



Senate

General Assembly

File No. 275

February Session, 2008

Substitute Senate Bill No. 581

Senate, March 31, 2008

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE ENFORCEMENT AUTHORITY OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND MOTOR BUS IDLING.

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

1 Section 1. Section 22a-6b of the 2008 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2008*):

4 (a) The Commissioner of Environmental Protection shall adopt
5 regulations, in accordance with the provisions of chapter 54, to
6 establish a schedule setting forth the amounts, or the ranges of
7 amounts, or a method for calculating the amount of the civil penalties
8 which may become due under this section. Such schedule or method
9 may be amended from time to time in the same manner as for
10 adoption provided any such regulations which become effective after
11 July 1, 1993, shall only apply to violations which occur after said date.
12 The civil penalties established for each violation shall be of such
13 amount as to insure immediate and continued compliance with

14 applicable laws, regulations, orders and permits. Such civil penalties
15 shall not exceed the following amounts:

16 (1) For failure to file any registration, other than a registration for a
17 general permit, for failure to file any plan, report or record, or any
18 application for a permit, for failure to obtain any certification, for
19 failure to display any registration, permit or order, or file any other
20 information required pursuant to any provision of section 14-100b or
21 14-164c of the 2008 supplement to the general statutes, subdivision (3)
22 of subsection (b) of section 15-121, section 15-171, 15-172, 15-175, 22a-5,
23 22a-6 of the 2008 supplement to the general statutes, 22a-7, 22a-32, 22a-
24 39 or 22a-42a, 22a-45a, chapter 441, sections 22a-134 to 22a-134d,
25 inclusive, subsection (b) of section 22a-134p, section 22a-171, 22a-174,
26 22a-175, 22a-177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-208, 22a-208a,
27 22a-209, 22a-213, 22a-220, 22a-231, 22a-336, 22a-342, 22a-345, 22a-346,
28 22a-347, 22a-349a, 22a-354p of the 2008 supplement to the general
29 statutes, 22a-358, 22a-359, 22a-361, 22a-362, 22a-368, 22a-401 to 22a-405,
30 inclusive, 22a-411 of the 2008 supplement to the general statutes, 22a-
31 416, 22a-417, 22a-424 to 22a-433, inclusive, 22a-447, 22a-449 of the 2008
32 supplement to the general statutes, 22a-450, 22a-451, 22a-454, 22a-458,
33 22a-461, 22a-462 or 22a-471, or any regulation, order or permit adopted
34 or issued thereunder by the commissioner, and for other violations of
35 similar character as set forth in such schedule or schedules, no more
36 than one thousand dollars for said violation and in addition no more
37 than one hundred dollars for each day during which such violation
38 continues;

39 (2) For deposit, placement, removal, disposal, discharge or emission
40 of any material or substance or electromagnetic radiation or the
41 causing of, engaging in or maintaining of any condition or activity in
42 violation of any provision of section 14-100b or 14-164c of the 2008
43 supplement to the general statutes, subdivision (3) of subsection (b) of
44 section 15-121, section 15-171, 15-172, 15-175, 22a-5, 22a-6 of the 2008
45 supplement to the general statutes, 22a-7, 22a-32, 22a-39 or 22a-42a,
46 22a-45a, chapter 441, sections 22a-134 to 22a-134d, inclusive, section
47 22a-69 or 22a-74, subsection (b) of section 22a-134p, section 22a-162,

48 22a-171, 22a-174, 22a-175, as amended by this act, 22a-177, 22a-178,
49 22a-181, 22a-183, 22a-184, 22a-190, 22a-208, 22a-208a, 22a-209, 22a-213,
50 22a-220, 22a-336, 22a-342, 22a-345, 22a-346, 22a-347, 22a-349a, 22a-354p
51 of the 2008 supplement to the general statutes, 22a-358, 22a-359, 22a-
52 361, as amended by this act, 22a-362, 22a-368, 22a-401 to 22a-405,
53 inclusive, 22a-411 of the 2008 supplement to the general statutes, 22a-
54 416, 22a-417, 22a-424 to 22a-433, inclusive, 22a-447, 22a-449 of the 2008
55 supplement to the general statutes, 22a-450, 22a-451, 22a-454, 22a-458,
56 22a-461, 22a-462 or 22a-471, or any regulation, order or permit adopted
57 thereunder by the commissioner, and for other violations of similar
58 character as set forth in such schedule or schedules, no more than
59 twenty-five thousand dollars for said violation for each day during
60 which such violation continues;

61 (3) For violation of the terms of any final order of the commissioner,
62 except final orders under subsection (d) of this section and emergency
63 orders and cease and desist orders as set forth in subdivision (4) of this
64 subsection, for violation of the terms of any permit issued by the
65 commissioner, and for other violations of similar character as set forth
66 in such schedule or schedules, no more than twenty-five thousand
67 dollars for said violation for each day during which such violation
68 continues;

69 (4) For violation of any emergency order or cease and desist order of
70 the commissioner, and for other violations of similar character as set
71 forth in such schedule or schedules, no more than twenty-five
72 thousand dollars for said violation for each day during which such
73 violation continues;

74 (5) For failure to make an immediate report required pursuant to
75 subdivision (3) of subsection (a) of section 22a-135, or a report required
76 by the department pursuant to subsection (b) of section 22a-135, no
77 more than twenty-five thousand dollars per violation per day;

78 (6) For violation of any provision of the state's hazardous waste
79 program, no more than twenty-five thousand dollars per violation per
80 day;

81 (7) For wilful violation of any condition imposed pursuant to
82 section 26-313 which leads to the destruction of, or harm to, any rare,
83 threatened or endangered species, no more than ten thousand dollars
84 per violation per day;

85 (8) For violation of any provision of sections 22a-608 to 22a-611,
86 inclusive, no more than the amount established by Section 325 of the
87 Emergency Planning and Community Right-To-Know Act of 1986 (42
88 USC 11001 et seq.) for a violation of Section 302, 304 or 311 to 313,
89 inclusive, of said act.

