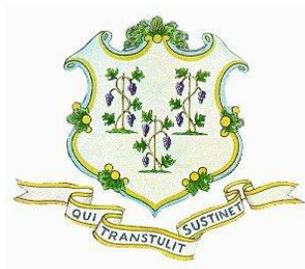


**State of Connecticut
Department of Motor Vehicles**



Report to the Office of the Governor

As Required by Executive Order 37

February 3, 2014

I. Introduction

On October 16, 2013, the Governor of the State of Connecticut, Dannel P. Malloy, issued Executive Order No. 37 ("Order"). Among other things, the Order directed each state agency to undertake a review of all regulations under its jurisdiction. Specifically, agencies were directed to: 1. Review public comments that were solicited during a comment period in effect from October 16 through December 16, 2013; 2. Undertake an independent review and analysis of all regulations over four years old to identify those that are outdated, unnecessarily burdensome, insufficient or ineffective; 3. Submit a report to the Office of the Governor on or before February 3, 2014 that summarizes the comments received, recommends the elimination or modification of any regulation that it deems to be outdated, unnecessarily burdensome, insufficient or ineffective and offers a plan for implementing such recommendations.

II. Review of Public Comments *

The following comments were directed to the Department of Motor Vehicles (DMV) or were offered on a subject that is regulated by DMV:

1. Comment #7: "Connecticut didn't used to require license plates on the front of cars, only on the back. Let's return to that system. Just one more law we don't need."

RESPONSE: Requirements for the use and placement of license plates are found in statute. Periodically, the Department discusses the merits of requiring only one plate. However, the law enforcement community does not generally support this, and safety considerations outweigh potential savings.

2. Comment #16/17: "The regulations and process for getting licensed to drive a daycare student transportation vehicle as well as the yearly registration process for the vehicles is much too complicated and confusing. Most daycare centers do not understand which license/registration process is required for vehicles used to transport children to and from school from a daycare center. We are not transporting from private residences, only from a center which is usually within a five or ten minute drive of the school."

Most importantly, we need clarification on the training process for van drivers. It should not cost \$500 to have a daycare van driver trained to transport a child to school. This cost is not

* The comment numbers correspond to the numbers that appear on the comment spreadsheet sent from the Office of the Governor to state agencies on December 18, 2013.

realistic for most daycare programs. Also, we need more training programs available to us. Other unnecessary regulations for this process include the contents of the first aid box (in addition to the first aid box that the health department requires us to carry with us at all times). Some of the items are very difficult to find and are unnecessary and will never be used.

Also, there is apparently a newer regulation that prohibits displaying the program website on the vehicle. This requirement seems random and unnecessary. Most businesses display a website on their vehicles, and daycare vehicles are permitted to display the name and phone number of the program on the vehicle. Displaying the website does not seem to present any more of a safety issue.”

RESPONSE: Persons who operate student transportation vehicles are required by statute to have an endorsement on their Class D licenses (sections 14-36a and 14-44), and are required to undergo training in accordance with procedures adopted by the Commissioner through regulations (section 14-276a). The statute mandates that training requirements adopted by the Commissioner must conform to Guideline 17 of the UNIFORM GUIDELINES FOR STATE HIGHWAY SAFETY PROGRAMS of the National Highway Traffic Safety Administration. These requirements have been developed in conjunction with the school bus industry and represent best practices for drivers who transport students. It is unclear from the comment whether the vehicle this person drives actually meets the definition of a student transportation vehicle.

Regarding the contents of the first aid kit, the DMV has identified this as a regulation that requires updating. DMV intends to eliminate all items except for bandages. This will make the regulation consistent with the one that establishes the contents of a first aid kit for a school bus, which was amended in 2007.

The DMV is not aware of any motor vehicle regulation that prohibits the display of a website on a vehicle that is otherwise permitted to display its company name (school buses have strict requirements, imposed by statute, for the information that appears on the exterior of the bus).

3. Comment #26: “The requirement to emissions test vehicles is of questionable value. There should be a review to determine how many vehicles fail these days, relative to the number tested, especially when they are much more efficient than in prior decades. I have not had a problem in as long as I can remember even with cars over 10 years old. I no longer see cars, and even pick-up trucks, spewing pollutants out of the tail pipe. The emissions testing should be ended or justified. I expect it is a waste of time and money.”

RESPONSE: Emissions testing requirements are set forth in statute, and may only be changed or eliminated through legislative action. Connecticut's standards and procedures are in compliance with Federal law.

