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## OLR Bill Analysis

**sSB 983 (File 426, as amended by Senate "A")\***

### ***AN ACT CONCERNING SLOWING DOWN FOR SERVICE VEHICLES.***

#### **SUMMARY**

This bill expands the state's vulnerable user law (see below) to include people operating a (1) commercial motor vehicle equipped with a garbage compactor, detachable container, or curbside recycling body; (2) tank vehicle; (3) vehicle authorized by the U.S. government to carry mail; or (4) vehicle operated by an express delivery carrier ("service vehicles").

The bill also, for the purposes of passing another vehicle on the left, extends an existing definition of "safe distance" to apply when passing service vehicles and agricultural tractors. Thus, when overtaking and passing them, a driver must pass at a distance of at least three feet.

Under existing law and the bill, a "tank vehicle" is a commercial motor vehicle with a permanently or temporarily attached tank designed to transport liquid or gaseous material, but not a vehicle with a portable tank that has a rated capacity of 1,000 gallons or less (CGS § 14-1(97)). Additionally, an "agricultural tractor" is a tractor or other form of non-muscular motive power used for (1) transporting, hauling, plowing, cultivating, planting, harvesting, reaping, or other agricultural purposes on any farm or other private property or (2) transporting, from one farm to another, agricultural implements and farm products, provided the tractor is not used on any public road for transporting a pay load or for some other commercial purpose (CGS § 14-1(2)).

\*Senate Amendment "A" strikes the underlying bill, which generally required drivers passing to the left of a stationary or slow-moving service vehicle to immediately reduce their vehicles' speed to a

reasonable level below the posted speed limit.

EFFECTIVE DATE: October 1, 2021

### **VULNERABLE USER LAW**

By law, a driver operating a motor vehicle on a public way faces a penalty of up to \$1,000 if he or she fails to exercise reasonable care and causes substantial bodily harm to, or the serious physical injury or death of, a “vulnerable user,” provided the vulnerable user exercised reasonable care in using the public way.

The bill expands the list of vulnerable users to include people operating specified service vehicles. Under current law, vulnerable users are:

1. pedestrians;
2. highway workers;
3. people riding or driving animals;
4. people riding a bicycle, electric bicycle, or electric foot scooter;
5. skateboarders and in-line or roller skaters;
6. people riding or driving agricultural tractors;
7. people using wheelchairs or motorized chairs; and
8. people who are blind and their service animals.

By law, 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 or use: public highways, roads, streets, avenues, alleys, driveways, parkways, or places. Additionally, the law defines “substantial bodily harm” as bodily injury that (1) involves a temporary but substantial disfigurement, (2) causes a temporary but substantial loss or impairment of a body part’s or organ’s function, or (3) causes the fracture of any body part. The law also specifies that “serious physical injury” has the same meaning as it does under the

penal code (i.e., a physical injury that creates a substantial risk of death, or that causes serious disfigurement, serious impairment of health, or serious loss or impairment of an organ's function).

**PASSING LAW**

Existing law generally requires a driver of a vehicle passing another vehicle traveling in the same direction to (1) pass on the left at a safe distance and (2) not move right until safely clear of the overtaken vehicle. Current law specifies that in the case of a vehicle overtaking and passing a person riding a bicycle, electric bicycle, or electric foot scooter, a "safe distance" is at least three feet (CGS § 14-232). The bill extends this specification to passing service vehicles and agricultural tractors. Under existing law, a violation of this statute is an infraction.

By law, these requirements do not apply in situations when the driver is lawfully passing on the right or in a no-passing zone (CGS §§ 14-233 & 14-234).

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable Substitute

Yea 35 Nay 0 (03/24/2021)