



General Assembly

February Session, 2006

Raised Bill No. 5210

LCO No. 1218

01218_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING ENFORCEMENT OF SPEEDING AND TRAFFIC CONTROL SIGNAL VIOLATIONS.

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

1 Section 1. Subsection (b) of section 14-107 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2006*):

4 (b) Whenever there occurs a violation of section 10a-79, 10a-92, 10a-
5 139, 14-218a, 14-219, 14-222, 14-223, 14-224 or 14-253a, [or] sections 14-
6 275 to 14-281, inclusive, or section 14-299 or a violation of an
7 ordinance, bylaw or regulation of any town, city or borough in regard
8 to parking, proof of the registration number of any motor vehicle
9 therein concerned shall be prima facie evidence in any criminal action
10 or in any action based on an infraction that the owner was the operator
11 thereof, except in the case of a leased or rented motor vehicle, such
12 proof shall be prima facie evidence in any criminal action that the
13 lessee was the operator thereof.

14 Sec. 2. (NEW) (*Effective October 1, 2006*) (a) For the purposes of
15 sections 2 to 4, inclusive, of this act, "automated traffic enforcement

16 device" means a device that (1) is designed to automatically record the
17 image of the license plate of a motor vehicle that is (A) traveling at a
18 speed in excess of the speed limit established for a street, road,
19 highway or parking area, or (B) entering an intersection in violation of
20 a traffic control signal, and (2) indicates on the recorded image
21 produced the date, time, location of the violation and, if it is a speed
22 enforcement device, the speed of the motor vehicle or, if it is a traffic
23 control signal enforcement device, the traffic control signal.

24 (b) Any municipality, as defined in subsection (a) of section 7-148 of
25 the general statutes, may, by ordinance, authorize the use of
26 automated traffic enforcement devices to enforce the provisions of any
27 ordinance regulating the speed of vehicles or of section 14-218a, 14-219
28 or 14-299 of the general statutes, and establish a fine not to exceed one
29 hundred dollars for any violation of such ordinance or said section 14-
30 218a, 14-219 or 14-299 that is detected and recorded by such device.

31 (c) Whenever a violation of an ordinance regulating the speed of
32 motor vehicles or of section 14-218a, 14-219 or 14-299 of the general
33 statutes is detected and recorded by an automated traffic enforcement
34 device, the law enforcement agency shall, not later than five days after
35 the alleged violation, mail a citation to the registered owner of the
36 motor vehicle and a copy of the recorded image or images produced
37 by the device. Proof of the registration number of the motor vehicle
38 therein concerned shall be prima facie evidence that the owner was the
39 operator thereof, except that, in the case of a leased or rented motor
40 vehicle, such proof shall be prima facie evidence that the lessee was the
41 operator thereof, as provided in subsection (b) of section 14-107 of the
42 general statutes, as amended by this act. A citation shall not be issued
43 under this subsection unless a sign was posted on the street, road,
44 highway or parking area where the automated traffic enforcement
45 device was used not less than thirty days prior to such use providing
46 notice to operators of motor vehicles that such device may be used to
47 enforce speeding and traffic control signal laws on such street, road,
48 highway or parking area.

49 (d) An automated traffic enforcement device used by a municipality
50 pursuant to this section shall be activated and record images only
51 upon detecting the approach of a motor vehicle and a probable
52 violation.

53 (e) Except as provided in subsection (f) of this section, any fine
54 collected by a municipality pursuant to this section shall be deposited
55 into the general fund of the municipality or in any special fund
56 designated by the municipality.

57 (f) One-half of any fine collected by a municipality pursuant to this
58 section with respect to a violation of a traffic control signal that was
59 placed and maintained by the state shall be paid to the State Treasurer
60 for deposit in the Special Transportation Fund.

61 (g) Any municipality that authorizes the use of automated traffic
62 enforcement devices pursuant to this section shall report the location
63 where any such device is installed to the State Traffic Commission.

64 Sec. 3. (NEW) (*Effective October 1, 2006*) (a) Any municipality that
65 adopts an ordinance as provided in section 2 of this act shall establish
66 by ordinance a speeding and traffic control signal violation hearing
67 procedure in accordance with this section. The Superior Court shall be
68 authorized to enforce the assessments and judgments provided for
69 under this section.

70 (b) The chief executive officer of the municipality shall appoint one
71 or more speeding and traffic control signal violation hearing officers,
72 other than police officers or persons who work in the police
73 department, to conduct the hearings authorized by this section.

74 (c) A municipality may, not later than twelve months after the
75 expiration of the final period for the uncontested payment of fines,
76 penalties, costs or fees for any alleged violation of an ordinance
77 regulating the speed of motor vehicles or of section 14-218a, 14-219 or
78 14-299 of the general statutes detected and recorded by an automated

79 traffic enforcement device pursuant to section 2 of this act, send notice
80 to the registered owner of the motor vehicle by first class mail at such
81 person's address according to the registration records of the
82 Department of Motor Vehicles. Such notice shall inform the owner: (1)
83 Of the allegations against such person and the amount of the fines,
84 penalties, costs or fees due; (2) that such person may contest such
85 person's liability before a speeding and traffic control signal violations
86 hearing officer by delivering in person or by mail written notice not
87 later than ten days after the date thereof; (3) that if such person does
88 not demand such a hearing, an assessment and judgment shall enter
89 against such person; and (4) that such judgment may issue without
90 further notice.

