



General Assembly

January Session, 2001

***Raised Bill No. 6965***

LCO No. 4450

Referred to Committee on Transportation

Introduced by:  
(TRA)

***AN ACT IMPLEMENTING THE LEGISLATIVE COMMISSIONERS' OFFICE RECOMMENDATIONS FOR TECHNICAL REVISIONS TO MOTOR VEHICLE AND TRANSPORTATION LAWS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 13b-61a of the general statutes is repealed and the  
2 following is substituted in lieu thereof:

3 Notwithstanding the provisions of section 13b-61, for calendar  
4 quarters ending on or after September 30, 1998, and prior to September  
5 30, 1999, the Commissioner of Revenue Services shall deposit into the  
6 Special Transportation Fund established under section 13b-68 five  
7 million dollars of the amount of funds received by the state from the  
8 tax imposed under section 12-587 on the gross earnings from the sales  
9 of petroleum products attributable to sales of motor vehicle fuel, for  
10 calendar quarters ending September 30, 1999, and prior to September  
11 30, 2000, the commissioner shall deposit into the Special  
12 Transportation Fund nine million dollars of the amount of such funds  
13 received by the state from the tax imposed under said section 12-587  
14 on the gross earnings from the sales of petroleum products attributable  
15 to sales of motor vehicle fuel; [,] and for the calendar quarter ending

16 September 30, 2000, and each calendar quarter thereafter, the  
17 commissioner shall deposit into the Special Transportation Fund [ ]  
18 eleven million five hundred thousand dollars of the amount of such  
19 funds received by the state from the tax imposed under said section 12-  
20 587, on the gross earnings from the sales of petroleum products  
21 attributable to sales of motor vehicle fuel.

22 Sec. 2. Subdivision (53) of subsection (a) of section 14-1 of the  
23 general statutes is repealed and the following is substituted in lieu  
24 thereof:

25 (53) "Officer" includes any constable, state marshal, inspector of  
26 motor vehicles, state policeman or other official authorized to make  
27 arrests or to serve process, provided the officer is in uniform or  
28 displays [his] such officer's badge of office in a conspicuous place  
29 when making an arrest.

30 Sec. 3. Subsection (c) of section 14-10 of the general statutes is  
31 repealed and the following is substituted in lieu thereof:

32 (c) (1) All records of the Department of Motor Vehicles pertaining to  
33 the application for registration, and the registration, of motor vehicles  
34 of the current or previous three years shall be maintained by the  
35 commissioner at the main office of the department. Any such records  
36 over three years old may be destroyed at the discretion of the  
37 commissioner. (2) Before disclosing personal information pertaining to  
38 an applicant or registrant from such motor vehicle records or allowing  
39 the inspection of any such record containing such personal information  
40 in the course of any transaction conducted at such main office, the  
41 commissioner shall ascertain whether such disclosure is authorized  
42 under subsection (f) of this section, and require the person or entity  
43 making the request to (A) complete an application that shall be on a  
44 form prescribed by the commissioner, (B) provide two forms of  
45 acceptable identification, and (C) pay a fee of fifteen dollars to the  
46 commissioner in addition to any fee required under section 14-50a. An  
47 attorney-at-law admitted to practice in this state may provide such

48 attorney's juris number to the commissioner in lieu of the requirements  
49 of subparagraph (B) of this subdivision. The commissioner may  
50 disclose such personal information or permit the inspection of such  
51 record containing such information only if such disclosure is  
52 authorized under subsection (f) of this section.

53 Sec. 4. Subsection (b) of section 14-20 of the general statutes is  
54 repealed and the following is substituted in lieu thereof:

55 (b) Notwithstanding the provisions of subsection (a) of this section,  
56 section 14-18 and section 14-21b, the owner of an antique, rare or  
57 special interest motor vehicle may be authorized by the commissioner  
58 to display a number plate originally issued by the Commissioner of  
59 Motor Vehicles corresponding to the year of manufacture of such  
60 antique, rare or special interest motor vehicle. The commissioner shall  
61 issue a certificate of registration, as provided in section 14-12. Such  
62 registration shall be valid, subject to renewal, [so] as long as the  
63 commissioner permits. Thereafter, the registration number and  
64 number plates, if any, which were assigned to such motor vehicle  
65 before such registration and number plates were issued under this  
66 section, shall be in effect. Each such number plate authorized for use  
67 by the commissioner shall be displayed in a conspicuous place at the  
68 rear of such motor vehicle at all times while the vehicle is in use or  
69 operation upon any public highway. A sticker shall be affixed to each  
70 such number plate to denote the expiration date of the registration,  
71 unless the commissioner authorizes the sticker, or other evidence of  
72 the period of the registration, to be placed elsewhere or carried in such  
73 motor vehicle. The commissioner may adopt regulations, in  
74 accordance with chapter 54, to implement the provisions of this  
75 subsection.

