



Agency Legislative Proposal – 2023 Session

Document Name:

Document Name	100120_DOT_Highway Safety
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Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	Liaison: Anne Kleza Phone: 860.594.3015 E-mail: anne.kleza@ct.gov
Division Requesting This Proposal	Policy and Planning
Drafter	Joe Cristalli, 860.594.2412; Garrett Eucalitto, 860.594.3050

Title of Proposal	AAC Recommendations from the Department of Transportation Regarding Highway Safety.
Statutory Reference, if any	14-44k; 14-100a(c)(1); 14-227a through 14-227c; 14-227m; 14-227n; 14-289g(a); 15-133; 15-140q; 15-140r; 38a-498c; 38a-525c; 53-206d
Brief Summary and Statement of Purpose	<ol style="list-style-type: none"> 1. To prohibit open container of alcohol in the passenger compartment of motor vehicles; 2. To require all motorcycle operators and passengers to wear protective headgear; and 3. To combat impaired driving by updating traffic safety laws to reduce maximum blood alcohol content levels to .05% and reforming the administrative process that follows an impaired driving arrest.

SECTION-BY-SECTION SUMMARY

Summarize sections in groups where appropriate



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1. To meet national standards initially authorized under TEA-21, H.R. 2676, Section 154 of Title 23, and reauthorized under SAFETEA-LU, MAP-21 and the FAST Act, states are required to enact a law making it illegal for the driver or passenger(s) to possess or consume from any open alcoholic beverage container in the passenger area of a motor vehicle on a public highway (or the right-of-way of the public highway) or face penalties.

States that have not enacted such laws by October 1, 2000, and every year thereafter, will have a fixed percentage of National Highway Performance Program (NHPP) and Surface Transportation Block Grant Program (STBGP) funds transferred into the Highway Safety Improvement Program (HSIP). A portion of the penalty funds are transferred to National Highway Traffic Safety Administration (NHTSA), for impaired driving countermeasure programs, and a portion of the funds returned to FHWA, for HSIP eligible activities.

To date, CT's total penalty amount for noncompliance is \$175,007,684*. Enacting open container legislation would allow the Department to use these transferred funds for their intended purpose of infrastructure improvements. Alaska, Connecticut, Delaware, Hawaii, Louisiana, Maine, Mississippi, Missouri, Ohio, Tennessee, Virginia and Wyoming are the only states that have yet to enact an open container law.

2. Require all motorcycle operators and passengers to wear protective headgear. Currently, Connecticut laws only require helmet use by persons under the age of 18 years (CGS Sec. 14-289g) and motorcycle learner permit holders (CGS Sec 14-40a). In 2020 a total of 58 motorcycle operators and passengers were killed on Connecticut roadways, representing 20 percent of the State's total traffic fatalities. Approximately 43 percent of the motorcyclists killed were not wearing helmets, compared to approximately 43 percent of fatalities nationwide. This proposal would amend Section 14-289g of the general statutes to require all persons who operate a motorcycle or a motor-driven cycle to wear protective headgear of a type which conforms to the minimum specifications established by regulations.

3. From 2011-2020 Alcohol-impaired crashes accounted for more than 1/3 of all traffic fatalities in Connecticut (38-42%). In 2020, 118 persons killed in alcohol-impaired crashes, which accounted for 40% of all fatalities in CT compared to 30% nationally. Connecticut had the 3rd highest percentage of alcohol-impaired fatalities nationally in 2020. Also, in 2020, 28% of drivers involved in fatal crashes had a BAC of .08+ compared to 20% in the rest of the U.S. The percentage of alcohol-impaired fatalities shows a declining trend nationally over the past two decades compared to Connecticut, which has had an increasing trend over the past two decades. Connecticut needs to address this alarming trend and lowering the BAC would follow in the footsteps of Utah, the first state in the nation to do so, having lowered their BAC to 0.05% in late 2018. Gov. Lamont attended an NGA conference in Utah in his first year in office and heard first-hand about the benefits of their 0.05% BAC law. In the first month following implementation, Utah saw its lowest number of alcohol-related crashes in four years. The National Transportation Safety Board is supportive of the effort to lower the BAC, and estimates that lowering the BAC in every state to 0.05% could save up to 1,790 lives per year. In 2019, four more states – CA, MI, NY, and OR – introduced bills to reduce the legal limit to 0.05%, though none were implemented. More than 100 countries across the globe, including 25 of 27 EU member countries, have established maximum BAC limits of 0.05% or below.



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BACKGROUND

Origin of Proposal **New Proposal** **Resubmission**

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:

1. The open container of alcohol proposal has been raised and heard in the Transportation Committee over the past 19 years but has rarely progressed past the committee level. The Department is required by NHTSA to demonstrate a continued advocacy for this proposal.
2. To protect motorcyclists who are at a much higher risk of death and injury in crashes than passenger car occupants. States that have enacted universal helmet legislation have experienced significant drops in motorcycle deaths (15%-37%) within one year of passage. Conversely, states that repealed or weakened helmet laws have experienced significant fatality increases.
3. New: The inclusion of a .05 BAC cutoff. Connecticut currently prohibits the operation of a motor vehicle, boat, or use of a firearm, if an individual has a blood alcohol content of eight-hundredths of one percent or more of alcohol, by weight (0.08 percent BAC). This proposal would lower the BAC limit to 0.05.

Please consider the following, if applicable:

Have there been changes in federal/state laws or regulations that make this legislation necessary?	No
Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	<ol style="list-style-type: none"> 1. Alaska, Connecticut, Delaware, Hawaii, Louisiana, Maine, Mississippi, Missouri, Ohio, Tennessee, Virginia and Wyoming are the only states that have yet to enact an open container law. 2. Only two states Illinois and Iowa have no helmet requirements, all other states have some requirement for helmet use, either by age, rider status or licensure.



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	3. In 2019, four more states – CA, MI, NY, and OR – introduced bills to reduce the legal limit to 0.05%, though none were implemented. More than 100 countries across the globe, including 25 of 27 EU member countries, have established maximum BAC limits of 0.05% or below. Utah and Hawaii have enacted 0.05%.
Have certain constituencies called for this proposal?	<ol style="list-style-type: none"> 1. MADD, NTSB 2. Heads First Helmet Coalition, Brain Injury Alliance, NTSB, department of Public Health, Emergency Nurse Association, CPCA, Hartford Hospital. 3. MADD, NTSB

INTERAGENCY IMPACT

List each affected agency. Copy the table as needed.

Check here if this proposal does NOT impact other agencies

1. Agency Name	
Agency Contact (name, title)	
Date Contacted	
Status	<input type="checkbox"/> Approved <input type="checkbox"/> Talks Ongoing
Open Issues, if any	

FISCAL IMPACT

Include the section number(s) responsible for the fiscal impact and the anticipated impact

Check here if this proposal does NOT have a fiscal impact

State	None
Municipal (Include any municipal mandate that can be found within legislation)	1.The State does not lose federal funding, however, these transferred funds are restricted for use in the 402 Highway Safety DUI Countermeasures Program and/or the Hazard Elimination program, precluding their availability to finance National Highway



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	<p>Performance (NHPP) and Surface Transportation Block Grant (STBG) projects, which was the original intent of these funds. To date, CT’s total penalty amount for noncompliance is \$175,007,684*.</p> <p>2. Research conducted by the National Highway Traffic Safety Administration (NHTSA) in other states has demonstrated higher hospitalization costs for un-helmeted versus helmeted motorcyclists involved in crashes. For victims of serious head injury, acute hospital care might be only the first stage of a long and costly treatment program. For many crash victims, lost wages from missed workdays will outweigh medical costs. And for victims who are permanently disabled, their earnings might be reduced for the rest of their lives.</p> <p>3. Potential for Judicial Branch (see notes below)</p>
Federal	<p>2. NHS, IM and STP funds for preliminary engineering, rights-of-way and construction. To date, \$175,007,684* has been transferred to the Section 402 Highway Safety Program since from FFY 2001.</p>
Additional notes	<p>3. Impaired Driving: The Judicial Branch’s concern that the lower .05 BAC will result in more cases and thus more need for adult probation officers and bail commissioners may come to fruition. If the OUI arrest numbers increase significantly, there may be a fiscal impact caused by the need to hire more court personnel. On the flip side, the state could see a cost benefit to enacting this law if the fatal crashes decline. Utah’s fatal crash numbers were reduced when the .05 BAC was passed in 2018. Generally, the state C.A.R.S. (Collision Analysis Reconstruction Squad) must investigate and reconstruct the crash, the medical examiner is involved as they must make a finding of cause of death and conduct chemical testing of the victims, vehicular homicides are Class B felonies and often end up in Part A court where serious cases are prosecuted and generally take much longer to litigate that a standard OUI in the GA courts. With respect to additional costs to train officers, POST’s Basic Training subject matter expert, an SFST – ARDE and DRE certified at the instructor level, stated that signs of impairment begin and or are noticeable at a BAC of .03. CT follows the NHTSA curriculum and the SME feels “no additional training of previously certified officers would be necessary, thus no costs would be incurred”.</p>

MONITORING & EVALUATION PLAN



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If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[] Check here if this proposal does NOT lead to any measurable outcomes

ANYTHING ELSE WE SHOULD KNOW?

Crash data will be used to evaluate the impact of the proposal. DUI, un-belted, and un-helmeted crashes, DUI, un-belted and un-helmeted injuries and DUI, un-belted and un-helmeted fatalities will be tracked to determine the effect of the new legislation over time. The anticipated outcome is a decrease in DUI, un-belted and un-helmeted crashes, injuries and fatalities.

Impaired Driving: Data that will be used to track this proposal over time will include: National FARS data, judicial branch data tracking OUI arrests (MV, boating and firearm), convictions and diversions under the Alcohol Education Program, and DMV administrative licenses suspension data.

INSERT FULLY DRAFTED BILL HERE

Section 1:

(NEW) *(Effective October 1, 2023)* For the purposes of this section:

(a) Definitions:

- (1) "Alcoholic beverage" has the same meaning as provided in section 30-1 of the general statutes;
- (2) "Highway" has the same meaning as provided in section 14-1 of the general statutes;
- (3) "Open alcoholic beverage container" means a bottle, can or other receptacle (A) that contains any amount of an alcoholic beverage, and (B) (i) that is open or has a broken seal, or (ii) the contents of which are partially removed;
- (4) "Passenger" means any occupant of a motor vehicle other than the operator; and



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(5) "Passenger area" means (A) the area designed to seat the operator of and any passenger in a motor vehicle while such vehicle is being operated on a highway, or (B) any area that is readily accessible to such operator or passenger while such person is in such person's seating position; except that, in a motor vehicle that is not equipped with a trunk, "passenger area" does not include a locked glove compartment, the area behind the last upright seat closest to the rear of the motor vehicle or an area not normally occupied by the operator of or passengers in such motor vehicle.

(b) No person shall possess an open alcoholic beverage container within the passenger area of a motor vehicle while such motor vehicle is on any highway in this state.

(c) The provisions of subsection (b) of this section shall not apply to: (1) A passenger in a motor vehicle designed, maintained and primarily used for the transportation of persons for hire, and (2) a passenger in the living quarters of a recreational vehicle, as defined in section 14-1 of the general statutes.

(d) Any person who violates the provisions of subsection (b) of this section shall be fined not more than five hundred dollars.

Section 2:

Subsection (a) of section 14-289g of the general statutes is amended to read as follows (*Effective October 1, 2023*):

(a) No person [under eighteen years of age] may (1) operate a motorcycle or a motor-driven cycle, as defined in section 14-1, or (2) be a passenger on a motorcycle, unless such operator or passenger is wearing protective headgear of a type which conforms to the minimum specifications established by regulations adopted under subsection (b) of this section.

Section 3:

Sec. 2. Subsections (a) to (e), inclusive, of section 14-227a of the general statutes are repealed and the following is substituted in lieu thereof (*Effective January 2, 2023*):

(a) Operation while under the influence or while having an elevated blood alcohol content. No person shall operate a motor vehicle while under the influence of intoxicating liquor or any drug or both. A person commits the offense of operating a motor vehicle while under the influence of intoxicating liquor or any drug or both if such person operates a motor vehicle (1) while under the influence of intoxicating liquor or any drug or both, or (2) while such person has an elevated blood alcohol content. For the purposes of this section, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is [eight] five-hundredths of one per cent or more of alcohol, by weight, except that if such person is operating a commercial motor vehicle, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is four-hundredths of one per cent or more of alcohol, by weight, and "motor vehicle" includes a snowmobile and all-terrain vehicle, as those terms are defined in section 14-379.



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Sec. 3. Section 14-227b of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 2, 2023):

Implied consent to test operator's blood, breath or urine and to nontestimonial portion of drug influence evaluation. Testing procedures. License suspension. Hearing. (a) Any person who operates a motor vehicle in this state shall be deemed to have given such person's consent to: (1) A chemical test of such person's blood, breath or urine; and (2) a nontestimonial portion of a drug influence evaluation conducted by a drug recognition expert. If such person is a minor, such person's parent or parents or guardian shall also be deemed to have given their consent for such test or evaluation. As used in this section, "motor vehicle" includes a snowmobile and all-terrain vehicle, as such terms are defined in section 14-379.