90 (b) In adopting regulations regarding any schedule or methods
91 prescribed by this section, the commissioner shall consider:

92 (1) The amount or ranges of amounts of assessment necessary to
93 insure immediate and continued compliance;

94 (2) The character and degree of impact of the violation on the
95 natural resources of the state, especially any rare or unique natural
96 phenomena;

97 (3) The conduct of the person incurring the civil penalty in taking all
98 feasible steps or procedures necessary or appropriate to comply or to
99 correct the violation;

100 (4) Any prior violations by such person of statutes, regulations,
101 orders or permits administered, adopted or issued by the
102 commissioner;

103 (5) The economic and financial conditions of such person;

104 (6) The economic benefit which such person derived as a result of
105 the violation;

106 (7) The character and degree of injury to, or interference with, public
107 health, safety or welfare which is caused or threatened to be caused by
108 such violation;

109 (8) The character and degree of injury or impairment to, or

110 interference with, reasonable use of property which is caused or
111 threatened to be caused by such violation;

112 (9) The character and degree of injury or impairment to, or
113 interference with, the public trust in the air, water, land and other
114 natural resources of the state;

115 (10) To the extent consistent with applicable law, any other factors
116 the commissioner deems appropriate, including voluntary measures
117 taken by such person to prevent pollution or enhance or preserve
118 natural resources;

119 (11) In the case of violation of the provisions of subdivision (3) of
120 subsection (a) of section 22a-135, the apparent seriousness of the
121 release, occurrence, incident or other circumstance at the time it first
122 became known to the licensee or any employee of such licensee, the
123 extent of the delay from the time such licensee or employee had or in
124 the exercise of reasonable care should have had knowledge of such
125 release, occurrence, incident or circumstance until its reporting by the
126 licensee in accordance with this subsection, subsection (a) of this
127 section and sections 16-19g and 22a-135, and the conduct of the
128 licensee in taking all necessary steps to prevent future violations of the
129 provisions of said subdivision.

130 (c) Notwithstanding subsection (a) of this section, the commissioner
131 may issue an order pursuant to chapter 446c, 446d or 446k to impose a
132 civil penalty that exceeds the limits enumerated in said subsection, but
133 in no case shall such penalty exceed one hundred thousand dollars. To
134 determine the amount of such penalty, the commissioner shall
135 consider the factors specified in subsection (b) of this section. Any self-
136 reported information submitted in accordance with a permit or order
137 issued, or regulation adopted pursuant to chapters 446c, 446d or 446k
138 shall be presumed to be factual.

139 [(c)] (d) If the commissioner has reason to believe that a violation
140 has occurred for which a civil penalty is authorized by this section, he
141 may send to the violator, by certified mail, return receipt requested, or

142 personal service, a notice which shall include:

143 (1) A reference to the sections of the statute, regulation, order or
144 permit involved;

145 (2) A short and plain statement of the matters asserted or charged;

146 (3) A statement of the amount of the civil penalty or penalties or the
147 method for calculating the penalty or penalties to be imposed upon
148 finding after hearing that a violation has occurred or upon a default;
149 and

150 (4) A statement of the party's right to a hearing.

151 [(d)] (e) The person to whom the notice is addressed shall have
152 thirty days from the date of receipt of the notice in which to deliver to
153 the commissioner written application for a hearing. If a hearing is
154 requested then, after a hearing and upon a finding that a violation has
155 occurred, the commissioner may issue a final order assessing a civil
156 penalty under this section which is not greater than the penalty stated
157 in the notice. The commissioner may amend a notice of assessment at
158 any time before such notice becomes final, provided the person to
159 whom the notice is addressed shall have thirty days from the date of
160 receipt of such amendment in which to deliver to the commissioner a
161 written application for a hearing on such amendment, and provided
162 further the commissioner may amend a notice of assessment after a
163 hearing has begun only with the permission of the hearing officer. If
164 such a hearing is not so requested, or if such a request is later
165 withdrawn, then the notice shall, on the first day after the expiration of
166 such twenty-day period or on the first day after the withdrawal of such
167 request for hearing, whichever is later, become a final order of the
168 commissioner and the matters asserted or charged in the notice shall
169 be deemed admitted unless modified by consent order, which shall be
170 a final order. Any civil penalty may be mitigated by the commissioner
171 upon such terms and conditions as the commissioner in the
172 commissioner's discretion deems proper or necessary upon
173 consideration of the factors set forth in subsection (b) of this section.

174 [(e)] (f) All hearings under this section shall be conducted pursuant
175 to sections 4-176e to 4-184, inclusive. The final order of the
176 commissioner assessing a civil penalty shall be subject to appeal as set
177 forth in section 4-183, except that any such appeal shall be taken to the
178 superior court for the judicial district of New Britain and shall have
179 precedence in the order of trial as provided in section 52-191. Such
180 final order shall not be subject to appeal under any other provision of
181 the general statutes. No challenge to any notice of assessment or final
182 order of the commissioner assessing a civil penalty shall be allowed as
183 to any issue which could have been raised by an appeal of an earlier
184 order, notice, permit, denial or other final decision by the
185 commissioner. Any civil penalty authorized by this section shall
186 become due and payable (1) at the time of receipt of a final order in the
187 case of a civil penalty assessed in such order after a hearing, (2) on the
188 first day after the expiration of the period in which a hearing may be
189 requested if no hearing is requested, or (3) on the first day after any
190 withdrawal of a request for hearing.

191 [(f)] (g) Any person acting within the terms and conditions of a final
192 order or permit issued to him by the commissioner shall not be subject
193 to a civil penalty, under this section, for such actions.

194 [(g)] (h) A civil penalty assessed in a final order of the commissioner
195 under this section may be enforced in the same manner as a judgment
196 of the Superior Court. Such final order shall be served in person or by
197 certified mail, return receipt requested. Any notice of violation or final
198 order against a private corporation shall be served upon at least one of
199 the individuals enumerated in section 52-57. After entry, a transcript of
200 such final order may be filed by the commissioner, without requiring
201 the payment of costs as a condition precedent to such filing, in the
202 office of the clerk of the superior court in any one or more of the
203 following judicial districts: Any judicial district in which the
204 respondent resides, any judicial district in which the respondent has a
205 place of business, any judicial district in which the respondent owns
206 real property and any judicial district in which any real property
207 which is a subject of the proceedings is located; or, if the respondent is

208 not a resident of the state of Connecticut, in the judicial district of
209 Hartford. Upon such filing, such clerk or clerks shall docket such order
210 in the same manner and with the same effect as a judgment entered in
211 the superior court within the judicial district. Upon such docketing,
212 such order may be enforced as a judgment of such court.

