk would now, finally, Agenda Number 4, Madam President, Agenda Number 4 one additional item ask for suspension to place up on Agenda Number 4 and that is, ask for suspension to place on the Consent Calendar an item from Agenda Number 4.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President, and that item is Substitute House Bill Number 5566 from Senate Agenda Number 4.

Thank you, Madam President. If the Clerk would now, if we might call for a vote on the Consent Calendar.

THE CHAIR:

Mr. Clerk. Will you please call for 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.

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An immediate Roll Call on Consent Calendar Number 2 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:

Consent Calendar Number 2.

Total number voting	36
Necessary for adoption	19
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

The Consent Calendar passes. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Two additional items to take up before the, our final vote on the implementer. If we might stand for just, for just a moment.

The first item to mark Go is, Calendar, to remove from the Consent Calendar, Calendar Page 22, Calendar 536, House Bill 5546. If that item might be marked Go.

And one additional item, Madam President, and that was from Calendar, or rather from Agenda Number 4, ask for suspension to take it up for purposes of marking it Go, that is House Bill, Substitute for House Bill 5417. Thank you, Madam President.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

**JOINT
STANDING
COMMITTEE
HEARINGS**

**TRANSPORTATION
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February 28, 2014

pat/gbr TRANSPORTATION COMMITTEE

10:00 A.M.

COMMISSIONER JAMES REDEKER: Absolutely. Thank you.

REP. GUERRERA: Thank you. Commissioner Currey, followed by Joe Cavo. Good morning, Commissioner.

COMMISSIONER MELODY CURREY: Good morning, Mr. HB 5292
Chairman, Representative Scribner, good to see you and all members of the Transportation Committee. I will be short and sweet and not talk about salt.

House Bill Number 5290 is our act revising motor vehicle laws. I've presented testimony to you. I hope you all have it in relation to our bill. It is smaller than usual. We usually go to about 50 or 60 sections, so trying to take it easy on you in the Short Session.

There are technical clarifications in Sections 4, 5, 6, 23, 29 through 39.

Sections 4, 5 and 6 are technical and we changed the reference from public passenger permit to endorsement.

The 23, 29, 39 are technical in nature and would renumber the evasion of responsibility statutes 14-224 in order to separate it into three sections.

The quick and easy way to explain this is, when we get an infraction from another state, they all break them out in three categories. We don't have it broken out in three categories so it's not always easy to tell our staff how to label it out, so this would make it consistent with other states in doing the paperwork to add to the driver's history.

Sections 12, 13, 14, 15, 16, 17, 18, 19 and 20 are items that deal with dealers and different

changes to the statutes in relation to how we are doing business.

The Section 12 clarifies that under a dealer bond the customer would not include entities that finance a dealer inventory. In other words, many times what we hear is there is a bond and a dealer goes under. The people who have purchased vehicles need to have the ability to exercise that bond and collect what they can.

If a, if it's taken up by another entity, a business entity franchise, then we, the customer would lose the ability to do that and we're trying to protect the customer in this.

Section 13 will allow DMV the denial and non-renewal of a dealer or repairer license to a dealer or repairer that has delinquent sales tax payments to the state. In cooperation with DRS we were trying to look at how we are sure that the DRS is collecting sales tax if they are due, and it's also an indication when a dealer is going to have trouble or go under, an early indication for us.

So if they owe sales tax, they shouldn't be allowed to continue their license until they straighten out their business with DRS.

Section 14 we require dealers to produce copies of electronic records upon demand by DMV during the dealer's business hours, rather than saying come back in three days.

We are in a process of clarifying with all dealers that they are allowed to maintain their records electronically in repair stations et cetera, so on our CVSD inspector goes in and said, we'd like you to pull your records and see your records, instead of saying come back and see me in three days, they have it

electronically we're saying during business hours it should be immediately accessible.

Section 15 would require dealers to have the name, address and license number displayed on the customer's purchase order and invoice. One of the things we're discovering is many times it's not clear when we have a dealer complaint how we go after and look at the repair bill as to exactly what it involved, did it come from the particular dealer. Sometimes it doesn't have a name on it all, so this just simply helps in processing all of that paperwork and quite frankly, in my personal opinion, it should have the name of who you're doing business with on that invoice for everybody's sake.

The, let's see, Section 18 would remove the requirement driving school instructors are required to attend 45 hours of instruction training in three years, within three years of being licensed.