(b) (1) A police officer who has placed a person under arrest for a violation of section 14-227a, 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n may request that such person submit to a blood, breath or urine test at the option of the police officer, a drug influence evaluation conducted by a drug recognition expert, or both, after such person has been (A) apprised of such person's constitutional rights; (B) afforded a reasonable opportunity to telephone an attorney prior to the performance of such test or evaluation; (C) informed that evidence of any refusal to submit to such test or evaluation shall be admissible in accordance with subsection (e) of section 14-227a and may be used against such person in any criminal prosecution, except that refusal to submit to the testimonial portions of a drug influence evaluation shall not be considered evidence of refusal of such evaluation for purposes of any criminal prosecution; and (D) informed that such person's license or operating privilege may be suspended in accordance with the provisions of this section if (i) such person refuses to submit to such test or the nontestimonial portion of a drug influence evaluation, (ii) such person submits to such test and the results of such test indicate that such person has an elevated blood alcohol content, or (iii) the officer concludes, through investigation, that such person was operating a motor vehicle under the influence of intoxicating liquor or any drug, or both.

(2) If the person refuses to submit to any test or drug influence evaluation, the test or evaluation shall not be given, except if the person refuses or is unable to submit to a blood test, the police officer shall designate another test to be taken. If a person submits to a breath test and the police officer, for reasonable cause, requests an additional chemical

test of a different type to detect the presence of a drug or drugs other than or in addition to alcohol, the officer may administer such test, except that if such person refuses or is unable to submit to a blood test, the officer shall designate a urine test to be taken. The police officer shall make a notation upon the records of the law enforcement unit, as defined in section 7-294a, that such officer informed the person that such person's license or operating privilege may be suspended if (A) such person refused to submit to such test or nontestimonial portion of a drug influence evaluation; (B) such person submitted to such test and the results of such test indicated that such person had an elevated blood alcohol content; or (C) the officer concludes, through investigation, that such person was operating a motor vehicle under the influence of intoxicating liquor or any drug, or both.

(c) If the person arrested refuses to submit to such test or nontestimonial portion of a drug influence evaluation or submits to such test, commenced within two hours of the time of operation, and the results of such test indicate that such person has an elevated blood alcohol content, the police officer, acting on behalf of the Commissioner of Motor Vehicles, shall immediately revoke and take possession of the motor



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vehicle operator's license or, if such person is not licensed or is a nonresident, suspend the operating privilege of such person, for a twenty-four-hour period. The police officer shall prepare a report of the incident and shall mail or otherwise transmit in accordance with this subsection the report and a copy of the results of any chemical test to the Department of Motor Vehicles within three business days. The report shall contain such information as prescribed by the Commissioner of Motor Vehicles and shall be subscribed and sworn to under penalty of false statement as provided in section 53a-157b by the arresting officer. If the person arrested refused to submit to such test or evaluation, the report shall be endorsed by a third person who witnessed such refusal. The report shall set forth the grounds for the officer's belief that there was probable cause to arrest such person for a violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n and shall state that such person had refused to submit to such test or evaluation when requested by such police officer to do so or that such person submitted to such test, commenced within two hours of the time of operation, and the results of such test indicated that such person had an elevated blood alcohol content. A drug influence evaluation need not be commenced within two hours of the time of operation. The Commissioner of Motor Vehicles may accept a police report under

this subsection that is prepared and transmitted as an electronic record, including electronic signature or signatures, subject to such security procedures as the commissioner may specify and in accordance with the provisions of sections 1-266 to 1-286, inclusive. In any hearing conducted pursuant to the provisions of subsection (g) of this section, it shall not be a ground for objection to the admissibility of a police report that it is an electronic record prepared by electronic means.

(d) If a police officer who has placed a person under arrest for a violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n does not request that such person submit to a blood, breath or urine test under subsection (b) of this section, or obtains results from a test administered under subsection (b) of this section that indicate that the person does not have an elevated blood alcohol content, such officer shall:

(1) Advise such person that such person's license or operating privilege may be suspended in accordance with the provisions of this section if such police officer concludes, through investigation, that such person was operating a motor vehicle under the influence of intoxicating liquor or any drug, or both; and

(2) Submit a report to the commissioner in accordance with the procedure set forth in subsection (c) of this section and, if such report contains the results of a blood, breath or urine test that does not show an elevated blood alcohol content, such report shall conform to the requirements in subsection (c) of this section for reports that contain results showing an elevated blood alcohol content. In any report submitted under this subdivision, the officer shall document (A) the basis for the officer's belief that there was probable cause to arrest such person for a violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n, and (B) whether the officer concluded, through investigation, that the person was operating a motor vehicle under the influence of intoxicating liquor or any drug, or both. With such report, the officer may submit other supporting documentation indicating the person's intoxication by liquor or any drug, or both. If the officer concludes, through investigation, that the person was operating a motor vehicle under the influence of intoxicating liquor or any drug, or both, the officer shall immediately revoke and take possession of the motor vehicle operator's license or, if such person is not licensed or is a nonresident,



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suspend the operating privilege of such person for a twenty-four-hour period.

(e) (1) Except as provided in subdivision (2) of this subsection, upon receipt of a report submitted under subsection (c) or (d) of this section, the commissioner may suspend any operator's license or operating privilege of such person effective as of a date certain, which date certain shall be not later than thirty days from the later of the date such person received (A) notice of such person's arrest by the police officer, or (B) the results of a blood or urine test or a drug influence evaluation. Any person whose operator's license or operating privilege has been suspended in accordance with this subdivision shall automatically be entitled to a hearing before the commissioner to be held in accordance with the provisions of chapter 54 and prior to the effective date of the suspension. The commissioner shall send a suspension notice to such person informing such person that such person's operator's license or operating privilege is suspended as of a date certain and that such person is entitled to a hearing prior to the effective date of the suspension and may schedule such hearing by contacting the Department of Motor Vehicles not later than seven days after the date of mailing of such suspension notice.

(2) Upon receipt of a report that (A) the person's arrest involved an accident resulting in a fatality, or (B) the person has previously had such person's operator's license or operating privilege suspended under the provisions of section 14-227a, 14-227m or 14-227n during the ten-year period preceding the present arrest, the commissioner may suspend any operator's license or operating privilege of such person effective as of the date specified in a notice of such suspension to such person. A person whose operator's license or operating privilege has been suspended in accordance with this subdivision shall automatically be entitled to a hearing before the commissioner, to be held in accordance with the provisions of chapter 54. The commissioner shall send a suspension notice to such person informing such person that such person's operator's license or operating privilege is suspended as of the date specified in such suspension notice, and that such person is entitled to a hearing and may schedule such hearing by contacting the Department of Motor Vehicles not later than seven days after the date of mailing of such suspension notice. Any suspension issued under this subdivision shall remain in effect until such suspension is affirmed under subsection (f) of this section or such operator's license or operating privilege is reinstated in accordance with subsection (h) of this section.

(f) If such person does not contact the department to schedule a hearing, the commissioner shall affirm the suspension contained in the suspension notice for the appropriate period specified in subsection (i) of this section.

(g) (1) If such person contacts the department to schedule a hearing, the department shall assign a date, time and place for the hearing, which date shall be prior to the effective date of the suspension, except that, with respect to a person whose operator's license or operating privilege is suspended in accordance with subdivision (2) of subsection (e) of this section, such hearing shall be scheduled not later than thirty days after such person contacts the department. At the request of such person, the hearing officer or the department and upon a showing of good cause, the commissioner may grant one or more continuances.

(2) A hearing based on a report submitted under subsection (c) of this section shall be limited to a determination of the following issues: (A) Did the police officer have probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or any drug, or both; (B) was such person placed under arrest; (C) did such person (i) refuse to submit to such test or nontestimonial portion of a drug influence evaluation, or (ii) submit to such test, commenced within two hours of the



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time of operation, and the results of such test indicated that such person had an elevated blood alcohol content; and (D) was such person operating the motor vehicle.

(3) A hearing based on a report submitted under subsection (d) of this section shall be limited to a determination of the following issues: (A) Did the police officer have probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or any drug, or both; (B) was such person placed under arrest; (C) was such person operating a motor vehicle under the influence of intoxicating liquor or any drug, or both; and (D) was such person operating the motor vehicle.

(4) In a hearing under this subsection, the results of the test, if administered, shall be sufficient to indicate the ratio of alcohol in the blood of such person at the time of operation, provided such test was commenced within two hours of the time of operation. The fees of any witness summoned to appear at a hearing under this subsection shall be the same as provided by

the general statutes for witnesses in criminal cases. Notwithstanding the provisions of subsection (a) of section 52-143, any subpoena summoning a police officer as a witness shall be served not less than seventy-two hours prior to the designated time of the hearing.

(5) In a hearing based on a report submitted under subsection (d) of this section, evidence of operation under the influence of intoxicating liquor or any drug, or both shall be admissible. Such evidence may include, but need not be limited to, (A) the police officer's observations of intoxication, as documented in a report submitted to the commissioner under subsection (d) of this section; (B) the results of any chemical test administered under this section or a toxicology report certified by the Division of Scientific Services within the Department of Emergency Services and Public Protection; (C) hospital or medical records obtained in accordance with subsection (j) of this section or by the consent of the operator; (D) the results of any tests conducted by, or the report of, an officer trained in advanced roadside impaired driving enforcement; or (E) reports of drug recognition experts.

(h) If, after a hearing under subdivision (2) of subsection (g) of this section, the commissioner finds in the negative on any one of the issues specified in subparagraph (A), (B), (C) or (D) of said subdivision, the commissioner shall reinstate such license or operating privilege. If, after a hearing under subdivision (3) of subsection (g) of this section, the commissioner finds in the negative on any one of the issues specified in subparagraph (A), (B), (C) or (D) of said subdivision, the commissioner shall reinstate such license or operating privilege. If, after such hearing under subdivision (2) or (3) of subsection (g) of this section, the commissioner does not find on any one of said issues in the negative or if such person fails to appear at such hearing, the commissioner shall affirm the suspension contained in the suspension notice for the appropriate period specified in subsection (i) of this section. The commissioner shall render a decision at the conclusion of such hearing and send a notice of the decision by bulk certified mail or by personal delivery, as defined in section 4-166, to such person. The notice of such decision sent by bulk certified mail or by personal delivery to the address of such person as shown by the records of the commissioner shall be sufficient notice to such person that such person's operator's license or operating privilege is reinstated or suspended, as the case may be. A notice of the decision shall only be

transmitted by personal delivery if the operator has consented, in writing, to such personal delivery.



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(i) (1) The commissioner shall suspend the operator's license or operating privilege of a person who did not contact the department to schedule a hearing, who failed to appear at a hearing, or against whom a decision was issued, after a hearing, pursuant to subsection (h) of this section, as of the effective date contained in the suspension notice, for a period of forty-five days. As a condition for the restoration of such operator's license or operating privilege, such person shall be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, for the longer of either (A) the period prescribed in subdivision (2) of this subsection for the present arrest and suspension, or (B) the period prescribed in subdivision (1), (2) or (3) of subsection (g) of section 14-227a or subdivision (1), (2) or (3) of subsection (c) of section 14-227m or subdivision (1) or (2) of subsection (c) of section 14-227n for the present arrest and conviction, if any.

(2) (A) A person twenty-one years of age or older at the time of the arrest who submitted to a test and the results of such test indicated that such person had an elevated blood alcohol content, or was found to have been operating a motor vehicle under the influence of intoxicating liquor or any drug, or both based on a report filed pursuant to subsection (d) of this section, shall install and maintain an ignition interlock device for the following periods: (i) For a first suspension under this section, six months; (ii) for a second suspension under this section, one year; and (iii) for a third or subsequent suspension under this section, two years; (B) a person under twenty-one years of age at the time of the arrest who submitted to a test and the results of such test indicated that such person had an elevated blood alcohol content, or was found to have been operating a motor vehicle under the influence of intoxicating liquor or any drug, or both based on a report filed pursuant to subsection (d) of this section, shall install and maintain an ignition interlock device for the following periods: (i) For a first suspension under this section, one year; (ii) for a second suspension under this section, two years; and (iii) for a third or subsequent suspension under this section, three years; and (C) a person, regardless of age, who refused to submit to a test or nontestimonial portion of a drug

influence evaluation shall install and maintain an ignition interlock device for the following periods: (i) For a first suspension under this section, one year; (ii) for a second suspension under this section, two years; and (iii) for a third or subsequent suspension, under this section, three years.

(3) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, a person whose motor vehicle operator's license or operating privilege has been permanently revoked upon a third offense pursuant to subsection (g) of section 14-227a or subsection (c) of section 14-227m shall be subject to the penalties prescribed in subdivision (2) of subsection (i) of section 14-111.

(j) Notwithstanding the provisions of subsections (b) to (i), inclusive, of this section, any police officer who obtains the results of a test of a blood sample taken from or a urine sample provided by an operator of a motor vehicle who was involved in an accident and suffered or allegedly suffered physical injury in such accident, or who was otherwise deemed by a police officer to require treatment or observation at a hospital, shall notify the commissioner and submit to the commissioner a written report if such results indicate that such person had an elevated blood alcohol content, or any quantity of an intoxicating liquor or any drug, or both, in such person's blood, and if such person was arrested for violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n. The report shall be made on a form approved by the commissioner containing such information as the commissioner prescribes,



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and shall be subscribed and sworn to under penalty of false statement, as provided in section 53a-157b, by the police officer. The commissioner may, after notice and an opportunity for hearing, which shall be conducted by a hearing officer on behalf of the commissioner in accordance with chapter 54, suspend the motor vehicle operator's license or operating privilege of such person for the appropriate period of time specified in subsection (i) of this section and require such person to install and maintain an ignition interlock device for the appropriate period of time prescribed in subsection (i) of this section. Each hearing conducted under this subsection shall be limited to a determination of the following issues: (1) Whether the police officer had probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or drug, or both; (2) whether such person was placed under arrest; (3) whether such person was operating the motor vehicle; (4) whether (A) the results of the analysis of the blood or urine of such person indicate that such person

had an elevated blood alcohol content, or (B) the person was operating a motor vehicle under the influence of intoxicating liquor or any drug, or both; and (5) in the event that a blood sample was taken, whether the blood sample was obtained in accordance with conditions for admissibility and competence as evidence as set forth in subsection (k) of section 14-227a. If, after such hearing, the commissioner finds on any one of the said issues in the negative, the commissioner shall not impose a suspension. The fees of any witness summoned to appear at the hearing shall be the same as provided by the general statutes for witnesses in criminal cases, as provided in section 52-260.