213 [(h)] (i) The provisions of this section, sections 22a-2, 22a-6 of the
214 2008 supplement to the general statutes, 22a-6a, 22a-7, sections 22a-428,
215 subsection (d) of section 22a-430, sections 22a-431, 22a-432, 22a-433,
216 22a-437 and subsections (b) and (c) of section 22a-459 are in addition to
217 and in no way derogate from any other enforcement provisions
218 contained in any statute administered by the commissioner. The
219 powers, duties and remedies provided in such other statutes, and the
220 existence of or exercise of any powers, duties or remedies hereunder or
221 thereunder shall not prevent the commissioner from exercising any
222 other powers, duties or remedies provided herein, therein, at law or in
223 equity.

224 [(i)] (j) No penalty shall be assessed pursuant to this section which
225 exceeds two hundred thousand dollars or such other amount as may
226 be provided by federal law.

227 Sec. 2. Subsection (b) of section 22a-6e of the general statutes is
228 repealed and the following is substituted in lieu thereof (*Effective*
229 *October 1, 2008*):

230 (b) The commissioner, or his designee, shall render a final decision
231 to assess the administrative civil penalties established pursuant to this
232 section, and shall collect such penalties, in accordance with the
233 procedures specified in subsections (c) to [(g)] (h), inclusive, of section
234 22a-6b of the 2008 supplement to the general statutes, as amended by
235 this act. The commissioner may amend a notice of assessment at any
236 time before such notice becomes final, provided the person to whom
237 the notice is addressed shall have thirty days from the date of receipt
238 of such amendment in which to deliver to the commissioner a written
239 application for a hearing on such amendment, and provided further
240 the commissioner may amend a notice of assessment after a hearing

241 has begun only with the permission of the hearing officer. No
242 challenge to any notice of civil penalty assessment shall be allowed as
243 to any issue which could have been raised by an appeal of an earlier
244 order, notice permit, denial or other final decision by the
245 commissioner.

246 Sec. 3. Section 22a-75 of the general statutes is repealed and the
247 following is substituted in lieu thereof (*Effective October 1, 2008*):

248 The commissioner may set schedules and assess civil penalties for
249 any violation of this chapter pursuant to sections 22a-6a and 22a-6b of
250 the 2008 supplement to the general statutes. Notice, hearing and
251 appeal procedures shall be made pursuant to subsections [(c) to (h)] (d)
252 to (i), inclusive, of section 22a-6b of the 2008 supplement to the general
253 statutes, as amended by this act.

254 Sec. 4. Section 51-344b of the general statutes is repealed and the
255 following is substituted in lieu thereof (*Effective October 1, 2008*):

256 Whenever the term "judicial district of Hartford" is used or referred
257 to in the following sections of the general statutes, the term "judicial
258 district of New Britain" shall be substituted in lieu thereof: Subsection
259 (b) of section 3-70a, sections 3-71a and 4-164, subsection (c) of section 4-
260 183, subdivision (4) of subsection (g) of section 10-153e, subparagraph
261 (C) of subdivision (4) of subsection (e) of section 10a-109n of the 2008
262 supplement to the general statutes, sections 12-3a, 12-89, 12-103, 12-
263 208, 12-237, 12-242hh, 12-242ii, 12-242kk, 12-268l, 12-307, 12-312, 12-
264 330m, 12-405k, 12-422, 12-448, 12-454, 12-463, 12-489, 12-522, 12-554, 12-
265 586g and 12-597, subsection (b) of section 12-638i, sections 12-730, 14-
266 57, 14-66 of the 2008 supplement to the general statutes, 14-195, 14-324,
267 14-331 and 19a-85, subsection (f) of section 19a-332e, subsection (d) of
268 section 19a-653, sections 20-156, 20-247, 20-307, 20-373, 20-583 and 21a-
269 55, subsection (e) of section 22-7, sections 22-320d and 22-386,
270 subsection [(e)] (f) of section 22a-6b of the 2008 supplement to the
271 general statutes, as amended by this act, section 22a-30, subsection (a)
272 of section 22a-34, subsection (b) of section 22a-34, section 22a-182a,
273 subsection (f) of section 22a-225, sections 22a-227, 22a-344, 22a-374,

274 22a-408 and 22a-449g, subsection (f) of section 25-32e, section 29-158,
275 subsection (e) of section 29-161z, sections 36b-30 and 36b-76,
276 subsection (f) of section 38a-41, section 38a-52, subsection (c) of section
277 38a-150, sections 38a-185, 38a-209 and 38a-225, subdivision (3) of
278 section 38a-226b, sections 38a-241, 38a-337 and 38a-657, subsection (c)
279 of section 38a-774, section 38a-776, subsection (c) of section 38a-817
280 and section 38a-994.

281 Sec. 5. Section 22a-175 of the general statutes is repealed and the
282 following is substituted in lieu thereof (*Effective October 1, 2008*):

283 (a) Any person who knowingly or with criminal negligence violates
284 any provision of this chapter, or any regulation, order or permit
285 adopted or issued thereunder except for a violation of subsection (b) of
286 this section, shall be fined not more than twenty-five thousand dollars
287 per day for each day of violation or be imprisoned not more than one
288 year, or both. A subsequent conviction for any such violation shall
289 carry a fine of not more than fifty thousand dollars per day for each
290 day of violation or imprisonment for not more than two years, or both.

291 (b) Any person who (1) knowingly makes any false statement,
292 representation or certification in any application, record, report, plan
293 or other document filed or required to be maintained under this
294 chapter, or under any regulation, order or permit adopted or issued
295 thereunder, [or who] (2) falsifies, tampers with or knowingly renders
296 inaccurate any monitoring device or method required to be maintained
297 under the provisions of this chapter, or any regulation, order or permit
298 adopted or issued thereunder, or (3) wilfully fails to maintain or
299 knowingly destroys, alters or conceals any record required to be
300 maintained under this chapter, or any regulation adopted, or order or
301 permit issued under this chapter, shall, upon conviction, be fined not
302 more than [ten thousand dollars for each violation] fifty thousand
303 dollars per day for each day of the violation or imprisoned not more
304 than [six months for each violation] two years, or both. A subsequent
305 conviction for any such violation shall carry a fine of not more than
306 fifty thousand dollars per day for each day of the violation or

307 imprisonment for not more than five years, or both.

