



General Assembly

Amendment

February Session, 2010

LCO No. 4203

SB0028804203SR0

Offered by:

SEN. MCKINNEY, 28th Dist.

SEN. FASANO, 34th Dist.

SEN. RORABACK, 30th Dist.

To: Senate Bill No. 288

File No. 91

Cal. No. 89

"AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL CORRECTIONS TO THE GENERAL GOVERNMENT ADMINISTRATION AND ELECTIONS STATUTES."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2010*) (a) The Department of
4 Transportation shall assume all responsibilities of the Department of
5 Motor Vehicles pursuant to any provision of the general statutes. The
6 transfer of functions, powers, duties, obligations, including, but not
7 limited to, contract obligations, the continuance of orders and
8 regulations, the effect upon pending actions and proceedings, the
9 completion of unfinished business, and the transfer of records and
10 property between the Department of Motor Vehicles, as said
11 department existed immediately prior to October 1, 2010, and the
12 Department of Transportation shall be governed by the provisions of

13 subsections (a) to (d), inclusive, and subsection (f) of section 4-38d of
14 the general statutes and sections 4-38e and 4-39 of the general statutes.

15 (b) On and after October 1, 2010, wherever the term "Department of
16 Motor Vehicles" is used or referred to in any public or special acts, the
17 term "Department of Transportation" shall be substituted in lieu
18 thereof.

19 (c) On and after October 1, 2010, wherever the term "Commissioner
20 of Motor Vehicles" is used or referred to in any public or special acts,
21 the term "Commissioner of Transportation" shall be substituted in lieu
22 thereof.

23 (d) Any order or regulation of the Department of Motor Vehicles,
24 which is in force on October 1, 2010, shall continue in force and effect
25 as an order or regulation of the Department of Transportation until
26 amended, repealed or superseded pursuant to law. Where any order or
27 regulation of said departments conflict, the Commissioner of
28 Transportation may implement policies and procedures consistent
29 with the provisions of this section, section 502 of this act and section 4-
30 5, 4-38c, 12-430, 12-431, 13a-37, 13b-69, 13b-92, 14-11c, 14-21w, 14-96p,
31 14-100a, 14-108a, 14-212e, 14-267a, 14-270e, 14-298, 15-140c and 17a-667
32 of the general statutes, as amended by this act, while in the process of
33 adopting the policy or procedure in regulation form, provided notice
34 of intention to adopt regulations is printed in the Connecticut Law
35 Journal within twenty days of implementation. The policy or
36 procedure shall be valid until the time final regulations are effective.

37 Sec. 502. (NEW) (*Effective October 1, 2010*) On and after October 1,
38 2010, "Commissioner of Transportation" shall be substituted for
39 "Commissioner of Motor Vehicles" and "Department of
40 Transportation" shall be substituted for "Department of Motor
41 Vehicles" in the following sections of the general statutes: 1-1h, 1-1i, 1-
42 17a, 1-84, 1-217, 2-50a, 5-142, 5-145b, 7-152b, 9-19b, 9-19h, 9-19i, 9-23g,
43 9-35, 10-145, 10-221c, 10-298, 12-41, 12-57, 12-57a, 12-71b, 12-241, 12-
44 412, 12-458d, 12-458g, 12-475, 12-491, 12-692, 13b-59, 13b-61, 13b-61b,

45 13b-83, 13b-89, 13b-96, 13b-97, 13b-99, 13b-106, 13b-410a, 13b-410b, 14-
46 1, 14-2, 14-3, 14-4, 14-4a, 14-5, 14-5b, 14-5c, 14-7, 14-9a, 14-10, 14-11a, 14-
47 11b, 14-11d, 14-11i, 14-12, 14-12a, 14-12g, 14-12h, 14-12i, 14-12j, 14-12k,
48 14-12q, 14-12r, 14-15, 14-16a, 14-16c, 14-19a, 14-19b, 14-20, 14-20a, 14-
49 20b, 14-20c, 14-21d, 14-21e, 14-21f, 14-21g, 14-21h, 14-21i, 14-21j, 14-21k,
50 14-21l, 14-21n, 14-21o, 14-21q, 14-21r, 14-21s, 14-21u, 14-21v, 14-22f, 14-
51 24, 14-25a, 14-25c, 14-25d, 14-29, 14-33, 14-33a, 14-34a, 14-35a, 14-36, 14-
52 36d, 14-36e, 14-36f, 14-36g, 14-36h, 14-36i, 14-36j, 14-36k, 14-37a, 14-37b,
53 14-38a, 14-39, 14-41, 14-41a, 14-42a, 14-44e, 14-44i, 14-44n, 14-44o, 14-45,
54 14-45a, 14-46, 14-46a, 14-48a, 14-48b, 14-48c, 14-49b, 14-50a, 14-50b, 14-
55 51, 14-52, 14-52b, 14-60, 14-61, 14-61a, 14-61b, 14-62, 14-62a, 14-63, 14-
56 65a, 14-65g, 14-65i, 14-65j, 14-65k, 14-66b, 14-67a, 14-67i, 14-67j, 14-67l,
57 14-67m, 14-67o, 14-67p, 14-67q, 14-67u, 14-67v, 14-67w, 14-70, 14-73, 14-
58 79, 14-80, 14-80a, 14-80h, 14-96aa, 14-96cc, 14-98a, 14-99g, 14-99h, 14-
59 100b, 14-102a, 14-103, 14-103a, 14-103d, 14-106a, 14-111a, 14-111b, 14-
60 111e, 14-111f, 14-111g, 14-111h, 14-111i, 14-111k, 14-111l, 14-111m, 14-
61 111n, 14-111o, 14-111p, 14-115a, 14-137a, 14-149, 14-149a, 14-150, 14-
62 151, 14-151a, 14-152, 14-153, 14-156, 14-161, 14-163, 14-163c, 14-163d,
63 14-164a, 14-164b, 14-164c, 14-164h, 14-164i, 14-164k, 14-164l, 14-165, 14-
64 166, 14-191, 14-192, 14-211a, 14-213b, 14-223, 14-227a, 14-227b, 14-227f,
65 14-227j, 14-227k, 14-253a, 14-254, 14-260n, 14-261, 14-261a, 14-261b, 14-
66 262, 14-269, 14-270c, 14-270f, 14-271a, 14-273, 14-274, 14-275, 14-275c,
67 14-276, 14-276a, 14-280, 14-281c, 14-282, 14-282a, 14-283, 14-286, 14-
68 289d, 14-289g, 14-289j, 14-291, 14-292, 14-293b, 14-300g, 14-307, 14-366,
69 14-379, 15-67, 15-125, 15-140o, 15-144, 15-145a, 15-146, 15-147, 15-148,
70 15-151, 15-154, 15-155, 15-155e, 15-156, 16a-6, 16a-103, 17a-28, 17b-30,
71 17b-137, 19a-181, 20-138c, 20-427a, 21-10, 21-67, 22a-27v, 22a-201a, 22a-
72 201b, 22a-201c, 26-85, 29-23a, 29-143a, 29-322, 29-332, 29-339, 31-293a,
73 36a-306, 36a-317b, 38a-329, 38a-343, 38a-343a, 38a-356, 38a-362, 38a-682,
74 38a-683, 42-133r, 42-133cc, 42-150u, 42-160, 42-179, 42-181, 42-182, 42-
75 183, 46b-124, 46b-150f, 46b-220, 49-61, 51-164n, 51-164o, 51-222a, 52-56,
76 52-62, 52-63, 52-192, 53-215a, 53a-19, 53a-22, 53a-23, 53a-56b, 53a-60d,
77 53a-167a, 53a-167b, 53a-167c, 54-1q, 54-56g, 54-76l, 54-142g and 54-
78 142q.