76 Sec. 5. Subsection (q) of section 14-49 of the general statutes is  
77 repealed and the following is substituted in lieu thereof:

78 (q) The commissioner shall collect a biennial fee of twenty-eight  
79 dollars for the registration of each motor vehicle used exclusively for

80 farming purposes. No such motor vehicle may be used for the purpose  
81 of transporting goods for hire or taking the on-the-road skills test  
82 portion of the examination for a motor vehicle operator's license. No  
83 farm registration shall be issued to any person operating a farm that  
84 has gross annual sales of less than two thousand five hundred dollars  
85 in the calendar year preceding registration. The commissioner may  
86 issue a farm registration for a passenger motor vehicle under such  
87 conditions as [such] said commissioner shall prescribe in regulations  
88 adopted in accordance with chapter 54. No motor vehicle issued a farm  
89 registration may be used to transport ten or more passengers on any  
90 highway unless such motor vehicle meets the requirements for  
91 equipment and mechanical condition set forth in this chapter, and, in  
92 the case of a vehicle used to transport more than fifteen passengers,  
93 including the driver, the applicable requirements of the Code of  
94 Federal Regulations, as adopted by the commissioner, in accordance  
95 with the provisions of subsection (a) of section 14-163c. The operator of  
96 such motor vehicle used to transport ten or more passengers shall hold  
97 a public transportation permit or endorsement issued in accordance  
98 with the provisions of section 14-44. Any farm registration used  
99 otherwise than as provided by this subsection shall be revoked.

100 Sec. 6. Subsection (c) of section 14-164c of the general statutes is  
101 repealed and the following is substituted in lieu thereof:

102 (c) The commissioner shall adopt regulations in accordance with  
103 chapter 54 to implement the provisions of this section. Such  
104 regulations shall include provision for a periodic inspection of air  
105 pollution control equipment and compliance with or waiver [with] of  
106 exhaust emission standards or compliance with or waiver [with] of on-  
107 board diagnostic standards or other standards defined by the  
108 Commissioner of Environmental Protection and approved by the  
109 Administrator of the United States Environmental Protection Agency,  
110 compliance with or waiver [with,] of air pollution control system  
111 integrity standards defined by the Commissioner of Environmental  
112 Protection and compliance with or waiver [with] of purge system

113 standards defined by the Commissioner of Environmental Protection.  
114 Such regulations shall apply to all motor vehicles registered or which  
115 will be registered in this state except: (1) Vehicles having a gross  
116 weight of more than ten thousand pounds; (2) vehicles powered by  
117 electricity; (3) bicycles with motors attached; (4) motorcycles; (5)  
118 vehicles operating with a temporary registration; (6) vehicles  
119 manufactured twenty-five or more years ago; (7) new vehicles at the  
120 time of initial registration; (8) vehicles registered but not designed  
121 primarily for highway use; (9) farm vehicles, as defined in subsection  
122 (q) of section 14-49; (10) antique, rare or special interest motor vehicles,  
123 as defined in section 14-1; (11) diesel-powered type II school buses; or  
124 (12) a vehicle operated by a licensed dealer or repairer either to or from  
125 a location of the purchase or sale of such vehicle or for the purpose of  
126 obtaining an official emissions or safety inspection. Not later than  
127 October 1, 2002, such regulations shall exempt from the periodic  
128 inspection requirement any vehicle manufactured four or less years  
129 ago, provided that such exemption shall lapse upon a finding by the  
130 Administrator of the United States Environmental Protection Agency  
131 or by the Secretary of the United States Department of Transportation  
132 that such exemption causes the state to violate applicable federal  
133 environmental or transportation planning requirements.  
134 Notwithstanding any provisions of this subsection, the commissioner  
135 may require an initial emissions inspection and compliance or waiver  
136 prior to registration of a new motor vehicle. If the Commissioner of  
137 Environmental Protection finds that it is necessary to inspect motor  
138 vehicles which are exempt under subdivision (1) or (4) of this  
139 subsection, or motor vehicles that are four or less model years of age in  
140 order to achieve compliance with federal law concerning emission  
141 reduction requirements, the Commissioner of Motor Vehicles may  
142 adopt regulations, in accordance with the provisions of chapter 54, to  
143 require the inspection of motorcycles, designated motor vehicles  
144 having a gross weight of more than ten thousand pounds or motor  
145 vehicles four or less model years of age.

