



# Senate

General Assembly

**File No. 737**

January Session, 2003

Substitute Senate Bill No. 617

*Senate, May 20, 2003*

The Committee on Transportation reported through SEN. CIOTTO of the 9th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING REVENUES FROM FINES PAID FOR MOTOR VEHICLE VIOLATIONS.**

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

1 Section 1. Section 51-56a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2003*):

3 (a) Each clerk of the Supreme Court and Superior Court shall  
4 account for and pay or deposit all fees, fines, forfeitures and the  
5 proceeds of judgments of [his] such office in the manner provided by  
6 section 4-32. If any such clerk fails to so account and pay or deposit,  
7 such failure shall be reported by the Treasurer to the Chief Court  
8 Administrator who may thereupon remove the clerk. When any such  
9 clerk dies before so accounting and paying or depositing, the Treasurer  
10 shall require the executor of [his] the will or administrator of [his] the  
11 estate to so account. If any such clerk is removed from office, the  
12 Treasurer shall require [him] the clerk to account for any money of the  
13 state remaining in [his] the hands of such clerk at the time of such

14 removal and, if [he] the clerk neglects to so account, the Treasurer shall  
15 certify the neglect to the Chief Court Administrator.

16 (b) The state shall remit to the municipalities in which the violations  
17 occurred (1) all amounts received in respect to the violation of sections  
18 14-251, 14-252, 14-253a and 14-305 to 14-308, inclusive, or any  
19 regulation adopted thereunder or ordinance [made] enacted in  
20 accordance therewith, and (2) ten dollars of the sum paid by each  
21 person as a fine or forfeiture for any violation of section 14-218a, 14-  
22 219, 14-222, 14-223, 14-227a, sections 14-230 to 14-240, inclusive,  
23 sections 14-241 to 14-249, inclusive, section 14-279 for the first offense,  
24 14-289b, 14-299, 14-301, 14-302 or 14-303 or any regulation adopted  
25 thereunder or ordinance enacted in accordance therewith. Each clerk  
26 of the Superior Court or the Chief Court Administrator, or any other  
27 official of the Superior Court designated by the Chief Court  
28 Administrator, shall, on or before the thirtieth day of January, April,  
29 July and October in each year, certify to the Comptroller the amount  
30 due for the previous quarter under this subsection to each  
31 municipality served by [his] the office of the clerk or official, provided  
32 prior to the institution of court proceedings, a city, town or borough  
33 shall have the authority to collect and retain all proceeds from parking  
34 violations committed within the jurisdiction of such city, town or  
35 borough.

36 (c) For the purpose of providing additional funds for municipal and  
37 state police training, each person who pays in any sum as (1) a fine or  
38 forfeiture for any violation of section 14-12, 14-215, 14-219, 14-222, 14-  
39 224, 14-225, 14-227a, 14-266, 14-267a, 14-269 or 14-283, except as  
40 provided in subsection (b) of this section, or (2) a fine or forfeiture for  
41 any infraction, shall pay an additional fee of one dollar for each eight  
42 dollars or fraction thereof of the amount [he] such person is required to  
43 pay, except if such payment is made for violation of such a section  
44 which is deemed to be an infraction, such additional fee shall be only  
45 on the first eighty-eight dollars of such fine or forfeiture. Such  
46 additional fee charged shall be deposited in the General Fund.

47 Sec. 2. Section 14-33 of the general statutes is repealed and the  
48 following is substituted in lieu thereof (*Effective October 1, 2003*):

49 (a) If any property tax, or any installment thereof, laid by any city,  
50 town, borough or other taxing district upon a registered motor vehicle  
51 or snowmobile remains unpaid, the tax collector of such city, town,  
52 borough or other taxing district shall notify the Commissioner of  
53 Motor Vehicles of such delinquency in accordance with listings and  
54 schedules of dates established by the commissioner and on forms  
55 prescribed and furnished by him, specifying the name and address of  
56 the person against whom such tax has been assessed, the date when  
57 such tax was due and the registration number, if known to the  
58 collector. The commissioner shall not issue registration for such motor  
59 vehicle or snowmobile for the next registration period if, according to  
60 his records, it is then owned by the person against whom such tax has  
61 been assessed or by any person to whom such vehicle has not been  
62 transferred by bona fide sale. Unless notice has been received by the  
63 commissioner under the provisions of section 14-33a, no such  
64 registration shall be issued until a receipt evidencing the payment of  
65 such tax or certificate of abatement of such tax or other satisfactory  
66 evidence that the tax obligation has been legally discharged has been  
67 presented to the commissioner; nor shall the commissioner register any  
68 other motor vehicle or snowmobile in the name of such person until a  
69 receipt evidencing the payment of such tax or a certificate of abatement  
70 of such tax or other satisfactory evidence that the tax obligation has  
71 been legally discharged has been presented to the commissioner,  
72 except that the commissioner may continue to register other vehicles  
73 owned by a leasing or rental firm licensed pursuant to section 14-15, if  
74 he is satisfied that arrangements have been made to discharge such tax  
75 obligation, and may issue such registration to any private owner of  
76 three or more paratransit vehicles in direct proportion to the  
77 percentage of total tax due on such vehicles which has been paid and  
78 notice of payment on which has been received. The Commissioner of  
79 Motor Vehicles may immediately suspend all motor vehicle or  
80 snowmobile registrations issued in the name of any person (1) who has  
81 been reported as delinquent and whose registration was renewed

