OLR Bill Analysis
sHB 6392

AN ACT CONCERNING HIGHWAY WORK ZONE SAFETY ENFORCEMENT.

SUMMARY

This bill authorizes the transportation commissioner to use speed cameras (“automated traffic enforcement safety devices”) to detect and enforce violations for exceeding the posted speed limit by 10 mph or more in highway work zones.

The bill establishes requirements for operating the cameras, including that (1) at least one highway worker must be present in the zone and (2) signs must be posted ahead of the work zone indicating that the cameras are being used. It also establishes procedures for issuing and processing tickets for violations the cameras detect.

Under the bill, a person cannot be prosecuted based on the same offense for both (1) a speeding violation in a work zone that was captured by a speed camera and (2) endangerment of a highway worker.

By law, the fine for a speeding violation generally depends on (1) the amount by which a driver exceeds the posted speed limit and (2) where the violation occurs. For example, the current fine for driving 10 mph over the speed limit is $53, which increases to $106 in a work zone.

EFFECTIVE DATE: Upon passage

SPEED CAMERA OPERATION

The bill allows the transportation commissioner to install, operate, and maintain speed cameras in highway work zones or enter into an agreement with a contractor to do so.
The bill defines “automated traffic enforcement safety device” as a photographic, radar, or laser device, or other electrical or mechanical device that is designed to record a motor vehicle’s speed and obtain a recorded image of any motor vehicle (1) exceeding the posted speed limit by ten miles per hour or more in a highway work zone and (2) committing a speeding violation.

Under the bill, a “highway work zone” is an area of a state highway where construction, maintenance or utility work is being performed. Work zones must be marked with signs, channeling devices, barriers, pavement markings, or work vehicles, and the work zone extends from the first warning sign or high-intensity rotating, flashing, oscillating, or strobe lights on a vehicle to the “END ROAD WORK” sign or the last temporary traffic control device.

**Image Recording**

Under the bill, speed cameras must produce one or more recorded images of the license plate of a vehicle committing a speeding violation by exceeding the posted speed limit by 10 mph or more in a highway work zone. The recorded images must indicate the violation’s date, time, and location. The camera must be installed so that only a vehicle’s license plate is recorded and that images of a vehicle’s occupants and any other people or vehicles in the vicinity are not recorded.

**Warning Signs**

The bill requires the commissioner to post signs indicating speed camera use at the beginning of highway work zones in which speed cameras are installed and operating.

**Highway Worker Presence Required**

Under the bill, a speed camera may not be operated unless at least one highway worker is in the highway work zone. A “highway worker” is a person who is required to perform his or her job duties on state bridges, state roads, or in highway work zones, including:

1. a person performing maintenance, repair or construction of state
bridges, state roads, shoulders, medians and associated rights-of-way in highway work zones;

2. a person operating a truck, loader or other equipment or performing any other related maintenance on state bridges, state roads, or in highway work zones;

3. a state or local public safety officer enforcing work zone-related transportation management and traffic control;

4. a state or local public safety officer conducting traffic control or enforcement operations on state bridges, state roads, shoulders, medians and associated rights-of-way; and

5. a state or local public safety officer or firefighter, an emergency medical services provider, or any other authorized person removing hazards or responding to accidents and other incidents on state bridges, state roads, shoulders, medians, associated rights-of-way or in highway work zones.

VIOLATION PROCESSING

Image Review and Ticket Issuance

When a speed camera detects, and produces a recorded image of, a vehicle committing a speeding violation by exceeding the posted speed limit by 10 mph or more in a highway work zone, a state police officer must review the images. If, after doing so, the officer determines there are reasonable grounds to believe a speeding violation occurred, the officer may authorize the issuance of a summons for the violation. If the officer does so, the State Police must mail the summons to the vehicle’s registered owner within 10 days after the alleged violation. Violations are processed through the Centralized Infractions Bureau (CIB) (see BACKGROUND).

Under the bill, a recorded image that clearly shows the license plate of a vehicle exceeding the posted speed limit by 10 mph or more in a highway work zone is sufficient proof of the vehicle’s identity.

The bill prohibits images from speed cameras from being
introduced as evidence in other court proceedings.

Available Defenses

The bill makes all defenses available to a person who allegedly committed a speeding violation in a work zone that was detected and recorded by a speed camera. These defenses specifically include:

1. the violation was necessary to allow an emergency vehicle to pass,

2. the violation was necessary to avoid injuring a person or property,

3. the violation occurred during a time that the vehicle was reported stolen by law enforcement and had not yet been recovered,

4. the driver was convicted of a speeding violation in a work zone for the same incident based on a separate and distinct summons,

5. the vehicle’s owner was not operating the vehicle at the time, and

6. the violation was necessary for the driver to comply with another law concerning vehicle operation.

Destruction of Images

Under the bill, images recorded by speed cameras must be destroyed (1) 90 days after the alleged violation’s date, if a summons is not issued, or (2) upon the case’s final disposition, if a summons is issued.

BACKGROUND

Centralized Infractions Bureau

By law, individuals charged with a motor vehicle violation may, generally, pay the fine through the CIB. Payment is considered a plea of nolo contendere (no contest) and is not admissible in any civil or criminal proceeding. If an individual elects to plead not guilty, the CIB
must send the plea and request for trial to the clerk of the geographical area court where the trial is to take place. The practice, procedure, rules of evidence, and burden of proof applicable in criminal proceedings apply in such a trial (CGS § 51-164n).

**COMMITTEE ACTION**

Transportation Committee

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