



House of Representatives

General Assembly

File No. 380

February Session, 2022

Substitute House Bill No. 5255

House of Representatives, April 11, 2022

The Committee on Transportation reported through REP. LEMAR of the 96th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF TRANSPORTATION.

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

1 Section 1. (NEW) (*Effective October 1, 2022*) (a) For the purposes of this
2 section:

3 (1) "Alcoholic beverage" has the same meaning as provided in section
4 30-1 of the general statutes;

5 (2) "Highway", "motor vehicle", "motor bus" and "recreational
6 vehicle" have the same meanings as provided in section 14-1 of the
7 general statutes;

8 (3) "Open alcoholic beverage container" means a bottle, a can or other
9 receptacle (A) that contains any amount of an alcoholic beverage, and
10 (B) (i) that is open or has a broken seal, or (ii) the contents of which are
11 partially removed;

12 (4) "Passenger" means any occupant of a motor vehicle other than the
13 operator;

14 (5) "Passenger area" means (A) the area designed to seat the operator
15 of, and any passenger in, a motor vehicle while such vehicle is being
16 operated on a highway, or (B) any area that is readily accessible to such
17 operator or passenger while such person is in such person's seated
18 position, except that in a motor vehicle that is not equipped with a trunk,
19 "passenger area" does not include a locked glove compartment, the area
20 behind the last upright seat closest to the rear of the motor vehicle or
21 any area not normally occupied by the operator of or passengers in such
22 motor vehicle;

23 (6) "Taxicab" has the same meaning as provided in section 13b-95 of
24 the general statutes; and

25 (7) "Transportation network company vehicle" has the same meaning
26 as provided in section 13b-116 of the general statutes.

27 (b) No person shall possess an open alcoholic beverage container
28 within the passenger area of a motor vehicle while such motor vehicle
29 is on any highway in this state.

30 (c) The provisions of subsection (b) of this section shall not apply to:
31 (1) A passenger in a motor vehicle designed, maintained and primarily
32 used for the transportation of passengers for hire, including a taxicab,
33 motor bus or motor vehicle in livery service, (2) a passenger in a
34 transportation network company vehicle, or (3) a passenger in the living
35 quarters of a recreational vehicle.

36 (d) Any person who violates the provisions of subsection (b) of this
37 section shall be fined not more than five hundred dollars.

38 Sec. 2. Subsection (i) of section 54-1m of the 2022 supplement to the
39 general statutes is repealed and the following is substituted in lieu
40 thereof (*Effective July 1, 2022*):

41 (i) The Office of Policy and Management shall, within available
42 resources, review the prevalence and disposition of traffic stops and
43 complaints reported pursuant to this section, including any traffic stops
44 conducted on suspicion of a violation of section 14-227a, 14-227g, 14-

45 227m, [or] 14-227n or section 1 of this act. Not later than July 1, 2014, and
46 annually thereafter, the office shall report the results of any such review,
47 including any recommendations, to the Governor, the General
48 Assembly and any other entity deemed appropriate. The Office of Policy
49 and Management shall make such report publicly available on the
50 office's Internet web site.

51 Sec. 3. Section 14-251 of the general statutes is repealed and the
52 following is substituted in lieu thereof (*Effective October 1, 2022*):

53 (a) No vehicle shall be permitted to remain stationary within ten feet
54 of any fire hydrant, or upon the traveled portion of any highway except
55 upon the right-hand side of such highway in the direction in which such
56 vehicle is headed; and, if such highway is curbed, such vehicle shall be
57 so placed that its right-hand wheels, when stationary, shall, when safety
58 will permit, be within a distance of twelve inches from the curb, except
59 if a bikeway, as defined in section 13a-153f, or such bikeway's buffer
60 area, as described in the federal Manual on Uniform Traffic Control
61 Devices, is in place between the parking lane and the curb, such vehicle
62 shall be so placed that its right-hand wheels, when stationary, shall,
63 when safety will permit, be within a distance of twelve inches from the
64 edge of such bikeway or buffer area.

65 (b) No vehicle shall be permitted to remain parked within twenty-
66 five feet of an intersection or an approach to a marked crosswalk, [at
67 such intersection,] except (1) within ten feet of such intersection or
68 marked crosswalk if such intersection or marked crosswalk has a curb
69 extension treatment with a width equal to or greater than the width of
70 the parking lane, [and such intersection is located in and comprised
71 entirely of highways under the jurisdiction of the city of New Haven,]
72 or, (2) if there is an available parking space that was established on or
73 before October 1, 2022. No vehicle shall be permitted to remain parked
74 within twenty-five feet of a stop sign caused to be erected by the traffic
75 authority in accordance with the provisions of section 14-301, except
76 where permitted by the traffic authority of the city of New Haven at the
77 intersection of one-way streets located in and comprised entirely of

78 highways under the jurisdiction of the city of New Haven.