79 Sec. 503. Section 4-5 of the 2010 supplement to the general statutes is
80 repealed and the following is substituted in lieu thereof (*Effective*
81 *October 1, 2010*):

82 As used in sections 4-6, 4-7 and 4-8, the term "department head"
83 means Secretary of the Office of Policy and Management,
84 Commissioner of Administrative Services, Commissioner of Revenue
85 Services, Banking Commissioner, Commissioner of Children and
86 Families, Commissioner of Consumer Protection, Commissioner of
87 Correction, Commissioner of Economic and Community Development,
88 State Board of Education, Commissioner of Emergency Management
89 and Homeland Security, Commissioner of Environmental Protection,
90 Commissioner of Agriculture, Commissioner of Public Health,
91 Insurance Commissioner, Labor Commissioner, Liquor Control
92 Commission, Commissioner of Mental Health and Addiction Services,
93 Commissioner of Public Safety, Commissioner of Social Services,
94 Commissioner of Developmental Services, [Commissioner of Motor
95 Vehicles,] Commissioner of Transportation, Commissioner of Public
96 Works, Commissioner of Veterans' Affairs, Chief Information Officer,
97 the chairperson of the Public Utilities Control Authority, the executive
98 director of the Board of Education and Services for the Blind, the
99 executive director of the Connecticut Commission on Culture and
100 Tourism, and the executive director of the Office of Military Affairs. As
101 used in sections 4-6 and 4-7, "department head" also means the
102 Commissioner of Education.

103 Sec. 504. Section 4-38c of the general statutes is repealed and the
104 following is substituted in lieu thereof (*Effective October 1, 2010*):

105 There shall be within the executive branch of state government the
106 following departments: Office of Policy and Management, Department
107 of Administrative Services, Department of Revenue Services,
108 Department of Banking, Department of Agriculture, Department of
109 Children and Families, Department of Consumer Protection,
110 Department of Correction, Department of Economic and Community
111 Development, State Board of Education, Department of Emergency

112 Management and Homeland Security, Department of Environmental
113 Protection, Department of Public Health, Board of Governors of
114 Higher Education, Insurance Department, Labor Department,
115 Department of Mental Health and Addiction Services, Department of
116 Developmental Services, Department of Public Safety, Department of
117 Social Services, Department of Transportation, [Department of Motor
118 Vehicles,] Department of Veterans' Affairs, Department of Public
119 Works and Department of Public Utility Control.

120 Sec. 505. Subdivision (3) of section 12-430 of the general statutes is
121 repealed and the following is substituted in lieu thereof (*Effective*
122 *October 1, 2010*):

123 (3) Each person before obtaining an original or transferral
124 registration for a motor vehicle, vessel, snowmobile or aircraft in this
125 state shall furnish evidence that any tax due thereon pursuant to the
126 provisions of this chapter has been paid in accordance with regulations
127 prescribed by the Commissioner of Revenue Services, and on forms
128 approved by, in the case of a motor vehicle, vessel, [or] snowmobile []
129 or aircraft, the Commissioner of Revenue Services and the
130 [Commissioner of Motor Vehicles, and, in the case of an aircraft, the
131 Commissioner of Revenue Services and the] Commissioner of
132 Transportation. The Commissioner of [Motor Vehicles] Transportation
133 shall, upon the request of the Commissioner of Revenue Services, after
134 hearing by the Commissioner of Revenue Services, suspend or revoke
135 a motor vehicle, vessel, [or] snowmobile or aircraft registration of any
136 person who fails to pay any tax due in connection with the sale,
137 storage, use or other consumption of such motor vehicle, vessel, [or]
138 snowmobile or aircraft pursuant to the provisions of this chapter. [The
139 Commissioner of Transportation shall, upon the request of the
140 Commissioner of Revenue Services, after a hearing by the
141 Commissioner of Revenue Services, suspend or revoke an aircraft
142 registration of any person who fails to pay any tax due in connection
143 with the sale, storage, use or other consumption of such aircraft
144 pursuant to the provisions of this chapter.]