146 Sec. 7. Subsection (b) of section 14-171 of the general statutes is

147 repealed and the following is substituted in lieu thereof:

148 (b) If the application refers to a vehicle purchased from a dealer, it  
149 shall contain the name and address of any lienholder holding a  
150 security interest created or reserved at the time of the sale and the date  
151 of [his] such security agreement and be signed by the dealer as well as  
152 the owner, and the dealer shall promptly mail or deliver the  
153 application to the commissioner.

154 Sec. 8. Subsection (a) of section 14-197 of the general statutes is  
155 repealed and the following is substituted in lieu thereof:

156 (a) A police officer or constable who learns of the theft of a vehicle  
157 not since recovered, or of the recovery of a vehicle [whose] the theft or  
158 conversion [he] of which such officer or constable knows or has reason  
159 to believe has been reported to the commissioner, shall forthwith  
160 report the theft or recovery to the commissioner.

161 Sec. 9. Subsection (b) of section 14-253a of the general statutes is  
162 repealed and the following is substituted in lieu thereof:

163 (b) The Commissioner of Motor Vehicles shall accept applications  
164 and renewal applications for special license plates and removable  
165 windshield placards from (1) any person who is blind, as defined in  
166 section 1-1f; (2) any person with disabilities which limit or impair the  
167 ability to walk, as defined in 23 CFR Part 1235.2; (3) any parent or  
168 guardian of any blind person or person with disabilities who is under  
169 eighteen years of age at the time of application; and (4) any  
170 organization which meets criteria established by the commissioner and  
171 which certifies to the commissioner's satisfaction that the vehicle for  
172 which a plate or placard is requested is primarily used to transport  
173 blind persons or persons with disabilities which limit or impair their  
174 ability to walk. Such applications shall be on a form prescribed by the  
175 commissioner and shall include certification of disability from a  
176 licensed physician or of blindness from an ophthalmologist or an  
177 optometrist. In the case of persons with disabilities which limit or

178 impair the ability to walk, the application shall also include  
179 certification from a licensed physician or a member of the handicapped  
180 driver training unit established pursuant to section 14-11b [.] that the  
181 applicant meets the definition of persons with disabilities which limit  
182 or impair the ability to walk, as defined in 23 CFR Section 1235.2. The  
183 commissioner, in said commissioner's discretion, may accept the  
184 discharge papers of a disabled veteran, as defined in section 14-254, in  
185 lieu of such certification. The commissioner may require additional  
186 certification at the time of the original application or at any time  
187 thereafter. If a person who has been requested to submit additional  
188 certification fails to do so within thirty days of the request, or if such  
189 additional certification is deemed by the commissioner to be  
190 unfavorable to the applicant, the commissioner may refuse to issue or,  
191 if already issued, suspend or revoke such special license plate or  
192 removable windshield placard. The fee for the issuance of a temporary  
193 removable windshield placard shall be five dollars. Any person whose  
194 application has been denied or whose special license plate or  
195 removable windshield placard has been suspended or revoked shall be  
196 afforded an opportunity for a hearing in accordance with the  
197 provisions of chapter 54.

198 Sec. 10. Subsection (b) of section 15-140f of the general statutes is  
199 repealed and the following is substituted in lieu thereof:

200 (b) The commissioner shall adopt regulations in accordance with the  
201 provisions of chapter 54 setting forth the content of safe boating  
202 operation courses. Such regulations may include provisions for  
203 examinations, issuance of safe boating certificates and establishment of  
204 reasonable fees for the course and examination and for issuing  
205 certificates, temporary certificates [.] and duplicate certificates. Any  
206 fees collected pursuant to such regulations shall be deposited in the  
207 boating account established pursuant to section 15-155.