79 (c) No vehicle shall be permitted to remain stationary upon the
80 traveled portion of any highway at any curve or turn or at the top of any
81 grade where a clear view of such vehicle may not be had from a distance
82 of at least one hundred fifty feet in either direction. The Commissioner
83 of Transportation may post signs upon any highway at any place where
84 the keeping of a vehicle stationary is dangerous to traffic, and the
85 keeping of any vehicle stationary contrary to the directions of such signs
86 shall be a violation of this section. No vehicle shall be permitted to
87 remain stationary upon the traveled portion of any highway within fifty
88 feet of the point where another vehicle, which had previously stopped,
89 continues to remain stationary on the opposite side of the traveled
90 portion of the same highway. No vehicle shall be permitted to remain
91 stationary within the limits of a public highway in such a manner as to
92 constitute a traffic hazard or obstruct the free movement of traffic
93 thereon, provided a vehicle which has become disabled to such an
94 extent that it is impossible or impracticable to remove it may be
95 permitted to so remain for a reasonable time for the purpose of making
96 repairs thereto or of obtaining sufficient assistance to remove it.

97 (d) Nothing in this section shall be construed to apply to emergency
98 vehicles and to maintenance vehicles displaying flashing lights or to
99 prohibit a vehicle from stopping, or being held stationary by any officer,
100 in an emergency to avoid accident or to give a right-of-way to any
101 vehicle or pedestrian as provided in this chapter, or from stopping on
102 any highway within the limits of an incorporated city, town or borough
103 where the parking of vehicles is regulated by local ordinances.

104 (e) Violation of any provision of this section shall be an infraction.

105 Sec. 4. Subsection (b) of section 14-218a of the 2022 supplement to the
106 general statutes is repealed and the following is substituted in lieu
107 thereof (*Effective October 1, 2022*):

108 (b) [The] (1) Except as provided in subdivision (2) of this subsection,
109 the Office of the State Traffic Administration shall establish a speed limit

110 of sixty-five miles per hour on any multiple lane, limited access
111 highways that are suitable for a speed limit of sixty-five miles per hour,
112 taking into consideration relevant factors including design, population
113 of area and traffic flow.

114 (2) The Commissioner of Transportation may establish the speed
115 limit on limited access highways during a weather event or an
116 emergency, provided the commissioner erects electronic signs
117 indicating such speed limit.

118 Sec. 5. Section 14-219 of the 2022 supplement to the general statutes
119 is repealed and the following is substituted in lieu thereof (*Effective*
120 *October 1, 2022*):

121 (a) No person shall operate any motor vehicle (1) upon any highway,
122 road or any parking area for ten cars or more, at such a rate of speed as
123 to endanger the life of any occupant of such motor vehicle, but not the
124 life of any other person than such an occupant; (2) at a rate of speed
125 greater than fifty-five miles per hour upon any highway other than a
126 highway specified in subdivision (1) of subsection (b) of section 14-218a,
127 as amended by this act, for which a speed limit has been established in
128 accordance with the provisions of said [subsection] subdivision; (3) at a
129 rate of speed greater than sixty-five miles per hour upon any highway
130 specified in subdivision (1) of subsection (b) of section 14-218a, as
131 amended by this act, for which a speed limit has been established in
132 accordance with the provisions of said [subsection] subdivision; [or] (4)
133 if such person is under eighteen years of age, upon any highway or road
134 for which a speed limit of less than sixty-five miles per hour has been
135 established in accordance with section 14-218a, as amended by this act,
136 or section 14-307a, as amended by this act, at a rate of speed more than
137 twenty miles per hour above such speed limit; or (5) at a rate of speed
138 greater than the speed limit upon a limited access highway for which a
139 speed limit has been established in accordance with the provisions of
140 subdivision (2) of subsection (b) of section 14-218a, as amended by this
141 act.

