



House of Representatives

General Assembly

File No. 221

February Session, 2010

Substitute House Bill No. 5387

House of Representatives, March 30, 2010

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

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

1 Section 1. (NEW) (*Effective October 1, 2010*) (a) The operator of any
2 motor vehicle, as defined in section 14-1 of the general statutes, shall
3 remove any accumulated ice or snow from such motor vehicle,
4 including the hood, trunk and roof of such motor vehicle, so that any
5 ice or snow accumulated on such vehicle does not pose a threat to
6 persons or property while the vehicle is being operated on any street
7 or highway of this state. Any operator who fails to remove
8 accumulated ice or snow that poses such a threat shall be fined
9 seventy-five dollars.

10 (b) If the operator of a noncommercial motor vehicle violates the
11 provisions of this section and snow or ice is dislodged from such
12 vehicle and causes personal injury or property damage, the operator
13 shall be fined not less than two hundred dollars but not more than one
14 thousand dollars for each offense. If the operator of a commercial

15 motor vehicle violates the provisions of this section and snow or ice is
16 dislodged from such vehicle and causes personal injury or property
17 damage, the operator shall be fined not less than five hundred dollars
18 but not more than twelve hundred fifty dollars for each offense.

19 (c) This section shall not apply to (1) any operator of a motor vehicle
20 during a period of snow, sleet or freezing rain if such period began
21 and continued during the period of the motor vehicle's operation, or
22 (2) any operator of a motor vehicle during the time such vehicle is
23 parked.

| | | |
|---|------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2010</i> | New section |

TRA *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Effect | FY 11 \$ | FY 12 \$ |
|----------------------|-------------------|----------|----------|
| Judicial Dept. | GF - Revenue Gain | Minimal | Minimal |
| Public Safety, Dept. | GF - None | None | None |

Note: GF=General Fund

Municipal Impact:

| Municipalities | Effect | FY 11 \$ | FY 12 \$ |
|------------------------------|--------|----------|----------|
| Municipal Police Departments | None | None | None |

Explanation

The bill specifies two different fines to be assessed for the failure to remove accumulated snow and ice from an operator's motor vehicle. The first fine of \$75 will be imposed to an operator of a motor vehicle who fails to remove accumulated snow and ice that does not pose a threat to persons or property. The second fine of \$500 to \$1,200 will be imposed on any person who doesn't remove accumulated ice and snow which becomes dislodged from the vehicle and causes personal injury or property damage.

In light of the amount of revenue generated under a broader statute currently¹, it is anticipated that this new fine would generate a minimal revenue gain. Since the bill does not include this new fine amongst fines, fees and surcharges² that must be deposited into the Special Transportation Fund³, any revenues generated under the bill

¹ In FY 08, revenue in the amount of \$62,682 were generated under CGS 14-271(b), Operating with an Unsecured Load. The amount due for such a violation is \$177.

² CGS 13b-59(g)

³ In accordance with CGS 13b-59(d) and 13b-61(b)(4)

would be deposited into the General Fund. Police enforcement could be accommodated within the normal course of police officers' duties at no increased cost.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: General Statutes of Connecticut

OLR Bill Analysis**sHB 5387*****AN ACT CONCERNING THE REMOVAL OF SNOW AND ICE FROM MOTOR VEHICLES.*****SUMMARY:**

This bill requires a motorist to remove accumulated snow or ice from the hood, trunk, and roof of his or her motor vehicle so that it does not pose a threat to people or property while the vehicle is being operated on a state street or highway. A violator faces a \$75 fine.

It imposes a fine of between (1) \$200 and \$1,000 on operators of noncommercial motor vehicles if snow or ice dislodged from them causes personal injury or property damage or (2) \$500 and \$1,250 for operators of commercial vehicles in the same circumstances.

Drivers are not required to clean snow or ice from a vehicle (1) while it is parked or (2) if snow, sleet, or freezing rain began accumulating and continued while the motorist was driving.

EFFECTIVE DATE: October 1, 2010

BACKGROUND***Motor Vehicle***

A motor vehicle is any vehicle propelled or drawn by non-muscular power, except aircraft, motor boats, road rollers, baggage trucks used at mass transit facilities, battery-operated wheel chairs used by people with physical handicaps at no more than 15 miles per hour, certain golf carts and golf cart-like vehicles, farm tractors, and certain other vehicles designed and adapted exclusively for agricultural or livestock raising operations. It also excludes vehicles that run only on tracks, self-propelled snow plows, snow blowers, and lawn mowers used for the purposes for which they were designed and operated at speeds

below four miles per hour, and certain bicycles with helper motors, mini-motorcycles, and special mobile equipment, and any other vehicle not suitable for operating on a highway (CGS § 14-1 (53)).

Highways

By law, a highway includes any state or other public highway, road, street, avenue, alley, driveway, parkway, or place under the control of the state or any of its political subdivisions, dedicated, appropriated, or opened to public travel or other use (CGS § 14-1 (40)).

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 32 Nay 4 (03/14/2010)