82 through an error or through the production of false evidence that the  
83 delinquent tax had been paid, or (2) who has been reported by a tax  
84 collector as having paid a property tax on a motor vehicle or  
85 snowmobile with a check which was dishonored by a bank and such  
86 tax remains unpaid. Any person aggrieved by any action of the  
87 commissioner under this section may appeal therefrom in the manner  
88 provided in section 14-134. For the purposes of this subsection,  
89 "paratransit vehicle" means a motor bus, taxicab or motor vehicle in  
90 livery service operated under a certificate of convenience and necessity  
91 issued by the Department of Transportation or by a transit district and  
92 which is on call or demand or used for the transportation of  
93 passengers for hire.

94 (b) Notwithstanding the provisions of subsection (a) of this section,  
95 the Commissioner of Motor Vehicles, in consultation with the  
96 Treasurer and the Secretary of the Office of Policy and Management,  
97 may enter into an agreement with the tax collector of any city, town,  
98 borough or other taxing district whereby the commissioner shall  
99 collect any property tax or any installment thereof on a registered  
100 motor vehicle which remains unpaid from any person against whom  
101 such tax has been assessed who makes application for registration for  
102 such motor vehicle. Each such agreement shall include a procedure for  
103 the remission of taxes collected to the city, town, borough or other  
104 taxing district, on a regular basis, and may provide that a fee be paid  
105 by the city, town, borough or other taxing district to the commissioner  
106 to cover any costs associated with the administration of the agreement.  
107 In the event an agreement is in effect, the commissioner shall  
108 immediately issue a registration for a motor vehicle owned by a person  
109 against whom such tax has been assessed upon receipt of payment of  
110 such tax and a service fee of two dollars, in addition to the fee  
111 prescribed for the renewal of the registration.

112 (c) On and after March 1, 1989, any municipality may participate in  
113 a program administered by the Commissioner of Motor Vehicles to  
114 facilitate the payment of fines for parking violations. If any such  
115 municipality elects to participate in such program, it shall provide for a

116 notice of violation to be served personally upon the operator of a  
 117 motor vehicle who is present at the time of service. If the operator is  
 118 not present, the notice shall be served upon the owner of the motor  
 119 vehicle by affixing notice to said vehicle in a conspicuous place. Not  
 120 more than thirty days after the initial notice, a second notice of  
 121 violation shall be mailed to the address of record of the business  
 122 leasing or renting the motor vehicle to such operator. No fines or  
 123 penalties shall accrue for the violation for a period of sixty days after  
 124 the second notice is mailed. A participating municipality shall notify  
 125 the commissioner of every owner of a registered motor vehicle who  
 126 has unpaid fines for more than five parking violations committed  
 127 within such municipality on and after March 1, 1989. Upon receipt of  
 128 such notification, the commissioner shall not issue or renew the motor  
 129 vehicle registration of such person until he receives notification from  
 130 such municipality that the delinquent fines have been paid.

131 (d) The provisions of [this subsection] subsection (c) of this section  
 132 shall not apply to any person, firm or corporation engaged in the  
 133 business of leasing or renting motor vehicles without drivers in this  
 134 state with respect to any motor vehicle which is leased or rented. The  
 135 commissioner shall adopt regulations, in accordance with chapter 54,  
 136 to implement the provisions of [this subsection] subsection (c) of this  
 137 section.

|  |                 |
|--|-----------------|
| This act shall take effect as follows: |                 |
| Section 1                              | July 1, 2003    |
| Sec. 2                                 | October 1, 2003 |

