



General Assembly

January Session, 2007

Raised Bill No. 1443

LCO No. 5799

05799_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT AUTHORIZING A PILOT PROGRAM CONCERNING
AUTOMATED SPEED 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 speed 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 traveling at a speed in
5 excess of the speed limit established for a street, road, highway or
6 parking area, and (2) indicates on the recorded image produced the
7 date, time, location of the violation and the speed of the motor vehicle.

8 (b) The municipalities of Avon and West Hartford may conduct a
9 pilot program authorizing the use of automated speed enforcement
10 devices by law enforcement officers of such municipalities to enforce
11 violations of any ordinance regulating the speed of vehicles or of
12 section 14-218a or 14-219 of the general statutes on Route 44 from the
13 east junction of Route 10 in Avon to Mountain Road in West Hartford.

14 (c) The municipalities of Avon and West Hartford may, by

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

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

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

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

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

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

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

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

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

87 (e) Any person who requests a hearing shall be given written notice
88 of the date, time and place for the hearing. Such hearing shall be held
89 not less than fifteen days or more than thirty days after the date of the
90 mailing of notice, provided the hearing officer shall grant upon good
91 cause shown any reasonable request by any interested party for
92 postponement or continuance. An original or certified copy of the
93 initial notice of violation shall be filed and retained by the
94 municipality, be deemed to be a business record within the scope of
95 section 52-180 of the general statutes and be evidence of the facts
96 contained therein. A person wishing to contest such person's liability
97 shall appear at the hearing and may present evidence in such person's
98 behalf. The presence of the police officer who authorized the issuance
99 of the citation shall be required at the hearing if such person so
100 requests. A designated municipal official, other than the hearing
101 officer, may present evidence on behalf of the municipality. A police
102 officer shall testify as to the accuracy of the speed enforcement device
103 as provided in section 14-219c of the general statutes. If such person
104 fails to appear, the hearing officer may enter an assessment by default
105 against such person upon a finding of proper notice and liability under
106 the applicable ordinance or statute. The hearing officer may accept
107 from such person copies of police reports, documents of the
108 Department of Motor Vehicles and other official documents by mail
109 and may determine thereby that the appearance of such person is
110 unnecessary. The hearing officer shall conduct the hearing in the order
111 and form and with such methods of proof as the hearing officer deems
112 fair and appropriate. The rules regarding the admissibility of evidence

113 shall not be strictly applied, but all testimony shall be given under oath
114 or affirmation. The hearing officer shall announce the hearing officer's
115 decision at the end of the hearing. If the hearing officer determines that
116 the person is not liable, the hearing officer shall dismiss the matter and
117 enter the hearing officer's determination, in writing, accordingly. If the
118 hearing officer determines that the person is liable for the violation, the
119 hearing officer shall forthwith enter and assess the fines, penalties,
120 costs or fees against such person as provided by the applicable
121 ordinances of the municipality.

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

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

146 accordance with the rules of the judges of the Superior Court.

147 Sec. 3. (*Effective October 1, 2007*) Notwithstanding any provision of
148 the general statutes, a violation of section 14-218a or 14-219 of the
149 general statutes detected and recorded by an automated speed
150 enforcement device shall not constitute an infraction or violation, be
151 processed by the Centralized Infractions Bureau, be considered a
152 moving traffic violation, be reported to the Department of Motor
153 Vehicles for inclusion on a person's driving record or cause the
154 assessment of points against the operator's license of the person found
155 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

Statement of Purpose:

To permit the municipalities of Avon and West Hartford to establish a pilot program authorizing the use of automated speed enforcement devices on Route 44 from the East junction of Route 10 in Avon to Mountain Road in West Hartford.

[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.]