(k) The provisions of this section shall apply with the same effect to the refusal by any person to submit to an additional chemical test as provided in subparagraph (E) of subdivision (1) of subsection (b) of section 14-227a.

(l) The provisions of this section shall not apply to any person whose physical condition is such that, according to competent medical advice, such test would be inadvisable.

(m) The state shall pay the reasonable charges of any physician who, at the request of a law enforcement unit, as defined in section 7-294a, takes a blood sample for purposes of a test under the provisions of this section.

(n) For the purposes of this section, "elevated blood alcohol content" means (1) a ratio of alcohol in the blood of such person that is [eight] five-hundredths of one per cent or more of alcohol, by weight, (2) if such person is operating a commercial motor vehicle, a ratio of alcohol in the blood of such person that is four-hundredths of one per cent or more of alcohol, by weight, or (3) if such person is less than twenty-one years of age, a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol, by weight.

(o) The Commissioner of Motor Vehicles shall adopt regulations, in accordance with chapter 54, to implement the provisions of this section.

Sec. 5. Subsection (c) of section 14-227m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 2, 2023*):

Operation of motor vehicle with a child passenger while under the influence of liquor or drug or while having an elevated blood alcohol content. Procedures. Penalties. (a) No person shall operate a motor



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vehicle in which a child under eighteen years of age is a passenger while such person (1) is under the influence of intoxicating liquor or any drug or both, or (2) has an elevated blood alcohol content. For the purposes of this section, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is [eight] five -hundredths of one per cent or more of alcohol, by weight, except that if such person is operating a commercial motor vehicle, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is four-hundredths of one per cent or more of alcohol, by weight, and if such person is under twenty-one years of age, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol by weight; and "motor vehicle" includes a snowmobile and all-terrain vehicle, as those terms are defined in section 14-379.

(b) The provisions of subsections (b), (c), (d), (e), (f), (h), (i), (j), (k) and (l) of section 14-227a, adapted accordingly, shall be applicable to a violation of subsection (a) of this section.

(c) Any person who violates any provision of subsection (a) of this section shall: (1) For conviction of a first violation, (A) be fined not less than five hundred dollars or more than two thousand dollars, (B) be imprisoned not more than one year, thirty consecutive days of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person: (i) Perform one hundred hours of community service, as defined in section 14-227e, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, (iii) undergo a treatment program, including chemical screening, if so ordered, (iv) submit to an interview and evaluation by the Department of Children and Families to assess any ongoing risk posed to any child who was a passenger in the motor vehicle at the time of the violation, and (v) cooperate with any programming, treatment, directives or plan if so ordered by the Department of Children and Families, and (C) have such person's motor vehicle operator's license or nonresident operating privilege suspended for forty-five days and, as a condition for the restoration of

such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for the one-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j; (2) for conviction of a second violation of this section not later than ten years after a prior conviction for the same offense, (A) be fined not less than one thousand dollars or more than four thousand dollars, (B) be imprisoned not more than three years, one hundred eighty consecutive days of which may not be suspended or reduced in any manner and sentenced to a period of probation requiring as a condition of such probation that such person: (i) Perform one hundred hours of community service, as defined in section 14-227e, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, (iii) undergo a treatment program, including chemical screening, if so ordered, (iv) submit to an interview and evaluation by the Department of Children and Families to assess any ongoing risk posed to any child who was a passenger in the motor vehicle at the time of the violation, and (v) cooperate with any programming, treatment, directives or plan if so ordered by the Department of Children and Families, and (C) have such person's motor vehicle operator's license or nonresident operating privilege suspended for forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for the three-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition



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interlock device, as defined in section 14-227j, except that for the first year of such three-year period, such person's operation of a motor vehicle shall be limited to such person's transportation to or from work or school, an alcohol or drug abuse treatment program, an ignition interlock device service center, a treatment program ordered by the Department of Children and Families or an appointment with a probation officer or Department of Children and Families caseworker; and (3) for a third or subsequent conviction of a violation of this section not later than ten years after a prior conviction for the same offense, (A) be fined not less than two thousand dollars or more than eight thousand dollars, (B) be imprisoned not more than five years, two years of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person: (i) Perform one

hundred hours of community service, as defined in section 14-227e, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, (iii) undergo a treatment program, including chemical screening, if so ordered, (iv) submit to an interview and evaluation by the Department of Children and Families to assess any ongoing risk posed to any child who was a passenger in the motor vehicle at the time of the offense, and (v) cooperate with any programming, treatment, directives or plan if so ordered by the Department of Children and Families, and (C) have such person's motor vehicle operator's license or nonresident operating privilege permanently revoked upon such third offense, except that if such person's revocation is reversed or reduced pursuant to subsection (i) of section 14-111, such person shall be prohibited from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, for the time period prescribed in subdivision (2) of subsection (i) of section 14-111. For purposes of the imposition of penalties for a second or third and subsequent offense pursuant to this subsection, a conviction under the provisions of subsection (a) of this section, subsection (a) of section 14-227a, subsection (a) of section 14-227g, subdivision (1) or (2) of subsection (a) of section 14-227n, subsection (a) of section 53a-56b or subsection (a) of section 53a-60d or a conviction in any other state of any offense, the essential elements of which are determined by the court to be substantially the same as the elements of the aforementioned provisions, shall constitute a prior conviction for the same offense.

Sec. 6. Subsection (a) of section 14-227n of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 2, 2023):

Operation of a school bus, student transportation vehicle or vehicle specifically designated to carry children by person under the influence of liquor or drug or while having an elevated blood alcohol content. Procedures. Penalties. (a)(1) No person shall operate a school bus, student transportation vehicle or other motor vehicle specially designated for carrying children while such person (A) is under the influence of intoxicating liquor or any drug or both, or (B) has an elevated blood alcohol content.

(2) No person shall operate a school bus, student transportation vehicle or other motor vehicle specially designated for carrying children in which a child under eighteen years of age is a passenger while such person (A) is under the influence of intoxicating liquor or any drug or both, or (B) has an elevated blood alcohol content.

(3) For the purposes of this section, "motor vehicle specially designated for carrying children" means any motor vehicle, except for a registered school bus or student transportation vehicle as defined in section 14-212, that is designated or used by a person, firm or corporation for the transportation of children to



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or from any program or activity organized primarily for persons under the age of eighteen years, with or without charge to the individual being transported, but does not include a passenger motor vehicle normally used for personal, family or household purposes that is operated by a person without a public passenger endorsement; and "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is [eight] five -hundredths of one per cent or more of alcohol, by weight, except that if such person is operating a commercial motor vehicle, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is four-hundredths of one per cent or more of alcohol, by weight, and if such person is under twenty-one years of age, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol, by weight.

(b) The provisions of subsections (b), (c), (d), (e), (f), (h), (i), (j), (k) and (l) of section 14-227a, adapted accordingly, shall be applicable to violations of subdivisions (1) and (2) of subsection (a) of this section.

(c) (1) Any person who violates subdivision (1) of subsection (a) of this section shall: (A) Be fined not more than ten thousand dollars, (B) be imprisoned not less than one year or more than ten years, thirty consecutive days of which shall not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person (i) perform one hundred hours of community service, as defined in section 14-227e, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, and (iii) undergo a treatment program, including chemical screening, if so ordered, and (C) have such person's motor vehicle operator's license or nonresident operating privilege suspended for forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for a three-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, except that for the first year of such three-year period, such person's operation of a motor vehicle shall be limited to such person's transportation to or from work or school, an alcohol or drug abuse treatment program, an ignition interlock device service center or an appointment with a probation officer.

(2) Any person who violates subdivision (2) of subsection (a) of this section shall: (A) Be fined not more than ten thousand dollars, (B) be imprisoned not less than one year or more than ten years, one hundred twenty consecutive days of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person (i) perform one hundred hours of community service, as defined in section 14-227e, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, and (iii) undergo a treatment program, including chemical screening, if so ordered, and (C) have such person's motor vehicle operator's license or nonresident operating privilege suspended for forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for a three-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, except that for the first year of such three-year period, such person's operation of a motor vehicle shall be limited to such person's transportation to or from work or school, an alcohol or drug abuse treatment program, an ignition interlock device service center or an appointment with a probation officer.



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Sec. 9. Subsection (d) of section 15-133 of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 2, 2023):

(d) No person shall operate a vessel: (1) While under the influence of intoxicating liquor or any drug, or both, or (2) while such person has an elevated blood alcohol content. For the purposes of this section and sections 15-140l and 15-140n, "elevated blood alcohol content" means: (A) A ratio of alcohol in the blood of such person that is [eight] five-hundredths of one per cent or more of alcohol, by weight, or (B) if such person is under twenty-one years of age, a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol, by weight. For the purposes of this section and sections 15-132a, 15-140l, 15-140n, 15-140o and 15-140q, "operate" means that the vessel is underway or aground and not moored, anchored or docked.

Sec. 10. Section 15-140q of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 2, 2023):

(4) At a hearing held under this subsection, the results of the test, if administered, shall be sufficient to indicate the ratio of alcohol in the blood of such person at the time of operation, except that if the results of an additional test, administered pursuant to section 15-140r, indicate that the ratio of alcohol in the blood of such person is [eight] five-hundredths of one per cent or less of alcohol, by weight, and is higher than the results of the first test, evidence shall be presented that demonstrates that the test results and analysis thereof accurately indicate the blood alcohol content at the time of operation. The fees of any witness summoned to appear at a hearing under this subsection shall be the same as provided in section 52-260.

(5) In a hearing based on a report submitted under subsection (d) of this section, evidence of operation under the influence of intoxicating liquor or any drug, or both shall be admissible. Such evidence may include, but need not be limited to, (A) the peace officer's observations of intoxication, as documented in a report submitted to the commissioner under subsection (d) of this section; (B) the results of any chemical test administered under this section or a toxicology report certified by the Division of Scientific Services within the Department of Emergency Services and Public Protection; (C) hospital or medical records obtained in accordance with subsection (j) of this section or by the consent of the operator; or (D) reports of drug recognition experts.

(h) If, after a hearing under subdivision (2) of subsection (g) of this section, the commissioner finds in the negative on any one of the issues specified in subparagraph (A), (B), (C) or (D) of said subdivision, the commissioner shall stay the safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation suspension. If, after a hearing under subdivision (3) of subsection (g) of this section, the commissioner finds in the negative on any one of the issues specified in subparagraph (A), (B), (C) or (D) of said subdivision, the commissioner shall stay the safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation suspension. If, after such hearing under subdivision (2) or (3) of subsection (g) of this section, the commissioner does not find on any one of said issues in the negative or if such person fails to appear at such hearing, the commissioner shall affirm the suspension contained in the suspension notice for the appropriate period specified in subsection (i) of this section. The commissioner shall render a decision at the conclusion of such hearing or send a notice of the decision by certified mail to such person not later than thirty-five days from the date of notice of such person's arrest by the peace officer or, if a continuance is granted, not later than sixty-five days from the date such



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person received notice of such person's arrest by the peace officer. The notice of such decision sent by certified mail to the address of such person as shown by the records of the commissioner shall be sufficient notice to such person that such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation is suspended or the suspension is stayed. Unless a continuance of the hearing is granted pursuant to subsection (g) of this section, if the commissioner fails to render a decision within thirty-five days from the date that such person received notice of such person's arrest by the peace officer, the commissioner shall not suspend such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation.

(i) The commissioner shall suspend the operator's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation of a person who does not contact the department to schedule a hearing under subsection (e) of this section, who fails to appear at such hearing, or against whom, after a hearing, the commissioner holds pursuant to subsection (g) of this section. Such suspension shall be as of the effective date contained in the suspension notice or the date the commissioner renders a decision, whichever is later, for a period of: (1) (A) Except as provided in subparagraph (B) of this subdivision, ninety days if such person submitted to a test and the results of such test indicated that at the time of the alleged offense that such person had an elevated blood alcohol content, or such person was found to have been operating a vessel under the influence of intoxicating liquor or any drug, or both, based on a report filed pursuant to subsection (d) of this section, or (B) one hundred twenty days if such person submitted to a test and the results of such test indicated that the ratio of alcohol in the blood of such person was sixteen-hundredths of one per cent or more of alcohol, by weight, or (C) six months if such person refused to submit to such test; (2) if such person has previously had such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation suspended under this section, (A) except as provided in subparagraph (B) of this subdivision, nine months if such person submitted to a test and the results of such test indicated that at the time of the alleged offense that such person had an elevated blood alcohol content, or such person was found to have been operating a vessel under the influence of intoxicating liquor or any drug, or both, based on a report filed pursuant to subsection (d) of this section, (B) ten months if such person submitted to a test and the results of such test indicated that the ratio of alcohol in the blood of such person was sixteen-hundredths of one per cent or more of alcohol, by weight, and (C) one year if such person refused to submit to such test; and (3) if such person has two or more times previously had such person's safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation suspended under this section, (A) except as provided in subparagraph (B) of this subdivision, two years if such person submitted to a test and the results of such test indicated that at the time of the alleged offense that such person had an elevated blood alcohol content, or such person was found to have been operating a vessel under the influence of intoxicating liquor or any drug, or both, based on a report filed pursuant to subsection (d) of this section, (B) two and one-half years if such person submitted to a test and the results of such test indicated that the ratio of alcohol in the blood of such person was sixteen-hundredths of one per cent or more of alcohol, by weight, and (C) three years if such person refused to submit to such test.