We don't do this now. For my, to the best of my knowledge, nobody can remember when it was ever done, so it's one of those rules we should take off the books if we're not doing it.

We do, do periodic proficiency tests of driving instructors to assess their abilities, so it's not that we're not looking at how they do it and what they do.

Section 19 would allow the adoption of regulations for private property tows and require law enforcement to check law enforcement data bases to determine whether the vehicle is stolen or, and codify into law what is currently a regulation requiring towers that tow vehicles from private property to notify the owner within 48 hours. This is just taking the reg and saying this is what you need to do.

Section 20 would allow dealers that tow and store vehicles to have a lien for its services. This section also updates outdated language for mail delivery. Instead of we have now, since registered mail is now certificated mail with a return receipt request.

These are simply changes in how you do business to make it conform with what you're really doing.

Sections 3, 7, 10 and 11 deal with the exception to the 90-day wait period application for the adult learner's permit for people who previously held out-of-state licenses.

What we found is, many people come in, say you come in from Arizona and you've had a license before. Our present rule says you've got to wait 90 days to get your license. If they've already driven in another state or they've driven in another country that we have reciprocity with, it sort of makes sense that you don't say you have to go through this process again and wait 90 days. You know how to drive so we'll go ahead and test you and put you through that.

Section 10, do you want me to continue, Mr. Chairman? It's pretty much following the testimony and I have, these are all very important sections, too. I'd be happy to answer any questions, and I do have staff here to assist should I not know the answer.

We also have another bill before you, 5292, which is an act concerning the stickers, registration stickers. I know that becomes a popular item if everybody says, well, I don't remember how to do this because I don't have that sticker.

We have changed many things in the department since those stickers were eliminated four years ago. That saved the department at that time, \$800,000. Eight hundred thousand dollars was removed from the budget. It would take two million to put it back into the budget and a continual million each year to continue that.

With the number of readers there are presently on police cars, I signed an MOU with all communities that have them and we're doing that more and more. They have that ability.

We also have set it up so that you can go on line, go to DMV website and verify that your registration is valid and current. Any police officer, most of them today I think have computers in their car, can go in and program in the plate number and it will come up whether you're a good registration or not.

So you have the ability to check, you as a citizen. The police have the ability to do that very easily on the computer on the website. There are additional ways to do it. It would be a waste of taxpayers' dollars to put that back. Thank you, sir.

REP. GUERRERA: Thank you, Commissioner, and thank you for your descriptions of each of these technical changes that you're making obviously in the DMV bill. I know you have your staff here. I see Sharon Generakos and Mike Fazares, who always communicates very well with our Committee.

One, just going to the CDL, is that something that you're doing because the federal regulations are asking you to do this or is it something that we're just bringing upon ourselves.

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COMMISSIONER MELODY CURREY: No, it is, which section is that, sir?

REP. GUERRERA: I believe if you go to Page 3 it's the changes in regards to commercial driver's learner's permits from six months to 180 days.

COMMISSIONER MELODY CURREY: Yes. That's simply the federal government refers to it. We have it as six months. They prefer 180 days because half of 365 is a little more than 180. It's one of those changes, yes, they ask for it.

HB 5292

REP. GUERRERA: Thank you, Commissioner. Real quick, in regard to the registrations that you talked briefly upon. I met with quite a few law enforcement agencies in regards to this and I know they have some, obviously departments have those readers out there. But I was amazed at how many people that were pulled over that don't have their car registered, and not because they didn't want to, they just, unfortunately when they get something in the mail they don't understand it. They think it's junk mail basically from the DMV and they don't understand that that's part of your registration.

I know, obviously I represent Rocky Hill, Wethersfield and Newington and I spoke to some individuals from the police department there as you know, Commissioner and these weren't, these were from what the police officers told me, these were high-end vehicles that they had no clue that their registration had expired.

And the amount of monies that are losing out on the municipalities that gain that was astronomical. And I know we got rid of it because there were issues before of people stealing them obviously on the plates and then you put them on the front windshield and they were breaking them and so forth.

all of the earlier testimony from DOT but I can tell you also as just a citizen, the power washer lives in my kitchen from November until March and we can't keep it outside because of the freezing temperatures. But my husband is constantly power washing our vehicles, probably four times a week.

He's a former mechanic. He was a master tech. He understands the damage that is being, that is occurring on our vehicles and you know, I know of countless other people as well that are washing their vehicles, but that's not good enough and I know that's a DOT response.

