



General Assembly

January Session, 2011

**Committee Bill No. 706**

LCO No. 4808

\*04808SB00706TRA\*

Referred to Committee on Transportation

Introduced by:  
(TRA)

**AN ACT CONCERNING MUNICIPAL AUTOMATED TRAFFIC CONTROL SAFETY DEVICES AT CERTAIN INTERSECTIONS.**

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

1 Section 1. (NEW) (*Effective October 1, 2011*) As used in this section  
2 and sections 2 to 4, inclusive, of this act:

3 (1) "Automated traffic enforcement safety device" means a device  
4 that (A) is capable of producing a photographically recorded still or  
5 video image, or combination thereof, of the rear of a motor vehicle or a  
6 vehicle being drawn by a motor vehicle, including an image of the  
7 vehicle's rear license plate; and (B) indicates on one or more of any  
8 such image produced, the date and time, and the location of violation  
9 and the traffic control signal;

10 (2) "Owner" means a person or persons in whose name a motor  
11 vehicle is registered under the law of this state, another state or  
12 another country; and

13 (3) "Vendor" means a person who: (A) Provides services to a  
14 municipality under this act; (B) operates, maintains, leases or licenses

15 an automated traffic enforcement safety device; or (C) is authorized to  
16 review and or assemble the recorded images captured by the  
17 automated traffic enforcement safety device, provided none of these  
18 activities shall be construed by the state or a traffic authority as  
19 providing or participating in private investigative services.

20 Sec. 2. (NEW) (*Effective October 1, 2011*) (a) A municipality with a  
21 population greater than sixty thousand, with the authorization of its  
22 chief executive officer and legislative body, may authorize the use of  
23 automated traffic enforcement safety devices to enforce the provisions  
24 of section 14-299 of the general statutes within such municipality.

25 (b) Before enforcing an ordinance adopted under this section, the  
26 municipality shall install advance warning signs along all approaches  
27 of the roadways preceding the intersection at which an automated  
28 traffic enforcement safety device is located. The advance warning  
29 signs must notify motorists of the existence of the automated traffic  
30 enforcement safety device.

31 (c) Any ordinance adopted under this section must specify the  
32 following: (1) That the owner of a motor vehicle commits a violation of  
33 the ordinance if the automated traffic enforcement safety device  
34 produces a recorded image or images of a motor vehicle proceeding or  
35 a motor vehicle being drawn by a motor vehicle proceeding through  
36 an intersection, contrary to the requirement to stop at a red signal light;  
37 (2) that the owner of a motor vehicle establishes a defense if the  
38 person: (A) Identified as having the care, custody or control of the  
39 motor vehicle, or (B) identified as the person driving the motor vehicle  
40 at the time of the violation, is not the owner; (3) that payment of a  
41 penalty and associated costs and fees imposed for a violation of an  
42 ordinance adopted under this act may be made by electronic means;  
43 and (4) that a local police officer or a designated employee of a vendor  
44 shall review and approve the recorded image or images before the  
45 notices referred to in subsection (e) of this section are mailed to the  
46 owner of the motor vehicle or the vehicle being drawn by a motor

47 vehicle.

48 (d) An ordinance adopted under this section: (1) Shall impose a civil  
49 penalty equal to the greater of one hundred twenty-four dollars or the  
50 maximum penalty permitted for a violation of an ordinance adopted  
51 under this act; (2) may impose fees associated with the electronic  
52 processing of the payment of the civil penalty imposed for violation of  
53 such ordinance; and (3) shall require that the civil penalty imposed for  
54 a violation of such ordinance may be applied to defray the costs of the  
55 installation, operation and maintenance of the automated traffic  
56 enforcement safety device and program and that the remaining funds  
57 shall be distributed as follows: (A) Seventy per cent shall be deposited  
58 in the general fund of the municipality or in any special fund or  
59 account of the municipality, as determined by the chief executive  
60 officer and legislative body, (B) fifteen per cent shall be paid to the  
61 State Treasurer for deposit in the General Fund and shall be credited to  
62 the appropriation for the Department of Social Services, for Services  
63 for Persons with Disabilities, Traumatic Brain Injury, and (C) fifteen  
64 per cent shall be paid to the State Treasurer for deposit in the Special  
65 Transportation Fund.