(j) Notwithstanding the provisions of subsections (b) to (i), inclusive, of this section, any peace officer who obtains the results of a chemical analysis of a blood sample taken from an operator of a vessel involved in an accident who suffered or allegedly suffered physical injury in such accident shall notify the commissioner and submit to the commissioner a written report if such results indicate that at the time of



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the alleged offense such person had an elevated blood alcohol content, or any quantity of an intoxicating liquor or any drug, or both, in such person's blood, and if such person was arrested for a violation of section 15-132a, subsection (d) of section 15-133 or section 15-140l or 15-140n in connection with such accident. The report shall be made on a form approved by the commissioner containing such information as the commissioner prescribes and shall be subscribed and sworn under penalty of false statement, as provided in section 53a-157b, by the peace officer. The commissioner shall, after notice and an opportunity for hearing, which shall be conducted in accordance with chapter 54, suspend the safe boating certificate, right to operate a vessel that requires a safe boating certificate for operation or certificate of personal watercraft operation of such person for a period of up to ninety days, or, if such person has previously had such person's operating privilege suspended under this section, for a period up to one year. Each hearing conducted under this section shall be limited to a determination of the following issues: (1) Whether the peace officer had probable cause to arrest the person for operating a vessel while under the influence of intoxicating liquor or drugs, or both, or while such person has an elevated blood alcohol content; (2) whether such person was placed under arrest; (3) whether such person was operating the vessel; (4) whether (A) the results of the analysis of the blood of such person indicate that such person had an elevated blood alcohol content, or (B) the person was operating a vessel under the influence of intoxicating liquor or any drug, or both; and (5) whether the blood sample was obtained in accordance with conditions for admissibility as set forth in section 15-140s. If, after such hearing, the commissioner finds on any issue in the negative, the commissioner shall not impose a suspension. The fees of any witness summoned to appear at the hearing shall be the same as provided by the general statutes for witnesses in criminal cases.

(k) The provisions of this section shall apply with the same effect to the refusal by any person to submit to an additional chemical test as provided in subparagraph (E) of subdivision (1) of subsection (a) of section 15-140r.

(l) The provisions of this section do not apply to any person whose physical condition is such that, according to competent medical advice, such test would be inadvisable.

(m) The state shall pay the reasonable charges of any physician who, at the request of a law enforcement unit, as defined in section 7-294a, takes a blood sample for purposes of a test under the provisions of this section.

(n) For the purposes of this section, "elevated blood alcohol content" means: (1) A ratio of alcohol in the blood of such person that is ~~eight~~ five -hundredths of one per cent or more of alcohol, by weight, or (2) if such person is under twenty-one years of age, a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol, by weight.

(o) The commissioner may adopt regulations, in accordance with chapter 54, to implement the provisions of this section.

Sec. 12. Section 38a-498c of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 2, 2023):

No individual health insurance policy providing coverage of the type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469 delivered, issued for delivery, amended, renewed or continued in this state shall deny coverage for health care services rendered to treat any injury sustained by any



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person when such injury is alleged to have occurred or occurs under circumstances in which (1) such person has an elevated blood alcohol content, or (2) such person has sustained such injury while under the influence of intoxicating liquor or any drug or both. For the purposes of this section, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is [eight] five-hundredths of one per cent or more of alcohol, by weight.

Sec. 13. Section 38a-525c of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 2, 2023):

No group health insurance policy providing coverage of the type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469 delivered, issued for delivery, amended, renewed or continued in this state shall deny coverage for health care services rendered to treat any injury sustained by any person when such injury is alleged to have occurred or occurs under circumstances in which (1) such person has an elevated blood alcohol content, or (2) such person has sustained such injury while under the influence of intoxicating liquor or any drug or both. For the purposes of this section, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is [eight] five-hundredths of one per cent or more of alcohol, by weight.

Sec. 14. Section 53-206d of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 2, 2023):

(a)(1) No person shall carry a pistol, revolver, machine gun, shotgun, rifle or other firearm, which is loaded and from which a shot may be discharged, upon his person (A) while under the influence of intoxicating liquor or any drug, or both, or (B) while the ratio of alcohol in the blood of such person is [eight] five-hundredths of one per cent or more of alcohol, by weight. (2) Any person who violates any provision of this subsection shall be guilty of a class B misdemeanor.

(b) (1) No person shall engage in hunting while under the influence of intoxicating liquor or any drug, or both. A person shall be deemed under the influence when at the time of the alleged offense the person (A) is under the influence of intoxicating liquor or any drug, or both, or (B) has an elevated blood alcohol content. For the purposes of this subdivision, "elevated blood alcohol content" means (i) a ratio of alcohol in the blood of such person that is [eight] five-hundredths of one per cent or more of alcohol, by weight, or (ii) if such person is under twenty-one years of age, a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol, by weight. (2) Any person who violates any provision of this subsection shall be guilty of a class A misdemeanor. (3) Enforcement officers of the Department of Energy and Environmental Protection are empowered to arrest for a violation of the provisions of this subsection.



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Document Name	An Act Concerning the Office of the State Traffic Administration (OSTA)
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Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	Anne Kleza
Division Requesting This Proposal	Office of the State Traffic Administration (OSTA)
Drafter	Joseph Ouellette

Title of Proposal	An Act Concerning the Office of the State Traffic Administration (OSTA)
Statutory Reference, if any	14-314, 14-298
Brief Summary and Statement of Purpose	<ol style="list-style-type: none"> 1. Establish a penalty for municipalities failing to comply with an order by OSTA 2. Technical change to allow the use of symbols (walking person or upraised hand) for pedestrian control signals and require operators of motor vehicles to stop instead of yield for pedestrians in crosswalks. Revision to section (c) to require an operator for a motor vehicle to stop rather than yield to pedestrians in a crosswalk <p>14-299:</p> <ul style="list-style-type: none"> • technical revision to section (a) to include “revision.” • technical revision to section (b) and section 5 to include a walking person or upraised hand symbols and to indicate that pedestrians can continue to cross the highway on a Flashing “Don’t Walk” or flashing upraised hand symbol (per MUTCD)



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	<p>14-300:</p> <ul style="list-style-type: none"> • Technical revision to section (b) to include a walking person or upraised hand symbols and to indicate that pedestrians can continue to cross the highway on a Flashing “Don’t Walk” or flashing upraised hand symbol (per MUTCD) <ol style="list-style-type: none"> 3. Technical changes to provide clarification to Sections 14-311 and 14-311c 4. Require annual training for municipal traffic authorities to increase proficiency in traffic safety decision making. 5. Technical change to allow speed limit of 60 MPH on suitable multiple lane, limited access highways
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SECTION-BY-SECTION SUMMARY

Summarize sections in groups where appropriate

BACKGROUND

Origin of Proposal New Proposal Resubmission

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:

Please consider the following, if applicable:

Have there been changes in federal/state laws or regulations that make this	Yes. The proposed changes regarding <i>pedestrian symbols</i> are necessary for the statutes to be consistent with Chapter 4 of the 2009 Manual on Uniform Traffic Control Devices (MUTCD). The MUTCD is published by the Federal Highway Administration and is a national standard for traffic control devices for all public roads.
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legislation necessary?	
Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	Yes for 14-300(c). Six states have laws requiring vehicles to stop, rather than yield, to pedestrians in crosswalks. Pedestrian crashes are rising in CT and there is confusion of what “yield” means. The proposed change is intended to make it clear that all motor vehicle operators are required to stop for a pedestrian in a crosswalk.
Have certain constituencies called for this proposal?	No

INTERAGENCY IMPACT

List each affected agency. Copy the table as needed.

[X] Check here if this proposal does NOT impact other agencies

1. Agency Name	University of Connecticut—CT Training and Technical Assistance Center
Agency Contact (name, title)	Donna Shea, Executive Director
Date Contacted	7/14/22
Status	[] Approved [] Talks Ongoing
Open Issues, if any	

FISCAL IMPACT

Include the section number(s) responsible for the fiscal impact and the anticipated impact

[] Check here if this proposal does NOT have a fiscal impact



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State	14-300(c): CTDOT will need to remove existing “Yield Here for Pedestrian” signs and markings or replace them with “Stop Here for Pedestrian” signs and markings
Municipal (Include any municipal mandate that can be found within legislation)	<ol style="list-style-type: none"> 1. Municipalities that ignore an order by the OSTA may not receive Town-Aid Road grants until such time they are following the standards in the Manual on Uniform Traffic Control Devices (MUTCD). 2. 14-300(c): Municipalities that have existing “Yield Here for Pedestrian” signs and markings will need to remove the signs or replace them with “Stop Here for Pedestrian” signs and markings 3. The current training requires a municipality to pay a fee but going forward the T2 Center will be obtaining Federal Funding and the training will be free of charge.
Federal	
Additional notes	

MONITORING & EVALUATION PLAN

If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[X] Check here if this proposal does NOT lead to any measurable outcomes

The intent of revisions to 14-300 (c) is to reduce pedestrian crashes at crosswalks which can be measured.

ANYTHING ELSE WE SHOULD KNOW?

1. The traffic authority of any city, town or borough may place and maintain traffic control devices (signals, signs, markings) upon the highways under its jurisdiction, and all such signals, devices, signs and markings shall conform to the regulations established by the OSTA in accordance with [Chapter 249](#) (Traffic Control and Highway Safety) of the CGS. Under Section [14-298](#), the OSTA is required to adopt a uniform system of traffic control devices, signs and pavement markings for all public highways



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(see CT state agency regulation Sec [14-298-500](#)). The issue is that many municipalities are not following the MUTCD and there is no penalty for non-compliance. The MUTCD is CT’s standard (as well as the national standard) for the installation and maintenance of traffic control devices, signs, and markings on all public roads. The threat of withholding [Town Aid Road \(TAR\)](#) grants is intended to be a deterrent to reduce or eliminate non-compliance. Compliance with the MUTCD standards helps promote the safe, orderly, and efficient movement of traffic.

2. Pedestrian symbols have been used in CT for years and the agency is in the process of changing out the word pedestrian with pedestrian symbol signals.
3. In July 2012, technical changes were made to both 14-311 and 14-311c. Subsection f was added to 14-311 but for some unknown reason it was not added to 14-311c. These sections need to mimic each other.
4. Every municipality in CT has a “Traffic Authority”, and the term is defined in CGS section 14-297 (6) and their authority is described in sections 14-298 and 14-309. Traffic Authorities make critical decisions on road safety on both state and local roads and most Traffic Authorities have little or no training or experience. Also, Traffic Authorities change frequently especially after municipal elections. The CT Training and Technical Assistance Center (T2) at UCONN offers Traffic Authority training within the [CT Municipal Local Traffic Authority Program](#) which educates Traffic Authorities on their powers and responsibilities. The program is currently voluntary, and the proposed legislation would require annual training.
5. Currently, a 60 mph speed limit is not permitted in CT. PA 98-181 allowed STC, now OSTA, to establish a speed limit of 65 mph on suitable multiple lane, limited access highways. Prior to that legislation, the maximum speed limit in CT was limited to 55 mph on any highway (see Sec. 14-219(a)(2)). This technical change will give OSTA greater flexibility (i.e. a value between 55 and 65 mph) in establishing suitable speed limits on multiple lane, limited access highways.

Section 1:

Sec. 14-314. Penalties. Any person, firm or corporation failing to comply with any order made pursuant to any provision of this chapter shall be fined not more than five thousand dollars or imprisoned not more than thirty days or both, and shall be subject to the provisions of section 14-111. Any person, firm or corporation failing to comply with any traffic control signal, sign, marking or other device placed and maintained upon the highway, or with any regulation adopted pursuant to any provision of this chapter, by the Office of the State Traffic Administration or the traffic authority of any city, town or borough shall be deemed to have committed an infraction, if no other penalty is provided by law. Traveling at a greater rate of speed than is reasonable as provided in section 14-218a shall not be deemed to be a failure to comply with the provisions of this section but shall be deemed to be the commission of an infraction within the provisions of said section 14-218a.



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New Section

Whenever any city, town or borough fails to comply with any order pursuant to any provision of this chapter or with any regulation adopted by the Office of the State Traffic Administration, the Commissioner of Transportation may withhold the grant fund allotment to such city, town or borough under the Town Aid Road Program governed by Sections 13a-175a through 13a-175e and 13a-175i.

Section 2

Sec. 14-299. Traffic control signals. Right turn on red. (a) For the purpose of standardization and uniformity, no installation or revision of any traffic control signal light shall be made by any town, city or borough until the same has been approved by the Office of the State Traffic Administration. Such approval shall be based on necessity for, location of and type of such signal light and shall be applied for on a form supplied by the Office of the State Traffic Administration and shall be submitted to said office by the traffic authority having jurisdiction. Approval of any such signal light may be revoked by the Office of the State Traffic Administration at any time if said office deems such revocation to be in the interest of public safety, and thereupon such signal lights shall be removed by the traffic authority having jurisdiction.

