



House of Representatives

General Assembly

File No. 238

February Session, 2016

Substitute House Bill No. 5403

House of Representatives, March 29, 2016

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT INCREASING PENALTIES FOR FAILURE TO YIELD TO PEDESTRIANS IN CROSSWALKS AND FAILURE TO EXERCISE DUE CARE TO AVOID HITTING A PEDESTRIAN OR CYCLIST.

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

1 Section 1. Section 14-300 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) The traffic authority shall have power to designate, by
4 appropriate official traffic control devices, as defined in section 14-297,
5 or markers, or by lines upon the surface of the highway, such
6 crosswalks and intersections as, in its opinion, constitute a danger to
7 pedestrians crossing the highway including, but not limited to,
8 specially marked crosswalks in the vicinity of schools, which
9 crosswalks shall have distinctive markings, in accordance with the
10 regulations of the Office of the State Traffic Administration, to denote
11 use of such crosswalks by school children; and may maintain suitable
12 signs located at intervals along highways, particularly where there are
13 no sidewalks, directing pedestrians to walk facing vehicular traffic.

14 (b) At any intersection where special pedestrian-control signals
15 bearing the words "Walk" or "Don't Walk" are placed, pedestrians may
16 cross the highway only as indicated by the signal. At any intersection
17 where traffic is controlled by other traffic control signals or by police
18 officers, pedestrians shall not cross the highway against a red or "Stop"
19 signal and shall not cross at any place not a marked or unmarked
20 crosswalk. A pedestrian started or starting across the highway on a
21 "Walk" signal or on any such crosswalk on a green or "Go" signal shall
22 have the right-of-way over all vehicles, including those making turns,
23 until such pedestrian has reached the opposite curb or safety zone.

24 (c) Except as provided in subsection (c) of section 14-300c, at any
25 crosswalk marked as provided in subsection (a) of this section or any
26 unmarked crosswalk, provided such crosswalks are not controlled by
27 police officers or traffic control signals, each operator of a vehicle shall
28 grant the right-of-way, and slow or stop such vehicle if necessary to so
29 grant the right-of-way, to any pedestrian crossing the roadway within
30 such crosswalk, provided such pedestrian steps off the curb or into the
31 crosswalk at the entrance to a crosswalk or is within that half of the
32 roadway upon which such operator of a vehicle is traveling, or such
33 pedestrian steps off the curb or into the crosswalk at the entrance to a
34 crosswalk or is crossing the roadway within such crosswalk from that
35 half of the roadway upon which such operator is not traveling. No
36 operator of a vehicle approaching from the rear shall overtake and
37 pass any vehicle, the operator of which has stopped at any crosswalk
38 marked as provided in subsection (a) of this section or any unmarked
39 crosswalk to permit a pedestrian to cross the roadway. The operator of
40 any vehicle crossing a sidewalk shall yield the right-of-way to each
41 pedestrian and all other traffic upon such sidewalk.

42 (d) The operator of a motor vehicle who approaches or comes into
43 the immediate vicinity of a pedestrian who is blind, as defined in
44 subsection (a) of section 1-1f, carrying a white cane or a white cane
45 tipped with red, or a pedestrian being guided by a guide dog, shall
46 reduce speed or stop, if necessary, to yield the right-of-way to such
47 pedestrian. No person, except one who is blind, shall carry or use on

48 any street or highway, or in any other public place, a cane or walking
49 stick which is white in color or white, tipped with red.

50 (e) Any crosswalk designated by a traffic authority on or after
51 October 1, 2010, pursuant to subsection (a) of this section shall be
52 required by such authority to have markings, signage, or any control
53 signals deemed necessary by such authority to provide sufficient time
54 for the safe crossing of pedestrians.

55 (f) The operator of any motor vehicle who violates this section shall
56 be [deemed to have committed an infraction and be fined ninety] fined
57 not more than five hundred dollars.

58 (g) In any civil action arising under subsection (c) or (d) of this
59 section or sections 14-300b to 14-300d, inclusive, as amended by this
60 act, the doctrine of negligence per se shall not apply.