145 Sec. 506. Subdivision (1) of subsection (a) of section 12-431 of the
146 general statutes is repealed and the following is substituted in lieu
147 thereof (*Effective October 1, 2010*):

148 (a) (1) Except as otherwise provided in subdivision (2) of this
149 subsection, in case of the purchase of any motor vehicle, snowmobile,
150 vessel or aircraft other than from a licensed motor vehicle dealer or
151 licensed motor vehicle lessor, a snowmobile dealer, a licensed marine
152 dealer or a retailer of aircraft, respectively, the receipts therefrom shall
153 not be included in the measure of the sales tax, but the purchaser
154 thereof shall pay a use tax on the total purchase price thereof to the
155 Commissioner of Revenue Services, as provided in section 12-411, in
156 the case of tangible personal property purchased from a retailer, and,
157 in the case of motor vehicles, vessels, [and] snowmobiles and aircraft,
158 before obtaining an original or [transferal] transferral registration, in
159 accordance with regulations prescribed by the Commissioner of
160 Revenue Services and on forms approved by the Commissioner of
161 Revenue Services and the Commissioner of [Motor Vehicles, and, in
162 the case of aircraft, before obtaining an original or transferal
163 registration, in accordance with regulations prescribed by the
164 Commissioner of Revenue Services and on forms approved by the
165 Commissioner of Revenue Services and the Commissioner of]
166 Transportation.

167 Sec. 507. Section 13a-37 of the general statutes is repealed and the
168 following is substituted in lieu thereof (*Effective October 1, 2010*):

169 If, in the opinion of the commissioner, the boundary lines or limits
170 of any state highway have become lost or uncertain, he may cause a
171 map or maps of such highway to be made and may reestablish such
172 boundary lines or limits as, in his opinion, they were originally
173 established. Said commissioner shall, by written notice to the
174 selectmen of the town in which any such highway is situated and to
175 each known adjoining proprietor on any such highway, by registered
176 or certified mail to the last-known address, give a description of such
177 boundaries or limits as reestablished and file with the town clerk of

178 such town a copy of such map or maps which shall clearly define the
179 lines of such highway and the bounds thereof. The lines, boundaries
180 and limits so defined shall be the lines, boundaries and limits of such
181 highway, unless any person or town claiming to be aggrieved thereby
182 has taken an appeal to the Superior Court within sixty days from the
183 filing of such map or maps, and said court has, after full hearing,
184 found and determined new lines for such highway and rendered
185 judgment defining the same. If said commissioner is unable to prove
186 the location of any such boundaries or limits, he may purchase or
187 condemn such right-of-way over land adjoining the traveled portion of
188 the highway as is, in his opinion, necessary for highway purposes
189 under the provisions of part IV of this chapter, or may make written
190 agreements with the owners thereof concerning such lines, such
191 agreements to be executed in the manner required for deeds and
192 recorded in the office of the town clerk in which such land is located
193 by the commissioner. Said commissioner shall mark such boundaries
194 or limits by a uniform and distinctive type of marker. [The expenses,
195 costs and fees of the commissioner for legal, engineering or other
196 services, land damage or other damages in reestablishing or locating
197 such boundary lines shall be paid from the funds received from the
198 Commissioner of Motor Vehicles.]

199 Sec. 508. Subsection (b) of section 13b-69 of the general statutes is
200 repealed and the following is substituted in lieu thereof (*Effective*
201 *October 1, 2010*):

202 (b) The remaining resources of the Special Transportation Fund
203 shall, pursuant to appropriation thereof in accordance with chapter 50
204 and subject to approval by the Governor of allotment thereof, be
205 applied and expended for (1) payment of the principal of and interest
206 on "general obligation bonds of the state issued for transportation
207 purposes", as defined in subsection (c) of this section, or any
208 obligations refunding the same, (2) payment of state budget
209 appropriations made to or for the Department of Transportation, [and
210 the Department of Motor Vehicles,] and (3) payment of state budget
211 appropriations made to or for the Department of Public Safety for

212 members of the Division of State Police designated by the
213 Commissioner of Public Safety for motor patrol work pursuant to
214 section 29-4, except that (A) for the fiscal years commencing on or after
215 July 1, 1998, excluding the highway motor patrol budgeted expenses,
216 and (B) for the fiscal years commencing on or after July 1, 1999,
217 excluding the highway motor patrol fringe benefits.

218 Sec. 509. Section 13b-92 of the general statutes is repealed and the
219 following is substituted in lieu thereof (*Effective October 1, 2010*):

220 The Department of Transportation, upon written application of any
221 person authorized by the United States government to carry mail by
222 motor vehicle, or of any person desiring to carry passengers for hire to
223 and from any rural section where there is no other agency of public
224 transportation of passengers, may authorize such applicant to
225 transport passengers for hire in such motor vehicle over a prescribed
226 route if, in the opinion of the department, public convenience and
227 necessity require the same. The department shall also determine the
228 registration fee, if any, to be charged such applicant and [shall forward
229 to the Commissioner of Motor Vehicles a certified copy of its findings
230 concerning the requirements of public convenience and necessity and
231 the registration fee, and, thereupon, said commissioner] may register
232 such applicant's vehicle for such service. The department may, at any
233 time, amend or revoke any such authorization. Any such authorization
234 issued by the Division of Public Utility Control within the Department
235 of Business Regulation prior to October 1, 1979, shall remain valid
236 unless revoked by the Department of Transportation. Said department
237 may make rules, regulations and orders relating to such passenger
238 service and fixing rates and schedules therefor, provided such rules,
239 regulations and orders shall not be inconsistent with federal
240 regulations pertaining to carriers of United States mail.