308 Sec. 6. Section 22a-226a of the general statutes is repealed and the
309 following is substituted in lieu thereof (*Effective October 1, 2008*):

310 (a) Any person who knowingly violates any provision of section
311 22a-252, section 22a-208a, section 22a-208c, any permit issued under
312 said section 22a-208a, subsection (c) or (d) of section 22a-250, any
313 regulation adopted under section 22a-209 or 22a-231, or any order
314 issued pursuant to section 22a-225 shall be fined not more than
315 twenty-five thousand dollars per day for each day of violation or
316 imprisoned not more than two years or both. A subsequent conviction
317 for any such violation shall carry a fine of not more than fifty thousand
318 dollars per day for each day of violation or imprisonment for not more
319 than five years or both.

320 (b) Any person who, in violation of any provision of section 22a-
321 208a, 22a-208c or 22a-252, any permit issued under section 22a-208a or
322 subsection (c) or (d) of section 22a-250, any regulation adopted under
323 section 22a-209 or 22a-231, or any order issued pursuant to section 22a-
324 225: (1) Knowingly makes any false statement, representation or
325 certification in any application, record, report, plan or other document
326 filed or required to be maintained, (2) falsifies, tampers with or
327 knowingly renders inaccurate any monitoring device or method
328 required to be maintained, or (3) wilfully fails to maintain or
329 knowingly destroys, alters or conceals any record required to be
330 maintained, shall, upon conviction, be fined not more than fifty
331 thousand dollars for each day of the violation or imprisoned not more
332 than two years, or both. A subsequent conviction for any such
333 violation shall carry a fine of not more than fifty thousand dollars per
334 day for each day of the violation or imprisonment for not more than
335 five years, or both.

336 Sec. 7. Subsection (a) of section 22a-361 of the general statutes is
337 repealed and the following is substituted in lieu thereof (*Effective*
338 *October 1, 2008*):

339 (a) No person, firm or corporation, public, municipal or private,
340 shall dredge, erect any structure, place any fill, obstruction or
341 encroachment or carry out any work incidental thereto or retain or
342 maintain any structure, dredging or fill, in the tidal, coastal or
343 navigable waters of the state waterward of the high tide line until such
344 person, firm or corporation has submitted an application and has
345 secured from said commissioner a certificate or permit for such work
346 and has agreed to carry out any conditions necessary to the
347 implementation of such certificate or permit. (1) Each application for a
348 permit, except for an emergency authorization, for any structure,
349 filling or dredging which uses or occupies less than five thousand five
350 hundred square feet in water surface area based on the perimeters of
351 the project shall be accompanied by a fee equal to eighty cents per
352 square foot provided such fee shall not be less than five hundred
353 twenty-five dollars. (2) Each application for a permit for any structure,
354 filling or dredging which uses or occupies five thousand five hundred
355 square feet or more but less than five acres in water surface area based
356 on the perimeters of the project shall be accompanied by a fee of three
357 thousand three hundred dollars plus ten cents per square foot for each
358 square foot in excess of five thousand five hundred square feet. (3)
359 Each application for a permit for any structure, filling or dredging
360 which uses or occupies five or more acres in water surface area based
361 on the perimeters of the project shall be accompanied by a fee of
362 nineteen thousand two hundred twenty-three dollars plus five
363 hundred twenty-five dollars per acre for each acre or part thereof in
364 excess of five acres. (4) Each application for a mooring area or multiple
365 mooring facility, regardless of the area to be occupied by moorings,
366 shall be accompanied by a fee of five hundred twenty-five dollars
367 provided that such mooring areas or facilities shall not include fixed or
368 floating docks, slips or berths. (5) Application fees for aquaculture
369 activities shall not be based on areal extent. The commissioner may
370 waive or reduce any fee [payable to him] for [(1)] (A) a tidal wetlands
371 or coastal resource restoration or enhancement activity, [(2)] (B)
372 experimental activities or demonstration projects, [(3)] (C) nonprofit
373 academic activities, or [(4)] (D) public access activities in tidal, coastal

374 or navigable waters, provided no fee shall be waived or reduced for
375 activities required by statute, regulation, permit, order or enforcement
376 action. The application fee for the retention of a structure built in
377 violation of this subsection where such structure is ineligible for a
378 certificate of permission under section 22a-363b shall be four times the
379 fee calculated in accordance with subdivisions (1) to (4), inclusive, of
380 this subsection. The commissioner may lower such fee based upon the
381 commissioner's finding of significant extenuating circumstances. As
382 used in this section, "resource restoration or enhancement activity"
383 means an action taken to return a wetland or coastal resource to a prior
384 natural condition or to improve the natural functions or habitat value
385 of such resource, but shall not include actions required pursuant to an
386 enforcement action of the commissioner, and "public access activities"
387 means activities whose principal purpose is to provide or increase
388 access for the general public to tidal, coastal or navigable waters,
389 including, but not limited to, boardwalks, boat ramps, observation
390 areas and fishing piers.

391 Sec. 8. Section 22a-407 of the general statutes is repealed and the
392 following is substituted in lieu thereof (*Effective October 1, 2008*):

393 (a) Any person who violates any provision of this chapter, any order
394 or permit issued by the commissioner pursuant to this chapter shall
395 forfeit to the state a sum not exceeding [one] twenty-five thousand
396 dollars, to be fixed by the court, for each offense. Each violation shall
397 be a separate and distinct offense and, in case of a continuing violation,
398 each day's continuance thereof shall be deemed to be a separate and
399 distinct offense. Any dam that has been constructed, altered, rebuilt,
400 repaired or replaced without the permit required by section 22a-403 or
401 that remains in unsafe condition shall be deemed a continuing
402 violation. The Attorney General, upon complaint of the commissioner,
403 shall institute an action to recover such forfeiture and to enjoin such
404 violation and require its correction.

405 (b) Any person who knowingly or with criminal negligence violates
406 any provision of chapter 446j shall, for a first violation, be fined not

407 more than twenty-five thousand dollars for each day of the violation or
408 be imprisoned not more than one year, or both, and for a subsequent
409 violation, be fined not more than fifty thousand dollars for each day of
410 the violation or be imprisoned not more than two years, or both.