4. Comment # 1333: "In regards to DMV ambulance inspection when purchasing a new ambulance. step 1 stand in line to pay the \$20 fee for the inspection, in my case 45 minutes. step 2 ambulance inspection only 10 minute wait by DMV inspector step 3 return to DMV line to transfer plates to the new ambulance, one hour wait. Conclusion: the inspection fee should be built into the transfer fee so we only have to wait in line once, furthermore many aspects of the DMV inspection and the OEMS INSPECTIONS ARE THE SAME, Please help."

RESPONSE: There are no regulations that pertain to ambulance inspections. However, the Department of Public Health has proposed legislation for the 2014 session to have ambulance inspections performed by persons certified under 49 CFR §396.19 who are employed by the State, a municipality or a licensed repair facility. This would eliminate inspections by both DMV and DPH and prevent duplication, delay and administrative burden in the process of registering ambulances.

5. Comment # 1725: "The time period to process suspended liscneses [sic] take way to [sic] long and it affects a lot of people if they take their time and when it comes to the suspension day being up and no word or anything from them about it."

RESPONSE: The notice to an operator who is subject to a suspension is governed by the Uniform Administrative Procedure Act and the statute that triggers the suspension. This is not a process that is contained in regulation. Every suspension notice that is sent from the DMV contains the reason for the license suspension, the statutory reference for the Commissioner's authority to suspend the license, the date the suspension goes into effect, the duration of the suspension, the date the operator will be eligible to be restored and the procedure for requesting a hearing. It also contains explicit instructions on how to be restored, i.e. what conditions must be met prior to restoration (including the requirement that the operator pay a restoration fee). If the operator complies with all requirements and meets all conditions in advance, the DMV will restore the operator's license on his or her eligibility date.

6. Comment # 1729: "To whom it may concern, I would like to submit a Department of Motor Vehicles Regulation for review. The regulation deals with a "class 1A" driver's license. It appears that this is related to driving a tractor-trailer combination with 2 trailers. I believe that currently a driver would need a Class "A" Commercial Drivers License with a "T" Endorsement for double and triple trailers. I believe the Class 1A license is obsolete and no longer issued. Requirements for the Issuance of a Class 1A Operator's License and Administrative Penalty for

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Operating a Commercial Vehicle Combination without Such License. Regulation 14-261a-1
Regulation 14-261a-2 Regulation 14-261a-3”

RESPONSE: The writer comments on three regulations that refer to a class of license that is no longer being issued. In its regulatory review, the DMV identified these as regulations that needed to be updated to remove obsolete material.

7. Comment # 1907: “In accordance with Executive Order No. 37, please find attached our Request to Amend the Regulations of the Connecticut Department of Motor Vehicles. Please contact me if you should have any questions. Thank you for your anticipated assistance.”

RESPONSE: The commenter submitted a separate written request, which was forwarded to the DMV, to amend and/or repeal towing regulations under section 14-63-34 et seq. of the Regulations of Connecticut State Agencies. Basically, the commenter, on behalf of the Towing and Recovery Professionals of Connecticut (TRPC), is requesting that all regulations that govern the recovery aspect of non-consensual towing be repealed or amended based upon an argument that federal law preempts state regulation of consensual towing and the recovery aspect of non-consensual towing. The writer indicates that Connecticut’s towing regulations exceed the exception created under federal law for non-consensual towing. He also indicates that he represents TRPC in administrative appeals in which this issue is before the court, and is asking that the regulations be reviewed and amended.

Without addressing the merits of the specific legal issues raised by the commenter, repealing these regulations does nothing to contain costs, protect the public or curb “unnecessary expense” to the state caused by administrative hearings. The DMV has regulated non-consensual towing, including recovery, for many years. Even with that oversight in place, the DMV has investigated numerous complaints that involve towing abuses. The DMV is aware of towing charges that stem from “recovery” work that includes masonry, landscaping and other functions not normally associated with towing. Tow bills may reflect the use of heavy-duty equipment (at a higher cost) where it is unwarranted for the type of tow that has been performed. Many towers have a cash-only policy for payment of a tow bill. The tow bill must be paid by the person whose vehicle has been towed before the vehicle will be released, despite that fact that it may include the cost of rebuilding a brick wall that has been damaged in an accident. In many cases those charges are then passed on to the person’s insurance company, and ultimately to the residents of the state. Removing DMV’s oversight will not prevent excessive towing charges from being disputed; it simply will shift any resulting legal action to a judicial rather than an administrative forum.