208 Sec. 11. Subsection (b) of section 14-15 of the general statutes is  
209 repealed and the following is substituted in lieu thereof:

210 (b) Each person, firm or corporation licensed under the provisions  
211 of subsection (a) of this section [who] that in the opinion of the  
212 commissioner is qualified and [who] holds a current registration  
213 certificate for a motor vehicle used in connection with its business may  
214 issue a sixty-day temporary transfer of such registration to any other  
215 vehicle used in connection with its business with an official stamp  
216 issued by the commissioner to such licensee. The licensee, within five  
217 days from the issuance of such temporary registration, shall submit to  
218 the commissioner an application together with all necessary  
219 documents for a permanent registration for the vehicle transferred. The  
220 commissioner shall adopt regulations in accordance with the  
221 provisions of chapter 54 to implement the provisions of this  
222 subsection.

223 Sec. 12. Section 14-16a of the general statutes is repealed and the  
224 following is substituted in lieu thereof:

225 (a) Except as provided in subsection (b) of this section, each motor  
226 vehicle registered in this state which is ten model years old or older  
227 shall, within thirty days before transfer of ownership or upon such  
228 transfer, be presented for inspection, as directed by the commissioner,  
229 at any [state] Department of Motor Vehicles office or any official  
230 emissions inspection station or other facility authorized by the  
231 Commissioner of Motor Vehicles to conduct such inspection. The  
232 vehicle shall be inspected to determine whether it is properly equipped  
233 and in good mechanical condition before registration is issued to the  
234 new owner of the vehicle. If the commissioner authorizes the  
235 contractor that operates the system of official emissions inspection  
236 stations or other business or firm, except a licensee of the department,  
237 to conduct the safety inspections required by this subsection, the  
238 commissioner may authorize the contractor or other business or firm  
239 to charge a fee, not to exceed fifteen dollars, for each such inspection.  
240 The commissioner may authorize any motor vehicle dealer or repairer,  
241 licensed in accordance with section 14-52 and meeting qualifications  
242 established by the commissioner, to make repairs to any motor vehicle

243 that has failed an initial safety inspection and to certify to the  
244 commissioner that the motor vehicle is in compliance with the safety  
245 and equipment standards for registration. No such authorized dealer  
246 or repairer shall charge any additional fee to make such certification to  
247 the commissioner.

248 (b) The following vehicles, upon transfer of ownership, shall be  
249 presented for inspection, as directed by the commissioner, at any  
250 [state] Department of Motor Vehicles office or any official emissions  
251 inspection station authorized by the Commissioner of Motor Vehicles  
252 to conduct such inspection: (1) All motor vehicles ten model years old  
253 or older which are registered in this state and which were originally  
254 used or designed as fire apparatus and which are of historical or  
255 special interest as determined by the commissioner, (2) all antique, rare  
256 or special interest motor vehicles, and (3) all modified antique motor  
257 vehicles. Any such vehicle shall be inspected to determine whether it is  
258 in good mechanical condition before registration can be issued to the  
259 new owner of such vehicle. The determination of the mechanical  
260 condition of a vehicle described in subdivisions (1) and (2) of this  
261 subsection shall be made by inspecting only the vehicle's original  
262 equipment and parts or the functional reproductions of the original  
263 equipment and parts. The mechanical condition of modified antique  
264 motor vehicles shall be determined by inspecting the original  
265 equipment and any functioning replacements of such equipment. If the  
266 commissioner authorizes the contractor that operates the system of  
267 official emissions inspection stations or other business or firm, except a  
268 licensee of the department, to conduct the safety inspections required  
269 by this subsection, the commissioner may authorize the contractor or  
270 other business or firm to charge a fee, not to exceed fifteen dollars, for  
271 each such inspection. The commissioner may authorize any motor  
272 vehicle dealer or repairer, licensed in accordance with section 14-52  
273 and meeting qualifications established by the commissioner, to make  
274 repairs to any motor vehicle that has failed an initial safety inspection  
275 and to certify to the commissioner that the motor vehicle is in  
276 compliance with the safety and equipment standards for registration.

277 No such authorized dealer or repairer shall charge any additional fee  
278 to make such certification to the commissioner.

