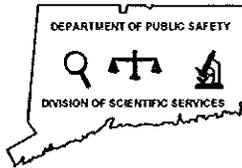




STATE OF CONNECTICUT



DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

John A. Danaher III
Commissioner

Lieutenant Edwin S. Henion
Chief of Staff

Rep. Antonio Guerrero, Co-Chairman
Sen. Donald J. DeFronzo, Co-Chairman
Transportation Committee
Legislative Office Building
Hartford, CT 06106

March 11, 2009

SB 561 AN ACT CONCERNING THE PENALTY FOR FAILURE TO REMOVE SNOW AND ICE FROM MOTOR VEHICLES

HB 5902 AN ACT CONCERNING THE REMOVAL OF SNOW AND ICE FROM MOTOR VEHICLES

The Department of Public Safety supports these bills.

Every year during the winter months, Connecticut motorists are confronted with a safety issue while operating their vehicles. This issue involves flying snow and ice accumulations from vehicles traveling on our roads. Many operators have failed to recognize the hazards associated with failing to clear all accumulated snow and ice from their vehicle prior to operating it. When the snow and ice become dislodged from the vehicle and strike another vehicle, extensive damage and serious injury can result. Many motorists, when confronted with flying ice or snow, will try to swerve to avoid the object creating additional hazards.

During a two day period in December 2007 Troop I in Bethany handled 25 calls emanating from these situations. One of these incidents resulted in rather serious injuries to a female operator when the ice accumulation came off the back of a truck and went through the windshield of her vehicle.

Often the operator whose vehicle the snow or ice came off of does not even realize that it came off and the hazard it created. If they are attentive enough to realize what has occurred, they could stop or continue to drive. If they stop, an exchange of insurance information often occurs with no police involvement. If they don't stop a report to police could occur depending on the perceived amount of damage the victim operator feels happened. Either way these incidents often are under reported.

Connecticut is not the only state dealing with this issue. Neighboring states such as New York, Pennsylvania and New Jersey have all proposed legislation dealing with this issue.

There is no existing Connecticut statute that specifically addresses the issue of snow and ice accumulation on motor vehicles. Connecticut statutes which can and have been applied to the snow and ice accumulation on issue are:

14-99f - Windshield. Obstruction of view.

(a) Requires that "the windshield be reasonably free of defects and accumulations, inside and out, of snow, ice, condensation and dirt".

14-271- Securing of loads.

(a) "No vehicle shall be driven or moved on any highway unless such vehicle is constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping there from in such a manner or quantity as to constitute a hazard or nuisance to other users of the highway...".

(b) "No person shall operate on any highway any vehicle with any load unless such load and any covering thereon is securely fastened so as to prevent such covering or load from becoming loose, detached or in any manner a hazard to other users of the highway."

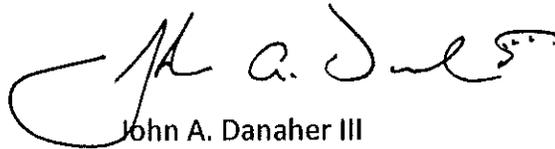
53a-64- Reckless endangerment in the second degree.

(a) "A person is guilty of reckless endangerment in the second degree when he recklessly engages in conduct which creates a risk of physical injury to another person".

As can be seen the only statute which specifically addresses snow and ice accumulations is 14-99f. While 14-271- Securing of loads, appears to be the most logical statute to apply to incidents of this nature, there is a good argument that snow and ice were not intended to be considered a part of a vehicle's load.

In summary, there is a significant public safety issue involved here that is not adequately addressed in existing statutes.

Sincerely,



John A. Danaher III

COMMISSIONER

Department of Public Safety