91 (d) If the person to whom notice is sent pursuant to subsection (c) of
92 this section wishes to admit liability for any alleged violation, such
93 person may, without requesting a hearing, pay, in person or by mail to
94 an official designated by the municipality, the full amount of the fines,
95 penalties, costs or fees admitted to. Such payment shall be
96 inadmissible in any proceeding, civil or criminal, to establish the
97 conduct of such person or other person making the payment. Any
98 person who does not deliver or mail written demand for a hearing by
99 the tenth day after the date of the first notice provided for in
100 subsection (c) of this section shall be deemed to have admitted liability,
101 and the designated municipal official shall certify such person's failure
102 to respond to the hearing officer. The hearing officer shall thereupon
103 enter and assess the fines, penalties, costs or fees provided for by the
104 applicable ordinances and shall follow the procedures set forth in
105 subsection (f) of this section.

106 (e) Any person who requests a hearing shall be given written notice
107 of the date, time and place for the hearing. Such hearing shall be held
108 not less than fifteen days nor more than thirty days from the date of
109 the mailing of notice, provided the hearing officer shall grant upon
110 good cause shown any reasonable request by any interested party for
111 postponement or continuance. An original or certified copy of the

112 initial notice of violation shall be filed and retained by the
113 municipality, be deemed to be a business record within the scope of
114 section 52-180 of the general statutes and be evidence of the facts
115 contained therein. A person wishing to contest such person's liability
116 shall appear at the hearing and may present evidence in such person's
117 behalf. A designated municipal official, other than the hearing officer,
118 may present evidence on behalf of the municipality. If such person
119 fails to appear, the hearing officer may enter an assessment by default
120 against such person upon a finding of proper notice and liability under
121 the applicable ordinance or statute. The hearing officer may accept
122 from such person copies of police reports, documents of the
123 Department of Motor Vehicles and other official documents by mail
124 and may determine thereby that the appearance of such person is
125 unnecessary. The hearing officer shall conduct the hearing in the order
126 and form and with such methods of proof as the hearing officer deems
127 fair and appropriate. The rules regarding the admissibility of evidence
128 shall not be strictly applied, but all testimony shall be given under oath
129 or affirmation. The hearing officer shall announce the hearing officer's
130 decision at the end of the hearing. If the hearing officer determines that
131 the person is not liable, the hearing officer shall dismiss the matter and
132 enter the hearing officer's determination in writing accordingly. If the
133 hearing officer determines that the person is liable for the violation, the
134 hearing officer shall forthwith enter and assess the fines, penalties,
135 costs or fees against such person as provided by the applicable
136 ordinances of that municipality.

137 (f) If such assessment is not paid on the date of its entry, the hearing
138 officer shall send by first class mail a notice of the assessment to the
139 person found liable and shall file, not less than thirty days nor more
140 than twelve months after such mailing, a certified copy of the notice of
141 assessment with the clerk of a superior court facility designated by the
142 Chief Court Administrator with an entry fee of eight dollars. The
143 certified copy of the notice of assessment shall constitute a record of
144 assessment. Within such twelve-month period, assessments against the
145 same person may be accrued and filed as one record of assessment.

146 The clerk shall enter judgment, in the amount of such record of
147 assessment and court costs of eight dollars, against such person in
148 favor of the municipality. Notwithstanding any provision of the
149 general statutes, the hearing officer's assessment, when so entered as a
150 judgment, shall have the effect of a civil money judgment and a levy of
151 execution on such judgment may issue without further notice to such
152 person.

153 (g) A person against whom an assessment has been entered
154 pursuant to this section is entitled to judicial review by way of appeal.
155 An appeal shall be instituted not later than thirty days after the
156 mailing of notice of such assessment by filing a petition to reopen such
157 assessment, together with an entry fee in an amount equal to the entry
158 fee for a small claims case pursuant to section 52-259 of the general
159 statutes, at a superior court facility designated by the Chief Court
160 Administrator, which shall entitle such person to a hearing in
161 accordance with the rules of the judges of the Superior Court.

162 Sec. 4. (NEW) (*Effective October 1, 2006*) Notwithstanding any
163 provision of the general statutes, a violation of section 14-218a, 14-219
164 or 14-299 of the general statutes detected and recorded by an
165 automated traffic enforcement device shall not constitute an infraction
166 or violation, be processed by the Centralized Infractions Bureau, be
167 considered a moving traffic violation, be reported to the Department of
168 Motor Vehicles for inclusion on a person's driving record or cause the
169 assessment of points against the operator's license of the person found
170 to have violated said section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	14-107(b)
Sec. 2	<i>October 1, 2006</i>	New section
Sec. 3	<i>October 1, 2006</i>	New section
Sec. 4	<i>October 1, 2006</i>	New section

Statement of Purpose:

To authorize municipalities to use automated traffic enforcement devices to photograph motor vehicles that violate speeding and stoplight laws and provide that the municipalities retain the fines collected through such automated enforcement.

[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.]