66 (e) The municipality or its authorized agent shall mail the owner of  
67 a motor vehicle or a motor vehicle being drawn by a motor vehicle  
68 committing a violation of an ordinance adopted under this section,  
69 notice of the ordinance violation by first class mail postmarked not  
70 later than thirty days after obtaining the name and address of the  
71 owner of the motor vehicle and not more than sixty days after the date  
72 of the alleged violation. The notice shall include the following: (1) The  
73 name and address of the owner of the motor vehicle or the vehicle  
74 being drawn by a motor vehicle; (2) the license plate number of the  
75 motor vehicle or the vehicle being drawn by a motor vehicle; (3) the  
76 violation charged; (4) the location of the intersection and the date and  
77 time of the violation; (5) a copy of or information on how to view,  
78 through electronic means, the recorded image described in this section;  
79 (6) a statement or electronically-generated affirmation by a designated

80 employee or local police officer who has reviewed the recorded image  
81 described in this section and determined that the motor vehicle  
82 violated the ordinance; (7) the amount of the civil penalty imposed for  
83 the violation; and (8) the date by which the civil penalty must be paid  
84 if the owner of the vehicle: (A) Does not choose to contest the violation;  
85 and (B) chooses to avoid paying court costs. The date by which the  
86 civil penalty must be paid shall not be more than thirty days after the  
87 issuance date of the violation, if a defense described in this section  
88 does not apply, or forty-five days after the issuance date of the  
89 violation if a defense described in this section requires the notice to be  
90 sent to another person.

91 (f) Any challenge to the implementation of an automated traffic  
92 enforcement safety device or adoption of an ordinance under this  
93 section shall be brought within thirty days of passage of the ordinance.

94 (g) It is a defense in a proceeding to enforce an ordinance adopted  
95 under this section if the owner provides to the municipality, or agent  
96 for the municipality, an affidavit signed under the penalties of perjury  
97 which: (1) Establishes that, at the time of the alleged violation, the  
98 owner was engaged in the business of renting or leasing motor  
99 vehicles under written agreements; (2) establishes that, at the time of  
100 the alleged violation, the motor vehicle was in the care, custody or  
101 control of a person other than the owner or an employee of the owner  
102 of the motor vehicle or the vehicle being drawn by a motor vehicle  
103 under a written agreement for the rental or lease of the motor vehicle  
104 or the vehicle being drawn, for a period of not more than sixty days;  
105 and (3) provides to the traffic authority, court or agent for the  
106 municipality the name and address of the person who was renting or  
107 leasing the motor vehicle or the vehicle being drawn by a motor  
108 vehicle at the time of the alleged violation.

109 (h) If the owner of a motor vehicle or a vehicle being drawn by a  
110 motor vehicle meets the requirements of subsection (g) of this section,  
111 the traffic authority, court or agent for the local municipality shall

112 mail, or electronically transfer, a notice of the citation to the person  
113 identified as having the care, custody or control of the motor vehicle or  
114 the vehicle being drawn by a motor vehicle at the time of the violation.  
115 The proof required under said subsection (g) of this section creates a  
116 rebuttable presumption that the person having the care, custody or  
117 control of the motor vehicle or the vehicle being drawn by a motor  
118 vehicle at the time of the violation was the operator of the motor  
119 vehicle at the time of the violation. The notice required under this  
120 subsection shall contain the following: (1) The information described in  
121 subsection (e) of this section; (2) a statement that the person receiving  
122 the notice was identified by the owner of the motor vehicle or the  
123 vehicle being drawn by a motor vehicle as the person having the care,  
124 custody or control of the motor vehicle at the time of the violation; and  
125 (3) a statement that a person may offer a defense as described in this  
126 subsection, subsection (g) or (i) of this section.

127 (i) It is a defense to a proceeding to enforce an ordinance adopted  
128 under this section if the owner provides to the traffic authority or court  
129 an affidavit signed under penalty of perjury stating either of the  
130 following: (1) That the owner was not operating the motor vehicle or  
131 the motor vehicle drawing a vehicle at the time of the alleged violation  
132 and provides the name and address of the person operating the motor  
133 vehicle or the motor vehicle drawing a vehicle at the time of the  
134 alleged violation; or (2) that either: (A) The motor vehicle, or (B) the  
135 license plate of the motor vehicle or the vehicle being drawn by the  
136 motor vehicle, was stolen before the alleged violation occurred and  
137 was not under the control or possession of the owner at the time of the  
138 alleged violation. In addition to such affidavit, the owner shall submit  
139 proof that a police report was filed concerning the stolen motor vehicle  
140 or stolen license plate.

