



# House of Representatives

General Assembly

**File No. 123**

February Session, 2006

Substitute House Bill No. 5657

*House of Representatives, March 23, 2006*

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING LOCAL LAW ENFORCEMENT FUNDING.**

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

1 Section 1. (NEW) (*Effective October 1, 2006*) Notwithstanding  
2 subsection (c) of section 51-56a of the general statutes, whenever any  
3 person is convicted of a violation of section 14-213, 14-213b, 14-214, 14-  
4 215, 14-215a, 14-216, 14-218a, 14-219, 14-220, 14-221, 14-222, 14-222a, 14-  
5 223, 14-223a, 14-224, 14-225, 14-227a, 14-230, 14-230a, 14-231, 14-232, 14-  
6 233, 14-234, 14-235, 14-236, 14-237, 14-238, 14-238a, 14-239, 14-240, 14-  
7 240a, 14-241, 14-242, 14-243, 14-244, 14-245, 14-246a, 14-247, 14-247a, 14-  
8 248a, 14-249, 14-250, 14-250a, 14-257, 14-261, 14-262, 14-262a, 14-264, 14-  
9 266, 14-267a, 14-269, 14-270, 14-271, 14-272a, 14-273, 14-274, 14-279, 14-  
10 281a, subsection (e) or (g) of section 14-283, section 14-289a or 14-289b  
11 of the general statutes, the court, in addition to imposing any fine  
12 authorized by said sections for such violation, shall impose a surcharge  
13 in an amount equal to twenty per cent of such fine. Any such  
14 surcharge collected shall be payable to the municipality in which the  
15 arrest was made to be used for local law enforcement funding.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	New section

**Statement of Legislative Commissioners:**

In line 1, the words "Notwithstanding subsection (c) of section 51-56a of the general statutes" were added for statutory consistency.

**TRA**      *Joint Favorable Subst.-LCO*

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-Effect	FY 07 \$	FY 08 \$
Judicial Dept.	GF - Cost	Less than 50,000	None
Judicial Dept.	Gen Fund; Transp Fund; Criminal Injuries Comp Fund - Revenue Loss	Potential	Potential

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 07 \$	FY 08 \$
Various Municipalities	Revenue Gain	1.8 million	2.4 million

**Explanation**

The bill establishes an additional surcharge equal to twenty percent of any base fine imposed for certain motor vehicle violations and infractions, and provides that any revenues collected under the bill’s surcharge are to be forwarded to the municipality in which the violation or infraction occurred. It is estimated that \$2.4 million in revenues would be generated annually under the bill’s surcharge and distributed to various municipalities.

The Judicial Department would initially incur a minimal cost (i.e., less than \$50,000) to modify its computer and accounting systems in order to implement the bill. The ongoing processing of payments to municipalities could be accommodated by the Judicial Department within budgeted resources.

The base fine typically makes up about one-half of the total amount due for any motor vehicle infraction or violation. The bill’s twenty per cent surcharge on the base fine therefore effectively increases the total

amount owed for the motor vehicle violations and infractions specified in the bill by roughly ten percent (eg, an increase of \$15 on a total amount due of \$150). The magnitude of this change is not expected to substantially increase the number of contested tickets such that additional resources would be needed by either the courts or state's attorneys. However, any increase in contested tickets under the bill would likely raise the number of violations or infractions that are not prosecuted or have the fines reduced. This would decrease revenues to the General Fund, Transportation Fund and the Criminal Injuries Fund, into which the existing base fines, fees and surcharges are deposited.

### ***The Out Years***

Future revenues generated from motor vehicle violations and infractions are not subject to inflation since the fine amounts are fixed by statute. Absent any sustained trend in the number of violation or infraction citations issued or other statutory changes, the annualized municipal revenues indicated in FY 08 above are projected to remain stable into the future.

**OLR Bill Analysis**  
**sHB 5657**

**AN ACT CONCERNING LOCAL LAW ENFORCEMENT FUNDING.**

**SUMMARY:**

This bill requires the court to impose a surcharge of 20% on the base fine assessed for certain violations of the motor vehicle laws. It requires the surcharge to be payable to the municipality in which the arrest was made to be used for local law enforcement funding. The bill does not specify who is responsible for paying these amounts to municipalities. All of the specified violations that occur within the boundaries of the municipality are subject to the surcharge, regardless of the road on which they occur or the law enforcement agency that issues the citation.

EFFECTIVE DATE: October 1, 2006

**MOTOR VEHICLE VIOLATIONS SUBJECT TO LAW ENFORCEMENT SURCHARGE**

The following chart shows the violations subject to the 20% fine surcharge and an indication of the current fine. Many of the violations are designated as infractions, while others are violations with fines specified by statute. By law, fines for infractions can be from \$35 to \$90 unless the law specifies otherwise. The actual fine within this range is determined annually and published by the judges of the Superior Court in a form that shows a total amount due from a violator. This total amount due includes the base fine and any of the several surcharges, assessments and other fees that also apply. The 20% surcharge the bill imposes applies to the base fine before imposition of any of the additional amounts that may be due.