The writer indicates that towers are in a break-even or loss situation. Towers are authorized to file a petition with DMV for a rate increase every three years, but the DMV has not received such a petition from TRPC since 2009.

It is noteworthy that in 2010, TRPC was successful in convincing the legislature to amend section 14-66 to require *all* towing, whether consensual or non-consensual, to be performed by registered wreckers, whether or not there was a fee charged for the tow. No wrecker plate may be issued to anyone other than a motor vehicle dealer licensed and regulated by the DMV. That license requires a brick and mortar facility in the State of Connecticut. This amendment essentially excludes businesses with commercially registered vehicles from engaging in consensual towing or transporting, except under limited circumstances. This legislation championed by TRPC seems to contradict the commenter's present position that the state is preempted by federal law from regulating consensual towing in any manner.

Repealing or amending the current regulations in the manner that the commenter suggests would constitute a significant shift in public policy. The DMV believes it is prudent to wait until a court has decided the preemption issue before considering its course.

8. Comment from the Connecticut Automotive Retailers Association (CARA): This comment is not numbered because it did not appear on the spreadsheet from the Office of the Governor, but was sent via e-mail to the DMV. CARA's comment basically states that section 14-61b of the Connecticut General Statutes permits licensed motor vehicle dealers to maintain records in electronic format. CARA contends that regulations corresponding to this statute, which was amended in 2007, conflict with this change.

RESPONSE: The DMV agrees with CARA that the regulations governing this should be clarified, and has identified this regulation as one that requires an amendment. In the interim, the DMV has indicated to CARA that licensed dealers may keep all records in electronic format in accordance with the statutory provision and are not required to maintain a paper copy of any record that is maintained electronically. DMV's enforcement division has been so notified.

III. Independent Review of Agency Regulations

The DMV conducted an independent review of its regulations using the criteria set forth in the Order. The DMV developed a uniform process for its analysis. The Commissioner requested that each division within the agency assign a liaison to the Legal Services Division. Each liaison was required to meet with the appropriate staff from each unit within his or her division for the purpose of determining what action was to be taken on each regulation within the division's purview. The liaison then met with the Legal Services staff to discuss the action to be taken for each regulation, and for regulations that were identified as ineffective, insufficient or outdated, the nature and scope of the amendment.

The results are recorded on the standardized table distributed to agencies by the Office of the Governor using the action codes designated for the action to be taken on each regulation.

DMV’s table is arranged according to the DMV Division that has responsibility for the material covered in the regulation, and it accompanies this Report as ATTACHMENT A.

IV. Implementation Plan

In the course of its review, DMV developed short and long-term goals for every regulation that was identified as needing revision. Regulations that require updates or technical modifications (those identified with an action code “3”) are scheduled for short-term action. These regulations will require technical revisions, correction for gender neutrality, removal and/or update of obsolete processes, correction for statutory conformity and other minor revisions. DMV staff will divide these regulations further into immediate action and mid-range goals, with completion dates of December 2014 and July 2015, respectively.

Regulations that require extensive revisions (those identified with action code “4”) require a change in content or are in need of significant structural changes. In some cases, those changes extend to a large volume of regulations that govern a particular subject (e.g. abandoned motor vehicles). DMV will divide code “4” regulations further into mid-range and long-range goals, with completion dates by December 2015 and July 2017, respectively.

The following table shows the total number of DMV regulations, divided by action code.

	Action Code	Total
0	Regulation has been repealed or transferred	1
1	Regulations remain as is	39
2	Regulations are unnecessary	12
3	Regulations are necessary but changes are required to correct inaccuracies	63
4	Regulations are necessary but need modifications to improve them	13
	TOTAL	128

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The table demonstrates DMV's commitment to eliminating and streamlining its regulations, with approximately 10% of its total number of regulations scheduled for repeal, and nearly 60% subject to revision. The goal of all revisions will be to make regulations simple, clear and reasonable.

As part of its implementation plan, the DMV will continue to work with division liaisons who will be meeting on a regular basis with staff from units within their divisions. Legal Services will supervise revisions by developing a scheduling process for each regulation, and by creating a form to be used by the liaison for tracking the regulation through the amendment process. Liaisons will be required to have regular meetings with Legal Services staff to refine revisions from concept to draft.

V. Conclusion

During its review, the DMV identified a number of regulations that should be repealed, and many more that require revisions, either minor or extensive. The DMV is prepared to move forward with its plan to make the necessary modifications in accordance with the guidelines outlined in the Order.