141 (j) If the owner of a motor vehicle or a vehicle being drawn by a  
142 motor vehicle submits the evidence required under subsection (i) of  
143 this section, the traffic authority, court or agent for the local  
144 municipality shall mail a notice of the citation to the person identified

145 as the person operating the motor vehicle at the time of the violation.  
146 The proof required under subsection (i) of this section creates a  
147 rebuttable presumption that the person identified in the affidavit  
148 required under subsection (i) of this section was the operator of the  
149 motor vehicle at the time of the violation. The notice required under  
150 this subsection must contain the following: (1) The information  
151 described in subsection (e) of this section; and (2) a statement that the  
152 person receiving the notice was identified by the owner of the motor  
153 vehicle as the person operating the motor vehicle at the time of the  
154 violation.

155 (k) It is a defense to a proceeding to enforce an ordinance adopted  
156 under this section if any of the following apply: (1) A person operating  
157 an authorized emergency vehicle may proceed past a red traffic control  
158 signal or traffic control device after slowing down as necessary for safe  
159 operation; (2) the traffic signal lights are giving no indication and such  
160 is able to be observed on the recorded image; (3) the operator was  
161 complying with a lawful order or direction of a law enforcement  
162 officer and such is able to be observed on the recorded image; (4) the  
163 operator was yielding right-of-way to authorized emergency vehicles  
164 and such is able to be observed on the recorded image; (5) the vehicle  
165 was participating in a funeral procession and such is able to be  
166 observed on the recorded image; and (6) a traffic citation was issued to  
167 the operator of the motor vehicle for the violation by a state or local  
168 police officer.

169 (l) A designated employee or local police officer is not liable for any  
170 loss while acting within the scope of the employment of the designated  
171 employee or local police officer under this section or an ordinance  
172 adopted under this section.

173 (m) If it appears from the records of the local authority that has  
174 jurisdiction to enforce an ordinance adopted under this section that a  
175 person has failed to pay a violation before the deadlines established by  
176 this section without notification of an intent to contest the violation,

177 the local authority shall send a notice to the person who is the  
178 registered owner of the motor vehicle or the vehicle being drawn by a  
179 motor vehicle. The notice must inform the registered owner of the  
180 following: (1) That the local authority will send a referral to the  
181 Department of Motor Vehicles if the violation is not paid within thirty  
182 days after the notice was mailed; and (2) that the referral will result in  
183 the nonrenewal of the registration of the motor vehicle or the vehicle if  
184 the violation is not paid.

185 (n) A local authority must send a referral to the Department of  
186 Motor Vehicles not later than thirty days after the notice referenced in  
187 this section was mailed if a violation of an ordinance adopted under  
188 this section has not been contested and has not been paid. The referral  
189 to the Department of Motor Vehicles must include the following: (1)  
190 Any information known or available to the local authority concerning  
191 the license plate number and year of registration and the name of the  
192 owner of the motor vehicle or the vehicle being drawn by a motor  
193 vehicle; (2) the date on which the violation occurred; (3) the date when  
194 the notice required under this section was mailed; and (4) the seal of  
195 the local authority.

196 (o) If the Department of Motor Vehicles receives a referral under  
197 this section, the department shall refuse to renew the registration of the  
198 motor vehicle or the vehicle being drawn by a motor vehicle and shall  
199 mail a notice to the person in whose name the vehicle is registered  
200 that: (1) Informs the person that the registration of the vehicle will not  
201 be renewed and that the reason for the refusal to renew was the failure  
202 to pay an ordinance violation adopted under the authority of this  
203 section; and (2) explains what the person is required to do to have the  
204 registration reinstated.

205 (p) The Department of Motor Vehicles shall reinstate the registration  
206 of a vehicle that is not renewed under this act if the following occur: (1)  
207 Any person presents the Department of Motor Vehicles with adequate  
208 proof that the violation notice has been paid; and (2) a reinstatement

209 fee has been paid, if applicable.

210 (q) The chief executive officer shall appoint one or more traffic  
211 control signal violation hearing officers, other than police officers or  
212 persons who work in the police department, to conduct the hearings  
213 authorized by this section.