For example, while the fine for the infraction related to improper

passing is only \$35, the fees, assessments, and surcharges that also apply make the total amount due \$93. Also, since many violations are subject to other enhancements based on where they occur, for example, in a construction zone, utility work zone, or school zone, higher amounts due could result. In the above example, if the improper passing occurs in a construction or utility zone, the total amount due becomes \$128 rather than \$93 because an amount equal to the base fine is added.

Table 1: Violations and Infractions Subject to 20% Surcharge For Local Law Enforcement Funding Imposed by sHB 5657

<i>CGS Section</i>	<i>Law Violation</i>	<i>Current Fine</i>
14-213	Failing to carry driver's license	\$35
14-213b	Driving without insurance or with inadequate insurance	\$100-\$1,000 except the owner of a vehicle with a commercial registration who knowingly violates the requirement commits a class D felony (up to \$5,000)
14-214	Limits on instructing unlicensed person	\$35
14-215	Driving while under license suspension or revocation	\$150-\$200 (1 <sup>st</sup> ) \$200-\$600 (sub.) In addition, someone who has a prior conviction of this offense may be required to pay an additional fine of up to \$500
	Driving while under suspension for drunk driving, administrative per se suspension, manslaughter with a motor vehicle (2 <sup>nd</sup> degree), or assault	\$500-\$1,000

	with a motor vehicle (2 <sup>nd</sup> degree)	
14-215a	Driving while under license suspension for failure to appear for trial	\$150-\$200 (1 <sup>st</sup> ) \$200-\$600 (sub.)
14-216	Operation, or allowing operation by, person under age 18 without sufficient insurance coverage	\$50
14-218a	Traveling unreasonably fast	\$35-\$90 depending on the amount vehicle exceeds posted speed limit
14-219	Speeding	Variable – See below
Base fines for speeding range from \$35 to \$150 for cars. The fine for trucks ranges from \$100 to \$200. The actual fine depends on the speed above the posted limit and whether the speed exceeds 70 mph on limited access highways and 60 mph on other types of roads.		
14-220	Excessively slow speed	\$35
14-221	Transporting passengers for hire in a vehicle with a normal speed of 15 mph or less without a permit	\$35
14-222	Reckless driving	\$100-\$300 (1 <sup>st</sup> ) Up to \$600 (sub.)
14-222a	Negligent homicide with a motor vehicle	Up to \$1,000
14-223	Failing to stop when signaled or disregarding officer's signal	\$35 (1 <sup>st</sup> ) \$35-\$50 (sub.)
14-223a	Striking a police or fire police officer engaged in traffic control duties	\$150-\$200 (1 <sup>st</sup> ) Up to \$250 (sub.)
14-224	Evading responsibility following an accident	Up to \$10,000 (death or serious injury) \$75-\$600 (lesser injury or property damage) (1 <sup>st</sup> ) \$100-\$1,000 (sub.)
	Racing for a wager	\$75-\$600 (1 <sup>st</sup> ) \$100-\$1,000 (sub.)
14-225	Evading responsibility if operating other than a motor vehicle	Up to \$500
14-227a	Operating under the influence of alcohol, drugs, or both	\$500-\$1,000 (1 <sup>st</sup> ) \$1,000-\$4,000 (2 <sup>nd</sup> ) \$2,000-\$8,000 (sub.)
14-230	Failing to drive to the right when	\$35

	required by law	\$50 (if wide load vehicle)
14-230a	Use of restricted left lane by commercial vehicles	\$88
14-231	Failing to grant half of highway to oncoming vehicle	\$35
14-232	Improper passing including maintaining a safe distance and cutting in	\$35
14-233	Passing on the right	\$35
14-234	Passing in no passing zone	\$35
14-235	Failing to keep right on a curve or upgrade, at an intersection, or at a railroad-highway grade crossing	\$35
14-236	Failing to drive in the proper lane on a multi-lane highway	\$35
14-237	Driving in the wrong lane, in the wrong direction, or across the dividing space of a divided highway	\$75
14-238	Entering or leaving a controlled-access highway at other than an established entrance or exit	\$35
14-238a	Entering a limited access highway at other than a designated place	\$35
14-239	Driving the wrong way on a one-way street or around a rotary	\$35
14-240	Following too closely	\$35 \$100-\$150 if a commercial vehicle combination
14-240a	Tailgating with intent to harass or intimidate another driver	\$100-\$300 (1 <sup>st</sup> ) Up to \$600 (sub.)
14-241	Improper right turn	\$35
14-242	Making a restricted turn, failing to signal a turn, failing to yield to oncoming vehicle when making a left turn, or impeding a bicyclist while making a right-hand turn	\$35
14-243	Unsafe starting or backing	\$35
14-244	Improper signaling for turns or stopping	\$35
14-245	Failing to grant the right of way at an	\$35

