
OLR Bill Analysis

HB 5250

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

SUMMARY:

This bill stiffens the penalties for drivers who violate certain laws within highway work zones, and makes other changes concerning highway work zone safety. Among other things, it:

1. doubles the penalty for drivers who use hand-held cell phones in a highway work zone;
2. adds violators of the highway work zone safety law to those people who may be required to attend a driver retraining program, and requires motorists who exceed certain speed limits in a work zone to attend the program;
3. creates a work zone safety account, the funds from which are used for highway traffic enforcement;
4. requires driver's license knowledge tests to include questions on, and driver instruction courses to include discussions of, highway work zone safety; and
5. requires the transportation commissioner to study implementing a pilot program using variously colored lights to improve work zone safety.

EFFECTIVE DATE: October 1, 2013, except that the pilot program provision is effective upon passage.

NEW PENALTIES

Cell Phone Violations in Work Zones

By law, Superior Court judges must double the fine imposed on

people convicted of violating certain motor vehicle laws in (1) a designated Department of Transportation (DOT) highway construction or a municipal road construction zone, (2) a utility company work zone, or (3) an active traffic incident management zone. The bill expands the covered violations to include using hand-held cell phones in these zones. Cell phone fines range from \$125 for a first offense to \$400 for a third and subsequent offenses (CGS § 14-296aa).

It requires half of the additional fee collected for all motor vehicle violations in these work zones to be deposited in a work zone safety account the bill creates as a separate, nonlapsing account in the Special Transportation Fund. It requires DOT to use this fund, which must contain any money the law requires, for highway traffic enforcement, including expanding the “Operation Big Orange” program, to protect the safety of workers in highway work zones.

Work Zone Violations Requiring Attendance at a Driver Retraining Program

The bill adds violators of the highway work zone safety law (CGS § 14-212d) to those violators who may be required to attend a driver retraining program (see BACKGROUND).

It requires the motor vehicles (DMV) commissioner to require anyone convicted of driving more than 75 mph in a highway work zone (65 mph if the driver is driving a commercial motor vehicle, such as a large truck) to attend the retraining program.

Points Against Driver’s License

The bill requires the DMV commissioner to assess up to two points against the driver’s license of a driver convicted of violating the state highway work zone safety law (see BACKGROUND).

KNOWLEDGE TESTS AND DRIVER INSTRUCTION

The bill requires the DMV commissioner to include a question on highway work zone safety and driver responsibility on each knowledge test given to a driver’s license applicant. It (1) requires her to adopt regulations requiring high school driver’s education

programs to include classroom instruction on highway work zone safety and driver responsibility and (2) authorizes her to adopt similar regulations for commercial driving school instruction. State regulations already require instruction on reducing speed in highway work zones (see BACKGROUND).

PILOT STUDY OF VARIOUSLY COLORED LIGHTS IN HIGHWAY WORK ZONES

The bill requires the DOT commissioner to study the implementation of a pilot program on the use of variously colored lights in highway work zones. The study must analyze (1) the use of these lights in other states, (2) the success of such use, (3) safety concerns about the lights, and (4) federal or state laws or regulations concerning the use of such lights.

The commissioner must report on his findings and any recommendations on implementing the pilot program to the Transportation Committee by February 1, 2014.

BACKGROUND

Endangerment and Aggravated Endangerment of a Highway Worker

A driver commits the offense of endangerment of a highway worker if he or she commits certain motor vehicle violations in a highway work zone when workers are present. A violation is punishable by a fine of up to \$500 if no physical injury occurs or up to \$1,000 if there is a physical injury, in addition to any other penalty allowed by law.

A driver commits the offense of aggravated endangerment of a highway worker if he or she commits certain motor vehicle violations that cause the death of, or serious injury to, a highway worker. A violation is punishable by a fine of up to \$5,000 if a serious physical injury occurs or \$10,000 if there is a death, in addition to any other penalty allowed by law (CGS § 14-212d).

Driver Retraining Program

By law, the DMV commissioner may require participation in this program by drivers age (1) 24 or younger who have been convicted at

least twice of a moving violation, suspension violation, or both; and (2) 25 or older convicted three or more times of a moving violation or suspension violation, or a combination of these. The retraining program must (1) review principles of motor vehicle operation, (2) develop alternatives for attitudes contributing to aggressive driving behavior, and (3) emphasize the need to practice safe driving behavior (CGS § 14-111g).

Regulations Concerning Instruction on Highway Work Zone Safety

State regulations require instruction in “slowing down for work zones” in high schools (Conn. Agency Regs. §§ 14-36f-4 and 4a) and commercial driving schools (Conn. Agency Regs. §§ 14-78-33 and 33a).

Point System

State regulations allow the commissioner to suspend the license of a driver who accumulates 11 or more points on his or her driving record. DMV regulations assign between one and five points for various motor vehicle violations, ranging from one point for operating at an unreasonable speed to five points for negligent homicide with a motor vehicle (Conn. Agency Regs. § 14-137a-5 *et seq.*). Points remain on a driver's record for two years from the date they are assessed.

Related Bill

SB 191, also reported favorably by the Transportation Committee, imposes a penalty on people who, failing to exercise reasonable care, seriously injure or kill a vulnerable user of a highway, including a highway worker.

COMMITTEE ACTION

Transportation Committee

Joint Favorable

Yea 34 Nay 0 (03/15/2013)