142 (b) Any person who operates a motor vehicle (1) on a multiple lane,

143 limited access highway other than a highway specified in subdivision
144 (1) of subsection (b) of section 14-218a, as amended by this act, for which
145 a speed limit has been established in accordance with the provisions of
146 said [subsection] subdivision at a rate of speed greater than fifty-five
147 miles per hour but not greater than seventy miles per hour, (2) on a
148 multiple lane, limited access highway specified in subdivision (1) of
149 subsection (b) of section 14-218a, as amended by this act, for which a
150 speed limit has been established in accordance with the provisions of
151 said [subsection] subdivision at a rate of speed greater than sixty-five
152 miles per hour but not greater than seventy miles per hour, (3) on any
153 other highway at a rate of speed greater than fifty-five miles per hour
154 but not greater than sixty miles per hour, [or] (4) if such person is under
155 eighteen years of age, upon any highway or road for which a speed limit
156 of less than sixty-five miles per hour has been established in accordance
157 with section 14-218a, as amended by this act, or section 14-307a, as
158 amended by this act, at a rate of speed more than twenty miles per hour
159 above such speed limit, or (5) at a rate of speed greater than the speed
160 limit upon a limited access highway for which a speed limit has been
161 established in accordance with the provisions of subdivision (2) of
162 subsection (b) of section 14-218a, as amended by this act, shall commit
163 an infraction, provided any such person operating a truck, as defined in
164 section 14-260n, shall have committed a violation and shall be fined not
165 less than one hundred dollars nor more than one hundred fifty dollars.

166 (c) Any person who violates any provision of subdivision (1) of
167 subsection (a) of this section or who operates a motor vehicle (1) on a
168 multiple lane, limited access highway at a rate of speed greater than
169 seventy miles per hour but not greater than eighty-five miles per hour,
170 or (2) on any other highway at a rate of speed greater than sixty miles
171 per hour but not greater than eighty-five miles per hour, shall be fined
172 not less than one hundred dollars nor more than one hundred fifty
173 dollars, provided any such person operating a motor vehicle described
174 in subsection (a) of section 14-163c shall be fined not less than one
175 hundred fifty dollars nor more than two hundred dollars.

176 (d) No person shall be subject to prosecution for a violation of both

177 subsection (a) of this section and subsection (a) of section 14-222 because
178 of the same offense.

179 (e) Notwithstanding any provision of the general statutes, [to the
180 contrary,] any person who violates subdivision (1) of subsection (a) of
181 this section, subdivision (1) or (2) of subsection (b) of this section while
182 operating a truck, as defined in section 14-260n, or subdivision (1) of
183 subsection (c) of this section while operating a motor vehicle or a truck,
184 as defined in section 14-260n, shall follow the procedures set forth in
185 section 51-164n, as amended by this act.

186 Sec. 6. Section 13b-34 of the general statutes is amended by adding
187 subsection (l) as follows (*Effective July 1, 2022*):

188 (NEW) (l) If the commissioner deems it to be in the best interest of the
189 state, the commissioner may indemnify and hold harmless any railroad
190 company in connection with an interim trail use and rail banking
191 arrangement pursuant to 49 CFR 1152.29, as amended from time to time.

192 Sec. 7. Subdivision (1) of subsection (c) of section 4a-60 of the 2022
193 supplement to the general statutes is repealed and the following is
194 substituted in lieu thereof (*Effective July 1, 2022*):

195 (1) Any contractor who has one or more contracts with an awarding
196 agency or who is a party to a municipal public works contract or a
197 contract for a quasi-public agency project shall include a
198 nondiscrimination affirmation provision certifying that the contractor
199 understands the obligations of this section and will maintain a policy for
200 the duration of the contract to assure that the contract will be performed
201 in compliance with the nondiscrimination requirements of subsection
202 (a) of this section. The authorized signatory of the contract shall
203 demonstrate his or her understanding of this obligation by [either] (A)
204 initialing the nondiscrimination affirmation provision in the body of the
205 contract, [or] (B) providing an affirmative response in the required
206 online bid or response to a proposal question which asks if the
207 contractor understands its obligations, or (C) signing the contract.

208 Sec. 8. Subdivisions (2) and (3) of subsection (b) of section 4a-81 of the
209 2022 supplement to the general statutes are repealed and the following
210 is substituted in lieu thereof (*Effective July 1, 2022*):

211 (2) Such representation shall be [sworn as true] made to the best
212 knowledge and belief of the person signing the contract and shall be
213 subject to the [penalties] penalty of false statement as provided in
214 section 53a-157b.

215 (3) [Such] If such representation indicates that a consulting
216 agreement has been entered into in connection with any such contract,
217 such representation shall include or attach the following information for
218 each consulting agreement listed: The name of the consultant, the
219 consultant's firm, the basic terms of the consulting agreement, a brief
220 description of the services provided, and an indication as to whether the
221 consultant is a former state employee or public official. If the consultant
222 is a former state employee or public official, such representation shall
223 indicate his or her former agency and the date such employment
224 terminated.

225 Sec. 9. Subsection (b) of section 4-252 of the 2022 supplement to the
226 general statutes is repealed and the following is substituted in lieu
227 thereof (*Effective July 1, 2022*):

228 (b) The official or employee of such state agency or quasi-public
229 agency who is authorized to execute state contracts shall represent that
230 the selection of the [most qualified or highest ranked] person, firm or
231 corporation was not the result of collusion, the giving of a gift or the
232 promise of a gift, compensation, fraud or inappropriate influence from
233 any person.