241 Sec. 510. Subsection (b) of section 14-11c of the general statutes is
242 repealed and the following is substituted in lieu thereof (*Effective*
243 *October 1, 2010*):

244 (b) The Motor Carrier Advisory Council shall consist of the
245 following voting members: The Commissioners of Transportation,
246 [Motor Vehicles,] Public Safety, Revenue Services, Economic and
247 Community Development and Environmental Protection, or their
248 designees, and any other commissioner of a state agency, or such
249 commissioner's designee, invited to participate. The Commissioner of
250 [Motor Vehicles] Transportation or the commissioner's designee shall
251 organize and serve as chairperson of the council. The council shall only
252 make recommendations or take actions by a unanimous vote of all
253 members present and voting. The council may make recommendations
254 as the council deems appropriate to the United States Congress, the
255 Governor or the General Assembly.

256 Sec. 511. Section 14-21w of the 2010 supplement to the general
257 statutes is repealed and the following is substituted in lieu thereof
258 (*Effective October 1, 2010*):

259 (a) On and after January 1, 2010, the Commissioner of [Motor
260 Vehicles] Transportation may issue, within available appropriations,
261 Share the Road commemorative number plates of a design to enhance
262 public awareness of the rights and responsibilities of both motorists
263 and bicyclists while jointly using the highways of this state. The design
264 shall be determined by [agreement between] the Department of
265 Transportation, [and the Commissioner of Motor Vehicles,] in
266 consultation with an organization advocating on behalf of bicyclists.
267 No use shall be made of such plates except as official registration
268 marker plates.

269 (b) A fee of sixty dollars shall be charged for Share the Road
270 commemorative number plates, in addition to the regular fee or fees
271 prescribed for the registration of a motor vehicle. Fifteen dollars of
272 such fee shall be deposited in an account controlled by the Department
273 of [Motor Vehicles] Transportation to be used for the cost of
274 producing, issuing, renewing and replacing such number plates and
275 forty-five dollars of such fee shall be deposited in the account
276 established under subsection (d) of this section. No additional fee shall

277 be charged in connection with the renewal of such number plates. No
278 transfer fee shall be charged for transfer of an existing registration to or
279 from a registration with Share the Road commemorative number
280 plates. Such number plates shall have letters and numbers selected by
281 the Commissioner of [Motor Vehicles] Transportation. The
282 commissioner may establish a higher fee for: (1) Number plates that
283 contain the numbers and letters from a previously issued number
284 plate; (2) number plates that contain letters in place of numbers as
285 authorized by section 14-49, in addition to the fee or fees prescribed for
286 registration under said section; and (3) number plates that are low
287 number plates issued in accordance with section 14-160, in addition to
288 the fee or fees prescribed for registration under said section. All fees
289 established and collected pursuant to this section, except the amount
290 deposited in the account controlled by the department, shall be
291 deposited in the Share the Road account established under subsection
292 (d) of this section.

293 (c) The Commissioner of [Motor Vehicles, in consultation with the
294 Commissioner of] Transportation, may adopt regulations, in
295 accordance with the provisions of chapter 54, to establish standards
296 and procedures for the issuance, renewal and replacement of Share the
297 Road commemorative number plates.

298 (d) There is established a Share the Road account which shall be a
299 separate, nonlapsing account within the General Fund. The account
300 shall contain any moneys required by law to be deposited in the
301 account. The funds in the account shall be expended by the
302 Department of Transportation to enhance public awareness of the
303 rights and responsibilities of bicyclists and motorists while jointly
304 using the highways of this state and to promote bicycle use and safety
305 in this state. The Commissioner of Transportation may receive private
306 donations to said account and any such receipts shall be deposited in
307 said account.

308 (e) The Commissioner of [Motor Vehicles] Transportation may
309 provide for the reproduction and marketing of the Share the Road

310 commemorative number plate image for use on clothing, recreational
311 equipment, posters, mementoes or other products or programs
312 deemed by the commissioner to be suitable as a means of supporting
313 the Share the Road account established under subsection (d) of this
314 section. Any moneys received by the commissioner from such
315 marketing shall be deposited in said account.

316 Sec. 512. Subdivision (1) of subsection (a) of section 14-96p of the
317 general statutes is repealed and the following is substituted in lieu
318 thereof (*Effective October 1, 2010*):

319 (a) (1) No person shall display upon any motor vehicle any light
320 visible from the front thereof other than white, yellow or amber, or any
321 light other than red, yellow, amber or white visible from the rear
322 thereof, except a light used with any school bus, without a special
323 permit from the commissioner, in accordance with the provisions of
324 subsection (c) of section 14-96q. [If the Department of Transportation
325 obtains from the commissioner such a permit covering more than one
326 motor vehicle operated by the department, it may display the lights
327 allowed under the permit on each such vehicle without placing a copy
328 of the permit in each vehicle.]

329 Sec. 513. Section 14-100a of the general statutes is repealed and the
330 following is substituted in lieu thereof (*Effective October 1, 2010*):

331 (a) No new passenger motor vehicle may be sold or registered in
332 this state unless equipped with at least two sets of seat safety belts for
333 the front and rear seats of the motor vehicle, which belts comply with
334 the requirements of subsection (b) of this section. The anchorage unit
335 at the attachment point shall be of such construction, design and
336 strength as to support a loop load strength of not less than four
337 thousand pounds for each belt.

338 (b) No seat safety belt may be sold for use in connection with the
339 operation of a motor vehicle on any highway of this state unless it is so
340 constructed and installed as to have a loop strength through the
341 complete attachment of not less than four thousand pounds, and the

342 buckle or closing device shall be of such construction and design that
343 after it has received the aforesaid loop belt load it can be released with
344 one hand with a pull of less than forty-five pounds.

