



General Assembly

January Session, 2013

Committee Bill No. 5250

LCO No. 4597



Referred to Committee on TRANSPORTATION

Introduced by:
(TRA)

**AN ACT CONCERNING THE SAFETY OF WORKERS IN ROADWAY
WORK ZONES.**

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

1 Section 1. Subsection (a) of section 14-212a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (a) The Superior Court shall impose an additional fee equivalent to
5 one hundred per cent of the fine established or imposed for the
6 violation of the provisions of section 14-213, 14-213b, 14-214, 14-215,
7 14-216, 14-218a, 14-219, 14-220, 14-221, 14-222, 14-222a, 14-223, 14-224,
8 14-225, 14-227a, 14-230, 14-230a, 14-231, 14-232, 14-233, 14-235, 14-236,
9 14-237, 14-238, 14-238a, 14-239, 14-240, 14-240a, 14-241, 14-242, 14-243,
10 14-244, 14-245, 14-246a, 14-247, 14-247a, 14-248a, 14-249, 14-250, 14-
11 250a, 14-257, 14-261, 14-266, 14-271, 14-273, 14-279, 14-281a, subsection
12 (e) or (g) of section 14-283, section 14-289a, [or] 14-289b or 14-296aa for
13 any such violation committed (1) while construction work is ongoing
14 within a highway construction zone designated in a conspicuous
15 manner by the Department of Transportation, (2) while construction
16 work is ongoing within a municipal road construction zone designated

17 in a conspicuous manner by such municipality, (3) while utility work is
18 ongoing within a utility work zone designated in a conspicuous
19 manner by a public service company, as defined in section 16-1, or by a
20 water company, as defined in section 25-32a, or (4) while activities are
21 ongoing in a traffic incident management zone. Fifty per cent of each
22 such additional fee collected shall be deposited in the work zone safety
23 account within the Special Transportation Fund established pursuant
24 to section 6 of this act and used by the department for highway traffic
25 enforcement, including, but not limited to, the expansion of the
26 "Operation Big Orange" program, to protect the safety of workers in
27 highway work zones, as defined in section 14-212d.

28 Sec. 2. Subsection (a) of section 14-111g of the general statutes is
29 repealed and the following is substituted in lieu thereof (*Effective*
30 *October 1, 2013*):

31 (a) For the purposes of this subsection, "moving violation" means
32 any violation of subsection (c) of section 14-36 or section 14-36g, 14-
33 212d, 14-218a, 14-219, 14-222, 14-223, 14-230 to 14-249, inclusive, 14-
34 279, 14-283, 14-289b, 14-296aa, 14-299, 14-300, 14-301, 14-302 or 14-303,
35 and "suspension violation" means a violation of section 14-222a or 14-
36 224, subsection (a) of section 14-227a, or section 53a-56b, 53a-57 or 53a-
37 60d. The Commissioner of Motor Vehicles may require any motor
38 vehicle operator who is twenty-four years of age or less, who has been
39 convicted of a moving violation or a suspension violation, or both,
40 committed on two or more occasions to attend a motor vehicle
41 operator's retraining program. The commissioner may require any
42 motor vehicle operator over twenty-four years of age, who has been
43 convicted of a moving violation or a suspension violation or a
44 combination of said violations, committed on three or more occasions
45 to attend a motor vehicle operator's retraining program. The
46 commissioner shall require any motor vehicle operator convicted of
47 traveling more than seventy-five miles per hour or any person
48 operating a commercial motor vehicle convicted of traveling more than
49 sixty-five miles per hour in a highway work zone, as defined in section

50 14-212d, to attend a motor vehicle operator's retraining program. The
51 commissioner shall notify such operator, in writing, of such
52 requirement. A fee of not more than sixty dollars shall be charged for
53 the retraining program. The commissioner, after notice and
54 opportunity for hearing, may suspend the motor vehicle operator's
55 license of any such operator who fails to attend or successfully
56 complete the program until the operator successfully completes the
57 program. The hearing shall be limited to any claim of impossibility of
58 the operator to attend the retraining program, or to a determination of
59 mistake or misidentification.

