

IMPORTANT: Use this form (REGS-1) to submit permanent regulations to the Legislative Regulation Review Committee.
For emergency regulations, use form REGS-1-E instead.
For non-substantive technical amendments and repeals proposed without prior notice or hearing as permitted by subsection (g) of CGS 4-168, as amended by PA 13-247 and PA 13-274, use form REGS-1-T instead.

Please read the additional instructions on the back of the last page (Certification Page) before completing this form. Failure to comply with the instructions may cause disapproval of proposed regulations.

State of Connecticut
REGULATION
of the

NAME OF AGENCY:

Department of Motor Vehicles

Concerning

SUBJECT MATTER OF REGULATION:

Assessment of Points Against an Operator's License for Motor Vehicle Law Violations

Section 14-137a-5 of the Regulations of Connecticut State Agencies is amended and the following is substituted in lieu thereof:

Sec. 14-137a-5. Point assessment. Schedule

The holder of an operator's license shall have points assessed against his or her driving record for a conviction of the indicated motor vehicle violations in accordance with the following schedule:

(a) One Point shall be assessed for:

- (1) Sec. 14-218a—Operating at unreasonable rate of speed;
- (2) Sec. 14-219—Speeding;
- (3) Sec. 14-230—Failure to drive in right-hand lane;
- (4) Sec. 14-230a—Illegal use of limited access highway by bus, commercial vehicle or vehicle with trailer;
- (5) Sec. 14-236—Improper operation on multiple-lane highways;
- (6) Sec. 14-237—Improper operation on divided highway;
- (7) Sec. 14-239—Wrong direction at rotary or one-way street;
- (8) Sec. 14-242—Improper turn, illegal turn, illegal stopping, failure to signal intention to turn;
- (9) Sec. 14-243—Improper backing or starting;
- (10) Sec. 14-244—Failure to give proper signal;
- (11) Sec. 14-277—Operator's duties on stopping a school bus;
- (12) Sec. 14-289b—Operation of motorcycles abreast, illegal passing;
- (13) Sec. 14-296aa—Use of hand-held mobile telephone and mobile electronic devices by motor vehicle operators and school bus drivers; and
- (14) Sec. 14-303—Wrong way on one-way street.

(b) Two points shall be assessed for:

- (1) Sec. 14-100a(d)—Failure to use child restraint system or seat belt;
- (2) Sec. 14-212d—Failure to obey highway work zone safety laws;
- (3) Sec. 14-220(a)—Slow speed, impeding traffic;
- (4) Sec. 14-223(a)—Disobeying orders of officer;

(5) Sec. 14-238—Entering or leaving controlled access highway at other than designated entrance or exit;

(6) Sec. 14-238a—Entry upon a limited access highway other than a highway intersection or designated point;

(7) Sec. 14-241—Executing turn from wrong lane or contrary to traffic control devices;

(8) Sec. 14-249—Failure to obey signal at railroad crossing;

(9) Sec. 14-250—Failure to stop at railroad crossing by school bus, commercial motor vehicle carrying flammable or explosive substance, taxicab, motor vehicle in livery service, motor bus, motor vehicle used for the transportation of school children;

(10) Sec. [14-298a] 14-298—Failure to observe parkway or expressway restrictions;

(11) Sec. 14-299—Failure to obey traffic control signal light;

(12) Sec. 14-301—Failure to obey stop sign;

(13) Sec. 14-302—Failure to obey yield sign; and

(14) Sec. 14-304—Operating a vehicle through pedestrian safety zone.