I'm hoping alternatives will be looked at and I've provided you with some of those examples today. Thank you very much.

SENATOR MAYNARD: Thank you. Any questions from Committee members? Seeing none, thank you very much, Representative, for being with us today.

Is Lee Telke in the room? Have I got that right? Okay.

LEE TELKE: Good morning, Senator Maynard, distinguished members of the Transportation Committee. Thank you for the opportunity to provide you with testimony on House Bill 5290 AN ACT REVISING MOTOR VEHICLE LAWS.

My name is Lee Telke. I'm the Executive Director of the Towing and Recovery Professionals of Connecticut. Tim Vibert is here with me. He is the President of TRPC. TRPC is composed of nearly 200 towing professionals who are licensed dealers and repairers in this state. We are small businessmen who are trying to improve the quality of life in our state.

The Department of Motor Vehicles is the licensing agency that regulates our industry.

We understand DMV's desire to obtain information to regulate our industry, but House Bill 5290 will create unnecessary hardships for the small business owner.

We respectfully request the following changes. Sections 14 and 17, these sections remove the three days that we have to produce records in a written format that we now maintain electronically.

Under this legislation, DMV would like these records produced on demand during the licensee's business hours on the same day of such request. Most of our business owners are working owners. We are not businesses with office managers. We are often small family-owned operations that depend on maintaining a daily profit margin in order to keep the doors open.

Often the records that DMV is seeking are kept in storage. They may be at an accountant's office. They may be stored off site. There's many other possibilities.

To expect a working business owner to interrupt our day to find a written record is unnecessary.

The current three days work well for us as licensees and we are not aware of any problems that DMV has had in obtaining requested documents.

If adopted, these sections will most certainly cost the owner time and money, inconvenience our customers, disrupt accident clearances and highway openings.

We're asking for a modification on Section 19. Under current law the tow company is required to notify the police department that it has a vehicle in custody within two hours of the tow.

This legislation proposes that within 48 hours of receiving the information from the tower, the police department be required to place the vehicle on a national informational law enforcement network, which is NCIC, and the Connecticut system known as COLLECT.

In addition, the responsibility for owner and lien holder notification within 48 hours by certified mail should lay with the police as the tow company has no access to the information on any vehicle bearing out-of-state plates that it may tow in.

Section 19 seeks to place the burden of notifying the owner of the vehicle upon the tow company. However, without access to ownership information, compliance with this change is not possible.

We do support the proposal with the appropriate changes. Thank you.

SENATOR MAYNARD: Thank you very much for your testimony. Are there questions from members of the Committee? Yes, my distinguished Co-Chair.

REP. GUERRERA: How are you gentlemen? Thank you. I apologize, trying to run, obviously all the Legislators have multiple meetings going on so they're running back and forth.

So, in regards to obviously what you had your comments on, I know Tim, is there something that you think you'd rather see, then, or is it

--

TIM VIBERT; Well, first of all, in place now that we have three days to give them that information. We'd have to stop at that very moment and give it up. We think it's working fine. We don't have any complaints from DMV that they're having such a huge issue that it

needs to get addressed, so we'd like to leave it just the same.

We can fax it. We can e-mail it to them at a different time. When the small businesses sometimes we represent our guys are out on the road clearing the highways, so they're not necessarily there. They're talking with maybe a person that's answering the phone when DMV comes in. It presents a little bit of a hardship sometimes, so if we can just simply leave it at the three days, and we can fax it over. It's not a grave consequence they have that information that day.

REP. GUERRERA: Thank you, Tim. And obviously, I give you my assurance that this Committee will look at this very seriously, so, I take your comments into consideration here, both of you.

TIM VIBERT: Thank you.

LEE TELKE: Thank you.

REP. GUERRERA: Thank you.

SENATOR MAYNARD: Thank you very much. Next is, I see the lovely Representative Lavielle. Take this opportunity between Committee meetings?

REP. LAVIELLE: Thank you for that introduction, Mr. Chairman. Good morning. We have seen each other on this matter before. I am here to testify in strong support of House Bill 5289, which is AN ACT CONCERNING THE ESTABLISHMENT OF THE CONNECTICUT PORT AUTHORITY.

I will not read my testimony to you. You have it and some of it is substantially similar to what I delivered last year.