411 (c) Any person who knowingly makes a false statement,
412 representation or certification in any application, record, plan or other
413 document filed or required to be maintained under this chapter or
414 section 22a-6 or 22a-7 shall, for a first violation, be fined not more than
415 twenty-five thousand dollars for each day of the violation or be
416 imprisoned not more than one year, or both, and for a subsequent
417 violation, be fined not more than fifty thousand dollars for each day of
418 the violation or be imprisoned not more than two years, or both.

419 (d) All penalties collected pursuant to this section shall be used by
420 the Commissioner of Environmental Protection to (1) inventory or
421 inspect dams, (2) promote dam removal, or (3) support dam safety
422 technical assistance and outreach.

423 (e) For the purposes of subsections (c) and (d) of this section,
424 "person" has the same meaning as in section 22a-2 and includes any
425 responsible corporate officer or municipal official.

426 Sec. 9. Subsections (b) and (c) of section 22a-430 of the general
427 statutes are repealed and the following is substituted in lieu thereof
428 (*Effective October 1, 2008*):

429 (b) The commissioner, at least thirty days before approving or
430 denying a permit application for a discharge, shall publish once in a
431 newspaper having a substantial circulation in the affected area notice
432 of (1) the name of the applicant; (2) the location, volume, frequency
433 and nature of the discharge; (3) the tentative decision on the
434 application, and (4) additional information the commissioner deems
435 necessary to comply with the federal Clean Water Act (33 USC 1251 et
436 seq.). There shall be a comment period following the public notice
437 during which period interested persons and municipalities may
438 submit written comments. After the comment period, the

439 commissioner shall make a final determination either that (A) such
440 discharge would not cause pollution of any of the waters of the state,
441 in which case he shall issue a permit for such discharge, or (B) after
442 giving due regard to any proposed system to treat the discharge, that
443 such discharge would cause pollution of any of the waters of the state,
444 in which case he shall deny the application and notify the applicant of
445 such denial and the reasons therefor, or (C) the proposed system to
446 treat such discharge will protect the waters of the state from pollution,
447 in which case he shall, except as provided pursuant to subsection (j) of
448 this section, require the applicant to submit plans and specifications
449 and such other information as he may require and shall impose such
450 additional conditions as may be required to protect such water, and if
451 the commissioner finds that the proposed system to treat the
452 discharge, as described by the plans and specifications or such other
453 information as may be required by the commissioner pursuant to
454 subsection (j) of this section, will protect the waters of the state from
455 pollution, he shall notify the applicant of his approval and, when such
456 applicant has installed such system, in full compliance with the
457 approval thereof, the commissioner shall issue a permit for such
458 discharge, or (D) the proposed system to treat such discharge, as
459 described by the plans and specifications, will not protect the waters of
460 the state, in which case he shall promptly notify the applicant that its
461 application is denied and the reasons therefor. No permit shall be
462 issued for an alternative on-site sewage treatment system, as defined in
463 the Public Health Code, in a drinking water supply watershed unless
464 the commissioner determines that (i) such system is the only feasible
465 solution to an existing pollution problem and that the proposed system
466 capacity does not exceed the capacity of the failed on-site system, or
467 (ii) such system is for the expansion of an existing municipal or public
468 school project or for new construction of a municipal or public school
469 project on an existing municipal or public school site, in a municipality
470 in which a majority of the land is located within a drinking water
471 supply watershed. The commissioner shall, by regulations adopted in
472 accordance with the provisions of chapter 54, establish procedures,
473 criteria and standards as appropriate for determining if (I) a discharge

474 would cause pollution to the waters of the state, and (II) a treatment
475 system is adequate to protect the waters of the state from pollution.
476 Such procedures, criteria and standards may include schedules of
477 activities, prohibitions of practices, operating and maintenance
478 procedures, management practices and other measures to prevent or
479 reduce pollution of the waters of the state, provided the commissioner
480 in adopting such procedures, criteria and standards shall consider best
481 management practices. The regulations shall specify the circumstances
482 under which procedures, criteria and standards for activities other
483 than treatment will be required. For the purposes of this section, "best
484 management practices" means those practices which reduce the
485 discharge of waste into the waters of the state and which have been
486 determined by the commissioner to be acceptable based on, but not
487 limited to, technical, economic and institutional feasibility. [Any
488 applicant, or in the case of a permit issued pursuant to the federal
489 Water Pollution Control Act, any person or municipality, who is
490 aggrieved by a decision of the commissioner where an application has
491 not been given a public hearing shall have the right to a hearing and an
492 appeal therefrom in the same manner as provided in sections 22a-436
493 and 22a-437. Any applicant, or in the case of a permit issued pursuant
494 to the federal Water Pollution Control Act, any person or municipality,
495 who is aggrieved by a decision of the commissioner where an
496 application has been given a public hearing shall have the right to
497 appeal as provided in section 22a-437.] The commissioner may, by
498 regulation, exempt certain categories, types or sizes of discharge from
499 the requirement for notice prior to approving or denying the
500 application if such category, type or size of discharge is not likely to
501 cause substantial pollution. The commissioner may hold a public
502 hearing prior to approving or denying any application if in his
503 discretion the public interest will be best served thereby, and he shall
504 hold a hearing upon receipt of a petition signed by at least twenty-five
505 persons. Notice of such hearing shall be published at least thirty days
506 before the hearing in a newspaper having a substantial circulation in
507 the area affected.