(b) When traffic at an intersection is alternately directed to proceed and to stop by the use of signals exhibiting colored lights or lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian control signals carrying word legends or symbols, said lights shall apply to drivers of vehicles and pedestrians and shall indicate the following:

(1) Circular green alone: Vehicular traffic facing a green signal may proceed straight through or turn right or left unless a sign or marking at such place prohibits either such turn or straight through movement, except that such traffic shall yield the right-of-way to pedestrians and vehicles lawfully within a crosswalk or the intersection at the time such signal was exhibited; pedestrians facing the green signal, except when directed by separate pedestrian-control signals, may proceed across the highway within any marked or unmarked crosswalk.

(2) Yellow: Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter, when vehicular traffic shall stop before entering the intersection unless so close to the intersection that a stop cannot be made in safety; pedestrians facing a steady yellow signal, except when directed by separate pedestrian-control signals, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.



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(3) Red alone: Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and remain standing until the next indication is shown; provided, on or after July 1, 1979, vehicular traffic traveling in the travel lane nearest the right hand curb or other defined edge of the roadway, unless a sign approved by the Office of the State Traffic Administration has been erected in the appropriate place prohibiting this movement, may cautiously enter the intersection to make a right turn onto a two-way street or onto another one-way street on which all the traffic is moving to such vehicle's right after such vehicle has stopped as required in this subdivision and yielded the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. Pedestrians facing a steady red signal alone, except when directed by separate pedestrian-control signals, shall not enter the roadway.

(4) Green arrow: Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time, but such vehicular traffic shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully within the intersection.

(5) Whenever special pedestrian-control signals exhibiting the words “Walk” or “Don't Walk” or a walking person symbolizing “Walk” and an upraised hand symbolizing “Don't Walk” are in place such signals shall indicate as follows: “Walk” or walking person symbol: Pedestrians facing such signals may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles; “Don't Walk” or upraised hand symbol: No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the flashing “Don't Walk” or flashing upraised hand symbol signal is showing.

(c) When an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:

(1) Flashing red: When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection, or at a limit line when marked or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles facing such signal may proceed through the intersection or past such signal only with caution.

(d) Lenses of the following colors only shall be used and shall be arranged vertically in the signal face or, when necessary, horizontally, and shall conform to the following positions: When arranged vertically, red shall be located at the top, yellow shall be located directly below red and the remaining indications below the yellow in the following order: Flashing yellow, circular



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green, vertical arrow, left-turn arrow and right-turn arrow, as needed; when arranged horizontally, red shall be located at the left, yellow shall be located directly to the right of red and the remaining indications to the right of yellow in the following order: Flashing yellow, left-turn arrow, circular green, vertical arrow and right-turn arrow, as needed.

(e) When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green arrow signal is shown, but shall not enter or travel in any lane over which a red X signal is shown.

(f) If a traffic control signal, approved by the Office of the State Traffic Administration, is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any sign or marking the stop shall be made at the signal.

Sec. 14-300. Crosswalks. Pedestrian-control signals. Regulation of pedestrians and motor vehicles at crosswalks. Pedestrians who are blind or have guide dogs. (a) The traffic authority shall have power to designate, by appropriate official traffic control devices, as defined in section 14-297, or markers, or by lines upon the surface of the highway, such crosswalks and intersections as, in its opinion, constitute a danger to pedestrians crossing the highway including, but not limited to, specially marked crosswalks in the vicinity of schools, which crosswalks shall have distinctive markings, in accordance with the regulations of the Office of the State Traffic Administration, to denote use of such crosswalks by school children; and may maintain suitable signs located at intervals along highways, particularly where there are no sidewalks, directing pedestrians to walk facing vehicular traffic.

(b) At any intersection where special pedestrian-control signals bearing the words “Walk” or “Don’t Walk” or a walking person symbolizing “Walk” and an upraised hand symbolizing “Don’t Walk” are placed, pedestrians may cross the highway only as indicated by the signal. At any intersection where traffic is controlled by other traffic control signals or by police officers, pedestrians shall not cross the highway against a red or “Stop” signal and shall not cross at any place not a marked or unmarked crosswalk. A pedestrian started or starting across the highway on a “Walk” or a walking person symbolizing “Walk” or flashing “Don’t Walk” or a flashing upraised hand symbolizing flashing “Don’t Walk” signal or on any such crosswalk on a green or “Go” signal shall have the right-of-way over all vehicles, including those making turns, until such pedestrian has reached the opposite curb or safety zone.

(c) Except as provided in subsection (c) of section 14-300c, at any crosswalk marked as provided in subsection (a) of this section or any unmarked crosswalk, provided such crosswalks are not controlled by police officers or traffic control signals, each operator of a vehicle shall ~~grant the right-of-way, and slow or stop such vehicle if necessary to~~ grant the right-of-way, to any pedestrian crossing the roadway within such crosswalk, provided such pedestrian steps off the



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curb or into the crosswalk at the entrance to a crosswalk or is within that half of the roadway upon which such operator of a vehicle is traveling, or such pedestrian steps off the curb or into the crosswalk at the entrance to a crosswalk or is crossing the roadway within such crosswalk from that half of the roadway upon which such operator is not traveling. For the purposes of this subsection, a pedestrian is "crossing the roadway within such crosswalk" when the pedestrian (1) is within any portion of the crosswalk, (2) steps to the curb at the entrance to the crosswalk and indicates his or her intent to cross the roadway by raising his or her hand and arm toward oncoming traffic, or (3) indicates his or her intent to cross the roadway by moving any part of his or her body or an extension thereof, including, but not limited to, a wheelchair, cane, walking stick, crutch, bicycle, electric bicycle, stroller, carriage, cart or leashed or harnessed dog, into the crosswalk at the entrance to the crosswalk. No operator of a vehicle approaching from the rear shall overtake and pass any vehicle, the operator of which has stopped at any crosswalk marked as provided in subsection (a) of this section or any unmarked crosswalk to permit a pedestrian to cross the roadway. The operator of any vehicle crossing a sidewalk shall ~~yield the right-of-way~~ stop to each pedestrian and all other traffic upon such sidewalk.

(d) The operator of a motor vehicle who approaches or comes into the immediate vicinity of a pedestrian who is blind, as defined in subsection (a) of section 1-1f, carrying a white cane or a white cane tipped with red, or a pedestrian being guided by a guide dog, shall reduce speed or stop, if necessary, to yield the right-of-way to such pedestrian. No person, except one who is blind, shall carry or use on any street or highway, or in any other public place, a cane or walking stick which is white in color or white, tipped with red.

(e) Any crosswalk designated by a traffic authority on or after October 1, 2010, pursuant to subsection (a) of this section shall be required by such authority to have markings, signage, or any control signals deemed necessary by such authority to provide sufficient time for the safe crossing of pedestrians.

(f) The operator of any motor vehicle who violates this section shall be fined not more than five hundred dollars.

(g) In any civil action arising under subsection (c) or (d) of this section or sections 14-300b to 14-300d, inclusive, the doctrine of negligence per se shall not apply.

Section 3

Sec. 14-311. Open air theaters, shopping centers and certain other developments affecting state highway traffic. (a) No person, firm, corporation, state agency, or municipal agency or combination thereof shall build, expand, establish or operate any open air theater, shopping center or other development generating large volumes of traffic that substantially affect state highway traffic within this state, as determined by the Office of the State Traffic Administration, until such person, firm, corporation, or agency has procured from said office a certificate that the operation thereof will not imperil the safety of ~~the public~~ state highway traffic within this state, except that any development, including any development to be built in phases, without regard to



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when such phases are approved by the municipal planning and zoning agency or other responsible municipal agency, that contains a total of one hundred or fewer residential units shall not be required to obtain such certificate if such development is a residential-only development and is not part of a mixed-use development that contains office, retail or other such nonresidential uses, provided if any future development increases the total number of residential units to more than one hundred, and such total substantially affects state highway traffic within the state as determined by the Office of the State Traffic Administration, a certificate shall be procured from said office.

(b) Except as otherwise provided in this subsection, no local building official shall issue a building or foundation permit to any person, firm, corporation, state agency or municipal agency to build, expand, establish or operate such a development until the person, firm, corporation or agency provides to such official a copy of the certificate issued under this section by the ~~office~~ Office of the State Traffic Administration and, unless the office allows otherwise. No local building official shall issue a certificate of occupancy for such development until all the certificate conditions have been completed. If the office determines that any person, firm, corporation, or state or municipal agency has (1) started building, expanding, establishing or operating such a development without first obtaining a certificate from said office, or (2) has failed to comply with the conditions of such a certificate, it shall order the person, firm, corporation or agency to (A) cease constructing, expanding, establishing or operating the development, or (B) comply with the conditions of the certificate within a reasonable period of time. If such person, firm, corporation or agency fails to (i) cease such work, or (ii) comply with an order of the office within such time as specified by the office, the office may make an application to the superior court for the judicial district of Hartford or the judicial district where the development is located enjoining the construction, expansion, establishment or operation of such development. Notwithstanding the provisions of this subsection, for single family home building lots within a subdivision of land, for which a certificate is required and which do not have a direct exit or entrance on, or directly abut or adjoin any state highway, no local building official shall issue a certificate of occupancy to any person, firm, corporation, state agency or municipal agency to occupy homes on such lots until the person, firm, corporation or agency provides to such official a copy of the certificate issued under this section by the office and such official confirms that the certificate conditions have been satisfied.

(c) The Office of the State Traffic Administration, to the extent practicable, shall begin its review of an application prior to final approval of the proposed activity by the municipal planning and zoning agency or other responsible municipal agency.

(d) In determining the advisability of such certification, the Office of the State Traffic Administration shall include, in its consideration, highway safety, the width and character of the highways affected, the density of traffic thereon, the character of such traffic and the opinion and findings of the traffic authority of the municipality wherein the development is located. The



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Office of the State Traffic Administration may require improvements to be made by the applicant to the extent that such improvements address impacts to state highway safety created by the addition of the applicant's proposed development or activity. If the Office of the State Traffic Administration determines that such improvements, including traffic signals, pavement markings, channelization, pavement widening or other changes or traffic control devices, are required to handle traffic safely and efficiently, one hundred per cent of the cost thereof shall be borne by the person or entity building, establishing or operating such open air theater, shopping center or other development generating large volumes of traffic, except that such cost shall not be borne by any municipal agency. The Commissioner of Transportation may issue a permit to said person to construct or install the changes required by the Office of the State Traffic Administration.

(e) Any person or entity building, establishing or operating such open air theater, shopping center or other development generating large volumes of traffic aggrieved by any decision of the Office of the State Traffic Administration hereunder may appeal therefrom in accordance with the provisions of section 4-183, except venue for such appeal shall be in the judicial district in which it is proposed to operate such establishment. The provisions of this section except insofar as such provisions relate to expansion shall not apply to any open air theater, shopping center or other development generating large volumes of traffic in operation on July 1, 1967.

(f) Before submitting an application for any development generating large volumes of traffic pursuant to subsection (a) of this section to the Office of the State Traffic Administration, the individual or entity submitting such application shall attend a mandatory meeting with the Office of the State Traffic Administration and other staff from the Department of Transportation. At such meeting, such individual or entity shall present the applicant's proposed development to such department staff and receive feedback, including, but not limited to, information as to what needs to be submitted for an application to be considered complete.

Sec. 14-311c. Developed parcels of land separately owned and utilized together for a single development purpose which affects state highway traffic. (a) No group of persons, firms, corporations, state agencies or municipal agencies or combination thereof shall build, expand, establish or operate any open air theater, shopping center or other development generating large volumes of traffic on any group of individual parcels of land which are separately owned but are utilized together for a single development purpose, whether or not such parcels are separated by any state, local or private roadway that substantially affect state highway traffic within this state, as determined by the Office of the State Traffic Administration, until such group has procured from the Office of the State Traffic Administration a certificate that the operation thereof will not imperil the safety of the public, except that any development, including any development to be built in phases without regard to when such phases are approved by the municipal planning and



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zoning agency or other responsible municipal agency, that contains a total of one hundred or fewer residential units shall not be required to obtain such a certificate if such development is a residential-only development and not part of a mixed-use development containing office, retail or other such nonresidential uses, provided if any future development increases the total number of residential units to more than one hundred, and this total substantially affects state highway traffic within the state as determined by the Office of the State Traffic Administration, a certificate shall be procured from said office.

(b) Except as otherwise provided in this subsection, no local building official shall issue a building or foundation permit to any such group or member thereof to build, expand, establish or operate such a development until the group or member provides to such official a copy of the certificate issued under this section by the Office of the State Traffic Administration, unless the office allows otherwise. No local building official shall issue a certificate of occupancy for such development until all the certificate conditions have been completed. If the Office of the State Traffic Administration determines that any group or member has (1) started building, expanding, establishing or operating such a development without first obtaining a certificate from said office, or (2) has failed to comply with the conditions of such a certificate, it shall order the group or member to (A) cease constructing, expanding, establishing or operating the development, or (B) to comply with the conditions of the certificate within a reasonable period of time. If such group or member fails to (i) cease such work, or (ii) comply with such order within such time as specified by the Office of the State Traffic Administration, said office or the traffic authority of the municipality wherein the development is located may make an application to the superior court for the judicial district of Hartford or the judicial district where the development is located enjoining the construction, expansion, establishment or the operation of such development. Notwithstanding the provisions of this subsection, for single family home building lots within a subdivision of land, for which a certificate is required and which do not have a direct exit or entrance on, or directly abut or adjoin any state highway, no local building official shall issue a certificate of occupancy to any such group or member thereof or person to occupy homes on such lots until such group, member or person provides to such official a copy of the certificate issued under this section by said office and such official confirms that the certificate conditions have been satisfied.

(c) The Office of the State Traffic Administration, to the extent practicable, shall begin its review of an application prior to final approval of the proposed activity by the municipal planning and zoning agency or other responsible municipal agency.