345 (c) (1) The operator of and any front seat passenger in a motor
346 vehicle with a gross vehicle weight rating not exceeding ten thousand
347 pounds or fire fighting apparatus originally equipped with seat safety
348 belts complying with the provisions of the Code of Federal
349 Regulations, Title 49, Section 571.209, as amended from time to time,
350 shall wear such seat safety belt while the vehicle is being operated on
351 any highway, except as follows:

352 (A) A child six years of age and under shall be restrained as
353 provided in subsection (d) of this section;

354 (B) The operator of such vehicle shall secure or cause to be secured
355 in a seat safety belt any passenger seven years of age or older and
356 under sixteen years of age; and

357 (C) If the operator of such vehicle is under eighteen years of age,
358 such operator and each passenger in such vehicle shall wear such seat
359 safety belt while the vehicle is being operated on any highway.

360 (2) The provisions of subdivision (1) of this subsection shall not
361 apply to (A) any person whose physical disability or impairment
362 would prevent restraint in such safety belt, provided such person
363 obtains a written statement from a licensed physician containing
364 reasons for such person's inability to wear such safety belt and
365 including information concerning the nature and extent of such
366 condition. Such person shall carry the statement on his or her person
367 or in the motor vehicle at all times when it is being operated, or (B) an
368 authorized emergency vehicle, other than fire fighting apparatus,
369 responding to an emergency call or a motor vehicle operated by a rural
370 letter carrier of the United States postal service while performing his or
371 her official duties or by a person engaged in the delivery of
372 newspapers.

373 (3) Failure to wear a seat safety belt shall not be considered as
374 contributory negligence nor shall such failure be admissible evidence
375 in any civil action.

376 (4) Any operator of a motor vehicle, who is eighteen years of age or
377 older, and any passenger in such motor vehicle, who violates any
378 provision of this subsection shall have committed an infraction and
379 shall be fined fifteen dollars. Any operator of a motor vehicle who is
380 under eighteen years of age and any passenger in such motor vehicle
381 who violates any provision of this subsection shall have committed an
382 infraction and shall be fined seventy-five dollars. Points may not be
383 assessed against the operator's license of any person convicted of such
384 violation.

385 (d) (1) Any person who transports a child six years of age and under
386 or weighing less than sixty pounds, in a motor vehicle on the highways
387 of this state shall provide and require the child to use a child restraint
388 system approved pursuant to regulations adopted by the Department
389 of [Motor Vehicles] Transportation in accordance with the provisions
390 of chapter 54. Any person who transports a child seven years of age or
391 older and weighing sixty or more pounds, in a motor vehicle on the
392 highways of this state shall either provide and require the child to use
393 an approved child restraint system or require the child to use a seat
394 safety belt. As used in this subsection, "motor vehicle" does not mean a
395 bus having a tonnage rating of one ton or more. Failure to use a child
396 restraint system shall not be considered as contributory negligence nor
397 shall such failure be admissible evidence in any civil action.

398 (2) Any person who transports a child under one year of age or
399 weighing less than twenty pounds in a motor vehicle on the highways
400 of this state shall provide and require the child to ride rear-facing in a
401 child restraint system approved pursuant to regulations that the
402 Department of [Motor Vehicles] Transportation shall adopt in
403 accordance with the provisions of chapter 54.

404 (3) Notwithstanding the provisions of subdivision (1) of this

405 subsection, any person who transports a child four years of age or
406 older in a student transportation vehicle, as defined in section 14-212,
407 on the highways of this state shall either provide and require the child
408 to use an approved child restraint system or require the child to use a
409 seat safety belt. Any person who transports a child under four years of
410 age weighing less than forty pounds in a student transportation
411 vehicle on the highways of this state shall provide and require the
412 child to use a child restraint system approved pursuant to regulations
413 adopted by the Department of [Motor Vehicles] Transportation in
414 accordance with the provisions of chapter 54.

415 (4) No person shall restrain a child in a booster seat unless the motor
416 vehicle is equipped with a safety seat belt that includes a shoulder belt
417 and otherwise meets the requirement of subsection (b) of this section.

418 (5) Any person who violates the provisions of subdivision (1), (2),
419 (3) or (4) of this subsection shall, for a first violation, have committed
420 an infraction; for a second violation, be fined not more than one
421 hundred ninety-nine dollars; and, for a third or subsequent violation,
422 be guilty of a class A misdemeanor. The commissioner shall require
423 any person who has committed a first or second violation of the
424 provisions of this subsection to attend a child car seat safety course
425 offered or approved by the Department of [Motor Vehicles]
426 Transportation. The commissioner may, after notice and an
427 opportunity for a hearing, suspend for a period of not more than two
428 months the motor vehicle operator's license of any person who fails to
429 attend or successfully complete the course.

430 (e) (1) Any person who transports an individual who remains in a
431 wheelchair while being transferred into and out of a vehicle, in any
432 motor vehicle on the highways of this state, shall provide and require
433 the use of a device designed to secure individuals in wheelchairs while
434 transferring such individuals from the ground to the vehicle and from
435 the time the motor vehicle is brought to a stop until such individuals
436 are transferred from the vehicle to the ground. Such device shall be
437 located in the motor vehicle at all times. The Commissioner of [Motor

438 Vehicles] Transportation may, after consultation with the
439 [Departments of Transportation and] Department of Public Health,
440 establish regulations to implement the provisions of this section and
441 sections 13b-105 and 14-102a, subsection (d) of section 14-103,
442 subsection (a) of section 14-275 and subsection (a) of section 19a-180.

