



General Assembly

February Session, 2010

Raised Bill No. 345

LCO No. 1563

01563_____TRA

Referred to Committee on Transportation

Introduced by:
(TRA)

AN ACT AUTHORIZING MUNICIPALITIES TO CONDUCT A PILOT PROGRAM FOR THE USE OF AUTOMATED TRAFFIC CONTROL SIGNAL ENFORCEMENT DEVICES AT CERTAIN INTERSECTIONS.

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

1 Section 1. (*Effective October 1, 2010*) (a) For the purposes of sections 1
2 to 6, inclusive, of this act, "automated traffic control signal enforcement
3 device" means a device that (1) is designed to automatically record the
4 image of the license plate of a motor vehicle that is entering an
5 intersection in violation of a traffic control signal, and (2) indicates on
6 the recorded image produced the date, time and location of the
7 violation and the traffic control signal.

8 (b) A municipality, with the authorization of its chief executive
9 officer and legislative body, may conduct a two-year pilot program for
10 the installation and use of automated traffic control signal enforcement
11 devices, at not more than twelve intersections selected by the
12 municipality, to enforce the provisions of section 14-299 of the general
13 statutes, and may establish a fine not to exceed one hundred dollars for
14 any violation of said section 14-299 that is detected and recorded by
15 such device. All costs of the pilot program shall be paid by the

16 municipality.

17 (c) Prior to the commencement of such pilot program, the
18 municipality shall prepare a detailed plan for the operation of the pilot
19 program that shall include the objectives of the program, the name and
20 location of the intersections where an automated traffic control signal
21 enforcement device will be used, and the methods and criteria that will
22 be used to evaluate the results of such program and its success in
23 achieving such objectives. The plan shall be submitted to the
24 Department of Public Safety for its review, comments and
25 recommendations. Within thirty days following the receipt of such
26 plan, the Commissioner of Public Safety shall issue the municipality an
27 official letter of approval for the pilot program. The municipality shall
28 conduct the pilot program in accordance with the plan approved by
29 the commissioner. Upon receipt of the letter of approval, the
30 municipality shall send a copy of such plan and letter of approval to
31 the Department of Transportation, and shall report the location where
32 each such automated traffic control signal enforcement device will be
33 installed and used to the State Traffic Commission.

34 Sec. 2. (*Effective October 1, 2010*) (a) Whenever a violation of section
35 14-299 of the general statutes is detected and recorded by an
36 automated traffic control signal enforcement device, a sworn police
37 officer shall review the recorded image. If, after such review, such
38 officer finds probable cause that a violation of section 14-299 of the
39 general statutes has occurred, the officer shall issue a citation for such
40 alleged violation and shall, not later than five days after the alleged
41 violation, mail such citation to the registered owner or the lessee of the
42 motor vehicle together with a copy of the recorded image or images
43 produced by the device. A citation shall not be issued under this
44 subsection unless a sign was posted on the street, road or highway
45 where the automated traffic control signal enforcement device was
46 used, not less than thirty days prior to such use, providing notice to
47 operators of motor vehicles that such device may be used to enforce
48 traffic control signal laws on such street, road or highway.

49 (b) Any automated traffic control signal enforcement device used by
50 the municipality pursuant to this section shall: (1) Be activated and
51 record images only upon detecting the approach of a motor vehicle
52 and a probable violation, and (2) be used only at an intersection where
53 the duration of the yellow signal light is no less than the duration of
54 the yellow signal light recommended under regulations adopted by
55 the State Traffic Commission.

56 (c) One-half of any fine collected by the municipality pursuant to
57 this section shall be deposited in the general fund of the municipality
58 or in any special fund or account of the municipality, as determined by
59 the chief executive officer and legislative body, and one-half shall be
60 paid to the State Treasurer for deposit in the Special Transportation
61 Fund.

62 *Sec. 3. (Effective October 1, 2010)* (a) The municipality shall establish
63 by ordinance a traffic control signal violation hearing procedure in
64 accordance with this section. The Superior Court shall be authorized to
65 enforce the assessments and judgments provided for under this
66 section.

67 (b) The chief executive officer shall appoint one or more traffic
68 control signal violation hearing officers, other than police officers or
69 persons who work in the police department, to conduct the hearings
70 authorized by this section.

71 (c) The municipality may, not later than twelve months after the
72 expiration of the final period for the uncontested payment of fines,
73 penalties, costs or fees for any alleged violation of section 14-299 of the
74 general statutes detected and recorded by an automated traffic control
75 signal enforcement device pursuant to section 2 of this act, send notice
76 to the registered owner or the lessee of the motor vehicle by first class
77 mail at such person's address according to the registration records of
78 the Department of Motor Vehicles or the records of the lessor,
79 respectively. Such notice shall inform the owner or lessee: (1) Of the
80 allegations against such person and the amount of the fines, penalties,

81 costs or fees due; (2) that such person may contest such person's
82 liability before a traffic control signal violations hearing officer by
83 delivering in person or by mail written notice not later than ten days
84 after the date thereof; (3) that if such person does not demand such a
85 hearing, an assessment and judgment shall enter against such person;
86 and (4) that such judgment may issue without further notice.

87 (d) If the person to whom notice is sent pursuant to subsection (c) of
88 this section wishes to admit liability for any alleged violation, such
89 person may, without requesting a hearing, pay, in person or by mail to
90 an official designated by the municipality, the full amount of the fines,
91 penalties, costs or fees admitted to. Such payment shall be
92 inadmissible in any proceeding, civil or criminal, to establish the
93 conduct of such person or other person making the payment. Any
94 person who does not deliver or mail written demand for a hearing by
95 the tenth day after the date of the first notice provided for in
96 subsection (c) of this section shall be deemed to have admitted liability,
97 and the designated municipal official shall certify such person's failure
98 to respond to the hearing officer. The hearing officer shall thereupon
99 enter and assess the fines, penalties, costs or fees provided for by the
100 applicable ordinances and shall follow the procedures set forth in
101 subsection (f) of this section.