I support the bill both for economic development and for transportation reasons. We had a study last year, actually the year before

health. We want to support this legislation and make sure that it's intelligent and is designed to work in partnership with the local entities that encourage and foster prosperity, and does not wrest control from the local community.

We look forward to this important legislation and look forward to working in partnership on the implementation of this much needed economic development. Thank you very much for the opportunity.

REP. GUERRERA: Thank you, Jeff. Yeah, we've had some very good testimony with regard to House Bill 5289, so I think that we will see this move through the Committee without any obstacles. I believe it's something we've been working on obviously over the last couple of years and I think, as I stated before, we're hoping to see it get through both Chambers, so. Any comments? Seeing none, thank you for your testimony. Thank you for waiting.

JEFF BISHOP: You bet.

REP. GUERRERA: Rafie. Is there any other individual who would like to speak that did not sign up on the sign up sheet? Okay, you're our last speaker, then Rafie. Last but not least.

RAPHAEL PODOLSKY: Thank you, Mr. Chairman, members of the Committee. My name is Raphael Podolsky. I'm with the Legal Assistance Research Center in Hartford.

I'm here really for just a very, very brief comment on Section 19 of House Bill 5290. That's the Commissioner of Motor Vehicle's bill. There is a change that's made in Lines 383 to 385 that are ambiguous in a way that presents a problem from the point of view of the owner of the vehicle.

And I'm hoping, actually that the Commissioner agrees with this, but in any event, we believe there's a need for some kind of clarifying language and this is what it is.

That section deals with what happens when cars are towed from private property, and under the existing statute, which you can see at Lines 383, it says that the car is disposed of in accordance with the provision of Subsection (e) of 14-50, which is the same statute that's used when police ticket and tow a car.

Part of that process that starts with Subsection (e) is that a person who is disputing that the tow was legitimate has the right to an appeal to a municipal hearing officer who can decide whether or not it was legitimate.

The new, the language in the bill by striking the reference to Subsection (e) and switching it to reference to Subsections (g) through (i) effectively leaves out that procedure.

I don't know if it was intentional or not in the drafting, and the reason is that the primary reason for making that change was to change who gives the notice. After 48 hours there's supposed to be a notice given to the owner and under the existing law, under Subsection (e) it's given by the police. Under this bill, it would be given by the towing company, and that's in Subsection (e).

But also in Subsection (e) and then in (f) is the right to the hearing, so I don't know if this change was made to deliberately cut off the right to a hearing, or if that was sort of an unintended side effect.

But in any event, private property tows often do have very much disputed issues because

typically you're towing the tenant's car and the question is, was the landlord really entitled to tow the car?

So having access to an administrative hearing is really important from the car owner's point of view. So I would ask you to try and figure out a way to convey that without losing that piece. I'm happy to help with drafting if that would be useful to the Committee.

REP. GUERRERA: I appreciate that, Rafie. Rafie, we have Alex Judd here who's our LCO attorney, so maybe you want to speak to him also and he can relate this back to the department.

So does that the main concern and that was it?

RAPHAEL PODOLSKY: That's all I have to say.

REP. GUERRERA: Really?

RAPHAEL PODOLSKY: Really.

REP. GUERRERA: Okay.

RAPHAEL PODOLSKY: Most of the rest of the bill I don't know that much about, so I'm not endorsing it exactly, but I don't see anything wrong with it.

REP. GUERRERA: There you go. All right. Thanks, Rafie.

RAPHAEL PODOLSKY: Thank you very much.

REP. GUERRERA: Is there anyone else that would like, that's out there that would like to speak? Seeing none, thank you and have a nice weekend everyone and this will convene the public hearing.



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN SUPPORT OF:

H.B. NO. 5290: AN ACT REVISING MOTOR VEHICLE LAWS

JOINT COMMITTEE ON TRANSPORTATION

February 28, 2014

The Division of Criminal Justice respectfully recommends the Committee's **Joint Favorable SUBSTITUTE Report** for H.B. No. 5290, An Act Revising Motor Vehicle Laws. The Division would respectfully recommend the Committee amend this legislation to reflect the revisions to the laws governing the possession of marijuana specifically as they apply to young drivers.

Despite the general confidentiality of juvenile records, General Statutes Section 46b-124(k) currently requires the juvenile court to disclose to the Department of Motor Vehicles (DMV) juvenile records "containing information that a child has been convicted as delinquent" for a violation of the statutes listed in that subsection, so that the DMV can determine "whether administrative sanctions regarding such child's motor vehicle operator's license are warranted."