	intersection	
14-246a	Failing to grant the right of way when entering through traffic at a T-intersection	\$35
14-247	Failing to grant the right of way when entering a highway from a private road or driveway	\$35
14-247a	Failure to grant the right of way when emerging from an alley, driveway, or building	\$35
14-248a	Failing to slow or stop at a cattle crossing	\$35
14-249	Failing to stop at a railroad crossing when warning signals are operating	\$90
14-250	Failing to stop at a railroad crossing (certain commercial vehicles and public service vehicles)  Improper crossing due to insufficient undercarriage clearance or crossing without sufficient space to clear track without stopping	\$150-\$250 (commercial vehicles with passengers, vehicles used to transport school children, service buses, tankers, and vehicles carrying hazardous materials)  \$90
14-250a	Improperly driving or parking on a public sidewalk	\$35
14-257	Driving from a crowded front seat or with riders on the outside of the vehicle or driving a for-hire vehicle with passengers in aisle seats	\$35
14-261	Towing vehicles separated by more than 20 feet, failing to use a tow bar, or improperly pulling a vehicle	\$35
14-262	Driving an over-width or over-length vehicle without the required state permit	\$500
14-262a	Violating maximum 25-mile limit for towing disabled trucks and trailers by tow truck without regard to maximum vehicle length limits	\$35

14-264	Driving a vehicle or vehicle and load that is more than 13.5 feet high without a special state permit	\$1,500
14-266	Operating a vehicle over 8,000 pounds capacity on a restricted road	\$100-\$500
14-267a	Operating a vehicle in violation of maximum gross axle weight limits	Variable – See below
14-269	Violating special maximum weight limits applicable to certain vehicles engaged in construction work	Variable – See below
<p>Fines for overweight vehicles are based on a sliding scale that increases according to how much the vehicle exceeds its legal weight. An overweight of up to 5% results in a fine of \$3 per 100 pounds (or fractions) of excess weight. The penalty increases in increments to \$15 per 100 pounds (or fractions) of excess weight for an overweight of more than 30%. So, for example, a truck that may legally weigh 73,000 pounds would be subject to a base fine of \$111 if exceeds its legal weight by 5% but over \$3,400 if it exceeds its legal weight by 31%.</p>		
14-270	Violating state permit requirements when operating any vehicle that does not conform to maximum weight, dimension, or tire surface restrictions	Various – See below
<p>\$300 minimum fine for length or width permit violations. \$1,000 minimum for height permit violations. Fines for weight permit violations are determined by subtracting the permitted weight from the actual weight and applying a fine of \$15 per 100 pounds (or fraction) to the difference. Operating on a road not specified in the permit--\$1,500 plus, if weight related, calculating a fine at \$15 per 100 pounds of excess weight calculated on the difference between the vehicle's statutory (not permitted) maximum weight and its actual weight. Violating specific permits conditions--\$200 minimum. Violating days of travel allowed under permit – \$1,500 minimum in addition to other applicable penalties.</p>		
14-271	Driving with an improperly secured or covered load	\$50
	Operating refuse collection vehicle without container cover	\$75
14-272a	Carrying children under age 16 in the open rear section or bed of a truck or other vehicle without properly adjusted and fitted safety	\$90

	belt	
14-273	Improperly operating a vehicle for which a passenger or school license endorsement is required (overcrowding, exceeding capacity, person on outside of vehicle, improper seating)	\$35
14-274	Violating maximum hours of service requirements when driving a commercial vehicle requiring a passenger or school license endorsement	\$35 (1 <sup>st</sup> ) \$100-\$500 (sub.)
14-279	Passing a standing school bus with warning signals flashing	\$100-\$500 (1 <sup>st</sup> ) \$500-\$1,000 (sub.)
14-281a	Speeding in a school bus or driving a school bus or student transportation vehicle without lit headlights	\$80 for speeding school bus \$50 for operating with headlamps unlit
14-283(e)	Failing to pull right and stop for an emergency vehicle	\$50
14-283(g)	Willfully or negligently obstructing an emergency vehicle	Up to \$200
14-289a	Driving a motorcycle with an improperly seated passenger or carrying a passenger within the first three months of licensure	\$45
14-289b	Driving a motorcycle more than two abreast, passing another vehicle in the same lane, driving between lanes, or driving without headlights lit	\$45

## BACKGROUND

### ***Fine Additives, Surcharges, Fees and Special Assessments***

The total amount a violator must pay is more than the base fine alone. For example, if the fine for the infraction is only \$35, the fees, assessments, and surcharges that also may typically make the total amount due \$93. The purposes for which these additional charges are imposed include: (1) to provide funding for state and local police

training (CGS § 51-56(c)); (2) for the Special Transportation Fund ((CGS § 13b-68); (3) recovery of court costs (CGS § 54-143(a) and 54-143a); (4) to enhance penalties for infractions and violations that occur in highway construction zones, utility work zones or school zones (CGS § 14-212a and 212b); (5) to enhance penalties for acts that endanger bicyclists (CGS § 14-212c); and for brain injury prevention and services programs (CGS §14-295a).

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable

Yea 30 Nay 0 (03/13/2006)