279 Sec. 13. Section 14-103a of the general statutes is repealed and the  
280 following is substituted in lieu thereof:

281 Any motor vehicle, composed or assembled from the several parts  
282 of other motor vehicles, or the identification and body contours of  
283 which are so altered that the vehicle no longer bears the characteristics  
284 of any specific make of motor vehicle, or declared a total loss by any  
285 insurance carrier and subsequently rebuilt, shall be inspected by the  
286 commissioner to determine whether the vehicle is properly equipped,  
287 in good mechanical condition and in the possession of its lawful  
288 owner. Such vehicle shall be presented for inspection at any [state]  
289 Department of Motor Vehicles office or any official emissions  
290 inspection station authorized by the Commissioner of Motor Vehicles  
291 to conduct such inspection. The commissioner may require any person  
292 presenting any such reassembled, altered or rebuilt vehicle for  
293 inspection to provide proof of lawful purchase of any major  
294 component parts not part of the vehicle when first sold by the  
295 manufacturer. The fee for such inspection shall be eighty-eight dollars.  
296 The inspection fee shall be in addition to regular registration fees. All  
297 moneys received from the fee imposed pursuant to this section and  
298 collected at an official emissions inspection station shall be deposited  
299 in a separate safety inspection account within the Emissions Inspection  
300 Fund.

301 Sec. 14. Subsection (g) of section 14-267a of the general statutes is  
302 repealed and the following is substituted in lieu thereof:

303 (g) For the purpose of enforcing the provisions of this section, any  
304 state police officer, Department of Public Safety employee designated  
305 by the Commissioner of Public Safety, local police officer, Department  
306 of Motor Vehicles inspector, or [state] Department of Transportation  
307 employee designated by the Commissioner of Transportation, may  
308 require the driver to stop and submit to a weighing by means of either

309 portable or stationary scales and may require that such vehicle be  
310 driven to a scale or safety inspection site.

311 Sec. 15. Subsection (h) of section 14-267a of the general statutes is  
312 repealed and the following is substituted in lieu thereof:

313 (h) Whenever signs are displayed on a public highway, indicating  
314 that a scale is in operation and directing the driver of a commercial  
315 vehicle to stop at the weighing area, the driver shall stop and, in  
316 accordance with the directions of any state police officer, Department  
317 of Public Safety employee designated by the Commissioner of Public  
318 Safety, local police officer, Department of Motor Vehicles inspector, or  
319 [state] Department of Transportation employee designated by the  
320 Commissioner of Transportation, allow [his] the vehicle to be weighed  
321 or inspected.

322 Sec. 16. Subsection (a) of section 14-282 of the general statutes is  
323 repealed and the following is substituted in lieu thereof:

324 (a) Any person who is the owner or becomes the owner of a motor  
325 vehicle formerly used as a school bus who discontinues the use of such  
326 vehicle for the transportation of school children as stated in sections  
327 14-275 and 14-280 shall cause the same to be painted another color,  
328 readily distinguishable from "National School Bus Chrome". On and  
329 after July 1, 1990, each such motor vehicle ten years old or older shall  
330 be presented for inspection every two years at any [state] Department  
331 of Motor Vehicles office.

332 Sec. 17. Subsection (b) of section 14-290 of the general statutes is  
333 repealed and the following is substituted in lieu thereof:

334 (b) The following provisions of the general statutes shall not apply  
335 to operators of maintenance vehicles or equipment of any  
336 governmental agency or agent thereof or to vehicles or equipment of  
337 any governmental agency or agent thereof, so far as such exemption is  
338 necessary, while such operators and equipment are engaged in or are

339 preparing to engage in or are departing from highway maintenance  
340 operations on any highway, road or street, provided the [state]  
341 Department of Transportation shall not by reason of such exemption  
342 suffer any loss of revenue granted from any agency or department of  
343 the federal government for the federal Interstate Highway System or  
344 any other highway system: Sections 14-216, 14-230 to 14-233, inclusive,  
345 14-235 to 14-242, inclusive, 14-244 to 14-247, inclusive, 14-250a to 14-  
346 252, inclusive, 14-261, 14-262, 14-264 to 14-271, inclusive, 14-299, 14-301  
347 to 14-308, inclusive.

348 Sec. 18. Section 13b-205 of the general statutes is repealed and the  
349 following is substituted in lieu thereof:

350 When any highway, or portion thereof, in which are located tracks  
351 of any railroad is lawfully discontinued, the company owning or  
352 operating such railroad shall have the right, with the approval of the  
353 Commissioner of Transportation, to take land for its railroad within  
354 the limits of such highway or part thereof discontinued. [ in the  
355 manner provided in section 13b-256.]