Missing from this list - presumably as the result of an oversight - are violations of Section 21a-267(d), possession of drug paraphernalia for use with under one-half ounce of marijuana and Section 21a-279a, possession of less than one-half ounce of marijuana, both of which, pursuant to Section 14-111e, are subject to DMV administrative sanctions for persons under the age of 21.

Similarly, convictions for violating Section 14-227a and Section 14-227g, operating under the influence of alcohol, should be added to the list of those offenses for which the DMV may impose licensing sanctions. The case of a 16- or 17-year-old charged with these offenses would be handled in the adult court and resulting information provided to the DMV for administrative sanctions, while the case of a person under the age of 16 charged with such offenses would be heard in the juvenile court with no information provided to the DMV. The Division believes those offenders under age 16 should be subject to the same administrative sanctions as those age 16 or older, both in the interests of fair treatment and the promotion of public safety. We must send a strong message that driving under the influence is wrong regardless of the age of the offender.

In both cases - marijuana possession related offenses and DUI by those under age 21 - Section 14-111e provides for license suspension or, if in the case of an individual who has

not yet obtained a license, deeming the individual ineligible to obtain a license for a specified time.

Accordingly, the Division would recommend the following amendment:

Subsection (k) of section 46b-124 of the general statutes is repealed and the following is substituted in lieu thereof:

(k) Records of cases of juvenile matters involving delinquency proceedings, or any part thereof, containing information that a child has been convicted as delinquent for a violation of subdivision (e) of section 1-1h, subsection (c) of section 14-147, subsection (a) of section 14-215, section 14-222, subsection (b) of section 14-223, subsection (a), (b) or (c) of section 14-224, section 14-227a, section 14-227g, subsection (d) of section 21a-267, section 21a-279a, section 30-88a or subsection (b) of section 30-89, shall be disclosed to the Department of Motor Vehicles for administrative use in determining whether administrative sanctions regarding such child's motor vehicle operator's license are warranted. Records disclosed pursuant to this subsection shall not be further disclosed.

In conclusion, the Division wishes to thank the Committee for this opportunity to provide input on H.B. No. 5290. We would be happy to provide any additional information the Committee might require or to answer any questions you might have. Thank you.



**Written Testimony of
Lee Telke, Executive Director
Towing & Recovery Professionals of Connecticut**

HB 5290, An Act Revising Motor Vehicle Laws

**Friday, February 27, 2014
Transportation Committee**

Good morning Senator Maynard, Representative Guerrera, Senator Boucher, Representative Scribner and the distinguished members of the Transportation Committee. Thank you for the opportunity to provide you with testimony on House Bill 5290, An Act Revising Motor Vehicle Laws. My name is Lee Telke and I am the Executive Director of the Towing & Recovery Professionals of Connecticut (TRPC). Tim Vibert is with me, he is the President of TRPC. TRPC is composed of nearly 200 towing professionals who are licensed dealers and repairers. We are composed of small businessmen who are trying to improve the quality of life in our state.

The Department of Motor Vehicles is the licensing agency that regulates our industry. We understand DMV's desire to obtain the necessary information to regulate our industry but House Bill 5290 will create unnecessary hardships for the small business owner. Therefore we most respectfully request the following changes:

Delete **Section 14** and **Section 17**. These sections remove the three days that we have to produce records, in a written format, that we maintain electronically. Under this legislation, DMV would like these records produced on demand during the licensees' business hours on the same day of such request. Most of our business owners are working owners. They are not businesses with office managers; they are often small family owned operations that depend on maintaining a daily profit margin in order to keep their doors open. Often the records that DMV is seeking are kept in storage, may be at an accountant's office, may be stored offsite or many other possibilities. To expect a working business owner to interrupt their day to find a written record is unnecessary. The current three days work well for the licensees and we are not aware of any problems for DMV to obtain all the requested documents. If adopted these sections will most certainly cost the owner time and money, inconvenience our customers, and disrupt accident clearance and highway openings.

Modify **Section 19**. Under current law, the tow company is required to notify the police department that it has a vehicle in custody within two hours of the tow. This legislation proposes that within 48-hours of receiving the information from the tower, the police department be required to place the vehicle on a national informational law enforcement

network (NCIC) and the Connecticut system (COLLECT). In addition the responsibility for owner and lienholder notification within 48-hours by certified mail should lie with the police as the tow company has no access to the information on any vehicle bearing out of state plates. Section 19 seeks to place the burden of notifying the owner of the vehicle upon the tow company. However, the tow company does not have access to the ownership information and therefore compliance with this change would not be possible. We support this proposal with the appropriate changes.