(c) **Three points shall be assessed for:**

(1) Sec. 14-231—Failure to keep to right when meeting opposing traffic;

(2) Sec. 14-232—Improper passing or failure to yield to passing vehicle;

(3) Sec. 14-233—Passing on right;

(4) Sec. 14-234—Passing in no passing zone;

(5) Sec. 14-235—Failure to keep to right on curve, grade or when approaching intersection;

(6) Sec. 14-240—Failure to drive reasonable distance apart;

(7) Sec. 14-245—Failure to grant right of way at intersection;

(8) Sec. 14-246a—Failure to grant right of way at junction of highways;

(9) Sec. 14-247—Failure to yield when emerging from driveway or private road;

(10) Sec. 14-247a—Failure to grant right of way when emerging from alley, driveway or building;

(11) Sec. 14-283—Failure to grant right of way to ambulance, police or fire apparatus;

(12) Sec. 14-300(c)—Failure to grant right of way to pedestrian; and

(13) Sec. 14-300(d)—Failure to grant right of way to a pedestrian who is blind.

(d) **Four points shall be assessed for:**

(1) Sec. 14-224(c)—Wagering, speed record;

(2) Sec. 14-240a—Failure to drive reasonable distance apart, intent to harass; and

(3) Sec. 14-279—Passing stopped school bus.

(e) **Five points shall be assessed for:**

(1) Sec. 14-281a(a)—Operation of school bus at excessive speed; and

(2) Sec. 14-222a—Negligent homicide with a motor vehicle.

(f) **No points shall be assessed for:** an infraction or any violation specified in subsection (b) of section 51-164n of the Connecticut General Statutes for which the person sends payment of the fine and any additional fees or costs established for such infraction or violation to the Centralized Infractions Bureau in accordance with the provisions of subsection (c) of section 51-164n of the Connecticut General Statutes, unless such infraction or violation is subject to an exception specified in section 14-137a of the Connecticut General Statutes.

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.

Early in the drafting phase of this regulation, which became effective on July 2, 2014, one of the enumerated statutory citations was inadvertently changed from section 14-298 to 14-298a. To further complicate the matter, the errant change was not underlined, so it appeared to be existing language, thus escaping notice. This technical amendment to the newly adopted regulation will correct this drafting error. A grammatical correction (adding a preposition) is also included in the proposal.

CERTIFICATION

This certification statement must be completed in full.

I hereby certify that the above Regulation(s)

- 1) is/are (check all that apply) adopted amended repealed by this agency pursuant to the following authority(ies): (complete all that apply)
- a. **Connecticut General Statutes section(s) 14-137a.**
- b. **Public Act Number(s) _____.**
(Provide public act number(s) if the authorizing act has not yet been codified in the Connecticut General Statutes.)

And I further certify

- 2) that **Notice of Intent** to adopt, amend or repeal said regulation(s) was electronically submitted to the Secretary of the State on _____, and posted to the Secretary's regulations website on _____; *(Insert dates notice was (a) emailed to the Secretary of the State and (b) posted on the Secretary's website, if notice and posting were required by CGS 4-168, as amended by PA 13-247 and PA 13-274.)*
- 3) and that a public hearing regarding the proposed regulation(s) was held on _____ or that no public hearing was held; *(Insert date(s) of mandatory public hearing(s) held pursuant to CGS 4-168(a), as amended, or other applicable statute, and/or voluntary hearing, or if no hearing was held, check the box for that statement.)*
- 4) and that notice of **Decision to Take Action** on said regulations was electronically submitted to the Secretary of the State on _____, and posted to the Secretary's regulations website on _____; *(Insert dates notice was (a) emailed to the Secretary of the State and (b) posted on the Secretary's website, if notice and posting were required by CGS 4-168, as amended by PA 13-247 and PA 13-274.)*
- 5) and that said regulation(s) is/are **EFFECTIVE** (check one, and complete as applicable)
- When posted online by the Secretary of the State.
- OR on (insert date) _____.

6) SIGNED (Head of Board, Agency or Commission)	OFFICIAL TITLE, DULY AUTHORIZED	DATE
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APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended.

DATE	SIGNED (Attorney General or AG's designated representative)	OFFICIAL TITLE, DULY AUTHORIZED
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Proposed regulations are DEEMED APPROVED by the Attorney General in accordance with CGS Section 4-169, as amended, if the Attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.