508 (c) The permits issued pursuant to this section shall be for a period

509 not to exceed five years, except that any such permit shall be subject to
510 the provisions of section 22a-431. Such permits: (1) Shall specify the
511 manner, nature and volume of discharge; (2) shall require proper
512 operation and maintenance of any pollution abatement facility
513 required by such permit; (3) may be renewable for periods not to
514 exceed five years each in accordance with procedures and
515 requirements established by the commissioner; and (4) shall be subject
516 to such other requirements and restrictions as the commissioner deems
517 necessary to comply fully with the purposes of this chapter, the federal
518 Water Pollution Control Act and the federal Safe Drinking Water Act.
519 An application for a renewal of a permit which expires after January 1,
520 1985, shall be filed with the commissioner at least one hundred eighty
521 days before the expiration of such permit. The commissioner, at least
522 thirty days before approving or denying an application for renewal of
523 a permit, shall publish once in a newspaper having substantial
524 circulation in the area affected, notice of (A) the name of the applicant;
525 (B) the location, volume, frequency and nature of the discharge; (C) the
526 tentative decision on the application; and (D) such additional
527 information the commissioner deems necessary to comply with the
528 federal Clean Water Act (33 USC 1251 et seq.). There shall be a
529 comment period following the public notice during which period
530 interested persons and municipalities may submit written comments.
531 After the comment period, the commissioner shall make a final
532 determination that (i) continuance of the existing discharge would not
533 cause pollution of the waters of the state, in which case he shall renew
534 the permit for such discharge, (ii) continuance of the existing system to
535 treat the discharge would protect the waters of the state from
536 pollution, in which case he shall renew a permit for such discharge,
537 (iii) the continuance of the existing system to treat the discharge, even
538 with modifications, would not protect the waters of the state from
539 pollution, in which case he shall promptly notify the applicant that its
540 application is denied and the reasons therefor, or (iv) modification of
541 the existing system or installation of a new system would protect the
542 waters of the state from pollution, in which case he shall renew the
543 permit for such discharge. Such renewed permit may include a

544 schedule for the completion of the modification or installation to allow
545 additional time for compliance with the final effluent limitations in the
546 renewed permit provided (I) continuance of the activity producing the
547 discharge is in the public interest; (II) the interim effluent limitations in
548 the renewed permit are no less stringent than the effluent limitations in
549 the previous permit; and (III) the schedule would not be inconsistent
550 with the federal Water Pollution Control Act. No permit shall be
551 renewed unless the commissioner determines that the treatment
552 system adequately protects the waters of the state from pollution. [Any
553 applicant, or in the case of a permit issued pursuant to the federal
554 Water Pollution Control Act, any person or municipality, who is
555 aggrieved by a decision of the commissioner where an application for
556 a renewal has not been given a public hearing shall have the right to a
557 hearing and an appeal therefrom in the same manner as provided in
558 sections 22a-436 and 22a-437. Any applicant, or in the case of a permit
559 issued pursuant to the federal Water Pollution Control Act, any person
560 or municipality, who is aggrieved by a decision of the commissioner
561 where an application for a renewal has been given a public hearing
562 shall have the right to appeal as provided in section 22a-437.] Any
563 category, type or size of discharge that is exempt from the requirement
564 of notice pursuant to subsection (b) of this section for the approval or
565 denial of a permit shall be exempt from notice for approval or denial of
566 a renewal of such permit. The commissioner may hold a public hearing
567 prior to approving or denying an application for a renewal if in his
568 discretion the public interest will be best served thereby, and he shall
569 hold a hearing upon receipt of a petition signed by at least twenty-five
570 persons. Notice of such hearing shall be published at least thirty days
571 before the hearing in a newspaper having a substantial circulation in
572 the area affected.

573 Sec. 10. Section 22a-436 of the general statutes is repealed and the
574 following is substituted in lieu thereof (*Effective from passage*):

575 Each order to abate pollution issued under section 22a-428 or 22a-
576 431, [or decision under subsection (b) or (c) of section 22a-430] shall be
577 sent by certified mail, return receipt requested, to the subject of such

578 order [or decision] and shall be deemed issued upon deposit in the
579 mail. Any person who or municipality which is aggrieved by any such
580 order [or decision to deny an application or, in the case of a permit
581 issued pursuant to the federal Water Pollution Control Act, any
582 decision without prior hearing under subsection (b) or (c) of section
583 22a-430] may, within thirty days from the date such order [or decision]
584 is sent, request a hearing before the commissioner. The commissioner
585 shall not grant any request for a hearing at any time thereafter. After
586 such hearing, the commissioner shall consider the facts presented to
587 him by the person or municipality, including, but not limited to,
588 technological feasibility, shall consider the rebuttal or other evidence
589 presented to or by him, and shall then revise and resubmit the order to
590 the person or municipality, or inform the person or municipality that
591 the previous order has been affirmed and remains in effect. The
592 request for a hearing as provided for in this section [or a decision
593 under subsection (b) or (c) of section 22a-430 made after a public
594 hearing] shall be a condition precedent to the taking of an appeal by
595 the person or municipality under the provisions of section 22a-437. The
596 commissioner may, after the hearing provided for in this section, or at
597 any time after the issuance of his order, modify such order by
598 agreement or extend the time schedule therefor if he deems such
599 modification or extension advisable or necessary, and any such
600 modification or extension shall be deemed to be a revision of an
601 existing order and shall not constitute a new order. There shall be no
602 hearing subsequent to or any appeal from any such modification or
603 extension.

604 Sec. 11. Subsection (d) of section 22a-438 of the general statutes is
605 repealed and the following is substituted in lieu thereof (*Effective*
606 *October 1, 2008*):

607 (d) Any person who (1) knowingly makes any false statement,
608 representation, or certification in any application, record, report, plan,
609 or other document filed or required to be maintained under this
610 chapter, or section 22a-6 or 22a-7, [or] (2) who falsifies, tampers with,
611 or knowingly renders inaccurate any monitoring device or method

612 required to be maintained under this chapter, or section 22a-6 or 22a-7,
613 or (3) wilfully fails to maintain or knowingly destroys, alters or
614 conceals any record required to be maintained under this chapter,
615 section 22a-6 or 22a-7, shall upon conviction be fined not more than
616 [twenty-five thousand dollars for each violation] fifty thousand dollars
617 per day for each day of the violation or imprisoned not more than two
618 years, [for each violation] or both. A subsequent conviction for any
619 such violation shall carry a fine of not more than fifty thousand dollars
620 per day for each day of the violation or imprisonment of not more than
621 five years, or both. For the purposes of this subsection, person includes
622 any responsible corporate officer or municipal official.

623 Sec. 12. (NEW) (*Effective October 1, 2008*) (a) No person shall cause or
624 allow a motor bus, as defined in section 14-1 of the 2008 supplement to
625 the general statutes, to operate for more than three consecutive
626 minutes when such motor bus is not in motion, except as follows:

627 (1) When a motor bus is forced to remain motionless because of
628 traffic conditions or mechanical difficulties over which the operator
629 has no control;

630 (2) When the operator is in the process of receiving or discharging
631 passengers;

632 (3) When it is necessary to operate heating, cooling or auxiliary
633 equipment that is located in or on the motor bus to accomplish the
634 intended use of the motor bus, including, but not limited to, the
635 operation of safety equipment;

636 (4) When it is necessary to maintain a safe temperature for
637 passengers with special needs;

638 (5) When the outdoor temperature is below twenty degrees
639 Fahrenheit; or

640 (6) When the motor bus is undergoing maintenance.