**TRA**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

**OFA Fiscal Note**

**State Impact:**

| Agency Affected     | Fund-Type   | FY 04 \$                | FY 05 \$                |
|---------------------|---|-------------------------|-------------------------|
| Judicial Dept.      | Transportation Fund and General Fund - Revenue Loss | Approximately 2,300,000 | Approximately 2,300,000 |
| Motor Vehicle Dept. | GF - None   | None                    | None                    |

Note: GF=General Fund

**Municipal Impact:**

| Municipalities     | Effect                         | FY 04 \$                | FY 05 \$                |
|--------------------|--------------------------------|-------------------------|-------------------------|
| All Municipalities | Revenue Gain                   | Approximately 2,200,000 | Approximately 2,200,000 |
| All Municipalities | STATE MANDATE - Revenue Impact | Indeterminate           | Indeterminate           |
| All Municipalities | Potential Cost                 | Indeterminate           | Indeterminate           |

**Explanation**

The bill requires the state to remit to municipalities a portion of revenue from fines imposed for certain motor vehicle violations (totalling about \$2.2 million annually.) In addition, it is anticipated that state revenue of roughly \$100,000 would be lost annually under the bill because it exempts the ten dollar remittance from the surcharge applied to fines under CGS Section 51-56a(c).

Current law allows municipalities to notify the Department of Motor Vehicles (DMV) of every owner of a registered motor vehicle who has unpaid fines for more than five parking violations committed within their municipality to enable the DMV to deny the individual's registration privilege.

This bill requires municipalities to serve notice personally or by affixing notices in a conspicuous place on the person's vehicle. After

thirty days, municipalities must mail a second notice of violation to the address of record of the business leasing or renting the motor vehicle.

This bill would bar municipalities from collecting fines or penalties for 60 days after they mail a second notice of a parking violation. This provision would result in a revenue delay to municipalities.

Moreover, according to local regulations, municipalities may impose late fees for parking violations. This bill could prohibit municipalities from attaching such late fees; thus, its passage could result in an indeterminate revenue loss to municipalities.

In addition, municipalities could incur costs for second notice mailings. This cost, however, is at present indeterminate.

**OLR Bill Analysis**

sSB 617

***AN ACT CONCERNING REVENUES FROM FINES PAID FOR MOTOR VEHICLE VIOLATIONS*****SUMMARY:**

This bill requires the state to remit to towns some of the revenue it receives from people who violated motor vehicle laws. It requires the state to remit \$10 from the amount paid for each violation. Under current law, some of the amounts paid for violating most motor vehicle laws go into the Special Transportation Fund, which is used to finance transportation infrastructure improvements.

Second, the bill modifies the circumstances under which towns can participate in the Department of Motor Vehicles (DMV) program that bars a person for registering or reregistering his vehicle if he has more than four unpaid parking tickets issued by the town. Under the bill, if the driver is present at the time of a parking violation in a participating town, the ticket must be served on him personally. Otherwise, it must be affixed to a conspicuous place on the vehicle.

The bill also requires towns to notify firms that rent or lease vehicles when issuing a second notice of violation and bars fines or penalties from accruing for 60 days after the second notice is mailed. By law, the registration denial provision does not apply to leased or rented vehicles.

EFFECTIVE DATE: July 1, 2003 for the provision requiring the state to remit some of the revenue it receives from motor vehicle violations and October 1, 2003 for the provisions regarding the DMV program.

**DMV PROGRAM*****Second Notice to Vehicle Renting or Leasing Firms***

The bill addresses circumstances where the driver cited for the violation rented or leased the vehicle from a firm. In these cases, the town must send the second notice of violation to the firm if it sells or leases vehicles for up to 30 days. It must send the notice within 30 days

after issuing the ticket. (Read literally, the bill requires the town to send a second notice even if the ticket had been paid during the 30-day period.)

### ***Fine Accrual***

The bill bars fines or penalties from accruing for 60 days after the second notice is mailed. It does not appear to affect the liability for the ticket itself, which depends on the type of parking violation. For statutory violations such as parking in front of a fire hydrant, the owner, lessee, or driver are jointly liable. For violations of local parking regulations, the license plate number is prime facie evidence that the owner (including a leasing or rental company) was the driver and thus liable for the ticket.

## **BACKGROUND**

### ***Legislative History***

On April 23, the Senate referred the original version of the bill (File 266) to the Transportation Committee. That committee added the provisions regarding the DMV program and favorably reported the bill on April 30. These provisions are identical to those contained in sSB 812 (File 303). The Senate referred that bill to the Transportation Committee, which took no action on it.

## **COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 16      Nay 0

Transportation Committee

Joint Favorable Report

Yea 26      Nay 1