60 Sec. 3. Subsection (e) of section 14-36 of the general statutes is
61 repealed and the following is substituted in lieu thereof (*Effective*
62 *October 1, 2013*):

63 (e) (1) No motor vehicle operator's license shall be issued until (A)
64 the applicant signs and files with the commissioner an application
65 under oath, or made subject to penalties for false statement in
66 accordance with section 53a-157b, and (B) the commissioner is satisfied
67 that the applicant is sixteen years of age or older and is a suitable
68 person to receive the license. (2) An applicant for a new motor vehicle
69 operator's license shall, in the discretion of the commissioner, file, with
70 the application, a copy of such applicant's birth certificate or other
71 prima facie evidence of date of birth and evidence of identity. (3)
72 Before granting a license to any applicant who has not previously held
73 a Connecticut motor vehicle operator's license, or who has not
74 operated a motor vehicle during the preceding two years, the
75 commissioner shall require the applicant to demonstrate personally to
76 the commissioner, a deputy or a motor vehicle inspector or an agent of
77 the commissioner, in such manner as the commissioner directs, that
78 the applicant is a proper person to operate motor vehicles of the class
79 for which such applicant has applied, has sufficient knowledge of the
80 mechanism of the motor vehicles to ensure their safe operation by him
81 or her and has satisfactory knowledge of the laws concerning motor
82 vehicles and the rules of the road. The knowledge test of an applicant

83 for a class D motor vehicle operator's license may be administered in
84 such form as the commissioner deems appropriate, including audio,
85 electronic or written testing. Such knowledge test shall be
86 administered in English, Spanish or any language spoken at home by
87 at least one per cent of the state's population, according to statistics
88 prepared by the United States Census Bureau, based on the most
89 recent decennial census. Each such knowledge test shall include a
90 question concerning highway work zone safety and the responsibilities
91 of an operator of a motor vehicle under section 14-212d. If any such
92 applicant has held a license from a state, territory or possession of the
93 United States where a similar examination is required, or if any such
94 applicant is a person honorably separated from the United States
95 armed forces who applies within two years following the separation
96 and who, prior to the separation, held a military operator's license for
97 motor vehicles of the same class as that for which such applicant has
98 applied, the commissioner may waive part or all of the examination.
99 When the commissioner is satisfied as to the ability and competency of
100 any applicant, the commissioner may issue to such applicant a license,
101 either unlimited or containing such limitations as the commissioner
102 deems advisable, and specifying the class of motor vehicles which the
103 licensee is eligible to operate. (4) If any applicant or operator license
104 holder has any health problem which might affect such person's ability
105 to operate a motor vehicle safely, the commissioner may require the
106 applicant or license holder to demonstrate personally or otherwise
107 establish that, notwithstanding such problem, such applicant or license
108 holder is a proper person to operate a motor vehicle, and the
109 commissioner may further require a certificate of such applicant's
110 condition, signed by a medical authority designated by the
111 commissioner, which certificate shall in all cases be treated as
112 confidential by the commissioner. A license, containing such limitation
113 as the commissioner deems advisable, may be issued or renewed in
114 any case, but nothing in this section shall be construed to prevent the
115 commissioner from refusing a license, either limited or unlimited, to
116 any person or suspending a license of a person whom the
117 commissioner determines to be incapable of safely operating a motor

118 vehicle. Consistent with budgetary allotments, each motor vehicle
119 operator's license issued to or renewed by a deaf or hearing impaired
120 person shall, upon the request of such person, indicate such
121 impairment. Such person shall submit a certificate stating such
122 impairment, in such form as the commissioner may require and signed
123 by a licensed health care practitioner. (5) The issuance of a motor
124 vehicle operator's license to any applicant who is the holder of a
125 license issued by another state shall be subject to the provisions of
126 sections 14-111c and 14-111k.

127 Sec. 4. Section 14-36f of the general statutes is repealed and the
128 following is substituted in lieu thereof (*Effective October 1, 2013*):

129 The Commissioner of Motor Vehicles shall adopt regulations, in
130 accordance with the provisions of chapter 54, governing the
131 establishment, conduct and scope of driver education programs in
132 secondary schools of this state, subject to the requirements of section
133 14-36e. Such regulations shall (1) permit any local or regional board of
134 education or private secondary school to contract with a licensed
135 drivers' school approved by the Commissioner of Motor Vehicles for
136 the behind-the-wheel instruction of such driver education program
137 and instruction therein may be given by such school's driving
138 instructors who are licensed by the Department of Motor Vehicles, and
139 (2) require that the classroom instruction of any such driver education
140 program shall include a discussion concerning highway work zone
141 safety and the responsibilities of an operator of a motor vehicle under
142 section 14-212d.