641 (b) A violation of any provision of this section shall, for a first

642 offense, constitute an infraction, and for any subsequent offense, carry
 643 a fine of not less than one hundred dollars or more than five hundred
 644 dollars.

645 Sec. 13. Subsection (d) of section 51-56a of the general statutes is
 646 repealed and the following is substituted in lieu thereof (*Effective*
 647 *October 1, 2008*):

648 (d) Each person who pays in any sum as a fine or forfeiture for any
 649 violation of sections 14-218a, 14-219, 14-222, 14-223, 14-227a, sections
 650 14-230 to 14-240, inclusive, sections 14-241 to 14-249, inclusive, section
 651 14-279 for the first offense, sections 14-289b, 14-299, 14-301 to 14-303,
 652 inclusive, section 12 of this act or any regulation adopted under said
 653 sections or ordinance enacted in accordance with said sections shall
 654 pay an additional fee of ten dollars. The state shall remit to the
 655 municipalities in which the violations occurred the amounts paid
 656 under this subsection. Each clerk of the Superior Court or the Chief
 657 Court Administrator, or any other official of the Superior Court
 658 designated by the Chief Court Administrator, on or before the thirtieth
 659 day of January, April, July and October in each year, shall certify to the
 660 Comptroller the amount due for the previous quarter under this
 661 subsection to each municipality served by the office of the clerk or
 662 official.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	22a-6b
Sec. 2	<i>October 1, 2008</i>	22a-6e(b)
Sec. 3	<i>October 1, 2008</i>	22a-75
Sec. 4	<i>October 1, 2008</i>	51-344b
Sec. 5	<i>October 1, 2008</i>	22a-175
Sec. 6	<i>October 1, 2008</i>	22a-226a
Sec. 7	<i>October 1, 2008</i>	22a-361(a)
Sec. 8	<i>October 1, 2008</i>	22a-407
Sec. 9	<i>October 1, 2008</i>	22a-430(b) and (c)
Sec. 10	<i>from passage</i>	22a-436
Sec. 11	<i>October 1, 2008</i>	22a-438(d)

Sec. 12	<i>October 1, 2008</i>	New section
Sec. 13	<i>October 1, 2008</i>	51-56a(d)

Statement of Legislative Commissioners:

In subdivisions (1) and (2) of subsection (a) of section 1, the references to the 2008 supplement to the general statutes following a string citation were deleted for clarity.

ENV *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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Department of Environmental Protection	GF - Revenue Gain	Potential Significant	Potential Significant
Judicial Dept.	GF - Revenue Gain	Less than 10,000	Less than 10,000

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 09 \$	FY 10 \$
All Municipalities	Revenue Gain	Less than 1,000	Less than 1,000

Explanation

The bill could result in an indeterminate amount of revenue to the General Fund through the Department of Environmental Protection (DEP) for various increased penalties.

Section 1 of the bill could result in an indeterminate amount of revenue since it authorizes the commissioner to impose a civil penalty up to \$100,000 for certain violations.

Sections 5 and 6 could result in an indeterminate amount of revenue since it increases the penalty, from \$10,000 to \$50,000, for each day of an air pollution and/or solid waste violation.

Section 7 could result in increased revenues since it requires additional permits for certain structures built in state waters. Since the permit fees depend upon the size and type of structure, the amount of revenue gain cannot be determined at this time. This section also requires an entity to pay a fee four times the applicable permit fee, if anyone is seeking to retain a structure built in certain state waters.

Section 8 could result in an indeterminate amount of revenue since it increases the maximum penalty, from \$1,000 to \$25,000, for anyone who violates laws or DEP orders regarding dams and reservoirs. DEP may use funds collected as a result of this penalty for various purposes related to dams.

Section 11 also increases penalties, from \$25,000 to \$50,000 per day for each violation of water pollution and other record-keeping laws.

Sections 12-13 establishes a new infraction related to the idling of a motor bus; the total amount payable would be between \$84 and \$146, including the \$10 municipal surcharge that the bill provides.¹ Based on the frequency of infractions imposed for the prohibited idling of school buses under current law², it is anticipated that any revenue gain to the state and municipalities under these provisions is anticipated to be less than \$10,000 annually.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of civil penalties imposed.

¹ In accordance with CGS 51-164m, the judges of the Superior Court establish and maintain a schedule of fines to be paid for the violation of the sections of the general statutes deemed to be infractions. No such fine may be less than \$35 or more than \$90. In addition to this "base" fine, a cost of \$35 (pursuant to CGS 54-143a) and a fee of between \$4 and \$11 (pursuant to CGS 51-56a(c)) would be included.

² One infraction was imposed under CGS 14-277b during FY 07; the charges were dropped and no revenue resulted.

OLR Bill Analysis**SB 581*****AN ACT CONCERNING THE ENFORCEMENT AUTHORITY OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND MOTOR BUS IDLING.*****SUMMARY:**

This bill sets, increases, and modifies a number of Department of Environmental Protection (DEP) fines, fees, and penalties. It authorizes the commissioner to impose a civil penalty of up to \$100,000 through an order, rather than by regulation. It eliminates the right of a person seeking a water discharge permit or renewal to request a hearing after the commissioner has issued a decision on the application and the right to file a court appeal in those situations. It prohibits motor bus operators from idling a bus for more than three consecutive minutes, with certain exceptions.

EFFECTIVE DATE: October 1, 2008, except for changes in the water discharge permit hearing process, which take effect upon passage.

§ 1 — DEP FINES AND PENALTIES

By law, the commissioner must adopt regulations setting penalties for violations of environmental laws. The law sets a maximum civil penalty of \$25,000 per day for most of these violations. The bill authorizes the commissioner to issue individual orders imposing penalties that exceed this limit, up to \$100,000, for violations of air pollution, solid waste management, and water pollution laws. In determining the penalty, the commissioner must consider factors the law prescribes, such as the character of the violation, the steps taken by the violator to correct the violation, and the violator's prior environmental record. The bill explicitly states that information submitted to DEP in connection with a permit, order, or regulation,

apparently by the subject of the permit, order, or regulation, is presumed to be factual.