443 (2) The following motor vehicles registered in this state for the first
444 time on or after October 1, 2007, that transport individuals who remain
445 in wheelchairs while being transported, shall, in addition to the
446 requirements of subdivision (1) of this subsection, install or provide
447 and require the use of a device that secures the wheelchair to the motor
448 vehicle's mechanical lift or otherwise prevents or seeks to prevent an
449 individual in a wheelchair from falling from such mechanical lift or
450 motor vehicle: (A) Motor vehicles in livery service, as defined in
451 section 13b-101, (B) service buses, as defined in section 14-1, (C) invalid
452 coaches, as defined in subdivision (11) of section 19a-175, (D) vanpool
453 vehicles, as defined in section 14-1, (E) school buses, as defined in
454 section 14-1, (F) motor buses, as defined in section 14-1, (G) student
455 transportation vehicles, as defined in section 14-212, and (H) camp
456 vehicles, as defined in section 14-1. The provisions of this subsection
457 shall also apply to all motor vehicles used by municipal, volunteer and
458 commercial ambulance services, rescue services and management
459 services, as defined in subdivision (19) of section 19a-175.

460 (3) Violation of any provision of this subsection is an infraction.

461 (f) The commissioner shall administer the provisions of this section.

462 Sec. 514. Subdivision (2) of subsection (a) of section 14-108a of the
463 general statutes is repealed and the following is substituted in lieu
464 thereof (*Effective October 1, 2010*):

465 (2) In each motor vehicle accident in which any person is killed or
466 injured or in which damage to the property of any one individual,
467 including the operator, in excess of one thousand dollars is sustained,
468 the police officer, agency or individual who, in the regular course of
469 duty, investigates such accident, either at the time of or at the scene of

470 the accident or thereafter, by interviewing the participants or
471 witnesses, shall, within five days after completing such investigation,
472 complete and forward one copy of such report to the Commissioner of
473 Transportation. Such report shall call for and contain all available
474 detailed information to disclose the location and cause of the accident,
475 the conditions then existing, the persons and vehicles involved and the
476 names of the insurance companies issuing their automobile liability
477 policies, as well as the enforcement action taken. [The Commissioner of
478 Transportation shall forward to the Commissioner of Motor Vehicles
479 one copy of each report of any accident involving a school bus. The
480 Commissioner of Motor Vehicles may inquire into or investigate any
481 accident reported pursuant to this subsection and may request the
482 assistance of the Division of State Police within the Department of
483 Public Safety for such purposes.]

484 Sec. 515. Subsection (b) of section 14-212e of the general statutes is
485 repealed and the following is substituted in lieu thereof (*Effective*
486 *October 1, 2010*):

487 (b) The council shall be comprised of the following members: The
488 Commissioners of Transportation [,] and Public Safety, [and Motor
489 Vehicles,] or their designees; the president of the Connecticut
490 Employees Union Independent, or such person's designee; the
491 president of the Connecticut State Police Union, or such person's
492 designee; and a representative of the Connecticut Construction
493 Industries Association, designated by the president of said association.
494 Appointees should be persons with knowledge and experience
495 concerning highway work zones. Appointments to the council shall be
496 made not later than November 1, 2008. The chairperson of the council
497 shall be appointed by the Governor and shall convene the first meeting
498 of the council not later than December 1, 2008.

499 Sec. 516. Subsections (e) to (l), inclusive, of section 14-267a of the
500 general statutes are repealed and the following is substituted in lieu
501 thereof (*Effective October 1, 2010*):

502 (e) No person shall operate any commercial motor vehicle, nor shall
503 the owner or lessee of any commercial motor vehicle allow such motor
504 vehicle to be operated, on any public highway or bridge, when the
505 combined weight of vehicle and load exceeds the gross weight, as
506 registered with the Department of [Motor Vehicles] Transportation, the
507 tire capacity or the axle load, except that the gross vehicle weight shall
508 not exceed eighty thousand pounds, or as provided by statute, or, in
509 the case of a vehicle registered in any other state or country, as so
510 registered or provided in such state or country or as designated as
511 legal for a like motor vehicle of Connecticut registration, whichever is
512 the lesser, without a written permit from the Commissioner of
513 Transportation, which shall prescribe the condition under which such
514 vehicle shall be operated.

515 (f) (1) The penalties provided for in this subsection shall be assessed
516 against the owner of a commercial motor vehicle when the owner, the
517 owner's agent or employee is the operator, or against the lessee of such
518 vehicle when the lessee, the lessee's agent or employee is the operator
519 of a leased or rented commercial motor vehicle.

520 (2) Any person who violates any provision of this section shall be
521 subject to the following penalties: (A) For an overweight violation of
522 not more than five per cent of the gross weight or axle weight limits in
523 subsection (b) of this section, a fine of three dollars per hundred
524 pounds or fraction thereof of such excess weight; (B) for an overweight
525 violation of more than five per cent and not more than ten per cent of
526 either such weight limit, a fine of five dollars per hundred pounds or
527 fraction thereof of such excess weight or a minimum fine of fifty
528 dollars; (C) for an overweight violation of more than ten per cent but
529 not more than fifteen per cent of either such weight limit, a fine of six
530 dollars per hundred pounds or fraction thereof of such excess weight
531 or a minimum fine of one hundred dollars; (D) for an overweight
532 violation of more than fifteen per cent but not more than twenty per
533 cent of either such weight limit, a fine of seven dollars per hundred
534 pounds or fraction thereof of such excess weight or a minimum fine of
535 two hundred dollars; (E) for an overweight violation of more than

536 twenty per cent but not more than twenty-five per cent of either such
537 weight limit, a fine of ten dollars per hundred pounds or fraction
538 thereof of such excess weight or a minimum fine of three hundred
539 dollars; (F) for an overweight violation of more than twenty-five per
540 cent but not more than thirty per cent of either such overweight limit, a
541 fine of twelve dollars per hundred pounds or fraction thereof of such
542 excess weight or a minimum fine of five hundred dollars; and (G) for
543 an overweight violation of more than thirty per cent of either such
544 overweight limit, a fine of fifteen dollars per one hundred pounds or
545 fraction thereof of such excess weight or a minimum fine of one
546 thousand dollars.