(d) In determining the advisability of such certification, the Office of the State Traffic Administration shall include, in its consideration, highway safety, the width and character of the highways affected, the density of traffic thereon, the character of such traffic and the opinion and findings of the traffic authority of the municipality wherein the development is located. The Office of the State Traffic Administration may require improvements to be made by the applicant



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to the extent that such improvements address impacts to state highway safety created by the addition of the applicant's proposed development or activity. If the Office of the State Traffic Administration determines that such improvements, including traffic signals, pavement markings, channelization, pavement widening or other changes or traffic control devices, are required to handle traffic safely and efficiently, one hundred per cent of the cost thereof shall be borne by the ~~group~~ person or entity building, establishing or operating such open air theater, shopping center or other development generating large volumes of traffic, except that such cost shall not be borne by any municipal agency. The Commissioner of Transportation may issue a permit to said group to construct or install the changes required by the Office of the State Traffic Administration, in consultation with the local traffic authority.

(e) Any group or entity building, establishing or operating such open air theater, shopping center or other development generating large volumes of traffic aggrieved by any decision of the Office of the State Traffic Administration hereunder may appeal therefrom in accordance with the provisions of section 4-183, except venue for such appeal shall be in the judicial district in which it is proposed to operate such establishment. The provisions of this section except insofar as such provisions relate to expansion shall not apply to any open air theater, shopping center or other development generating large volumes of traffic which has received all necessary permits, variances, exceptions and approvals from the municipal zoning commission, planning commission, combined planning and zoning commission and zoning board of appeals in which such development is located prior to or on July 1, 1985, or to any such development which is in operation on that date.

(f) Before submitting an application for any development generating large volumes of traffic pursuant to subsection (a) of this section to the Office of the State Traffic Administration, the individual or entity submitting such application shall attend a mandatory meeting with the Office of the State Traffic Administration and other staff from the Department of Transportation. At such meeting, such individual or entity shall present the applicant's proposed development to such department staff and receive feedback, including, but not limited to, information as to what needs to be submitted for an application to be considered complete.

Section 4

Sec. 14-298. Office of the State Traffic Administration. There shall be within the Department of Transportation the Office of the State Traffic Administration, which shall constitute a successor to the State Traffic Commission, in accordance with the provisions of sections 4-38d, 4-38e and 4-39. For the purpose of standardization and uniformity, said office shall adopt and cause to be printed for publication regulations establishing a uniform system of traffic control signals, devices, signs and markings consistent with the provisions of this chapter for use upon the public highways. The Commissioner of Transportation shall make known to the General Assembly the availability of such regulations and any requesting member shall be sent a written copy or



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electronic storage media of such regulations by said commissioner. Taking into consideration the public safety and convenience with respect to the width and character of the highways and roads affected, the density of traffic thereon and the character of such traffic, said office shall also adopt regulations, in cooperation and agreement with local traffic authorities, governing the use of state highways and roads on state-owned properties, and the operation of vehicles, including, but not limited to, motor vehicles, bicycles, as defined in section 14-286, electric bicycles and electric foot scooters thereon. A list of limited-access highways shall be published with such regulations and said list shall be revised and published once each year. The Commissioner of Transportation shall make known to the General Assembly the availability of such regulations and list and any requesting member shall be sent a written copy or electronic storage media of such regulations and list by the commissioner. A list of limited-access highways opened to traffic by the Commissioner of Transportation in the interim period between publications shall be maintained in the Office of the State Traffic Administration and such regulations shall apply to the use of such listed highways. Said office shall also make regulations, in cooperation and agreement with local traffic authorities, respecting the use by through truck traffic of streets and highways within the limits of, and under the jurisdiction of, any city, town or borough of this state for the protection and safety of the public. If said office determines that the prohibition of through truck traffic on any street or highway is necessary because of an immediate and imminent threat to the public health and safety and the local traffic authority is precluded for any reason from acting on such prohibition, the office, if it is not otherwise precluded from so acting, may impose such prohibition. Said office may place and maintain traffic control signals, signs, markings and other safety devices, which it deems to be in the interests of public safety, upon such highways as come within the jurisdiction of said office as set forth in section 14-297. The traffic authority of any city, town or borough may place and maintain traffic control signals, signs, markings and other safety devices upon the highways under its jurisdiction, and all such signals, devices, signs and markings shall conform to the regulations established by said office in accordance with this chapter, and such traffic authority shall, with respect to traffic control signals, conform to the provisions of section 14-299.

New section

On and after January 1, 2024, each traffic authority, or their appointed representative, shall complete annual traffic authority training. Such training curriculum shall be developed by the CT Training and Technical Assistance Center at the University of Connecticut and shall include powers and responsibilities of traffic authorities and an overview of the rules and regulations of the Office of the State Traffic Administration. The CT Training and Technical Assistance Center at the University of Connecticut shall maintain records indicating when a traffic authority has completed such training.

Section 5:



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Sec. 14-218a. Traveling unreasonably fast. Establishment of speed limits. (a) No person shall operate a motor vehicle upon any public highway of the state, or road of any specially chartered municipal association or any district organized under the provisions of chapter 105, a purpose of which is the construction and maintenance of roads and sidewalks, or on any parking area as defined in section 14-212, or upon a private road on which a speed limit has been established in accordance with this subsection, or upon any school property, at a rate of speed greater than is reasonable, having regard to the width, traffic and use of highway, road or parking area, the intersection of streets and weather conditions. The Office of the State Traffic Administration may determine speed limits which are reasonable and safe on any state highway, bridge or parkway built or maintained by the state, and differing limits may be established for different types of vehicles, and may erect or cause to be erected signs indicating such speed limits. The traffic authority of any town, city or borough may establish speed limits on streets, highways and bridges or in any parking area for ten cars or more or on any private road wholly within the municipality under its jurisdiction; provided such limit on streets, highways, bridges and parking areas for ten cars or more shall become effective only after application for approval thereof has been submitted in writing to the Office of the State Traffic Administration and a certificate of such approval has been forwarded by the office to the traffic authority; and provided such signs giving notice of such speed limits shall have been erected as the Office of the State Traffic Administration directs, provided the erection of such signs on any private road shall be at the expense of the owner of such road. The presence of such signs adjacent to or on the highway or parking area for ten cars or more shall be prima facie evidence that they have been so placed under the direction of and with the approval of the Office of the State Traffic Administration. Approval of such speed limits may be revoked by the Office of the State Traffic Administration at any time if said office deems such revocation to be in the interest of public safety and welfare, and thereupon such speed limits shall cease to be effective and any signs that have been erected shall be removed. Any speed in excess of such limits, other than speeding as provided for in section 14-219, shall be prima facie evidence that such speed is not reasonable, but the fact that the speed of a vehicle is lower than such limits shall not relieve the operator from the duty to decrease speed when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(b) [The] (1) Except as provided in subdivision (2) of this subsection, the Office of the State Traffic Administration shall establish a speed limit, not to exceed sixty-five miles per hour, on each multiple lane, limited access highway. The Office of the State Traffic Administration shall establish speed limits that are suitable for such highways taking into consideration relevant factors including design, population of areas and traffic flow.



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Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	Anne Kleza
Division Requesting This Proposal	Bureau of Policy and Planning Office of Strategic Planning and Projects
Drafter	David Elder

Title of Proposal	Extend Study Date Deadline
Statutory Reference, if any	Section 20 of Public Act No. 21-175
Brief Summary and Statement of Purpose	<i>Extend the date of the mandated study evaluating the feasibility of extending SLE and coordinating surface transit in the SE region from January 1, 2023 until December 1, 2023</i>

SECTION-BY-SECTION SUMMARY

Summarize sections in groups where appropriate

<p>Due to the complexity of the scope, which includes up to nine new or relocated stations, the feasibility of constructing 2 new rail commuter corridors from the SLE to Norwich, coordination with Amtrak on each, the geographic size of the study area, a comprehensive assessment of existing transit services in the region, the extensive public and stakeholder engagement required to assess the ridership potential and local impacts, and culminating into a decision-caliber document, the study team is requesting an extension to December 1, 2023.</p>



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BACKGROUND

Origin of Proposal **New Proposal** **Resubmission**

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:

Please consider the following, if applicable:

Have there been changes in federal/state laws or regulations that make this legislation necessary?	No
Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	N/A
Have certain constituencies called for this proposal?	No

INTERAGENCY IMPACT

List each affected agency. Copy the table as needed.

[X] Check here if this proposal does NOT impact other agencies



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Document Name:

1. Agency Name	Department of Transportation
Agency Contact (name, title)	Anne Kleza, Legislative Liaison
Date Contacted	
Status	<input type="checkbox"/> Approved <input type="checkbox"/> Talks Ongoing
Open Issues, if any	

FISCAL IMPACT

Include the section number(s) responsible for the fiscal impact and the anticipated impact

Check here if this proposal does NOT have a fiscal impact

State	Funds will have to be available through the duration of the study if they are not already.
Municipal (Include any municipal mandate that can be found within legislation)	
Federal	
Additional notes	

MONITORING & EVALUATION PLAN

If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

Check here if this proposal does NOT lead to any measurable outcomes



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Document Name:

ANYTHING ELSE WE SHOULD KNOW?

Sec. 20. (Effective from passage) The Commissioner of Transportation shall study the feasibility of (1) extending the Shore Line East rail line to the state of Rhode Island, (2) establishing a new passenger rail service from the town of New London to the town of Norwich, (3) establishing a new passenger train station in the town of Groton and the borough of Stonington, and (4) extending ground transportation systems in the eastern region of the state and providing interconnection between such systems and rail lines. The commissioner may seek and use any available federal funds to conduct such study. On or before ~~January 1, 2023~~, December 1, 2023 the commissioner shall submit the results of such study to the joint standing committee of the General Assembly having cognizance of matters relating to transportation, in accordance with the provisions of section 11-4a of the general statutes.



Agency Legislative Proposal – 2023 Session

Document Name:

Document Name	DOT Trail Acquisition
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Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	Anne Kleza
Division Requesting This Proposal	Division of Rights of way
Drafter	Terrence J. Obey

Title of Proposal	Revisions to CGS 13a-73b & 13a-73c
Statutory Reference, if any	CGS 13a-73b & 13a-73c
Brief Summary and Statement of Purpose	<i>CGS 13a-73b & 13a73c authorize the Commissioner of Transportation (Commissioner) to acquire property by condemnation and purchase for various transportation purposes. This proposal seeks to add language clarifying the Department’s authority to acquire property for bicycle lanes and multi-use trail purposes.</i>

SECTION-BY-SECTION SUMMARY

Summarize sections in groups where appropriate

Currently, there is no one statute that clearly authorizes the Commissioner to acquire property for these purposes. The Department’s Capital Program contains federal funding for projects which include these types of improvements. This proposal will ensure that the Department has clear statutory authority to carry out its program responsibilities. The current lack of clear statutory authority exposes the Department to legal challenges and project delays which lead to increased project costs and possible loss of funding.



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BACKGROUND

Origin of Proposal **New Proposal** **Resubmission**

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:

Yes, HB 5255. There was concern about eminent domain.

Please consider the following, if applicable:

<p>Have there been changes in federal/state laws or regulations that make this legislation necessary?</p>	<p>No</p>
<p>Has this proposal or a similar proposal been implemented in other states? If yes, to what result?</p>	
<p>Have certain constituencies called for this proposal?</p>	

INTERAGENCY IMPACT

List each affected agency. Copy the table as needed.

Check here if this proposal does NOT impact other agencies



Agency Legislative Proposal – 2023 Session

Document Name:

1. Agency Name	
Agency Contact (name, title)	
Date Contacted	
Status	<input type="checkbox"/> Approved <input type="checkbox"/> Talks Ongoing
Open Issues, if any	

FISCAL IMPACT

Include the section number(s) responsible for the fiscal impact and the anticipated impact

Check here if this proposal does NOT have a fiscal impact

State	
Municipal (Include any municipal mandate that can be found within legislation)	
Federal	
Additional notes	

MONITORING & EVALUATION PLAN

If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

Check here if this proposal does NOT lead to any measurable outcomes



ANYTHING ELSE WE SHOULD KNOW?

INSERT FULLY DRAFTED BILL HERE

Sec. 13a-73. Acquisition of real property. Condemnation of land for: state highway, highway maintenance storage area or garage; military purposes; highway drainage or preservation of historical monument; rights of access and egress. State owned property. Review and approval of State Properties Review Board. Exception. (a) For the purpose of this section, “real property” means land and buildings and any estate, interest or right in land.