(For Regulation Review Committee Use ONLY)

APPROVED in WHOLE or WITH technical corrections deletions substitute pages

DEEMED APPROVED, pursuant CGS 4-170(c), as amended.

Rejected without Prejudice Disapproved, pursuant to CGS 4-170(c), as amended.

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE	SIGNED (Administrator, Legislative Regulation Review Committee)
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In accordance with CGS Section 4-172, as amended by PA 13-247 and PA 13-274, one certified paper copy and one electronic copy with agency head certification statement received on the date(s) specified below.

DATE	SIGNED (Secretary of the State)	BY
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(For Secretary of the State Use ONLY)

Date Posted to SOTS Regulations Website:

Date Electronic Copy Forwarded to the Commission on Official Legal Publications:

SOTS file stamp:

GENERAL INSTRUCTIONS

1. All regulations proposed for adoption, amendment or repeal, *except* emergency regulations, must be presented to the Attorney General for determination of legal sufficiency. (See CGS Section 4-169.)
2. After approval by the Attorney General, the original and one electronic copy (in Word format) of all regulations proposed for adoption, amendment or repeal must be presented to the Legislative Regulation Review Committee for its action. (See CGS Section 4-168, as amended by PA 13-247, section 28, and PA 13-274, and CGS Section 4-170.)
3. Each proposed regulation section must include the appropriate regulation section number and a section heading. (See CGS Section 4-172.)
4. New language added to an existing regulation must be in underlining or CAPITAL LETTERS, as determined by the Regulation Review Committee. (See CGS 4-170(b).)
5. Existing language to be deleted must be enclosed in [brackets]. (See CGS 4-170(b).)
6. A completely new regulation or a new section of an existing regulation must be preceded by the word "(NEW)" in capital letters. (See CGS Section 4-170(b).)
7. The proposed regulation must have a statement of its purpose following the final section of the regulation. (See CGS Section 4-170(b).)
8. The *Certification Statement* portion of this form must be completed, including all applicable information regarding notice submission and website posting date(s) and public hearing(s). (See more specific instructions below.)
9. Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: <http://www.cga.ct.gov/rr/>.
10. A copy of the Legislative Commissioners' Regulations Drafting Manual is located on the LCO website at http://www.cga.ct.gov/lco/pdfs/Regulations_Drafting_Manual.pdf.

CERTIFICATION STATEMENT INSTRUCTIONS

(Numbers below correspond to the numbered sections of the Certification Statement page)

1. a) Indicate whether the regulation contains newly adopted sections, amendments to existing sections, and/or repeals of existing sections. **Check all cases that apply.**
b) Indicate the specific legal authority that permits or requires adoption, amendment or repeal of the regulation. If the relevant public act has been codified in the most current biennial edition of the *Connecticut General Statutes*, indicate the relevant statute number(s) instead of the public act number. If the public act has not yet been codified, indicate the relevant public act number.
2. An agency must electronically submit notice of its intent to adopt the regulation to the Secretary of the State at regulations.sots@ct.gov for posting on the Secretary's regulations website. Enter both the date notice of intent was submitted to the Secretary of the State *and* the date the notice was posted on the Secretary's website. For emergency regulations, use Form Regs-1-E instead of this form. For non-substantive technical amendments and repeals adopted without prior notice or hearing as permitted by subsection (g) of CGS 4-168, use Form REGS-1-T instead of this form.
3. CGS 4-168(a), as amended by PA 13-247 and PA 13-274, prescribes requirements for holding a public hearing on proposed regulations. Enter the date(s) of all hearing(s) held under that section, if any, also enter the date(s) of any hearing(s) the agency was required to hold under the provisions of any other law; and enter the date(s) of any public hearing(s) the agency elected to hold voluntarily. If no public hearing was held, mark (X) the check box.
4. **NEW REQUIREMENT:** CGS 4-168(d), as amended by PA 13-247 and PA 13-274, prescribes requirements electronically submitting notice of decision to take action (proceed with adoption) of a proposed regulation for posting to the Secretary's regulations webpage. Enter both the date notice of decision was submitted to the Secretary of the State *and* the date the notice was posted on the Secretary's website.
5. As applicable, enter the specific effective date of the regulation; or indicate that it is effective upon posting online by the Secretary of the State. **Please note the important information below.**
Permanent regulations adopted after July 1, 2013 are effective upon posting online by the Secretary of the State (SOTS), or at a *later* date specified by the agency, or at a *later* date if required by statute. See CGS 4-172(b). An effective date may not precede the date of posting online by SOTS, and it may not precede the effective date of the public act requiring or permitting the regulation.
6. Submit the original proposed regulation to your agency commissioner for signature.