547 (3) The court shall note on the record any conviction for an
548 overweight violation in excess of fifteen per cent of the gross weight
549 limits in subsection (b) of this section with respect to any vehicle with a
550 gross vehicle weight of eighteen thousand pounds or more and shall
551 cause such information to be transmitted to the Commissioner of
552 [Motor Vehicles] Transportation. Upon receipt of such information
553 with respect to a third or subsequent conviction for such overweight
554 violation in a calendar year, the commissioner may schedule a hearing,
555 in accordance with the provisions of chapter 54, to review the record of
556 the motor vehicle registrant and shall notify the registrant of the
557 hearing. In such cases, the Commissioner of [Motor Vehicles]
558 Transportation may review information and evidence presented at the
559 hearing including, but not limited to, frequency of the registrant's
560 commercial vehicle operations, the size of the registrant's fleet and the
561 culpability, if any, of the shipper. After the hearing, the commissioner
562 may impose a civil penalty on the owner or lessee of such motor
563 vehicle in the amount of two thousand dollars or revoke the
564 registration, for a period of thirty days, of any commercial motor
565 vehicle so operated and may refuse to issue a registration for such
566 motor vehicle during such further time as the commissioner deems
567 reasonable.

568 (4) An owner or lessee who is assessed penalties pursuant to this
569 subsection for an overweight violation in excess of fifteen per cent of

570 the gross weight limits in subsection (b) of this section five times
571 during any calendar year shall be assessed by the court an additional
572 five thousand dollars for the fifth violation and an additional five
573 thousand dollars for each subsequent overweight violation in excess of
574 fifteen per cent of such limits in such calendar year.

575 (5) No more than twenty-five per cent of any fine imposed pursuant
576 to this subsection may be remitted unless the court determines that
577 there are mitigating circumstances and specifically states such
578 circumstances for the record.

579 (g) For the purpose of enforcing the provisions of this section, any
580 state police officer, Department of Public Safety employee designated
581 by the Commissioner of Public Safety, local police officer, [Department
582 of Motor Vehicles inspector,] or Department of Transportation
583 employee designated by the Commissioner of Transportation, may
584 require the driver to stop and submit to a weighing by means of either
585 portable or stationary scales and may require that such vehicle be
586 driven to a scale or safety inspection site.

587 (h) Whenever signs are displayed on a public highway, indicating
588 that a scale is in operation and directing the driver of a commercial
589 vehicle to stop at the weighing area, the driver shall stop and, in
590 accordance with the directions of any state police officer, Department
591 of Public Safety employee designated by the Commissioner of Public
592 Safety, local police officer, [Department of Motor Vehicles inspector,]
593 or Department of Transportation employee designated by the
594 Commissioner of Transportation, allow the vehicle to be weighed or
595 inspected.

596 (i) The driver of a vehicle which is weighed may remove from such
597 vehicle any material, including, but not limited to, sand, debris, ice or
598 snow, which may have accumulated on the outside of such vehicle,
599 before any such official determines that the weight of such vehicle is
600 unlawful.

601 (j) Whenever such an official, upon weighing a vehicle and load,

602 determines that the weight is unlawful, such official may require the
603 driver to remove from the vehicle that portion of the load that may be
604 necessary to reduce the gross or axle weight of such vehicle to the limit
605 permitted under this chapter, provided if the vehicle is in violation of
606 an axle weight limit in subsection (b) of this section but not a gross
607 weight limit under said subsection, such official shall allow the driver
608 to manually shift the load in order to comply with such axle weight
609 limit without penalty.

610 (k) (1) Any driver of a vehicle who fails or refuses when directed by
611 such official, upon a weighing of the vehicle, to comply with such
612 official's directions shall be fined not less than one hundred dollars or
613 more than two hundred dollars for the first offense and not less than
614 two hundred dollars or more than five hundred dollars for each
615 subsequent offense. (2) Any driver of a vehicle who (A) exits a limited
616 access highway on which a scale or safety inspection site is in
617 operation with intent to circumvent the provisions of subsection (h) of
618 this section, without a bona fide business purpose, or (B) fails to
619 comply with the provisions of subsection (h) of this section shall be
620 fined not less than two hundred fifty dollars or more than five
621 hundred dollars for the first offense and not less than five hundred
622 dollars or more than one thousand dollars for each subsequent offense.

623 (l) The Commissioner of Transportation may adopt regulations in
624 accordance with chapter 54 necessary to implement the purposes of
625 this section. The Commissioner of Transportation, after consultation
626 with the Commissioner of Public Safety, [and the Commissioner of
627 Motor Vehicles,] shall adopt regulations in accordance with chapter 54
628 defining safety standards and inspection procedures to assure
629 compliance with the safety requirements of 10 CFR 71 and 49 CFR 100
630 through 199 and the fines for noncompliance. The Department of
631 Transportation shall coordinate development of state policy and
632 regulations concerning the trucking industry.

633 Sec. 517. Section 14-270e of the general statutes is repealed and the
634 following is substituted in lieu thereof (*Effective October 1, 2010*):

635 On or before January 1, 2004, the Commissioner of Transportation,
636 in consultation with the Department of Public Safety, [and the
637 Department of Motor Vehicles,] shall establish a program to
638 implement regularly scheduled and enforced hours of operation for
639 weigh stations. Not later than October 1, 2004, and annually thereafter,
640 the commissioner shall submit a report, in accordance with section 11-
641 4a, on the planned program to the joint standing committee of the
642 General Assembly having cognizance of matters relating to
643 transportation.