(b) The commissioner may take any land the commissioner finds necessary for the layout, alteration, extension, widening, change of grade or other improvement of any state highway, bicycle lane, multi-use trail or for a highway maintenance storage area or garage and the owner of such land shall be paid by the state for all damages, and the state shall receive from such owner the amount or value of all benefits resulting from such taking, layout, alteration, extension, widening, change of grade or other improvement. The use of any site acquired for highway maintenance storage area or garage purposes by condemnation shall conform to any zoning ordinance or development plan in effect for the area in which such site is located, provided the commissioner may be granted any variance or special exception as may be made pursuant to the zoning ordinances and regulations of the town in which any such site is to be acquired. The assessment of such damages and of such benefits shall be made by the commissioner and filed by the commissioner with the clerk of the superior court for the judicial district in which the land affected is located. The commissioner shall give notice of such assessment to each person having an interest of record therein, or such person's designated agent for service of process, by mailing to such person a copy of the same, postage prepaid, and, at any time after such assessment has been made by the commissioner, the physical construction of such layout, alteration, extension, widening,



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maintenance storage area or garage, change of grade or other improvement may be made. If notice cannot be given to any person entitled thereto because such person's whereabouts or existence is unknown, notice may be given by publishing a notice at least twice in a newspaper published in the judicial district and having a daily or weekly circulation in the town in which the property affected is located. Any such published notice shall state that it is a notice to the last owner of record or such owner's surviving spouse, heirs, administrators, assigns, representatives or creditors if he or she is deceased, and shall contain a brief description of the property taken. Notice shall also be given by mailing to such person at his or her last-known address, by registered or certified mail, a copy of such notice. If, after a search of the land and probate records, the address of any interested party cannot be found, an affidavit stating such facts and reciting the steps taken to establish the address of any such person shall be filed with the clerk of the court and accepted in lieu of service of such notice by mailing the same to the last-known address of such person. Upon filing an assessment with the clerk of the court, the commissioner shall forthwith sign and file for record with the town clerk of the town in which such real property is located a certificate setting forth the fact of such taking, a description of the real property so taken and the names and residences of the owners from whom it was taken. Upon the filing of such certificate, title to such real property in fee simple shall vest in the state of Connecticut, except that, if it is so specified in such certificate, a lesser estate, interest or right shall vest in the state. The commissioner shall permit the last owner of record of such real property upon which an owner-occupied residence or owner-operated business is situated to remain in such residence or operate such business, rent free, for a period of ninety days after the filing of such certificate.

(c) The commissioner may purchase any land and take a deed thereof in the name of the state when such land is needed in connection with the layout, construction, repair, reconstruction or maintenance of any state highway, bicycle lane, multi-use trail or bridge, and any land or buildings or both, necessary, in the commissioner's opinion, for the efficient accomplishment of the foregoing purpose, and may further, when the commissioner determines that it is in the best interests of the state, purchase, lease or otherwise arrange for the acquisition or exchange of land or buildings or both for such purpose. The commissioner, with the advice and consent of the Attorney General, may settle and compromise any claim by any person, firm or corporation claiming to be aggrieved by such layout, construction, reconstruction, repair or maintenance by the payment of money, the transfer of other land acquired for or in connection with highway purposes, or otherwise. The commissioner shall permit the last owner of record of such real property upon which an owner-occupied residence or owner-operated business is situated to remain in such residence or operate such business, rent free, for a period of ninety days from the filing of such deed.



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Agency Legislative Proposal – 2023 Session

Document Name:

Document Name	Connecticut Public Transportation Council
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Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	Anne Kleza
Division Requesting This Proposal	Bureau of Public Transportation
Drafter	Diana Palmer/Eric Bergeron/Garrett Eucalitto

Title of Proposal	Connecticut Public Transportation Council
Statutory Reference, if any	Sec. 13b-212b and 13b-212c
Brief Summary and Statement of Purpose	To include the state’s transit bus system users, the existing Connecticut Commuter Rail Council is replaced with the new Connecticut Public Transportation Council, which includes both rail and bus system users.

SECTION-BY-SECTION SUMMARY

Summarize sections in groups where appropriate

13b-212b (a) Creates the Connecticut Public Transportation Council, which consists of 13 members, 5 appointed by the Governor, 2 appointed by the President Pro Tempore, 2 appointed by the Speaker of the House, 1 appointed by the minority leader of the Senate, 1 appointed by the minority leader of the House, 1 member jointly appointed by the co-chairs of the Transportation Committee, and 1 member jointly appointed by the ranking members of the Transportation Committee.
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(b) The Governor shall appoint the co-chairs of the council, one chair being a rail services user and one chair being a bus transit services user. The co-chairs of the council shall be limited to one four-year term.

(c) DOT shall maintain a log of all council request for information and data

13b-212c the council shall monitor the performance and operation of commuter railroad systems and public transit bus systems in the state, recommend changes to improve the efficiency, equity, and the quality of the services of such systems. The council may request assistance and data needed to carry out its activities from any department, division, board, bureau, commission, agency, public authority of the state or any political subdivision. The council shall serve as an advocate for customers of all commuter railroad systems and public transit bus systems in the state. The council shall report its findings and recommendations annually to the Governor, the Commissioner of DOT, the General Assembly, the Metro North Rail Commuter Council and the management advisory board of the office of the inspector general of the MTA.

BACKGROUND

Origin of Proposal

New Proposal

Resubmission

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made, or conversations had since it was last proposed:

Please consider the following, if applicable:

Have there been changes in federal/state laws or regulations that make this legislation necessary?	
Has this proposal or a similar proposal been implemented in other states? If	



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yes, to what result?	
Have certain constituencies called for this proposal?	

INTERAGENCY IMPACT

List each affected agency. Copy the table as needed.

[X] Check here if this proposal does NOT impact other agencies

1. Agency Name	
Agency Contact (name, title)	
Date Contacted	
Status	<input type="checkbox"/> Approved <input type="checkbox"/> Talks Ongoing
Open Issues, if any	

FISCAL IMPACT

Include the section number(s) responsible for the fiscal impact and the anticipated impact

[X] Check here if this proposal does NOT have a fiscal impact

State	
Municipal (Include any municipal mandate that can be found within legislation)	



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Document Name:

Federal	
Additional notes	

MONITORING & EVALUATION PLAN

If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[X] Check here if this proposal does NOT lead to any measurable outcomes

ANYTHING ELSE WE SHOULD KNOW?

INSERT FULLY DRAFTED BILL HERE

Sec. 13b-212b of the general statutes is repealed and the following is substituted in lieu thereof:

Sec. 13b-212b. Connecticut [Commuter Rail] Public Transportation Council. (a) There is established a Connecticut [Commuter Rail] Public Transportation Council which shall consist of [fifteen] thirteen members appointed with the advice and consent of the General Assembly, all of whom shall be (1) [commuters] residents who regularly use the [transportation services of the] New Haven commuter railroad line which includes the New Canaan, Danbury and Waterbury branches of such line, (2)



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[commuters] residents who regularly use the transportation services of the Shoreline East railroad line, [or] (3) residents [of a municipality in which the Commissioner of Transportation has proposed a new rail line or in which a rail line has commenced operation after July 1, 2013] who regularly use the transportation services of the Hartford railroad line, or (4) residents who regularly use one or more of the state's transit bus systems. Members shall be appointed as follows: (A) The Governor shall appoint [four] five members[, one of whom shall be the chief elected official of a municipality located on an operating or proposed new rail line]; (B) the president pro tempore of the Senate shall appoint [three] two members; (C) the speaker of the House of Representatives shall appoint [three] two members; (D) the minority leader of the Senate shall appoint one member; (E) the minority leader of the House of Representatives shall appoint one member; (F) the chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to transportation shall [each] jointly appoint one member[, one of whom shall be from a municipality in which the Commissioner of Transportation has proposed a new rail line or in which a rail line has commenced operation after July 1, 2013, and one of whom shall be from a municipality in which a station for the Shoreline East railroad line is located]; and (G) the ranking members of said committee shall jointly appoint one member [who shall be from a municipality served by the Danbury or Waterbury branches of the New Haven commuter railroad line]. Each member shall serve for a term of four years. All initial appointments to the council shall be made by August 1, 20[13]23, and initial members shall serve a four-year term commencing on August 1, 20[13]23. Any vacancy shall be filled by the original appointing authority by appointment for the unexpired portion of any term. Members of the council shall serve until their respective successors are appointed and approved by the General Assembly.

(b) The Governor shall appoint the co-chairs of the council. [The members of the council shall choose one of the members of the council to be chairperson of the council.] One chair shall be a rail services user and one chair shall be a bus transit services user. The co-chairs of the council shall be limited to one four-year term. A majority of the members of the council then in office shall constitute a quorum for the transaction of any business, and action shall be by vote of a majority of the members present at a meeting. The council shall meet at least once during each calendar quarter and at such other times as the [chairperson] co-chairs deem[s] necessary or upon the request of a majority of the members in office. Special meetings shall be held at the request of such



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majority after notice in accordance with the provisions of section 1-225. Any member who fails to attend fifty per cent of all meetings held during any calendar year or who fails to attend three consecutive meetings shall be deemed to have resigned from office.

(c) The Department of Transportation shall maintain a log of all council requests for information and data, and the status of such requests.

Sec. 13b-212c of the general statutes is repealed and the following is substituted in lieu thereof:

Sec. 13b-212c. Powers and duties. The Connecticut [Commuter Rail] Public Transportation Council shall monitor the performance and [study and investigate all aspects of the daily] operation of commuter [rail lines] railroad systems and public transit bus systems in the state, [monitor their performance] and recommend changes to improve the efficiency, equity, and the quality of the services of [the operation of] such [lines] systems. The council may request [and shall receive] from any department, division, board, bureau, commission, agency, public authority of the state or any political subdivision thereof such assistance and data [as it requests and] that will enable it to properly carry out its activities for the purposes set forth in this section. The council shall also [work with the Department of Transportation to] serve as an advocate for customers of all commuter [lines] railroad systems and public transit bus systems in the state [and shall make recommendations for improvements to such lines]. The council shall report its findings and recommendations annually on or before January fifteenth, to the Governor, the Commissioner of Transportation, the General Assembly, the Metro North Rail Commuter Council located in New York and the management advisory board of the office of the inspector general of the Metropolitan Transportation Authority located in New York.



Agency Legislative Proposal – 2023 Session

Document Name:

Document Name	2023 Agency Legislative Proposal - Authorizing automated traffic enforcement safety devices
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Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	Liaison: Anne Kleza Phone: 860.594.3015 E-mail: anne.kleza@ct.gov
Division Requesting This Proposal	Bureau of Policy and Planning
Drafter	Emily Mangan, emily.mangan@ct.gov

Title of Proposal	Authorizing the use of automated speed control systems in School Zones and Pedestrian Safety Zones
Statutory Reference, if any	<p>Public Act No. 21-2, CGS § 13a 261-268 established a pilot program to use automated speed control systems in highway work zones. Overview of legislation:</p> <ul style="list-style-type: none"> • Only vehicles exceeding speed limit by 15 mph or more are issued warnings or infractions • Citations are issued on second violation • Pilot program is implemented in up to three work zones • Requires a final report on the performance of the pilot program • Establishes clear requirements for signage and notices online regarding the system location • Requires a police officer or representative to review data to issue an infraction <p>Under CGS § 14-212b (2012), the Office of the State Traffic Administration is allowed to designate any part of a state highway next to or close to school property as a school zone. A person that fails to comply with speed limit postings or violates the law within a school zone faces fines double the amount ordinarily issued for the same violation outside of a school zone.</p>
Brief Summary and Statement of Purpose	<p>This legislation would authorize municipalities to use automated traffic enforcement safety devices in school and pedestrian and school safety zones.</p> <p>Speed is a factor in thousands of vehicle crashes each year. Nationally, nearly 9,400 deaths, or 26% of all motor vehicle fatalities, occurred in speed-related</p>



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	<p>crashes in 2018. Many local governments have turned to automated enforcement to enforce speeding violations without diverting law enforcement resources from other areas. Red light and speed cameras can reduce crashes substantially and allow local law enforcement agencies to enforce existing traffic laws remotely.</p> <p>Effectiveness of speed cameras is typically measured in outcomes related to speed or collisions. Speed cameras reduced total crashes 8 to 49 percent and fatal and serious-injury crashes 11 to 44 percent. For example, a 2002 study of D.C.’s early speed camera system found that travel speeds were reduced by 14 percent at speed camera sites, and the proportion of vehicles exceeding the speed limit by more than 10 miles per hour decreased by 82 percent.</p> <p>Pedestrians are one of the most vulnerable road users, and their safety continues to be a priority in the State of Connecticut. Pedestrians are particularly vulnerable to injury in any collision with a motor vehicle, especially at high speeds. Managing speed is essential for reducing the number of pedestrian fatalities and serious injuries. The risk of serious and/or fatal injuries increases dramatically as speed increases. The risk of a fatal injury to the pedestrian is 1-in-10 (10%) at 20 mph, but increases to 5-in-10 (50%) at 30 mph, and to 9-in-10 (90%) at 40 mph.</p>
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SECTION-BY-SECTION SUMMARY

Summarize sections in groups where appropriate

<p>Section 1. Definitions</p> <p>Section 2. Allows municipalities, with the authorization of its chief executive officer and Local Traffic Authority, to use automated traffic enforcement safety devices in School Safety Zones, Pedestrian Safety Zones, and locations and intersections where there has been a history of crashes caused by running red lights. First-time violations will impose a penalty not more than \$50.</p> <p>Section 3. When the fine is unpaid: the Commissioner of Motor Vehicles may refuse to register or suspend the registration of the motor vehicle operated at the time of the violation.</p> <p>Section 4. Reporting requirements: Each municipality that has installed a device will be required to submit a report to the Department of Transportation 18 months after the installation of the device, detailing the number of crashes/violations at the location of the device.</p> <p>Section 5. Details the protection of personally identifiable information.</p>
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BACKGROUND

Origin of Proposal

New Proposal

Resubmission



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Document Name:

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:

[SB 706](#) (2011), which would have allowed municipalities with more than 60,000 people to use red light cameras, died in the Judiciary Committee.

[HB 5458](#) (2012), which would have created a six-year window for municipalities with at least 48,000 people to use red light cameras, died in the House.

Most recently, language that would have established a 12-member task force to study the use of red-light cameras at intersections was eliminated from [HB 7140](#) before that bill was enacted as PA 19-161.

