



Senate

General Assembly

File No. 244

February Session, 2012

Substitute Senate Bill No. 406

Senate, April 3, 2012

The Committee on Planning and Development reported through SEN. CASSANO of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT REQUIRING THE COMMISSIONER OF TRANSPORTATION TO WAIVE CERTAIN INSURANCE REQUIREMENTS FOR BEAUTIFICATION EFFORTS ON STATE PROPERTY ALONG A HIGHWAY.

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

- 1 Section 1. (NEW) (*Effective from passage*) The Commissioner of
2 Transportation shall not require any person or group to obtain any
3 form of insurance as a condition of issuing a permit to engage in
4 beautification efforts on state property along a highway.
5 Notwithstanding any provision of chapter 238 of the general statutes,
6 no person injured in person or property while engaging in or as a
7 result of such beautification efforts may bring a civil action to recover
8 damages against said commissioner or the state.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	New section
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PD *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: None

Municipal Impact: None

Explanation

Waiving the requirement for obtaining insurance related to beautification programs is not anticipated to have a fiscal impact because the bill prohibits anyone injured during the process from bringing a civil action against the state or the Commissioner of the Department of Transportation.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 406*****AN ACT REQUIRING THE COMMISSIONER OF TRANSPORTATION TO WAIVE CERTAIN INSURANCE REQUIREMENTS FOR BEAUTIFICATION EFFORTS ON STATE PROPERTY ALONG A HIGHWAY.*****SUMMARY:**

This bill prohibits the Department of Transportation (DOT) commissioner from requiring any applicant to obtain insurance as a condition of issuing a permit to engage in beautification efforts on state property along a highway.

The bill prohibits anyone injured in person or property while engaging in, or as a result of, a beautification effort from bringing a civil action for damages against the state or the commissioner.

By law, the DOT commissioner may issue encroachment permits, which allow holders certain non-travel-related uses of highway rights-of-way. The law typically requires permit applicants to obtain insurance. Generally, anyone may sue the commissioner for damages if he or she is injured as a result of a defective highway, bridge, or sidewalk the commissioner is responsible for maintaining. However, permittees must hold the state and its employees harmless in any suit for damages.

EFFECTIVE DATE: Upon passage

BACKGROUND***DOT Encroachment Permit***

DOT regulations define any intrusion or use of a highway right-of-way for purposes other than traveling as an "encroachment" (Conn. Agencies Reg. § 13b-17-1). The transportation commissioner has

statutory authority to allow certain non-travel related uses of the highway right-of-way through issuance of encroachment permits (CGS § 13b-17). The commissioner may issue such permits to individuals, businesses, utility companies, municipalities, or other state agencies when certain conditions are met, including obtaining insurance (Conn. Agencies Reg. § 13b-17-9).

Under the regulations, the insurance requirement may be waived for municipalities, public service companies, and churches when these entities actually perform the work.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/19/2012)