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STATE OF CONNECTICUT

DEPARTMENT OF MOTOR VEHICLES

60 State Street, Wethersfield, CT 06161

<http://ct.gov/dmv>



**Testimony of Department of Motor Vehicles
Commissioner Melody A. Currey
Transportation Committee Public Hearing
February 28, 2014**

H.B. No. 5290 (RAISED) AN ACT REVISING MOTOR VEHICLE LAWS. (Bill requested by the Department of Motor Vehicles)

Good morning Senator Maynard, Representative Guerrero, Senator Boucher, Representative Scribner and other members of the Transportation Committee.

I am pleased to be here today to testify in support of HB 5290, AN ACT REVISING MOTOR VEHICLE LAWS. This legislation proposes several changes regarding the administration of motor vehicle laws and recommends several technical changes to existing laws. As the Commissioner of the Department of Motor Vehicles, we hope you will be able to support the Department's legislation and am pleased to inform you the Department is continuing to improve customer service, increase efficiencies within existing resources, and improve the safety of the state's motoring public.

I will provide a summary of the sections of the bill arranged by subject matter rather than provide a detailed section by section chronological review.

Technical/Clarification Changes – Sections 4, 5, 6, 23, and 29 through 39 - Sections 4, 5 and 6 are technical and would change the reference from public passenger "permit" to "endorsement."

Sections 23 and 29 through 39 are technical in nature and would renumber the evasion of responsibility statute (14-224) in order to separate it into three sections: one for death, one for physical injury and one for property damage. The reason for this separation is because these three categories are coded in the AAMVA Code Dictionary (ACD), which is the basis for uniform reporting among states that are reporting these violations on a driver record. Currently, our statute is divided into subsections: 1) death and serious physical injury; and 2) physical injury and property damage. Please note these penalties will remain the same, and there are no substantive changes to these provisions.

Regulated Businesses - Sections 12, 13, 14, 15, 16, 17, 18, 19, and 20 –

Section 12 clarifies who may recover under a dealer bond by clarifying that a "customer" would not include entities that finance a dealer's inventory. Section 13 would allow DMV the denial or non-renewal of a dealer and repairer license to a dealer or repairer that is delinquent in sales tax payment to the state. Section 14 would require a dealer to produce copies of electronic records upon demand by DMV during the dealer's business hours rather than within three business days as under current law. Section 15 would require a dealer to have its name, address and license number displayed on the customer purchase order and invoice. Section 16 would delete an obsolete requirement that DMV mail each new regulation adapted in accordance with Chapter 54 to all dealers and repairers and that such

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regulations would not become effective until 10 days after having been mailed. DMV has a dedicated website for dealers where such notices can be posted in addition to the SOTS website where all DMV regulations are now posted online immediately with easy access thereby making this requirement obsolete and unnecessary. Section 17 makes minor changes to the information that must be included on a tow record and also requires electronic tow records to be available on demand by DMV during a tower's business hours rather than within three business days.

Section 18 would remove a requirement that driving school instructors be required to attend an additional 45 hours of instructor training within three years of being licensed. The statute refers to seminars sponsored by the DMV but DMV does not provide any such seminars. DMV is not aware of any correlation between instructor safety and this additional training. Please note that DMV conducts periodic proficiency tests of driving instructors to assess their ability.

Section 19 would allow the Commissioner to adopt regulations for private property tows, require law enforcement to check law enforcement databases to determine whether a vehicle is stolen, and codify into law what is currently a regulation requiring towers that tow vehicles from private property to notify the owner and lienholder within 48 hours. Section 20 would allow a dealer that tows or stores a vehicle (or both) to have a lien for its services. This section also updates outdated language as follows: 1) for mail delivery requirements for towers to notify owners by changing "registered or certified letter" to "certified mail, return receipt requested" and; 2) for vehicle identification by changing "engine number and chassis number" to "vehicle identification number."

Licensing and Related – Sections 3, 7, 10, 11 – Section 3 would provide the exception for the 90-day waiting period applicable to adult learner permits to people who previously held out-of-state driver licenses. Section 7 would expand the requirement that law enforcement report arrests for felonies or certain misdemeanors to DMV within 48 hours of the arrest of a person who holds a passenger endorsement on their license, not only for student transportation endorsements as under current law.