356 Sec. 19. Section 13b-218 of the general statutes is repealed and the  
357 following is substituted in lieu thereof:

358 If any railroad company acting under the authority of the laws of  
359 this state has acquired more than three-fourths of the capital stock of  
360 any steamboat, bridge, wharf or railroad corporation, and cannot agree  
361 with the holders of outstanding stock for the purchase of the same,  
362 such railroad company may, upon a finding by a judge of the Superior  
363 Court that such purchase will be for the public interest, cause such  
364 outstanding stock to be appraised. [in the same manner as is provided  
365 in section 13b-256.] When the amount of such appraisal has been paid  
366 or deposited, [as provided in said section,] the stockholder or  
367 stockholders whose stock has been so appraised shall cease to have  
368 any interest therein and, on demand, shall surrender all certificates for  
369 such stock, with duly executed powers of attorney for transfer thereon,  
370 to the corporation applying for such appraisal.

371 Sec. 20. Section 13b-219 of the general statutes is repealed and the  
372 following is substituted in lieu thereof:

373 If any person holding a minority of the shares of stock in any  
374 corporation referred to in section 13b-218 cannot agree with the  
375 railroad company owning three-fourths of such stock for the purchase  
376 of [his] such person's shares, [he] such person may cause the same to  
377 be appraised, [in the same manner as is provided in section 13b-256.]  
378 When such appraisal has been made and recorded in the office of the  
379 clerk of the superior court for any judicial district where such railroad  
380 company operates a railroad, and the certificates for such stock, with  
381 duly executed powers of attorney for transfer thereon, have been  
382 deposited with such clerk for such railroad company, such appraisal  
383 shall have the effect of a judgment against such company and in favor  
384 of the holder of such stock and, at the end of sixty days, unless such  
385 judgment is paid, execution may be issued.

386 Sec. 21. Subsection (a) of section 13b-268 of the general statutes is  
387 repealed and the following is substituted in lieu thereof:

388 (a) When a new highway is constructed across a railroad, such  
389 highway shall pass over or under the railroad as the Commissioner of  
390 Transportation directs. The company operating such railroad shall  
391 construct such crossing to the approval of the commissioner and may  
392 take land for the purposes of this section. [in the manner provided by  
393 section 13b-256.] The expense of such crossing construction shall be  
394 borne by either the town, city or borough constructing such highway,  
395 or by the company constructing the same, or by a sharing of the cost  
396 between the town, city or borough and the company, as the  
397 commissioner directs.

398 Sec. 22. Section 13b-270 of the general statutes is repealed and the  
399 following is substituted in lieu thereof:

400 The selectmen of any town, the mayor and common council of any  
401 city or the warden and burgesses of any borough, within which a

402 highway crosses or is crossed by a railroad, or the directors of any  
403 railroad company whose road crosses or is crossed by a highway, may  
404 bring their petition in writing to the Commissioner of Transportation,  
405 alleging that public safety requires an alteration in such crossing, its  
406 approaches, the method of crossing, the location of the highway or  
407 crossing, the closing of a highway crossing and the substitution of  
408 another therefor, not at grade, or the removal of obstructions to the  
409 sight at such crossing, and praying that the same may be ordered.  
410 Thereupon said commissioner shall appoint a time and place for  
411 hearing the petition, and shall give such notice thereof to such  
412 petitioners, the company, the municipality or municipalities in which  
413 such crossing is situated and the owners of the land adjoining such  
414 crossing and adjoining that part of the highway to be changed in  
415 grade, as [he] said commissioner judges reasonable; and, after such  
416 notice and hearing, said commissioner shall determine what  
417 alterations or removals, if any, shall be made and by whom made. If  
418 such petition is brought by the directors of a railroad company or in  
419 behalf of any such company, said commissioner shall order the  
420 expense of such alterations or removals, including the damages to any  
421 person whose land is taken and the special damages which the owner  
422 of any land adjoining the public highway sustains by reason of any  
423 such change in the grade of such highway, to be paid by the company  
424 owning or operating the railroad in whose behalf the petition is  
425 brought; and, if such petition is brought by the selectmen of any town,  
426 the mayor and common council of any city or the warden and  
427 burgesses of any borough, [he] said commissioner may, if the highway  
428 affected by such determination was in existence when the railroad was  
429 constructed over it at grade or if the layout of the highway was  
430 changed for the benefit of the railroad after the layout of the railroad,  
431 order an amount not exceeding one-quarter of the whole expense of  
432 such alteration or removal, including the damages, to be paid by the  
433 town, city or borough in whose behalf the petition is brought, and the  
434 remainder of the expense shall be paid by the company owning or  
435 operating the road which crosses such public highway. If the highway