§ 5-6 — VIOLATIONS OF AIR POLLUTION AND SOLID WASTE LAWS

Under current law, anyone who knowingly makes a false statement in any air pollution permit application, record, report, or other document, or falsifies, tampers with, or knowingly renders inaccurate, any air pollution monitoring device or method, or any regulation, order, or permit, may be fined up to \$10,000, imprisoned up to six months, or both, for each violation. The bill increases the monetary penalty to a maximum of \$50,000 per day for each day of the violation, and increases the maximum prison term to two years. Under the bill, subsequent convictions carry a fine of up to \$50,000 per day for each day of the violation and imprisonment for up to five years, or both. The bill imposes the same penalties on people convicted of willfully failing to maintain or knowingly destroying, altering, or concealing any air pollution record, regulation, order, or permit.

The bill also imposes these penalties on anyone committing the same violations of various solid waste laws, including violations of laws, regulations, permits, or orders concerning (1) building, altering, or operating solid waste facilities; (2) receiving, disposing of, processing, or transporting solid waste; (3) asbestos disposal; (4) dumping; and (5) operating resource recovery facilities. But it does not change the penalty for other intentional violations of these laws.

§ 11 — VIOLATION OF WATER POLLUTION AND OTHER RECORD-KEEPING LAWS

Under current law, anyone who knowingly makes a false statement in a water pollution permit application, report, or other document, or falsifies, tampers with, or knowingly renders inaccurate any water pollution monitoring device, may be fined up to \$25,000 and imprisoned up to two years, or both, for each violation. The bill increases the monetary penalty to a maximum of \$50,000 per day for each violation. Subsequent convictions carry a fine of up to \$50,000 per day for each day of the violation and imprisonment for up to five

years, or both.

The bill also imposes the same penalties on people convicted of willfully failing to maintain, or knowingly destroying, altering, or concealing any water pollution control record or any record that must be maintained under the commissioner's authority to carry out her duties and responsibilities (CGS § 22a-6) or in the scope of an investigation resulting in a cease and desist order (CGS § 22a-7).

§ 8 — VIOLATIONS OF DAM LAWS

The bill increases, from \$1,000 to \$25,000, the maximum penalty for a person who violates laws or DEP orders or permits regarding dams and reservoirs. It specifies that (1) building, altering, rebuilding, repairing, or replacing a dam without a permit, or (2) maintaining a dam in an unsafe condition, is a continuing violation. By law, each day of a continuing violation is considered a separate and distinct offense.

It makes it illegal for, and imposes criminal penalties on, anyone who knowingly or with criminal negligence violates any law concerning dams, or who makes a false statement, representation, or certification in any application, plan, record, or other document that must be filed or maintained under the laws concerning dams, the commissioner's authority to carry out her duties and responsibilities (CGS § 22a-6), or in the scope of an investigation resulting in a cease and desist order (CGS § 22a-7). For the purposes of these provisions, the bill defines "person" as an individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability company, municipality, agency, or political administrative state subdivision, or other legal entity of any kind, including a responsible corporate officer or municipal official. A first offender faces a penalty of up to \$25,000 per day and imprisonment for up to one year, or both. Subsequent violations carry a fine of up to \$50,000 and imprisonment for up to two years, or both.

The commissioner must use any money she collects from these penalties to (1) inventory or inspect dams, (2) promote dam removal,

or (3) support dam safety technical assistance and outreach.

§ 7 — FEES FOR UNPERMITTED STRUCTURES BUILT IN STATE WATERS

The law requires anyone erecting a structure in state tidal, coastal, or navigable waters waterward of the high tide line to obtain a DEP permit. Permit fees depend on the structure's type and size. The bill requires anyone seeking to retain a structure built in these waters without a DEP permit to pay a fee of four times the applicable permit fee. It exempts certain structures undergoing routine maintenance or minor repairs, and authorizes the commissioner to reduce the fee if she finds significant extenuating circumstances.

§9 — ELIMINATING CERTAIN WATER DISCHARGE PERMIT HEARINGS

The law (1) authorizes the commissioner to hold a hearing on an application for a water discharge permit or permit renewal if she believes it will serve the public interest, and (2) requires her to hold a hearing if 25 people petition for one. A request for a hearing is a prerequisite before an aggrieved applicant may appeal to Superior Court. Current law gives a person, or in the case of a permit issued under the federal Water Pollution Control Act, a person or municipality, aggrieved by the commissioner's decision on a permit or renewal the right to an administrative hearing if one has not been held. The bill eliminates this right and the concomitant right to appeal, and makes conforming changes. It leaves unchanged the ability to petition for a hearing before the commissioner issues her decision.

§§ 12-13 — PROHIBITING MOTOR BUS IDLING

By law, school buses are prohibited from idling for more than three consecutive minutes (CGS § 14-277(b)). The bill prohibits anyone from causing or allowing a motor bus to operate for more than three consecutive minutes when it is not moving, except when:

1. it is forced to remain motionless because of traffic or mechanical difficulties over which the operator has no control;

2. it is receiving or discharging passengers;
3. it is necessary to operate heating, cooling, or auxiliary equipment in or on the bus to accomplish its intended use, including operating safety equipment;
4. it is necessary to maintain a safe temperature for special needs passengers;
5. the outdoor temperature is below 20 degrees Fahrenheit; or
6. the bus is being maintained.

The bill makes a first offense an infraction and imposes a fine of between \$100 and \$500 for subsequent offenses. The bill requires anyone paying the fine to pay an additional \$10 to the municipality where the violation occurred.

BACKGROUND

Motor Bus

A motor bus is any motor vehicle, except a taxicab, operated in whole or in part on any street or highway offering a means of transportation by (1) indiscriminately receiving or discharging passengers, (2) running on a regular route or over any portion of a regular route, or (3) between fixed termini (CGS § 14-1 (47)).

Infraction

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus an additional fee based on the amount of the fine and a \$20 surcharge. An infraction is not a crime; thus, violators do not have criminal records and can pay the fine by mail without making a court appearance.

Related Bill

On March 7, the Environment Committee favorably reported SB 123, which prohibits most cars and trucks from idling for more than three consecutive minutes, except in certain instances.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 25 Nay 2 (03/12/2008)