Section 10 would remove the partial year fee for a new CDL that is over four years because of the operator's birthdate. Section 11 would allow DMV to establish a procedure for issuing an expedited driver license and collect a fee up to \$75 after DMV transitions central issuance for licensing. This section also eliminates obsolete language.

Registrations – Sections 1, 22 – Section 1 of the bill would allow a 10 year old taxi cab to operate on a current registration until it expires. Currently DOT regulation 13b-96-42 does not permit a taxi to be more than 10 years old as of March 1 of any year. Registrations are for two years, so that taxis that are 11 model years old in the middle of their registration period must be taken off the road. This revision would allow those cabs to operate in compliance until the end of their registration period.

Section 22 would provide the Commissioner the discretion to issue a title for a vehicle that is more than 20 years old. Currently, that discretion is for vehicles that were manufactured prior to 1981.

Compliance with Federal Law and Other – Sections 8, 9, 21, 24, 25, 26, 27 and 28 - Sections 8 and 9 would make technical changes to bring Connecticut into compliance with recently updated federal law for CDL instruction permit holders and CDL holders as follows:

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1) changes the validity period of a commercial driver learner's permit from "six months" to "180 days"; 2) specifies the minimum length of time (14 days) that a CDL instruction permit must be held prior to taking the skills test; 3) adds a 60-day disqualification offense if applicant provided false information or certifications on the application for a CDL instruction permit or CDL.

Section 21 would require that any insurance policy issued to a commercial motor vehicle owner shall be in the amounts required under federal law for the type of vehicle being insured. This will assist DMV in its continuing efforts to streamline operations.

Section 24 would require that lettering for the business name and number located on the back of school transportation vehicles (STVs) be in contrasting colors from the STV vehicle color. The reason for this change is because last year PA 13-271 mandated this lettering be in black (same as on a school bus) but STVs are not required to be painted yellow like school buses.

Section 25 would eliminate an outdated statute that restricts DMV operational procedures and its motor vehicle inspectors and replaces with language ensuring operational and staffing flexibility for its inspection activities.

Section 26 would update language concerning artificer's liens applicable to motor vehicles and also would require that notice be filed with the Commissioner immediately if the lien is not dissolved through substitution of a bond within 30 days.

Section 27 would remove the mandatory requirement that student transportation vehicles that carry school children must have their portable signs covered or removed when the vehicles are not engaged in transporting school children.

Section 28 - This subsection defines which provisions of law will be subject to motor vehicle related fines, penalties or other charges in conjunction with section 13b-70, which authorizes a surcharge of 50% on such fines or penalties. Section 14-12s, which is included in that subsection, was amended in 2011 to require an administrative fee (\$10) on an electronic VIN verification that is done by DMV. DMV does not consider this fee to be one that was intended to be subject to the 50% surcharge and failure to remove that subsection in 2011 when 14-12s was amended appears to have been an oversight.

Thank you for the opportunity to testify in support of the Department's major legislative proposal. I would be happy to try to answer any questions.

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(HB5290)

Section 19 of H.B. 5250 -- Towing of from private property

Transportation Committee public hearing – February 28, 2014

Testimony of Raphael L. Podolsky

Recommended Committee action: AMENDMENT OF SECTION 19

We urge the Committee to modify lines 383 to 385 of this bill, which are part of Section 19. Section 19 amends Conn. Gen. Stats. §14-145 to change procedures when a motor vehicle is towed from private property. As written, however, it seems to take away from the vehicle's owner the right to a hearing to dispute the validity of the tow. That is because, in lines 383 to 385, it deletes a cross-reference to §14-150(e), which in conjunction with §14-150(f), gives vehicle owners the right to a hearing. Those lines substitute a cross-reference to §14-150(g) through (i), which make no mention of the right to request a hearing.

It is not clear whether repeal of the right to a hearing is intentional. We hope that it is not. It is especially important to have access to a hearing for vehicles towed from private property. For example, it is not uncommon for a tenant to claim that the landlord wrongfully had his car towed. This is in contrast to most other involuntary tows, where a police officer will ordinarily have issued a ticket or called for a tow truck. An administrative hearing allows a neutral to determine the validity of the tow.

The language of Section 19 should be modified to make clear that the owner of the towed vehicle has the right to request a hearing pursuant to subsections (e) and (f) of §14-150. .