Please consider the following, if applicable:

Have there been changes in federal/state laws or regulations that make this legislation necessary?	No.
Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	<p>Yes. 19 states and the District of Columbia have passed laws that permit the use of speed cameras. 21 states and the District of Columbia have enacted laws permitting red-light camera use. Within these states, nearly 350 U.S. communities use red-light cameras, and more than 150 communities use cameras to enforce speed laws.</p> <p>Georgia authorized speed cameras in school zones beginning in 2018.</p> <p>The CT pilot program re work zone speed control systems in highway work zone issues fines when operators travel 15mph above the posted speed limit. First-time violators receive a warning, and then a \$75 fine upon the second violation.</p> <p>In DC, the fines for traffic violations captured by automated photo enforcement are the same as the fines for violations issued by a police officer and can be up to \$250. In Chicago, the fine is \$35 for travelling 6-10mph over the speed limit within a Children’s Safety Zone. The fine is \$100 if the recorded speed of the vehicle is 11 or more MPH over the speed limit. Maryland allows speed cameras in school zones, where the fine is \$40 for 12mph over the limit.</p>
Have certain constituencies called for this proposal?	<p>Yes. Hartford City Council introduced a resolution in 2021 calling on the State Legislature to authorize a red-light camera pilot program.</p> <p>The Vision Zero Council, an interagency work group tasked with developing statewide policy to eliminate transportation-related fatalities and severe injuries involving pedestrians, bicyclists, transit users, motorists, and</p>



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	passengers, was established in 2021 as part of Public Act 21-28. The Vision Zero Council is considering recommending the use of automated speed enforcement cameras to reduce the number of crashes on Connecticut’s roadways.
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INTERAGENCY IMPACT

List each affected agency. Copy the table as needed.

Check here if this proposal does NOT impact other agencies

1. Agency Name	
Agency Contact (name, title)	
Date Contacted	
Status	<input type="checkbox"/> Approved <input type="checkbox"/> Talks Ongoing
Open Issues, if any	

FISCAL IMPACT

Include the section number(s) responsible for the fiscal impact and the anticipated impact

Check here if this proposal does NOT have a fiscal impact

State	
Municipal (Include any municipal mandate that can be found within legislation)	
Federal	
Additional notes	

MONITORING & EVALUATION PLAN



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Document Name:

If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[] Check here if this proposal does NOT lead to any measurable outcomes

ANYTHING ELSE WE SHOULD KNOW?



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INSERT FULLY DRAFTED BILL HERE

Section 1. As used in this section and sections 2 to 5, inclusive, of this act:

- (1) "Automated traffic enforcement safety device" means a device that (A) is capable of producing a photographically recorded still or video image, or combination thereof, of the rear of a motor vehicle or a motor vehicle being drawn by another motor vehicle, including an image of the vehicle's rear number plate; and (B) indicates on one or more of any such image produced, the date and time, and the location of violation and the traffic control signal or the posted speed limit;
- (2) "Owner" means a person or persons in whose name a motor vehicle is registered under title 14 of the general statutes, or under the laws of another state or country; and
- (3) "Vendor" means a person who: (A) Provides services to a municipality under sections 2 to 4, inclusive, of this act; (B) operates, maintains, leases or licenses an automated traffic enforcement safety device; or (C) is authorized to review and assemble the recorded images captured by the automated traffic enforcement safety device, provided none of these activities shall be construed by the state or a traffic authority as providing or participating in private investigative services.
- (4) "School Zone" has the meaning given in § 14-212b of the general statutes.
- (5) "Pedestrian Safety Zone" has the meaning given in § 14-307a.
- (6) "Local traffic authority" has the meaning given in § 14-297(6) and has authority as described in §14-298 and §14-309.
- (7) "Driver" and "number plate" have the same meanings as provided in § 14-1.
- (8) "Personally identifiable information" means information created or maintained by the department or a vendor that identifies or describes an owner and includes, but need not be limited to, the owner's address, telephone number, number plate, photograph, bank account information, credit card number, debit card number or the date, time, location or direction of travel on a limited access highway.

Sec. 2.

- (a) A municipality, with the authorization of its chief executive officer and local traffic authority, may authorize the use of automated traffic enforcement safety devices in School Safety Zones and Pedestrian Safety Zones, to enforce the provisions of §14-299, §14-218a, and §14-219 of the general statutes, within such municipality.
- (b) A municipality, with the authorization of its chief executive officer and local traffic authority, may seek authorization from the Office of the State Traffic Administration to authorize the use of automated traffic enforcement safety devices at intersections and locations with a history of crashes caused by the violation of a traffic control device, to enforce the provisions of §14-299, §14-218a, and §14-219 of the general statutes, within such municipality.
- (c) Any contract between a municipality enforcing an ordinance adopted under this section and a vendor shall not provide for payment to the vendor on a contingency basis.
- (d) Before enforcing an ordinance adopted under this section, the municipality's local traffic authority shall approve any proposed automated traffic enforcement safety device location, and the municipality shall install advance warning signs along all approaches of the roadways preceding the location at which an automated traffic enforcement safety device is located. The advance warning signs shall (1) notify motorists of the existence of the automated traffic enforcement safety device, and (2) be located not less than one hundred feet and not more than one hundred ten feet from such location.



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- (e) Any ordinance adopted under this section shall specify that:
- (1) The owner of a motor vehicle commits a violation of the ordinance if the automated traffic enforcement safety device produces a recorded image or images of a motor vehicle or a motor vehicle being drawn by another motor vehicle in violation of the provisions of §14-299, §14-218a, or §14-219 of the general statutes;
 - (2) The owner of a motor vehicle commits a violation of the ordinance if a person operating a motor vehicle exceeds the posted speed limit by ten or more miles per hour, as detected by an automated traffic enforcement safety device, within a School Zone or Pedestrian Safety Zone;
 - (3) Payment of a penalty and associated costs and fees imposed for a violation of an ordinance adopted under this section may be made by electronic means; and
 - (4) A designated employee of a vendor and an authorized municipal employee shall review and approve the recorded image or images before the notices referred to in subsection (g) of this section are mailed to the owner of the motor vehicle or the motor vehicle being drawn by another motor vehicle.
- (f) An ordinance adopted under this section:
- (1) Shall impose a civil penalty of not more than fifty dollars for the first offense;
 - (2) Shall impose a civil penalty of not more than seventy-five dollars for the second offense, and all subsequent offenses;
 - (3) may impose fees associated with the electronic processing of the payment of the civil penalty imposed for a violation of such ordinance, provided such fees do not exceed fifteen dollars; and
 - (4) shall provide that the civil penalty imposed for a violation of such ordinance may be applied to defray the costs of the installation, operation and maintenance of the automated traffic enforcement safety device and program.
- (g) The municipality or its authorized agent shall mail to the owner of a motor vehicle or a motor vehicle being drawn by another motor vehicle committing a violation of an ordinance adopted pursuant to this section, notice of the ordinance violation by first class mail postmarked not later than thirty days after obtaining the name and address of the owner of the motor vehicle, but not more than sixty days after the date of the alleged violation. The notice shall include:
- (1) The name and address of the owner of the motor vehicle or the motor vehicle being drawn by another motor vehicle;
 - (2) the number plate of the motor vehicle or the motor vehicle being drawn by another motor vehicle;
 - (3) the violation charged;
 - (4) the location of the automated traffic enforcement safety device and the date and time of the violation;
 - (5) a copy of or information on how to view, through electronic means, the recorded image described in this section;
 - (6) a statement or electronically-generated affirmation by a designated employee of a vendor, or authorized municipal employee, who has reviewed the recorded image described in this section and determined that the motor vehicle violated the ordinance;
 - (7) the amount of the civil penalty imposed for the violation; and
 - (8) the date by which the civil penalty shall be paid if the owner of the vehicle does not choose to contest the violation and chooses to avoid paying court costs. The date by which the civil penalty shall be paid shall be not later than thirty days after the issuance date of the violation if a defense described in this section does not apply or forty-five



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days after the issuance date of the violation if a defense described in this section requires the notice to be sent to another person.

- (h) An owner who receives a notice of violation pursuant to the provisions of this section shall follow the procedures set forth in section 51-164n.
- (i) It is a defense to a proceeding to enforce an ordinance adopted under this section if any of the following apply:
 - (1) A person operating an authorized emergency vehicle may proceed past a red traffic control signal or traffic control device after slowing down as necessary for safe operation;
 - (2) the traffic signal lights are not operating, and such is able to be observed on the recorded image;
 - (3) the operator was complying with a lawful order or direction of a law enforcement officer, and such is able to be observed on the recorded image;
 - (4) the operator was yielding right-of-way to an authorized emergency vehicle, and such is able to be observed on the recorded image;
 - (5) the vehicle was participating in a funeral procession, and such is able to be observed on the recorded image; or
 - (6) a traffic citation was issued to the operator of the motor vehicle for the violation by a state or local police officer.
- (j) A designated employee or authorized municipal employee is not liable for any loss while acting within the scope of the employment of the designated employee or authorized municipal employee under this section or an ordinance adopted under this section.
- (k) If it appears from the records of the local authority that has jurisdiction to enforce an ordinance adopted under this section that a person has failed to pay a violation before the deadlines established by this section without notification of an intent to contest the violation, the local authority shall send a notice to the person who is the registered owner of the motor vehicle or the vehicle being drawn by another motor vehicle that such person has an outstanding unpaid assessment.
- (l) The chief executive officer of a municipality shall appoint one or more traffic control signal violation hearing officers, other than police officers or persons who work in the police department, to conduct the hearings authorized by this section.
- (m) Any person who asserts a defense authorized by this section and who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen days or more than thirty days after the date of the mailing of notice, provided the hearing officer shall grant, upon good cause shown, any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation shall be filed and retained by the municipality, be deemed to be a business record within the scope of section 52-180 of the general statutes and be evidence of the facts contained therein. A person wishing to contest such person's liability shall appear at the hearing and may present evidence on such person's behalf. The presence of the police officer who authorized the issuance of the citation shall be required at the hearing if such person so requests. A designated municipal official, other than the hearing officer, may present evidence on behalf of the municipality. If the person who requested the hearing fails to appear, the hearing officer may enter an assessment by default against such person upon a finding of proper notice and liability under the applicable ordinance or statute. The hearing officer may accept from such person copies of police reports, documents of the Department of Motor Vehicles and other official documents by mail and may determine thereby that the appearance of such



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person is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as the hearing officer deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce the hearing officer's decision at the end of the hearing. If the hearing officer determines that the person is not liable, the hearing officer shall dismiss the matter and enter the hearing officer's determination in writing accordingly. If the hearing officer determines that the person is liable for the violation, the hearing officer shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable ordinances of the municipality.

- (n) A municipality may request, in a form and manner prescribed by the Commissioner of the Department of Transportation to install automated traffic enforcement safety devices in School Zones, Pedestrian Safety Zones, and locations with a history of crashes caused by violating a traffic control signal along state-owned routes, provided the municipality authorizes the use of such devices, pursuant to section 2 of this act.

Sec. 3. Motor vehicle registration where penalty for violating provisions of §14-299, §14-218a, or §14-219 of the general statutes as detected by an automated traffic enforcement safety device is unpaid.

- (1) If an owner does not pay the fine imposed for a violation of section 2 of this Act or after being found guilty at a trial for the commission of such violation, the Commissioner of Motor Vehicles may refuse to register or suspend the registration of the motor vehicle operated at the time of such violation.

Sec. 4. Not later than eighteen months following the date of implementation of an automated traffic enforcement safety device program by a municipality, each municipality that has installed such a device and has been operating such a program shall submit a report to the Department of Transportation. Such report shall include a comparison and analysis of:

- (1) The number of violations of §14-299, §14-218a, and §14-219 of the general statutes of the general statutes that occurred at the locations where such automated traffic control signal enforcement devices were used, prior to and during the use of such enforcement devices;
- (2) the number and type of related traffic violations and crashes that occurred at such locations prior to and during the use of such devices; and
- (3) the number of violations of §14-299, §14-218a, and §14-219 of the general statutes of the general statutes and related violations and crashes that occurred at intersections where such control signal enforcement devices were used and at similar intersections where such automated traffic control signal enforcement devices were not used. The report shall also describe situations in which (A) camera results could not be used or were not used; (B) the number of leased, out-of-state or other vehicles, including trucks, where enforcement efforts were unsuccessful; (C) the amount of revenue from fines retained by the municipality; (D) the cost of such program to the municipality; and (E) such other data or comparisons deemed of interest or importance by the municipality.

Sec. 5. Personally identifiable information.

- (a) No personally identifiable information shall be sold or disclosed by the department or a vendor to any person or entity except where the disclosure is made (1) in connection with the charging, collection and enforcement of the fines imposed pursuant to section 2 of this Act, (2) pursuant to a judicial order, including a search warrant or subpoena, in a criminal proceeding, or (3) to comply with federal or state laws or regulations.
- (b) No personally identifiable information shall be stored or retained by the department or a vendor unless such information is necessary for the collection and enforcement of the fines imposed pursuant to section 2 of this Act.



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- (c) The department or a vendor may disclose aggregate information and other data gathered from work zone speed control systems that does not directly or indirectly identify an owner or a motor vehicle for research purposes authorized by the Commissioner of Transportation.
- (d) Except as otherwise provided by law or in connection with an administrative summons or judicial order, including a search warrant or subpoena, in a criminal proceeding, the department or a vendor shall destroy personally identifiable information and other data that specifically identifies a motor vehicle and relates to a violation of section 2 of this Act not later than one year after any fine is imposed or the resolution of a trial conducted for the alleged commission of such violation.
- (e) Personally identifiable customer information shall not be deemed a public record, for purposes of the Freedom of Information Act, as defined in section 1-200.