



House of Representatives

General Assembly

File No. 415

January Session, 2015

Substitute House Bill No. 6817

House of Representatives, April 2, 2015

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE QUICK CLEARANCE OF LIMITED ACCESS HIGHWAYS IN THE STATE.

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

1 Section 1. Section 14-66 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) (1) No person, firm or corporation shall engage in the business of
4 operating a wrecker for the purpose of towing or transporting motor
5 vehicles, including motor vehicles which are disabled, inoperative or
6 wrecked or are being removed in accordance with the provisions of
7 section 14-145, 14-150 or 14-307, unless such person, firm or
8 corporation is a motor vehicle dealer or repairer licensed under the
9 provisions of subpart (D) of this part. (2) The commissioner shall
10 establish and publish a schedule of uniform rates and charges for the
11 nonconsensual towing and transporting of motor vehicles and for the
12 storage of motor vehicles which shall be just and reasonable. Upon
13 petition of any person, firm or corporation licensed in accordance with
14 the provisions of this section, but not more frequently than once every

15 two years, the commissioner shall reconsider the established rates and
16 charges and shall amend such rates and charges if the commissioner,
17 after consideration of the factors stated in this subdivision, determines
18 that such rates and charges are no longer just and reasonable. In
19 establishing and amending such rates and charges, the commissioner
20 may consider factors, including, but not limited to, the Consumer Price
21 Index, rates set by other jurisdictions, charges for towing and
22 transporting services provided pursuant to a contract with an
23 automobile club or automobile association licensed under the
24 provisions of section 14-67 and rates published in standard service
25 manuals. The commissioner shall hold a public hearing for the purpose
26 of obtaining additional information concerning such rates and charges.
27 (3) With respect to the nonconsensual towing or transporting and the
28 storage of motor vehicles, no such person, firm or corporation shall
29 charge more than the rates and charges published by the
30 commissioner. Any person aggrieved by any action of the
31 commissioner under the provisions of this section may take an appeal
32 therefrom in accordance with section 4-183, except venue for such
33 appeal shall be in the judicial district of New Britain.

34 (b) The commissioner, or an inspector authorized by the
35 commissioner, shall examine each wrecker, including its number,
36 equipment and identification, and shall determine the mechanical
37 condition of such wrecker and whether or not it is properly equipped
38 to do the work intended. A wrecker shall be deemed properly
39 equipped if there are two flashing yellow lights installed and mounted
40 on such wrecker that (1) show in all directions at all times, and (2)
41 indicate the full width of such wrecker. Such lights shall be mounted
42 not less than eight feet above the road surface and as close to the back
43 of the cab of such wrecker as practicable. Such lights shall be in
44 operation when such wrecker is towing a vehicle and when such
45 wrecker is at the scene of an accident or the location of a disabled
46 motor vehicle. In addition, each wrecker shall be equipped with a spot
47 light mounted so that its beam of light is directed toward the hoisting
48 equipment in the rear of such wrecker. The hoisting equipment of each
49 wrecker shall be of sufficient capacity to perform the service intended

50 and shall be securely mounted to the frame of such vehicle. A fire
51 extinguisher shall be carried at all times on each wrecker which shall
52 be in proper working condition, mounted in a permanent bracket on
53 each wrecker and have a minimum rating of eight bc. A set of three
54 flares in operating condition shall be carried at all times on each
55 wrecker and shall be used between the periods of one-half hour after
56 sunset and one-half hour before sunrise when the wrecker is parked on
57 a highway while making emergency repairs or preparing to pick up a
58 disabled vehicle to remove it from a highway or adjoining property.
59 No registrant or operator of any wrecker shall offer to give any
60 gratuities or inducements of any kind to any police officer or other
61 person in order to obtain towing business or recommendations for
62 towing or storage of, or estimating repairs to, disabled vehicles. No
63 licensee shall require the owner to sign a contract for the repair of such
64 owner's damaged vehicle as part of the towing consideration or to sign
65 an order for the repair of, or authorization for estimate until the tow
66 job has been completed. No licensee shall tow a vehicle in such a
67 negligent manner as to cause further damage to the vehicle being
68 towed.

69 (c) Each wrecker used for towing or transporting motor vehicles
70 shall be registered as a wrecker by the commissioner for a fee of one
71 hundred twenty-five dollars. Each such registration shall be renewed
72 biennially according to renewal schedules established by the
73 commissioner so as to effect staggered renewal of all such
74 registrations. If the adoption of a staggered system results in the
75 expiration of any registration more or less than two years from its
76 issuance, the commissioner may charge a prorated amount for such
77 registration fee.

78 (d) An owner of a wrecker may apply to the commissioner for a
79 general distinguishing number and number plate for the purpose of
80 displaying such number plate on a motor vehicle temporarily in the
81 custody of such owner and being towed or transported by such owner.
82 The commissioner shall issue such number and number plate to an
83 owner of a wrecker (1) who has complied with the requirements of this

84 section, and (2) whose wrecker is equipped in accordance with
85 subsection (b) of this section. The commissioner shall charge a fee to
86 cover the cost of issuance and renewal of such number plates.