61 Sec. 2. Section 14-300d of the general statutes is repealed and the
62 following is substituted in lieu thereof (*Effective October 1, 2016*):

63 Notwithstanding any provisions of the general statutes or any
64 regulations issued thereunder, sections 14-299, 14-300, as amended by
65 this act, 14-300b to 14-300e, inclusive, or any local ordinance to the
66 contrary, each operator of a vehicle shall exercise due care to avoid
67 colliding with any pedestrian or person propelling a human powered
68 vehicle and shall give a reasonable warning by sounding a horn or
69 other lawful noise emitting device to avoid a collision. [A violation of]
70 An operator who violates any provision of this section shall be [an
71 infraction] fined not more than five hundred dollars.

72 Sec. 3. Subsection (b) of section 51-164n of the 2016 supplement to
73 the general statutes is repealed and the following is substituted in lieu
74 thereof (*Effective October 1, 2016*):

75 (b) Notwithstanding any provision of the general statutes, any
76 person who is alleged to have committed (1) a violation under the
77 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
78 283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-

79 198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g,
80 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
81 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
82 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
83 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
84 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
85 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
86 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
87 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
88 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
89 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
90 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
91 14-153 or 14-163b, a first violation as specified in subsection (f) of
92 section 14-164i, section 14-219 as specified in subsection (e) of said
93 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-
94 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,
95 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h)
96 of section 14-283, section 14-291, 14-293b, 14-296aa, 14-300, as amended
97 by this act, 14-300d, as amended by this act, 14-319, 14-320, 14-321, 14-
98 325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-
99 386a, section 15-25 or 15-33, subdivision (1) of section 15-97, subsection
100 (a) of section 15-115, section 16-44, 16-256e, 16a-15 or 16a-22, subsection
101 (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152,
102 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-734, subsection (b) of
103 section 17b-736, section 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b)
104 of section 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-113, 19a-215,
105 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309,
106 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-
107 14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-324e, 20-341l, 20-366, 20-
108 597, 20-608, 20-610, 21-1, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63
109 or 21-76a, subdivision (1) of section 21a-19, section 21a-21, subdivision
110 (1) of subsection (b) of section 21a-25, section 21a-26 or 21a-30,
111 subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-
112 77, subsection (b) of section 21a-79, section 21a-85 or 21a-154,
113 subdivision (1) of subsection (a) of section 21a-159, subsection (a) of

114 section 21a-279a, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, 22-
115 29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-
116 39e, 22-49, 22-54, subsection (d) of section 22-84, 22-89, 22-90, 22-98, 22-
117 99, 22-100, 22-111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a,
118 22-326 or 22-342, subsection (b), (e) or (f) of section 22-344, section 22-
119 359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246,
120 subsection (a) of section 22a-250, subsection (e) of section 22a-256h,
121 section 22a-363 or 22a-381d, subsections (c) and (d) of section 22a-381e,
122 section 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or
123 subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40,
124 subsection (a) of section 25-43, section 25-43d, 25-135, 26-16, 26-18, 26-
125 19, 26-21, 26-31, 26-31c, 26-40, 26-40a, 26-42, 26-49, 26-54, 26-55, 26-56,
126 26-58 or 26-59, subdivision (1) of subsection (d) of section 26-61, section
127 26-64, subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91,
128 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-
129 132, 26-138 or 26-141, subdivision (2) of subsection (j) of section 26-
130 142a, subdivision (1) of subsection (b) of section 26-157b, subdivision
131 (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-224a,
132 subdivision (1) of section 26-226, section 26-227, 26-230, 26-232, 26-244,
133 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-
134 6a, 29-25, 29-109, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or
135 (g) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of
136 section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section
137 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-
138 11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-
139 36, 31-38, 31-40, 31-44, 31-47, 31-48, 31-51, 31-52, 31-52a or 31-54,
140 subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76,
141 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288,
142 subdivision (1) of section 35-20, section 36a-787, 42-230, 45a-283, 45a-
143 450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54,
144 section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-
145 133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e,
146 53-311a, 53-321, 53-322, 53-323, 53-331 or 53-344, subsection (c) of
147 section 53-344b, or section 53-450, or (2) a violation under the
148 provisions of chapter 268, or (3) a violation of any regulation adopted

149 in accordance with the provisions of section 12-484, 12-487 or 13b-410,
 150 or (4) a violation of any ordinance, regulation or bylaw of any town,
 151 city or borough, except violations of building codes and the health
 152 code, for which the penalty exceeds ninety dollars but does not exceed
 153 two hundred fifty dollars, unless such town, city or borough has
 154 established a payment and hearing procedure for such violation
 155 pursuant to section 7-152c, shall follow the procedures set forth in this
 156 section.

