



Senate

General Assembly

File No. 277

February Session, 2018

Substitute Senate Bill No. 290

Senate, April 5, 2018

The Committee on Transportation reported through SEN. LEONE of the 27th Dist. and SEN. BOUCHER of the 26th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE PENALTY FOR TAILGATING AND CONOR'S LAW REGARDING PROTECTIVE HEADGEAR WHILE SKATEBOARDING, ROLLER SKATING AND IN-LINE SKATING.

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

1 Section 1. Section 14-240 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2018*):

3 (a) No [driver of] person operating a motor vehicle shall follow
4 another vehicle more closely than is reasonable and prudent, having
5 regard for the speed of such vehicles, the traffic upon and the
6 condition of the highway and weather conditions.

7 (b) No person operating a motor vehicle shall drive [a] such vehicle
8 in such proximity to another vehicle as to obstruct or impede traffic.

9 (c) Motor vehicles being driven upon any highway in a caravan
10 shall be so operated as to allow sufficient space between such vehicles
11 or combination of vehicles to enable any other vehicle to enter and

12 occupy such space without danger. The provisions of this subsection
13 shall not apply to funeral processions or to motor vehicles under
14 official escort or traveling under a special permit.

15 (d) [Violation of any of the provisions] Any person who violates any
16 provision of this section shall [be] have committed an infraction,
17 [provided] except that (1) any person operating a commercial vehicle
18 combination in violation of any such provision shall have committed a
19 violation and shall be fined not less than one hundred dollars nor more
20 than one hundred fifty dollars, or (2) if the violation results in a motor
21 vehicle accident, such person shall have committed a violation and
22 shall be fined not less than one hundred dollars nor more than two
23 hundred dollars.

24 Sec. 2. Section 14-286d of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective October 1, 2018*):

26 (a) For the purposes of this section and section 14-286e, "bicycle"
27 means any vehicle propelled by the person riding the same by foot or
28 hand power.

29 (b) No child fifteen years of age or under shall operate a bicycle,
30 nonmotorized scooter or skateboard or wear roller skates or in-line
31 skates on the traveled portion of any highway unless such child is
32 wearing properly fitted and fastened protective headgear which
33 conforms to the minimum specifications established by the American
34 National Standards Institute or the Snell Memorial [Foundation's
35 Standard for Protective Headgear for Use in Bicycling] Foundation, as
36 amended from time to time. Failure to comply with this section shall
37 not be a violation or an offense. Failure to wear protective headgear as
38 required by this subsection shall not be considered to be contributory
39 negligence on the part of the parent or the child nor shall such failure
40 be admissible in any civil action.

41 (c) A law enforcement officer may issue a verbal warning to the
42 parent or guardian of a child that such child has failed to comply with
43 the provisions of subsection (b) of this section.

44 (d) A person, firm or corporation engaged in the business of renting
 45 bicycles shall provide [a bicycle helmet] protective headgear
 46 conforming to the minimum specifications established by the
 47 American National Standards Institute or the Snell Memorial
 48 Foundation's Standard for Protective Headgear for Use in Bicycling, as
 49 amended from time to time, to any person under sixteen years of age
 50 who will operate the bicycle if such person does not have [a helmet]
 51 protective headgear in his or her possession. A fee may be charged for
 52 the [helmet] protective headgear rental. Violation of any of the
 53 provisions of this subsection shall be an infraction.

54 (e) The Commissioner of Consumer Protection may establish, within
 55 available appropriations, a public awareness campaign to educate the
 56 public concerning the dangers of riding bicycles, skateboarding, roller
 57 skating and in-line skating without [helmets] protective headgear and
 58 to promote the use of [safety helmets] protective headgear while riding
 59 bicycles, skateboarding, roller skating and in-line skating.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2018	14-240
Sec. 2	October 1, 2018	14-286d

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:

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Consumer Protection, Dept.	GF - Potential Cost	250,000-450,000	250,000-450,000
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill allows the Commissioner of Consumer Protection (DCP) to add skateboarding, roller skating, and in-line skating to the dangers of riding bicycles public awareness campaign and results in a potential cost of \$250,000 - \$450,000 to the state if DCP chooses to create the campaign. The campaign will be rolled out in six languages, feature on-site educational material in retail sports stores, and have advertising/awareness messages in multiple media outlets.

In addition, the bill increases the penalty for certain motor vehicle offenses and result in potential revenue gain from fines. In FY 17 there were 10,948 offenses that resulted in fines totaling approximately \$1.3 million. To the extent that any of those violations fall under the higher penalty, the bill results in additional fines.

The Out Years

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

OLR Bill Analysis**sSB 290*****AN ACT CONCERNING THE PENALTY FOR TAILGATING AND CONOR'S LAW REGARDING PROTECTIVE HEADGEAR WHILE SKATEBOARDING, ROLLER SKATING AND IN-LINE SKATING.*****SUMMARY**

Existing law (1) generally prohibits a person operating a motor vehicle from following another vehicle more closely than is reasonable or in a way that obstructs or impedes traffic and (2) subjects violators to an infraction (see BACKGROUND). Under this bill, if driving in this manner results in a motor vehicle accident, violators are subject to an infraction as well as a fine ranging from \$100 to \$200.

Under current law, children under age 16 who ride a bicycle must wear protective headgear that meets the minimum specifications established by the American National Standards Institute or the Snell Memorial Foundation and the Department of Consumer Protection (DCP) may establish a public awareness campaign to educate and promote the use of protective headgear when bicycling.

The bill (1) expands the types of activities during which children under age 16 must wear such protective headgear to include skateboarding, non-motorized scootering, roller skating, and in-line skating, (2) requires that protective headgear is properly fitted and fastened, and (3) broadens the purposes for which DCP may spread awareness to include the use of protective headgear during these activities.

By law, failure to wear a helmet is not considered a violation or an offense and cannot be considered contributory negligence by a parent or a child or be admissible in any civil action.

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2018

BACKGROUND

Infractions

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the amount of the fine. There may be other added charges depending upon the type of infraction. For example, certain motor vehicle infractions trigger a Transportation Fund surcharge of 50% of the fine. With the various additional charges, the total amount due can be over \$300 but often is less than \$100. An infraction is not a crime, and violators can pay the fine by mail without making a court appearance.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 36 Nay 0 (03/23/2018)