87 (e) With respect to the nonconsensual towing or transporting of a
88 motor vehicle, no licensee may tow or transport a vehicle to the
89 premises of any person, firm or corporation engaged in the storage of
90 vehicles for compensation unless such person, firm or corporation
91 adheres to the storage charges published by the commissioner.

92 (f) The provisions of this section shall not apply to any person, firm,
93 corporation or association: (1) Towing or transporting a motor vehicle,
94 provided such person, firm, corporation or association is licensed as a
95 motor vehicle dealer pursuant to the provisions of subpart (D) of this
96 part and does not offer direct towing or transporting to the public or
97 engage in nonconsensual towing or transporting; (2) operating as an
98 automobile club or automobile association licensed under section 14-
99 67; (3) operating as a motor vehicle recycler licensed under section 14-
100 67l or any contractor of such recycler, provided such recycler or its
101 contractor does not offer towing or transporting to the public or
102 engage in nonconsensual towing or transporting; (4) engaging in the
103 business of repossession of motor vehicles for lending institutions,
104 provided it does not offer direct towing or transporting unless licensed
105 as a motor vehicle dealer under the provisions of subpart (D) of this
106 part; (5) towing motor vehicles owned or leased by such person, firm,
107 association or corporation; (6) towing or transporting motor vehicles
108 for hire, with the appropriate operating authority, as defined in 49 CFR
109 390.5, as amended from time to time, provided such person, firm,
110 corporation or association does not offer towing or transporting to the
111 public or engage in nonconsensual towing or transporting; or (7)
112 towing motor vehicles to or from an auction conducted by a dealer
113 licensed pursuant to the provisions of subpart (D) of this part,
114 provided such person, firm, corporation or association does not offer
115 direct towing or transporting to the public or engage in nonconsensual
116 towing or transporting.

117 (g) Any law enforcement officer or traffic authority, as defined in
 118 section 14-297, may determine that a vehicle blocking a travel lane on a
 119 limited access highway constitutes an emergency and a threat to public
 120 safety. Upon such determination, such law enforcement officer or
 121 traffic authority may direct the operator of a wrecker to remove such
 122 vehicle. Any such officer, authority or operator of a wrecker shall be
 123 held harmless from liability or causes of action for property damages
 124 incurred to such vehicle or to its contents or the surrounding area
 125 caused by such emergency removal, provided such removal measures
 126 are taken under the direction of such officer or authority and all
 127 reasonable care is taken by the operator of the wrecker.

128 [(g)] (h) For the purposes of this section, "nonconsensual towing or
 129 transporting" means the towing or transporting of a motor vehicle in
 130 accordance with the provisions of section 14-145 or for which
 131 arrangements are made by order of a law enforcement officer or traffic
 132 authority, as defined in section 14-297.

133 [(h)] (i) Any person, firm, corporation or association that violates the
 134 provisions of this section shall, for a first offense, be deemed to have
 135 committed an infraction and for a second or subsequent offense, shall
 136 be guilty of a class D misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	14-66

TRA *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**

The bill, which permits law and traffic enforcement personnel to order the removal of vehicles blocking a travel lane, has no fiscal impact.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis

sHB 6817

AN ACT CONCERNING THE QUICK CLEARANCE OF LIMITED ACCESS HIGHWAYS IN THE STATE.

SUMMARY:

This bill generally exempts, from liability for property damage, a wrecker operator who, at the direction of police or a traffic authority, removes a vehicle blocking a limited access highway travel lane.

To be exempt, the (1) police or traffic authority must determine that the blocked lane poses an emergency and a threat to public safety and (2) wrecker operator must use all reasonable care in removing the vehicle.

EFFECTIVE DATE: October 1, 2015

EMERGENCY DETERMINATION AND EXEMPTION FROM LIABILITY

The bill allows police or a traffic authority to direct a wrecker operator to remove a vehicle blocking a limited access highway travel lane if they determine it poses an emergency and a threat to public safety. It exempts the police, traffic authority, and wrecker operator from liability for property damage to the vehicle, its contents, or surrounding area caused by the removal if the wrecker operator, acting at the direction of police or the traffic authority, used all reasonable care in removing it.

By law, a violation is an offense. A first violation is an infraction, and each subsequent violation is a class D misdemeanor, punishable by a fine of up to \$250, 30 days in jail, or both. It is not clear what action would constitute a violation.

BACKGROUND

Reasonable Care

Reasonable care, as a test of liability for negligence, is the degree of care that a prudent and competent person engaged in the same line of business or endeavor would exercise under similar circumstances (*Black's Law Dictionary, Seventh Edition*).

Limited Access Highway

Limited access highways allow vehicles to enter and exit only at highway intersections or designated points. Examples are interstate highways (I-84, I-91, and I-95) and state roads such as Rt. 2 and Rt. 15.

Traffic Authority

A traffic authority is the board of police commissioners of any city, town, or borough, or the city or town manager, the police chief, the superintendent of police or any legally elected or appointed official or board, or any official having similar powers and duties, of any city, town, or borough that has no board of police commissioners but has a regularly appointed force, or the board of selectmen of any town in which there is no city or borough with a regularly appointed police force. With respect to state highways and bridges, "traffic authority" is the Office of State Traffic Administration (CGS § 14-297).

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 31 Nay 0 (03/18/2015)