



General Assembly

January Session, 2007

**Committee Bill No. 439**

LCO No. 4812

\* SB00439TRAPD\_031507 \*

Referred to Committee on Transportation

Introduced by:  
(TRA)

**AN ACT AUTHORIZING A PILOT PROGRAM CONCERNING  
AUTOMATED TRAFFIC ENFORCEMENT DEVICES ON ROUTE 44 IN  
AVON AND WEST HARTFORD.**

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

1 Section 1. (*Effective October 1, 2007*) (a) For the purposes of sections 1  
2 to 3, inclusive, of this act, "automated traffic enforcement device"  
3 means a device that (1) is designed to automatically record the image  
4 of the license plate of a motor vehicle that is (A) traveling at a speed in  
5 excess of the speed limit established for a street, road, highway or  
6 parking area, or (B) entering an intersection in violation of a traffic  
7 control signal, and (2) indicates on the recorded image produced the  
8 date, time, location of the violation and, if it is a speed enforcement  
9 device, the speed of the motor vehicle or, if it is a traffic control signal  
10 enforcement device, the traffic control signal.

11 (b) The municipalities of Avon and West Hartford may conduct a  
12 pilot program authorizing the use of automated traffic enforcement  
13 devices by law enforcement officers of such municipalities to enforce  
14 violations of any ordinance regulating the speed of vehicles or of  
15 section 14-218a or 14-219 of the general statutes on Route 44 from the

16 east junction of Route 10 in Avon to Mountain Road in West Hartford.

17 (c) The municipalities of Avon and West Hartford may, by  
18 ordinance, authorize the use of automated traffic enforcement devices  
19 to enforce the provisions of any ordinance regulating the speed of  
20 vehicles or of section 14-218a or 14-219 of the general statutes on Route  
21 44, from the east junction of Route 10 in Avon to Mountain Road in  
22 West Hartford, and establish a fine not to exceed one hundred dollars  
23 for any violation of such ordinance or said section 14-218a or 14-219  
24 that is detected and recorded by such device.

25 (d) Whenever a violation of an ordinance regulating the speed of  
26 motor vehicles or of section 14-218a or 14-219 of the general statutes is  
27 detected and recorded by an automated traffic enforcement device, the  
28 law enforcement agency shall, not later than five days after the alleged  
29 violation, mail a citation to the registered owner of the motor vehicle  
30 and a copy of the recorded image or images produced by the device.  
31 Proof of the registration number of the motor vehicle therein  
32 concerned shall be prima facie evidence that the owner was the  
33 operator thereof, except that, in the case of a leased or rented motor  
34 vehicle, such proof shall be prima facie evidence that the lessee was the  
35 operator thereof, as provided in subsection (b) of section 14-107 of the  
36 general statutes. A citation shall not be issued under this subsection  
37 unless a sign was posted on such section of Route 44 not less than  
38 thirty days prior to such use providing notice to operators of motor  
39 vehicles that such device may be used to enforce speeding on such  
40 section of Route 44.

41 (e) An automated traffic enforcement device used by a municipality  
42 pursuant to this section shall be activated and record images only  
43 upon detecting the approach of a motor vehicle and a probable  
44 violation.

45 (f) Any fine collected by a municipality pursuant to this section shall  
46 be deposited into the general fund of the municipality or in any special  
47 fund designated by the municipality.

48       Sec. 2. (*Effective October 1, 2007*) (a) If the municipalities of Avon or  
49 West Hartford adopt an ordinance as provided in section 1 of this act,  
50 the municipality shall establish by ordinance a speeding and traffic  
51 control signal violation hearing procedure in accordance with this  
52 section. The Superior Court shall be authorized to enforce the  
53 assessments and judgments provided for under this section.

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

58       (c) The municipality may, not later than twelve months after the  
59 expiration of the final period for the uncontested payment of fines,  
60 penalties, costs or fees for any alleged violation of an ordinance  
61 regulating the speed of motor vehicles or of section 14-218a or 14-219  
62 of the general statutes detected and recorded by an automated traffic  
63 enforcement device pursuant to section 1 of this act, send notice to the  
64 registered owner of the motor vehicle by first class mail at such  
65 person's address according to the registration records of the  
66 Department of Motor Vehicles. Such notice shall inform the owner: (1)  
67 Of the allegations against such person and the amount of the fines,  
68 penalties, costs or fees due; (2) that such person may contest such  
69 person's liability before a speeding and traffic control signal violations  
70 hearing officer by delivering in person or by mail written notice not  
71 later than ten days after the date of the notice; (3) that if such person  
72 does not demand such a hearing, an assessment and judgment shall  
73 enter against such person; and (4) that such judgment may issue  
74 without further notice.