AGENCY FISCAL ESTIMATE OF PROPOSED REGULATION

Agency Submitting Regulation: Department of Motor Vehicles Date: October 15, 2014

Subject Matter of Regulation: “Assessment of Points Against an Operator’s License for Motor Vehicle Law Violations”

Regulation Section No.: 14-137a-5 Statutory Authority: 14-137a of the C.G.S.

Other Agencies Effected: _____

Effective Date Used In Cost Estimate: October 15, 2014

Estimate Prepared By: Allyson Bruce Telephone No.: (860) 263-5021

ESTIMATE OF COST OR REVENUE IMPACT OF PROPOSED REGULATION

Agency: Department of Motor Vehicles Fund Effected: Special Transportaiton Fund

	First Year	Second Year	Full Operation
Number of Positions			
Personal Services			
Other Expenses			
Equipment			
Grants			
Total State Cost or (Savings)			
Estimated Revenue Gain or (Loss)			
Total Net State Cost or (Savings)			

Explanation of State Impact of Regulation: None. Technical correction to drafting error included in the original regulation submission.

Explanation of Municipal Impact of Regulation: None

Explanation of Small Business Impact of Regulation: None

Is a regulatory flexibility analysis required pursuant to C.G.S. 4-168a? Yes

Small Business Impact Statement

Prior to adopting a new section or amendment, Section 4-168a of the Connecticut General Statutes (C.G.S.) requires that each state agency consider the effect of such action on small businesses as defined in C.G.S. Section 4-168a. When such regulatory action may have an adverse effect on small businesses, C.G.S. Section 4-168a directs the agency to consider regulatory requirements that will minimize the adverse impacts on small businesses if the addition of such requirements (1) will not interfere with the intended objectives of the regulatory action and (2) will allow the new section or amendment to remain consistent with public health, safety and welfare.

State Agency submitting proposed regulations: Department of Motor Vehicles

Subject matter of Regulation: "Assessment of Points Against an Operator's License for Motor Vehicle Law Violations"

In accordance with C.G.S. Section 4-168a, staff analyzed the effect on small businesses of the proposed regulations and determined the following:

Check all appropriate boxes:

- The regulatory action will not have an effect on small businesses.
- The regulatory action will have an effect on small businesses, but will not have an adverse effect on such small businesses.
- The regulatory action may have an adverse effect on small businesses, and no alternative considered would be both as effective in achieving the purpose of the action and less burdensome to potentially effected small business. Alternatives considered include the following:
- (1) The establishment of less stringent compliance or reporting requirements for small businesses;
 - (2) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
 - (3) The consolidation or simplification of compliance or reporting requirements for small businesses;
 - (4) The establishment of performance standards for small businesses to replace design or operational standards required in the new section or amendment; and
 - (5) The exemption of small businesses from all or any part of the requirements contained in the new section or amendment.
- The regulatory action will have an adverse effect on small businesses that cannot be minimized in a manner that is consistent with public health, safety and welfare.

Has the State agency listed above notified the Department of Economic and Community Development of its intent to take the proposed action and completed the Agency Fiscal Estimate of Proposed Regulations? Yes