102 (e) Any person who requests a hearing shall be given written notice
103 of the date, time and place for the hearing. Such hearing shall be held
104 not less than fifteen days or more than thirty days after the date of the
105 mailing of notice, provided the hearing officer shall grant upon good
106 cause shown any reasonable request by any interested party for
107 postponement or continuance. An original or certified copy of the
108 initial notice of violation shall be filed and retained by the
109 municipality, be deemed to be a business record within the scope of
110 section 52-180 of the general statutes and be evidence of the facts
111 contained therein. A person wishing to contest such person's liability
112 shall appear at the hearing and may present evidence in such person's
113 behalf. The presence of the police officer who authorized the issuance

114 of the citation shall be required at the hearing if such person so
115 requests. A designated municipal official, other than the hearing
116 officer, may present evidence on behalf of the municipality. If such
117 person fails to appear, the hearing officer may enter an assessment by
118 default against such person upon a finding of proper notice and
119 liability under the applicable ordinance or statute. The hearing officer
120 may accept from such person copies of police reports, documents of
121 the Department of Motor Vehicles and other official documents by
122 mail and may determine thereby that the appearance of such person is
123 unnecessary. The hearing officer shall conduct the hearing in the order
124 and form and with such methods of proof as the hearing officer deems
125 fair and appropriate. The rules regarding the admissibility of evidence
126 shall not be strictly applied, but all testimony shall be given under oath
127 or affirmation. The hearing officer shall announce the hearing officer's
128 decision at the end of the hearing. If the hearing officer determines that
129 the person is not liable, the hearing officer shall dismiss the matter and
130 enter the hearing officer's determination in writing accordingly. If the
131 hearing officer determines that the person is liable for the violation, the
132 hearing officer shall forthwith enter and assess the fines, penalties,
133 costs or fees against such person as provided by the applicable
134 ordinances of that municipality.

135 (f) If such assessment is not paid on the date of its entry, the hearing
136 officer shall send by first class mail a notice of the assessment to the
137 person found liable and shall file, not less than thirty days or more
138 than twelve months after such mailing, a certified copy of the notice of
139 assessment with the clerk of a superior court facility designated by the
140 Chief Court Administrator with an entry fee of eight dollars. The
141 certified copy of the notice of assessment shall constitute a record of
142 assessment. Within such twelve-month period, assessments against the
143 same person may be accrued and filed as one record of assessment.
144 The clerk shall enter judgment, in the amount of such record of
145 assessment and court costs of eight dollars, against such person in
146 favor of the municipality. Notwithstanding any provision of the
147 general statutes, the hearing officer's assessment, when so entered as a

148 judgment, shall have the effect of a civil money judgment and a levy of
149 execution on such judgment may issue without further notice to such
150 person.

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

160 Sec. 4. (*Effective October 1, 2010*) Notwithstanding any provision of
161 the general statutes, a violation of section 14-299 of the general statutes
162 detected and recorded by an automated traffic control signal
163 enforcement device pursuant to section 2 of this act shall not: (1)
164 Constitute an infraction or violation; (2) be processed by the
165 Centralized Infractions Bureau; (3) be considered a moving traffic
166 violation; (4) be reported to the Department of Motor Vehicles for
167 inclusion on a person's driving record; or (5) cause the assessment of
168 points against the operator's license of the person found to have
169 violated section 14-299 of the general statutes.

170 Sec. 5. (*Effective October 1, 2010*) For the purposes of sections 1 to 6,
171 inclusive, of this act, whenever a violation of section 14-299 of the
172 general statutes occurs, proof of the registration number of any motor
173 vehicle involved in such violation shall be prima facie evidence that
174 the owner of such vehicle was the operator of such vehicle at the time
175 such violation occurred, except in the case of a leased or rented motor
176 vehicle, such proof shall be prima facie evidence that the lessee was the
177 operator of such vehicle at the time such violation occurred.

178 Sec. 6. (*Effective October 1, 2010*) Not later than June 30, 2013, the
179 municipality shall submit a report to the General Assembly, in

180 accordance with the provisions of section 11-4a of the general statutes,
181 concerning the conduct and results of such pilot program. Such report
182 shall include a comparison and analysis of: (1) The number of
183 violations of section 14-299 of the general statutes that occurred at the
184 intersections where such automated traffic control signal enforcement
185 devices were used, prior to and during the use of such enforcement
186 devices; (2) the number and type of related traffic violations and
187 accidents that occurred at such intersections prior to and during the
188 use of such enforcement devices; and (3) the number of violations of
189 section 14-299 of the general statutes and related violations and
190 accidents that occurred at intersections where such control signal
191 enforcement devices were used and at similar intersections where such
192 automated traffic control signal enforcement devices were not used.
193 The report shall also describe situations in which camera results could
194 not be used, or were not used; the number of leased, out-of-state or
195 other vehicles, including trucks, where enforcement efforts were
196 unsuccessful; the amount of revenue from fines retained by the
197 municipality; the cost of such pilot program to the municipality, and
198 such other data or comparisons deemed of interest or importance by
199 the municipality.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	New section
Sec. 2	<i>October 1, 2010</i>	New section
Sec. 3	<i>October 1, 2010</i>	New section
Sec. 4	<i>October 1, 2010</i>	New section
Sec. 5	<i>October 1, 2010</i>	New section
Sec. 6	<i>October 1, 2010</i>	New section

Statement of Purpose:

To authorize municipalities to conduct a pilot program for the use of automated traffic control signal enforcement devices at certain intersections.

[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.]