644 Sec. 518. Section 14-298 of the general statutes is repealed and the
645 following is substituted in lieu thereof (*Effective October 1, 2010*):

646 There shall be within the Department of Transportation a State
647 Traffic Commission. Said Traffic Commission shall consist of the
648 Commissioner of Transportation [,] and the Commissioner of Public
649 Safety, [and the Commissioner of Motor Vehicles.] For the purpose of
650 standardization and uniformity, said commission shall adopt and
651 cause to be printed for publication regulations establishing a uniform
652 system of traffic control signals, devices, signs and markings consistent
653 with the provisions of this chapter for use upon the public highways.
654 The commissioner shall make known to the General Assembly the
655 availability of such regulations and any requesting member shall be
656 sent a written copy or electronic storage media of such regulations by
657 the commissioner. Taking into consideration the public safety and
658 convenience with respect to the width and character of the highways
659 and roads affected, the density of traffic thereon and the character of
660 such traffic, said commission shall also adopt regulations, in
661 cooperation and agreement with local traffic authorities, governing the
662 use of state highways and roads on state-owned properties, and the
663 operation of vehicles including but not limited to motor vehicles, as
664 defined by section 14-1, and bicycles, as defined by section 14-286,
665 thereon. A list of limited-access highways shall be published with such
666 regulations and said list shall be revised and published once each year.
667 The commissioner shall make known to the General Assembly the
668 availability of such regulations and list and any requesting member

669 shall be sent a written copy or electronic storage media of such
670 regulations and list by the commissioner. A list of limited-access
671 highways opened to traffic by the Commissioner of Transportation in
672 the interim period between publications shall be maintained in the
673 office of the State Traffic Commission and such regulations shall apply
674 to the use of such listed highways. Said commission shall also make
675 regulations, in cooperation and agreement with local traffic authorities,
676 respecting the use by through truck traffic of streets and highways
677 within the limits of, and under the jurisdiction of, any city, town or
678 borough of this state for the protection and safety of the public. If said
679 commission determines that the prohibition of through truck traffic on
680 any street or highway is necessary because of an immediate and
681 imminent threat to the public health and safety and the local traffic
682 authority is precluded for any reason from acting on such prohibition,
683 the commission, if it is not otherwise precluded from so acting, may
684 impose such prohibition. Said commission may place and maintain
685 traffic control signals, signs, markings and other safety devices, which
686 it deems to be in the interests of public safety, upon such highways as
687 come within the jurisdiction of said commission as set forth in section
688 14-297. The traffic authority of any city, town or borough may place
689 and maintain traffic control signals, signs, markings and other safety
690 devices upon the highways under its jurisdiction, and all such signals,
691 devices, signs and markings shall conform to the regulations
692 established by said commission in accordance with this chapter, and
693 such traffic authority shall, with respect to traffic control signals,
694 conform to the provisions of section 14-299.

695 Sec. 519. Subsection (b) of section 15-140c of the general statutes is
696 repealed and the following is substituted in lieu thereof (*Effective*
697 *October 1, 2010*):

698 (b) Any officer authorized to enforce the provisions of this chapter
699 upon discovery of any vessel apparently abandoned, whether situated
700 on or out of the waters of the state, may take such vessel into his
701 custody and may cause the same to be taken to and stored in a suitable
702 place. There shall be no liability attached to such officer for any

703 damages to such vessel while in his custody. All charges necessarily
704 incurred by such officer in the performance of such duty shall be a lien
705 upon such vessel. The owner or keeper of any marina or other place
706 where such vessel is stored shall have a lien upon the same for his
707 storage charges and if such vessel has been stored for a period of not
708 less than sixty days, such owner or keeper may sell the same for
709 storage charges owed thereon, provided a notice of intent to sell shall
710 be sent to the Commissioner of Environmental Protection, the
711 [Commissioner of Motor Vehicles,] Commissioner of Transportation
712 and the owner of such vessel, if known, five days before the sale of
713 such vessel. If the owner is unknown, such sale shall be advertised in a
714 newspaper published or having a circulation in the town where such
715 marina or other place is located three times, commencing at least five
716 days before the sale. The proceeds of such sale, after deducting the
717 amount due such marina owner or keeper and all expenses of the
718 officer who placed such vessel in storage, shall be paid to the owner of
719 such vessel or his legal representatives, if claimed by him or them at
720 any time within one year from the date of such sale. If such balance is
721 not claimed within said period, it shall escheat to the state.

722 Sec. 520. Subsection (b) of section 17a-667 of the general statutes is
723 repealed and the following is substituted in lieu thereof (*Effective*
724 *October 1, 2010*):

725 (b) The council shall consist of the following members: (1) The
726 Secretary of the Office of Policy and Management, or the secretary's
727 designee; (2) the Commissioners of Children and Families, Consumer
728 Protection, Correction, Education, Higher Education, Mental Health
729 and Addiction Services, [Motor Vehicles,] Public Health, Public Safety,
730 Social Services and Transportation and the Insurance Commissioner,
731 or their designees; (3) the Chief Court Administrator, or the Chief
732 Court Administrator's designee; (4) the chairperson of the Board of
733 Pardons and Paroles, or the chairperson's designee; (5) the Chief State's
734 Attorney, or the Chief State's Attorney's designee; (6) the Chief Public
735 Defender, or the Chief Public Defender's designee; and (7) the
736 cochairpersons and ranking members of the joint standing committees

737 of the General Assembly having cognizance of matters relating to
738 public health, criminal justice and appropriations, or their designees.
739 The Commissioner of Mental Health and Addiction Services and the
740 Commissioner of Children and Families shall be cochairpersons of the
741 council. The Office of Policy and Management shall, within available
742 appropriations, provide staff for the council."