157 Sec. 4. Subsection (d) of section 51-56a of the general statutes is
 158 repealed and the following is substituted in lieu thereof (*Effective*
 159 *October 1, 2016*):

160 (d) Each person who pays in any sum as a fine or forfeiture for any
 161 violation of sections 14-218a, 14-219, 14-222, 14-223, 14-227a, sections
 162 14-230 to 14-240, inclusive, sections 14-241 to 14-249, inclusive, section
 163 14-279 for the first offense, sections 14-289b, 14-299, 14-300, as
 164 amended by this act, 14-300d, as amended by this act, 14-301 to 14-303,
 165 inclusive, or any regulation adopted under said sections or ordinance
 166 enacted in accordance with said sections shall pay an additional fee of
 167 fifteen dollars. The state shall remit to the municipalities in which the
 168 violations occurred the amounts paid under this subsection. Each clerk
 169 of the Superior Court or the Chief Court Administrator, or any other
 170 official of the Superior Court designated by the Chief Court
 171 Administrator, on or before the thirtieth day of January, April, July
 172 and October in each year, shall certify to the Comptroller the amount
 173 due for the previous quarter under this subsection to each
 174 municipality served by the office of the clerk or official.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	14-300
Sec. 2	<i>October 1, 2016</i>	14-300d
Sec. 3	<i>October 1, 2016</i>	51-164n(b)
Sec. 4	<i>October 1, 2016</i>	51-56a(d)

Statement of Legislative Commissioners:

In Sec. 3(b), "section" was deleted for accuracy.

JUD *Joint Favorable Subst. -LCO*

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 17 \$	FY 18 \$
Resources of the General Fund	GF - Potential Revenue Gain	1,577 - 112,607	1,577 - 112,607

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 17 \$	FY 18 \$
Various Municipalities	Revenue Gain	4,050	4,050

Explanation

The bill results in a revenue gain of \$1,577 - \$112,607 to the General Fund and approximately \$4,050 to various municipalities by increasing the maximum fine for certain traffic violations and by creating a municipal surcharge for violations for those traffic laws. In FY 15 there was a total of 270 violations of the specified infractions which resulted in fine revenue of \$45,264.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: *Judicial Department Offenses and Revenue Database*

OLR Bill Analysis**sHB 5403*****AN ACT INCREASING PENALTIES FOR FAILURE TO YIELD TO PEDESTRIANS IN CROSSWALKS AND FAILURE TO EXERCISE DUE CARE TO AVOID HITTING A PEDESTRIAN OR CYCLIST.*****SUMMARY:**

This bill increases the penalty for two motor-vehicle infractions to violations punishable by a fine of up to \$500. But the bill subjects the violations to the same procedures as those governing infractions, which allow a person to (1) pay the fine by mail without a court appearance or (2) contest the fine in court.

The bill's penalties apply when a motor vehicle operator:

1. fails to give the right of way, slow, or stop as appropriate for pedestrians at crosswalks; passes a vehicle stopped at a crosswalk; fails to yield to pedestrians and others when crossing a sidewalk; or fails to reduce speed and stop as necessary to yield to a blind pedestrian carrying a white cane or guided by a guide dog or
2. fails to exercise due care to avoid colliding with a pedestrian or person propelling a human powered vehicle or fails to give a reasonable warning to avoid collision (such as sounding a horn).

Currently, the conduct described first above is punishable by a fine, fee, and surcharge totaling \$181 and the second by a fine, fee, and surcharge totaling \$92.

The bill's fine is also subject to a \$15 additional fee, which the state must remit to the municipality where the violation occurred.

By law, infractions and violations subject to the infraction procedures are not considered crimes.

EFFECTIVE DATE: October 1, 2016

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 42 Nay 0 (03/11/2016)