214 (r) Any person who requests a hearing shall be given written notice  
215 of the date, time and place for the hearing. Such hearing shall be held  
216 not less than fifteen days or more than thirty days after the date of the  
217 mailing of notice, provided the hearing officer shall grant upon good  
218 cause shown any reasonable request by any interested party for  
219 postponement or continuance. An original or certified copy of the  
220 initial notice of violation shall be filed and retained by the  
221 municipality, be deemed to be a business record within the scope of  
222 section 52-180 of the general statutes and be evidence of the facts  
223 contained therein. A person wishing to contest such person's liability  
224 shall appear at the hearing and may present evidence in such person's  
225 behalf. The presence of the police officer who authorized the issuance  
226 of the citation shall be required at the hearing if such person so  
227 requests. A designated municipal official, other than the hearing  
228 officer, may present evidence on behalf of the municipality. If such  
229 person fails to appear, the hearing officer may enter an assessment by  
230 default against such person upon a finding of proper notice and  
231 liability under the applicable ordinance or statute. The hearing officer  
232 may accept from such person copies of police reports, documents of  
233 the Department of Motor Vehicles and other official documents by  
234 mail and may determine thereby that the appearance of such person is  
235 unnecessary. The hearing officer shall conduct the hearing in the order  
236 and form and with such methods of proof as the hearing officer deems  
237 fair and appropriate. The rules regarding the admissibility of evidence  
238 shall not be strictly applied, but all testimony shall be given under oath  
239 or affirmation. The hearing officer shall announce the hearing officer's  
240 decision at the end of the hearing. If the hearing officer determines that  
241 the person is not liable, the hearing officer shall dismiss the matter and

242 enter the hearing officer's determination in writing accordingly. If the  
243 hearing officer determines that the person is liable for the violation, the  
244 hearing officer shall forthwith enter and assess the fines, penalties,  
245 costs or fees against such person as provided by the applicable  
246 ordinances of that municipality.

247 Sec. 3. (NEW) (*Effective October 1, 2011*) Notwithstanding any  
248 provision of the general statutes, a violation of section 14-299 of the  
249 general statutes detected and recorded by an automated traffic control  
250 signal enforcement device pursuant to section 2 of this act shall not: (1)  
251 Constitute an infraction or violation; (2) be processed by the  
252 Centralized Infractions Bureau; (3) be considered a moving traffic  
253 violation; (4) be reported to the Department of Motor Vehicles for  
254 inclusion on a person's driving record; or (5) cause the assessment of  
255 points against the operator's license of the person found to have  
256 violated section 14-299 of the general statutes. Provided, however, a  
257 failure by the person determined to have been the operator of the  
258 motor vehicle or the vehicle being drawn by a motor vehicle at the  
259 time of the violation to pay the civil penalty shall be reported to the  
260 Department of Motor Vehicles and such department shall refuse to  
261 renew the registration of the vehicle involved in the violation of this  
262 statute pursuant to the authority of the Department of Motor Vehicles.

263 Sec. 4. (NEW) (*Effective October 1, 2011*) Not later than October 1,  
264 2012, or twelve months following the date of implementation of an  
265 automated traffic enforcement safety device program by a  
266 municipality, each municipality that has installed an automated traffic  
267 enforcement safety device and has been operating a program shall  
268 submit a report to the committee on Legislative Program Review and  
269 Investigations. Such report shall include a comparison and analysis of:  
270 (1) The number of violations of section 14-299 of the general statutes  
271 that occurred at the intersections where such automated traffic control  
272 signal enforcement devices were used, prior to and during the use of  
273 such enforcement devices; (2) the number and type of related traffic  
274 violations and accidents that occurred at such intersections prior to

275 and during the use of such enforcement devices; and (3) the number of  
276 violations of section 14-299 of the general statutes and related  
277 violations and accidents that occurred at intersections where such  
278 control signal enforcement devices were used and at similar  
279 intersections where such automated traffic control signal enforcement  
280 devices were not used. The report shall also describe situations in  
281 which (A) camera results could not be used or were not used; (B) the  
282 number of leased, out-of-state or other vehicles, including trucks,  
283 where enforcement efforts were unsuccessful; (C) the amount of  
284 revenue from fines retained by the municipality; (D) the cost of such  
285 program to the municipality; and (E) such other data or comparisons  
286 deemed of interest or importance by the municipality.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	New section
Sec. 2	<i>October 1, 2011</i>	New section
Sec. 3	<i>October 1, 2011</i>	New section
Sec. 4	<i>October 1, 2011</i>	New section

**Statement of Purpose:**

To authorize municipalities to use automated traffic enforcement safety devices.

*[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.]*

Co-Sponsors: SEN. FONFARA, 1st Dist.; REP. ROBLES, 6th Dist.  
REP. ROLDAN, 4th Dist.

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