75       (d) If the person to whom notice is sent pursuant to subsection (c) of  
76 this section wishes to admit liability for any alleged violation, such  
77 person may, without requesting a hearing, pay, in person or by mail to  
78 an official designated by the municipality, the full amount of the fines,  
79 penalties, costs or fees. Such payment shall be inadmissible in any  
80 proceeding, civil or criminal, to establish the conduct of such person or

81 other person making the payment. Any person who does not deliver  
82 or mail written demand for a hearing by the tenth day after the date of  
83 the first notice provided for in subsection (c) of this section shall be  
84 deemed to have admitted liability, and the designated municipal  
85 official shall certify such person's failure to respond to the hearing  
86 officer. The hearing officer shall thereupon enter and assess the fines,  
87 penalties, costs or fees provided for by the applicable ordinances and  
88 shall follow the procedures set forth in subsection (f) of this section.

89 (e) Any person who requests a hearing shall be given written notice  
90 of the date, time and place for the hearing. Such hearing shall be held  
91 not less than fifteen days or more than thirty days after the date of the  
92 mailing of notice, provided the hearing officer shall grant upon good  
93 cause shown any reasonable request by any interested party for  
94 postponement or continuance. An original or certified copy of the  
95 initial notice of violation shall be filed and retained by the  
96 municipality, be deemed to be a business record within the scope of  
97 section 52-180 of the general statutes and be evidence of the facts  
98 contained therein. A person wishing to contest such person's liability  
99 shall appear at the hearing and may present evidence in such person's  
100 behalf. A designated municipal official, other than the hearing officer,  
101 may present evidence on behalf of the municipality. If such person  
102 fails to appear, the hearing officer may enter an assessment by default  
103 against such person upon a finding of proper notice and liability under  
104 the applicable ordinance or statute. The hearing officer may accept  
105 from such person copies of police reports, documents of the  
106 Department of Motor Vehicles and other official documents by mail  
107 and may determine thereby that the appearance of such person is  
108 unnecessary. The hearing officer shall conduct the hearing in the order  
109 and form and with such methods of proof as the hearing officer deems  
110 fair and appropriate. The rules regarding the admissibility of evidence  
111 shall not be strictly applied, but all testimony shall be given under oath  
112 or affirmation. The hearing officer shall announce the hearing officer's  
113 decision at the end of the hearing. If the hearing officer determines that  
114 the person is not liable, the hearing officer shall dismiss the matter and

115 enter the hearing officer's determination, in writing, accordingly. If the  
116 hearing officer determines that the person is liable for the violation, the  
117 hearing officer shall forthwith enter and assess the fines, penalties,  
118 costs or fees against such person as provided by the applicable  
119 ordinances of the municipality.

120 (f) If such assessment is not paid on the date of its entry, the hearing  
121 officer shall send by first class mail a notice of the assessment to the  
122 person found liable and shall file, not less than thirty days or more  
123 than twelve months after such mailing, a certified copy of the notice of  
124 assessment with the clerk of a superior court facility designated by the  
125 Chief Court Administrator with an entry fee of eight dollars. The  
126 certified copy of the notice of assessment shall constitute a record of  
127 assessment. Within such twelve-month period, assessments against the  
128 same person may be accrued and filed as one record of assessment.  
129 The clerk shall enter judgment, in the amount of such record of  
130 assessment and court costs of eight dollars, against such person in  
131 favor of the municipality. Notwithstanding any provision of the  
132 general statutes, the hearing officer's assessment, when so entered as a  
133 judgment, shall have the effect of a civil money judgment and a levy of  
134 execution on such judgment may issue without further notice to such  
135 person.

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

145 Sec. 3. (*Effective October 1, 2007*) Notwithstanding any provision of  
146 the general statutes, a violation of section 14-218a or 14-219 of the  
147 general statutes detected and recorded by an automated traffic

148 enforcement device shall not constitute an infraction or violation, be  
149 processed by the Centralized Infractions Bureau, be considered a  
150 moving traffic violation, be reported to the Department of Motor  
151 Vehicles for inclusion on a person's driving record or cause the  
152 assessment of points against the operator's license of the person found  
153 to have violated section 14-218a or 14-219 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>October 1, 2007</i>	New section
Sec. 3	<i>October 1, 2007</i>	New section

**TRA**

*Joint Favorable C/R*

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