

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 13-92—HB 5250

Transportation Committee

Finance, Revenue and Bonding Committee

Appropriations Committee

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

SUMMARY: This act stiffens the penalties for drivers who violate certain laws in highway work zones, and makes other changes related to work zone safety. Among other things, it:

1. doubles the basic fines for drivers who illegally use hand-held cell phones or mobile electronic devices in a highway work zone;
2. requires certain motorists who speed in a work zone to attend a driver retraining program, and allows the motor vehicles (DMV) commissioner to require drivers who otherwise violate the highway work zone safety law to attend the program;
3. creates a work zone safety account to fund highway traffic enforcement;
4. requires driver's license knowledge tests to include a question, and driver education courses to include instruction, on 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 basic fine imposed on people convicted of violating certain motor vehicle laws while work is taking place in (1) a conspicuously designated (a) Department of Transportation (DOT) highway, (b) municipal road construction, or (c) utility company work zone, or (2) an active traffic incident management zone. The act requires judges to double the basic fines of people convicted of illegally using hand-held cell phones or mobile electronic devices in these work zones (see BACKGROUND). (By law, there are charges for these offenses in addition to the basic fines.)

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

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(PA 13-277 amends this act by establishing a different funding method (see BACKGROUND)).

Work Zone Violations and the Driver Retraining Program

Under the act, the DMV commissioner must require anyone convicted of driving in a highway work zone at more than (1) 75 mph, or (2) 65 mph if the driver is driving a commercial motor vehicle (e.g., large truck) to attend a driver retraining program.

It allows the commissioner to require other drivers who violate the highway work zone safety law (CGS § 14-212d) to attend the retraining program (see BACKGROUND).

Points against Driver's License

The act 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 act 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 act requires the DOT commissioner to study implementing a pilot program on the use of variously colored lights in highway work zones. The study must analyze (1) other states' use of these lights, (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 to the Transportation Committee by February 1, 2014 on his findings and any recommendations to implement the program.

BACKGROUND

Fines for Illegal Use of Cell Phones and Mobile Electronic Devices

Through September 30, 2013, the fines for illegally using cell phones and mobile electronic devices are \$125 for a first offense, \$250 for a second offense, and \$400 for subsequent offenses. Beginning October 1, 2013, these fines increase to \$150, \$300, and \$500, respectively (PA 13-271, § 37).

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Driver Retraining Program

By law, the DMV commissioner may require participation in this program by drivers who commit a certain number of moving or suspension violations. The retraining program (1) reviews principles of motor vehicle operation, (2) develops alternatives for attitudes contributing to aggressive driving behavior, and (3) emphasizes the need to practice safe driving behavior (CGS § 14-111g).

Regulations Concerning Instruction on Highway Work Zone Safety

State regulations require instruction in high schools and commercial driving schools on slowing down for work zones (Conn. Agencies Reg. §§ 14-36f-4 and 4a and §§ 14-78-33 and 33a, respectively).

Point System

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. Agencies Reg. § 14-137a-5 et seq.). The commissioner must suspend the license of a driver who accumulates 11 or more points on his or her driving record. Points remain on a driver's record for two years.

Related Acts

PA 13-277 eliminates this act's requirement that half the additional fee be placed in the work zone safety account. It instead requires the state treasurer to deposit \$9,000 monthly in the work zone safety account from all money collected from certain DOT licenses, permits, and fees, and from the existing 50% surcharge assessed against people paying certain motor vehicle fines and penalties (CGS § 13b-70).

PA 13-200 doubles the basic fines for speeding or committing certain other traffic violations in a conspicuously designated fire station work zone in which a uniformed firefighter is directing traffic.

OLR Tracking: PF:KM:JKL:ts/eh