143 Sec. 5. Section 14-78 of the general statutes is repealed and the
144 following is substituted in lieu thereof (*Effective October 1, 2013*):

145 The commissioner may adopt regulations, in accordance with
146 chapter 54, for (1) the conduct of drivers' schools, including, but not
147 limited to, requirements as to the inspection of the vehicles used by the
148 drivers' schools in the conduct of their business, instructional
149 standards and procedures, including instruction of not less than fifteen

150 minutes concerning the responsibilities of an operator of a motor
151 vehicle under subsection (b) of section 14-223 and the penalty for a
152 violation of the provisions of said subsection (b), instruction
153 concerning highway work zone safety and the responsibilities of an
154 operator of a motor vehicle under section 14-212d, the posting of rates
155 charged for instruction, and the general form in which records shall be
156 kept concerning persons under instruction and those who have
157 completed their course of instruction, and (2) the establishment of
158 requirements for a person to receive a license as an instructor in
159 accordance with section 14-73. On and after October 1, 2010, the
160 commissioner shall not issue a license that is limited to classroom
161 instruction. Any person who was issued such limited license prior to
162 October 1, 2010, may maintain and renew such license.

163 Sec. 6. (NEW) (*Effective October 1, 2013*) There is established an
164 account to be known as the "work zone safety account" which shall be
165 a separate, nonlapsing account within the Special Transportation
166 Fund. The account shall contain any moneys required by law to be
167 deposited in the account. Moneys in the account shall be expended by
168 the Department of Transportation for the purposes of highway traffic
169 enforcement to protect the safety of workers in highway work zones,
170 as defined in section 14-212d of the general statutes.

171 Sec. 7. (*Effective from passage*) The Commissioner of Transportation
172 shall study the implementation of a pilot program concerning the use
173 of alternative colored lights in highway work zones. Such study shall
174 include an analysis of the use of alternative colored lights in highway
175 work zones in other states, the success of the use of such lights, safety
176 concerns concerning such lights and any federal or state statutory or
177 regulatory provisions concerning the use of such lights that could
178 affect the implementation of such pilot program. Not later than
179 February 1, 2014, the commissioner shall submit a report of the
180 findings of such study and recommendations, if any, concerning the
181 implementation of such pilot program, in accordance with the
182 provisions of section 11-4a of the general statutes, to the joint standing

183 committee of the General Assembly having cognizance of matters
184 relating to transportation.

185 Sec. 8. Section 14-137a of the general statutes is repealed and the
186 following is substituted in lieu thereof (*Effective October 1, 2013*):

187 The Commissioner of Motor Vehicles shall adopt regulations in
188 accordance with the provisions of chapter 54, setting forth the number
189 of points chargeable against the owner of an operator's license for
190 conviction of any violation of the motor vehicle laws deemed
191 appropriate by the commissioner for the assessment of such points.
192 Such regulations shall provide specific information as to the number of
193 points assessed for the conviction of each specified violation, the total
194 number of points which, in a period of time specified by the
195 commissioner, shall require a hearing before the commissioner or
196 permit automatic suspension without prior hearing, and the period of
197 time during which any such suspension shall extend. Such regulations
198 shall provide that (1) not less than two points shall be assessed for
199 conviction of a violation of subsection (d) of section 14-100a, (2) not
200 more than one point shall be assessed for conviction of a violation of
201 section 14-219, (3) not more than two points shall be assessed for
202 conviction of a violation of section 14-212d, and [(3)] (4) no points shall
203 be assessed for an infraction or any violation specified in subsection (b)
204 of section 51-164n for which the person sends payment of the fine and
205 any additional fees or costs established for such infraction or violation
206 to the Centralized Infractions Bureau in accordance with the
207 provisions of subsection (c) of section 51-164n. If such regulations
208 provide for participation in a driver improvement course or system for
209 the owner of an operator's license, the commissioner may charge a fee
210 of fifty dollars for registration for such course or system.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	14-212a(a)
Sec. 2	<i>October 1, 2013</i>	14-111g(a)

Sec. 3	<i>October 1, 2013</i>	14-36(e)
Sec. 4	<i>October 1, 2013</i>	14-36f
Sec. 5	<i>October 1, 2013</i>	14-78
Sec. 6	<i>October 1, 2013</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>October 1, 2013</i>	14-137a

TRA *Joint Favorable*

FIN *Joint Favorable*