



Senate

General Assembly

File No. 232

February Session, 2014

Senate Bill No. 336

Senate, April 1, 2014

The Committee on Transportation reported through SEN. MAYNARD of the 18th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE PENALTY FOR CAUSING HARM TO A VULNERABLE USER OF A PUBLIC WAY.

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

1 Section 1. (NEW) (*Effective October 1, 2014*) (a) As used in subsection
2 (b) of this section, (1) "vulnerable user" means: (A) A pedestrian; (B) a
3 highway worker; (C) a person riding or driving an animal; (D) a
4 person riding a bicycle; (E) a person using a skateboard, roller skates
5 or in-line skates; (F) a person operating or riding on an agricultural
6 tractor; (G) a person using a wheelchair or motorized chair; and (H) a
7 blind person and such person's service animal, and (2) "public way"
8 includes any state or other public highway, road, street, avenue, alley,
9 driveway, parkway or place, under the control of the state or any
10 political subdivision of the state, dedicated, appropriated or opened to
11 public travel or other use.

12 (b) Any person operating a motor vehicle on a public way who fails
13 to exercise reasonable care and causes the serious physical injury or
14 death of a vulnerable user of a public way, provided such vulnerable

15 user has shown reasonable care in such user's use of the public way,
16 shall be fined not more than one thousand dollars.

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

Section 1	<i>October 1, 2014</i>	New section
-----------	------------------------	-------------

TRA *Joint Favorable*

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:

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Judicial Dept.	GF - Revenue Gain	up to 15,000	up to 20,000

Municipal Impact: None

Explanation

The bill results in a potential revenue gain to the General Fund of up to \$20,000 per year associated with establishing a \$1,000 penalty for a motorist who causes injury to a vulnerable user of a public way. It is anticipated that relatively few offenses will occur or be charged.

The Out Years

The annualized ongoing fiscal impact identified above would remain constant into the future because fees are set by statute.

OLR Bill Analysis**SB 336*****AN ACT CONCERNING THE PENALTY FOR CAUSING HARM TO A VULNERABLE USER OF A PUBLIC WAY.*****SUMMARY:**

This bill creates a separate violation for a motorist travelling on a public way who fails to exercise reasonable care and causes the serious physical injury or death of a “vulnerable user,” provided the vulnerable user exercised reasonable care in using the public way. The bill does not define “reasonable care,” but it is generally understood to mean the degree of caution and concern for one’s own and others’ safety that an ordinarily prudent and rational person would use in the circumstances. Any motorist found to have seriously injured or caused the death of a vulnerable user in such circumstances must be fined up to \$1,000.

Depending on the circumstances, such conduct may already subject drivers to penalties under existing criminal laws, including:

1. misconduct with a motor vehicle (CGS § 53a-57),
2. negligent homicide with a motor vehicle (CGS § 14-222a), and
3. aggravated endangerment of a highway worker (CGS § 14-212d).

EFFECTIVE DATE: October 1, 2014

DEFINITIONS

Under the bill, vulnerable users include:

1. pedestrians;
2. highway workers;

3. people riding or driving animals;
4. bicyclists;
5. skaters, skateboarders, or roller bladers;
6. people riding or driving tractors;
7. people using wheelchairs or motorized chairs; and
8. blind people and their service animals.

A “public way” includes any of the following that are under the control of the state or a political subdivision and open to public travel: public highways, roads, streets, avenues, alleys, driveways, parkways, or places.

COMMITTEE ACTION

Transportation Committee

Joint Favorable

Yea 32 Nay 0 (03/14/2014)