



General Assembly

January Session, 2001

***Raised Bill No. 288***

LCO No. 1609

Referred to Committee on Transportation

Introduced by:  
(TRA)

***AN ACT CONCERNING HABITUALLY OVERWEIGHT TRUCKS.***

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

1 Section 1. Subdivision (3) of subsection (f) of section 14-267a of the  
2 general statutes is repealed and the following is substituted in lieu  
3 thereof:

4 (3) (A) The court shall note on the record any conviction [or  
5 forfeiture of a bond for failure to appear] for an overweight violation  
6 in excess of fifteen per cent of the gross weight limits in subsection (b)  
7 of this section with respect to any vehicle with a gross vehicle weight  
8 of eighteen thousand pounds or more [. In such cases, the  
9 Commissioner of Motor Vehicles shall (A) demand of an out-of-state  
10 owner or lessee of such motor vehicle a bond, with sufficient surety, to  
11 the state, in the sum of two thousand dollars, which bond shall be  
12 forfeited to the state upon a second conviction or forfeiture of a bond  
13 for failure to appear for such violation, or (B) fine an in-state owner or  
14 lessee of such motor vehicle two thousand dollars upon a second  
15 conviction. In addition, the commissioner may revoke the registration,  
16 for a period of thirty days, of any commercial motor vehicle so  
17 operated and may refuse to issue a registration for such motor vehicle

18 during such further time as the commissioner deems reasonable. For  
19 any subsequent conviction or forfeiture of a bond for failure to appear,  
20 the commissioner shall revoke the registration for a period of thirty  
21 days. A bond posted pursuant to the provisions of this subdivision  
22 shall be held for a period of not more than one year from its posting.  
23 Where there is no second conviction or forfeiture of a bond for failure  
24 to appear for violation of the limits in subsection (b) of this section  
25 during that time, the bond shall be returned to such owner or lessee, as  
26 the case may be] and shall cause such information to be transmitted to  
27 the Commissioner of Motor Vehicles. Upon receipt of such  
28 information, the commissioner shall notify the registrant of the motor  
29 vehicle that the registrant shall be subject to the penalties provided in  
30 this subsection upon a second or subsequent conviction for an  
31 overweight violation in excess of fifteen per cent of the gross weight  
32 limits in subsection (b) of this section with respect to any vehicle with a  
33 gross vehicle weight of eighteen thousand pounds or more. (B) Upon  
34 receipt of information of a second conviction for such overweight  
35 violation, the commissioner shall, after notice and opportunity for a  
36 hearing in accordance with the provisions of chapter 54, impose a civil  
37 penalty of two thousand dollars upon such registrant. If the penalty is  
38 not paid within thirty days, the commissioner shall suspend the  
39 registration of the motor vehicle, or, if the vehicle is not registered in  
40 this state, shall suspend the privilege of such registrant to operate any  
41 motor vehicle on the highways of this state, until payment of the  
42 penalty and of the suspension restoration fee, as provided in section  
43 14-50b, is received by the commissioner. (C) Upon receipt of  
44 information of a third or subsequent conviction for such overweight  
45 violation, the commissioner shall, after notice and opportunity for a  
46 hearing in accordance with the provisions of chapter 54, impose a civil  
47 penalty of five thousand dollars upon such registrant. If the penalty is  
48 not paid within thirty days, the commissioner shall suspend the  
49 registrations of all motor vehicles registered in the name of the  
50 registrant, and shall suspend the privilege of such registrant to operate  
51 any motor vehicle on the highways of this state, until payment of the

52 penalty and of the suspension restoration fee, as provided in section  
53 14-50b, is received by the commissioner.

54

55 Sec. 2. Subsection (f) of section 14-267a of the general statutes is  
56 repealed and the following is substituted in lieu thereof:

57

58 (f) (1) The penalties provided for in this subsection shall be assessed  
59 against the owner of a commercial motor vehicle when the owner, his  
60 agent or employee is the operator, or against the lessee of such vehicle  
61 when the lessee, his agent or employee is the operator of a leased or  
62 rented commercial motor vehicle.