436 affected by such last-mentioned order has been constructed since the  
437 railroad which it crosses at grade, said commissioner may order an  
438 amount not exceeding one-half of the whole expense of such alteration  
439 or removal, including the damages, to be paid by the town, city or  
440 borough in whose behalf the application is brought, and the remainder  
441 of the expense shall be paid by the company owning or operating the  
442 road which crosses such public highway. Railroad companies may  
443 take land for the purpose of this section. [in the manner provided by  
444 section 13b-256.]

445 Sec. 23. Section 13b-274 of the general statutes is repealed and the  
446 following is substituted in lieu thereof:

447 The Commissioner of Transportation may, in the absence of any  
448 application therefor, when in [his] the commissioner's opinion public  
449 safety requires an alteration in any highway crossed at grade by a  
450 railroad or by railroads belonging to or operated by more than one  
451 company, after a hearing had upon such notice as [he] the  
452 commissioner deems reasonable to the company or companies owning  
453 or operating such railroad or railroads and to the selectmen of the  
454 town, mayor of the city or warden of the borough within which such  
455 highway is situated and to the owners of the land adjoining such  
456 crossing, order such alterations in such highway as [he] the  
457 commissioner deems best, and shall determine and direct by whom  
458 such alterations shall be made, at whose expense and within what  
459 time; provided, in all cases arising under this section, one-fourth of the  
460 expense, including damages and special damages as aforesaid, shall be  
461 paid by the state and the remainder shall be assessed upon the railroad  
462 company or companies benefited by such order; and provided such  
463 alterations as are thus made at the primary instance of the  
464 commissioner shall not be ordered so as to direct the construction of  
465 more than one bridge in any one year on any one railroad. Railroad  
466 companies may take land for the purpose of this section. [in the  
467 manner provided by section 13b-256.] No land shall be taken by any  
468 railroad company for the purpose mentioned in this section, except

469 such as the commissioner finds to be necessary for such purpose; but  
470 no such taking need be based upon any special finding that public  
471 necessity and convenience require such taking.

472 Sec. 24. Section 13b-281 of the general statutes is repealed and the  
473 following is substituted in lieu thereof:

474 If the view of that portion of the tracks of any railroad, crossing a  
475 highway at grade, which adjoins such crossing, is obstructed by trees,  
476 shrubbery or embankments of earth, the Commissioner of  
477 Transportation may, after a hearing upon such notice as the  
478 commissioner deems reasonable to the company or companies owning  
479 or operating such railroad or railroads and to the selectmen of the  
480 town, mayor of the city or warden of the borough wherein such  
481 crossing is situated and to the owners of the land adjoining such  
482 crossing, make such orders for or concerning the removal of any such  
483 obstruction as will afford an unobstructed view of such railroad tracks  
484 and such highway for a distance of at least one hundred and fifty feet  
485 in each direction from such crossing. For the purposes of this section,  
486 land or easements in land may be taken, [in the manner provided in  
487 section 13b-256] provided such orders are in accordance with current  
488 American Association of State Highway and Transportation Officials'  
489 Policy for vehicles to safely traverse a railroad crossing from a stopped  
490 position. All orders of the commissioner pursuant to the provisions of  
491 this section shall specifically set forth the limits within which land may  
492 be taken and the nature, purposes and specific limits of the easements  
493 so authorized to be taken. The expense occasioned by any order of said  
494 commissioner under the provisions of this section shall be paid by the  
495 owner of the land upon which the obstruction is located.

496 Sec. 25. Section 13b-287 of the general statutes is repealed and the  
497 following is substituted in lieu thereof:

498 Whenever the Commissioner of Transportation orders a change in  
499 the location of a highway under the provisions of section 13b-285 or  
500 13b-286, and the parties ordered by the commissioner to do the work

501 cannot obtain the necessary land by agreement, the company, or the  
502 town, city or borough ordered to do the work, may take the land  
503 necessary for carrying out the orders of the commissioner. [in the  
504 manner provided in section 13b-256.]

