

Sec. 14-111g-4. Certification of program providers

(a) On and after the effective date of sections 14-111g-1 to 14-111g-14, inclusive, of the Regulations of Connecticut State Agencies, the Commissioner may certify one or more program providers to conduct an operator retraining program. For convenience of administration, the Commissioner may determine the number of certified providers needed.

(b) In order to be certified, a provider shall submit an application, in writing, to the Commissioner, in such form and containing such information as the Commissioner shall require. The application fee required by subsection (b) of section 14-111g of the Connecticut General Statute shall be submitted with each application. The Commissioner may deny an application for certification as a provider, or renewal of such certification, to conduct an operator retraining program for any reason or cause the Commissioner deems sufficient. A denial shall be communicated in writing and mailed to the applicant.

(c) Each provider certified shall, at a minimum, meet the following criteria:

(1) The provider shall have a permanent place of business in this state, where all operator retraining program records are to be maintained and accessible to the Commissioner, during normal business hours;

(2) The provider shall file and continuously maintain a surety bond in the amount of fifty thousand dollars (\$50,000). Such bond shall be conditioned upon the provider complying with the provisions of any state or federal law or regulation relating to the conduct of any operator retraining program and provided as indemnity for any loss or expense sustained by either the state or any person by reason of any acts or omissions of the provider. Such bond shall be executed in the name of the State of Connecticut for the benefit of any aggrieved party, but the penalty of the bond shall not be invoked except upon order of the Commissioner after a hearing is held before him in accordance with the provisions of chapter 54 of the Connecticut General Statutes;

(3) The provider shall be registered to do business in the State of Connecticut and be in good standing with the Office of the Secretary of State, and shall continuously maintain such status;

(4) The provider shall biennially demonstrate to the Commissioner its compliance with all federal, state and local tax obligations;

(5) The provider shall submit to the commissioner for approval a detailed curriculum and a lesson plan and any amendments to such materials which shall be utilized in each operator retraining class;

(6) The provider shall identify all classroom locations and facilities in which the operator retraining program is to be conducted. The provider shall demonstrate compliance with all governmental zoning, health, safety and fire code requirements for each classroom location and each location shall be subject to inspection by the Commissioner, at any reasonable time;

(7) The provider shall comply with all applicable provisions of the Americans with Disabilities Act, Title 42, United States Code, section 12101, et seq., as amended;

(8) The provider shall comply with all nondiscrimination and affirmative action provisions as required by sections 4a-60 and 4a-60a of the Connecticut General Statutes, as amended, and with Executive Order Numbers 3 and 17 of Governor Thomas J. Meskill, and Executive Order Number 16 of Governor John G. Rowland;

(9) The provider shall agree not to disclose any personal information, as defined in section 14-10 of the Connecticut General Statutes, obtained from any motor vehicle operator or from the department, except to the department, or as approved and directed by the Commissioner;

(10) The provider shall identify all operator retraining program instructors and the instructors' qualifications. A current roster of instructors shall be continuously maintained on forms approved by the Commissioner at the provider's permanent place of business and shall be available for inspection. Biennially, the provider shall submit the names and qualifications of each instructor for review and approval by the Commissioner;

(11) Each provider shall be responsible for the conduct and content of instruction provided by its instructors, and for maintaining the required curriculum and professional standards during the program.

(d) Prior to the certification of a provider, the Commissioner shall investigate the provider's character, driving history and criminal history. The provider shall submit to the Commissioner a certified driving history and any information pertaining to a criminal or civil action(s). If the applicant is a business entity, such information shall be provided for the principals and officers of the business entity.

(e) The certification of a provider shall not be transferable.

(f) The certification of a provider by the Commissioner shall be valid for a two-year period. Re-certification of a provider shall be at the discretion of the Commissioner in such form and manner as the Commissioner may determine.

(g) The certification of a provider may be suspended or revoked by the Commissioner for failure to comply with the requirements of section 14-111g of the Connecticut General Statutes or sections 14-111g-1 through 14-111g-14, inclusive, of the Regulations of Connecticut State Agencies. In the event of such occurrence, the provider shall receive a suspension or revocation notice and may request an administrative hearing, in accordance with the provisions of chapter 54 of the Connecticut General Statutes.

(h) Upon certification by the Commissioner, a provider shall, at minimum, comply with the following requirements:

(1) The provider shall maintain complete records of persons who attend the operator retraining program, and provide complete data to the department concerning all persons who have successfully completed the operator retraining program, and separately, data for those who have failed to successfully complete the program, at regular intervals and in such manner as determined by the Commissioner. Determination of successful completion of the program shall be within the discretion of the assigned instructor.

(2) No portion of the operator retraining program shall be sub-contracted or otherwise delegated by a certified provider to a person or firm which is not certified as a provider.

(3) A provider shall submit to the Commissioner a copy of its contract with operators to provide operator retraining and a copy of the receipt, certificate or other document issued by the provider upon successful completion of the operator retraining program. Copies of any changes or alterations to such documents shall be forwarded to the Commissioner within five (5) days.

(i) Each classroom shall be a clean, suitably furnished and equipped facility where the program may be presented in privacy without interruption or distraction.

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(j) The provider shall allow language interpreters in the classroom for any operator who is in need of assistance and has informed the provider of such need at the time of enrollment.

(k) The provider shall allow the Commissioner or the Commissioner's designee access to any scheduled operator retraining program class, for the purpose of monitoring compliance or any other aspect of oversight of the provider's performance.

(l) The provider shall agree that the state shall have the right to inspect and review any and all of the provider's documents and records of any kind and contained in any format or media pertaining to its performance of the operator retraining program, upon reasonable notice. Additionally, the provider shall agree that the aforementioned records shall be subject to periodic on-site inspection by a representative of the Commissioner.

(Adopted effective October 25, 2002; Amended November 1, 2011)