63 (2) Any person who violates any provision of this section shall be  
64 subject to the following penalties: (A) For an overweight violation of  
65 not more than five per cent of the gross weight or axle weight limits in  
66 subsection (b) of this section, a fine of three dollars per hundred  
67 pounds or fraction thereof of such excess weight; (B) for an overweight  
68 violation of more than five per cent and not more than ten per cent of  
69 either such weight limit, a fine of five dollars per hundred pounds or  
70 fraction thereof of such excess weight or a minimum fine of fifty  
71 dollars; (C) for an overweight violation of more than ten per cent but  
72 not more than fifteen per cent of either such weight limit, a fine of six  
73 dollars per hundred pounds or fraction thereof of such excess weight  
74 or a minimum fine of one hundred dollars; (D) for an overweight  
75 violation of more than fifteen per cent but not more than twenty per  
76 cent of either such weight limit, a fine of seven dollars per hundred  
77 pounds or fraction thereof of such excess weight or a minimum fine of  
78 two hundred dollars; (E) for an overweight violation of more than  
79 twenty per cent but not more than twenty-five per cent of either such  
80 weight limit, a fine of ten dollars per hundred pounds or fraction  
81 thereof of such excess weight or a minimum fine of three hundred  
82 dollars; (F) for an overweight violation of more than twenty-five per  
83 cent but not more than thirty per cent of either such overweight limit, a  
84 fine of twelve dollars per hundred pounds or fraction thereof of such  
85 excess weight or a minimum fine of five hundred dollars; and (G) for

86 an overweight violation of more than thirty per cent of either such  
87 overweight limit, a fine of fifteen dollars per one hundred pounds or  
88 fraction thereof of such excess weight or a minimum fine of one  
89 thousand dollars.

90 (3) The court shall note on the record any conviction or forfeiture of  
91 a bond for failure to appear for an overweight violation in excess of  
92 fifteen per cent of the gross weight limits in subsection (b) of this  
93 section with respect to any vehicle with a gross vehicle weight of  
94 eighteen thousand pounds or more. In such cases, the Commissioner  
95 of Motor Vehicles shall (A) demand of an out-of-state owner or lessee  
96 of such motor vehicle a bond, with sufficient surety, to the state, in the  
97 sum of two thousand dollars, which bond shall be forfeited to the state  
98 upon a second conviction or forfeiture of a bond for failure to appear  
99 for such violation, or (B) fine an in-state owner or lessee of such motor  
100 vehicle two thousand dollars upon a second conviction. In addition,  
101 the commissioner may revoke the registration, for a period of thirty  
102 days, of any commercial motor vehicle so operated and may refuse to  
103 issue a registration for such motor vehicle during such further time as  
104 the commissioner deems reasonable. For any subsequent conviction or  
105 forfeiture of a bond for failure to appear, the commissioner shall  
106 revoke the registration for a period of thirty days. A bond posted  
107 pursuant to the provisions of this subdivision shall be held for a period  
108 of not more than one year from its posting. Where there is no second  
109 conviction or forfeiture of a bond for failure to appear for violation of  
110 the limits in subsection (b) of this section during that time, the bond  
111 shall be returned to such owner or lessee, as the case may be.

112 (4) [Upon the third conviction or forfeiture of a bond for failure to  
113 appear for overweight violations of subsection (b) of this section with  
114 respect to a vehicle with a gross vehicle weight of less than eighteen  
115 thousand pounds, the Commissioner of Motor Vehicles shall revoke  
116 the registration, for a period of thirty days, of any commercial motor  
117 vehicle so operated.

118 (5)] An owner or lessee who is assessed penalties pursuant to this  
119 subsection or forfeits a bond for failure to appear for an overweight  
120 violation in excess of fifteen per cent of the gross weight limits in  
121 subsection (b) of this section four times during any calendar year shall  
122 be assessed by the court an additional ten thousand dollars for the  
123 fourth violation and an additional five thousand dollars for each  
124 subsequent overweight violation in excess of fifteen per cent of such  
125 limits in such calendar year.

126 [(6)] (5) No more than twenty-five per cent of any fine imposed  
127 pursuant to this subsection may be remitted unless the court  
128 determines that there are mitigating circumstances and specifically  
129 states such circumstances for the record.

**Statement of Purpose:**

To require the Judicial Department to notify the Department of Motor Vehicles of each conviction of certain overweight truck violations and to simplify the procedure for and alter the amount of civil penalties for second and subsequent violations.

*[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.]*