505 Sec. 26. Section 13b-293 of the general statutes is repealed and the  
506 following is substituted in lieu thereof:

507 When the Commissioner of Transportation, in accepting the layout  
508 of any railroad company, has in such acceptance provided that  
509 portions of such railroad shall not be constructed until certain  
510 highways have been relocated or changed by such company, and the  
511 obligation of repairing or maintaining the whole or any part of such  
512 highways is imposed upon any person or corporation other than the  
513 town, city or borough within which such highway may be located,  
514 such provision shall be binding upon the company and it shall  
515 maintain and repair such highway in the same manner and to the same  
516 extent that such other person or corporation was bound to repair and  
517 maintain the same before such relocation or change. [For the purposes  
518 of this section, land may be acquired in the manner provided by  
519 section 13b-256.] Any such company may use the material and  
520 abutments of any existing bridge in the old highway in the  
521 construction of a bridge in the substituted highway and shall provide  
522 suitable temporary accommodations for public travel over the old  
523 highway until the new highway is completed and shall be solely  
524 responsible for injuries resulting from its negligence in the matter of  
525 such temporary accommodations. The selectmen of any such town  
526 may discontinue such parts of the old highway as in their judgment  
527 are not of public convenience and necessity.

528 Sec. 27. Section 13b-282 of the general statutes is repealed and the  
529 following is substituted in lieu thereof:

530 When any highway passes over or under a railroad, if the  
531 convenience and necessity of the public require a change in such  
532 highway, the town, city or borough in which such highway is located

533 may bring a petition to the Commissioner of Transportation in the  
534 manner prescribed in section 13b-270, and, after the notice prescribed  
535 by said section, said commissioner shall proceed to a hearing on such  
536 matter and may make such order as [he] the commissioner deems  
537 necessary for the convenience and necessity of the public or the safe  
538 and suitable operation of the railroad. For the purposes of this section,  
539 said commissioner shall have and exercise all powers of said  
540 commissioner concerning the removal of grade crossings, and land  
541 may be taken. [in the manner provided in section 13b-256.] The party  
542 upon whom is imposed, by such order, the duty of making such  
543 changes in such highway may use the material and abutments of any  
544 existing bridge in the old highway in the construction of a bridge in  
545 the substituted or changed highway. The expense of any changes  
546 ordered as hereinbefore provided shall be apportioned, among the  
547 railroad company and the town, city or borough interested therein, in  
548 such manner as the commissioner deems equitable; but in no case shall  
549 an amount in excess of one-half of the expense of such alteration,  
550 including land damages or special damages, be assessed upon any  
551 such town, city or borough.

552 Sec. 28. Section 13b-307 of the general statutes is repealed and the  
553 following is substituted on lieu thereof:

554 Upon petition brought by any railroad company, the Commissioner  
555 of Transportation may order the location of any canal or watercourse  
556 to be changed by such company for the purpose of enabling its  
557 railroad to be more advantageously constructed, maintained or  
558 operated, reasonable notice of such application having first been given  
559 to the owner or owners of such canal or watercourse; and such  
560 company shall have power, for the purpose of carrying out any order  
561 of the commissioner under this section, to take real estate. [in the  
562 manner provided in section 13b-256.] Whenever the location of a canal  
563 or watercourse is changed as provided herein, the flow of water  
564 therein shall not in anywise be interrupted, diminished or impaired,  
565 and the cost of making such change and of providing a new channel

566 for such canal or watercourse, together with the cost of the walls,  
567 embankments, headgates, flumes and other structures necessary to  
568 render such canal or watercourse as safe and efficient as before such  
569 change, shall be entirely borne by the railroad company which  
570 petitioned for such change. The provisions of this section shall not  
571 apply to the canal of any corporation required by its charter to  
572 maintain its canals, or any of them, in a condition for navigation, nor to  
573 the canal of any corporation chartered for the purpose of improving  
574 the boat navigation of the Connecticut River or for the purpose of  
575 widening and deepening the channel of said river; but in such cases  
576 the provisions of this section shall apply when the written consent of  
577 any such corporation to the proposed change has first been obtained.

***Statement of Purpose:***

To implement the Legislative Commissioners' Office recommendations for technical revisions to motor vehicle and transportation laws.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*