234 Sec. 10. Subsection (d) of section 4-252a of the 2022 supplement to the
235 general statutes is repealed and the following is substituted in lieu
236 thereof (*Effective July 1, 2022*):

237 (d) Any entity that makes a good faith effort to determine whether
238 such entity has made an investment described in subsection (b) of this

239 section shall not be [subject to the penalties of false statement pursuant
240 to] deemed to be in breach of the contract or in violation of this section.
241 A "good faith effort" for purposes of this subsection includes a
242 determination that such entity is not on the list of persons who engage
243 in certain investment activities in Iran created by the Department of
244 General Services of the state of California pursuant to Division 2,
245 Chapter 2.7 of the California Public Contract Code. Nothing in this
246 subsection shall be construed to impair the ability of the state agency or
247 quasi-public agency to pursue a breach of contract action for any
248 violation of the provisions of the contract.

249 Sec. 11. Section 13b-4d of the general statutes is repealed and the
250 following is substituted in lieu thereof (*Effective July 1, 2022*):

251 (a) Notwithstanding any other provision of the general statutes, the
252 Commissioner of Transportation may declare a state of emergency and
253 may employ, in any manner, such assistance as [he] the commissioner
254 may require to restore any railroad owned by the state or any of its
255 subdivisions or the facilities, equipment or service of such railroad, [or]
256 any transit system or its facilities, equipment or service, or any airport
257 when: (1) A railroad system owned by the state or any of its subdivisions
258 or any of the facilities or equipment of such railroad system is deemed
259 by the commissioner to be in an unsafe condition or when there is an
260 interruption of essential railroad services, whether or not such system
261 or any of its facilities or equipment is physically damaged; (2) a transit
262 facility owned by the state or any of its subdivisions or the equipment
263 of such facility is damaged as a result of a natural disaster or incurs
264 substantial casualty loss which results in what is deemed by the
265 commissioner to be an unsafe condition or when there is an interruption
266 of essential transit services; or (3) an airport owned or operated by the
267 state or any of its subdivisions or the equipment of such airport is
268 damaged as a result of a natural disaster or incurs substantial casualty
269 loss which results in what is deemed by the commissioner to be an
270 unsafe condition or when there is an interruption of essential transit
271 services.

272 (b) When a privately-owned railroad system, its facility or equipment
273 is damaged as a result of a natural disaster or incurs substantial casualty
274 loss which results in an unsafe condition or the interruption of essential
275 railroad service, the railroad company may request the commissioner to
276 declare a state of emergency, and said commissioner may comply with
277 such request and may provide assistance to such railroad company in
278 any manner [he] the commissioner deems necessary to restore [said]
279 such railroad system, facility, equipment or service.

280 (c) When the commissioner declares a state of emergency pursuant to
281 this section, the commissioner shall have the right to enter upon and
282 utilize private property to correct the unsafe condition or restore the
283 interruption of essential railroad or transit services. The commissioner
284 shall make a reasonable effort to notify the owner of record of such
285 property prior to entering such property. The owner shall be
286 compensated for the use of such property in the manner prescribed in
287 section 13a-73, as amended by this act, for acquiring real property for
288 state highway purposes.

289 Sec. 12. Section 13b-26 of the general statutes is repealed and the
290 following is substituted in lieu thereof (*Effective July 1, 2022*):

291 (a) The commissioner shall make such alterations in the state
292 highway system as [he] the commissioner may, from time to time, deem
293 necessary and desirable to fulfill the purposes of this chapter and title
294 13a. In making any such alteration, [he] the commissioner shall consider
295 the best interest of the state, taking into consideration relevant factors
296 including the following: Traffic flow, origin and destination of traffic,
297 integration and circulation of traffic, continuity of routes, alternate
298 available routes and changes in traffic patterns. The relative weight to
299 be given to any factor shall be determined by the commissioner.

300 (b) The commissioner may plan, design, lay out, construct, alter,
301 reconstruct, improve, relocate, maintain, repair, widen and grade any
302 state highway whenever, in [his] the commissioner's judgment, the
303 interest of the state so requires. Except when otherwise provided by
304 statute, [he] the commissioner shall exercise exclusive jurisdiction over

305 all such highways, and shall have the same powers relating to the state
306 highway system as are given to the selectmen of towns, the mayor and
307 common council of any city and the warden and burgesses of any
308 borough in relation to highways within their respective municipalities.
309 In laying out or building a state highway, the commissioner shall follow
310 the procedures of sections 13a-57 and 13a-58.

311 (c) The commissioner, where necessary in connection with the
312 construction, reconstruction, repair or relocation of a state highway,
313 may relocate, reconstruct or adjust the grade or alignment of any locally
314 maintained highway using standards of construction resulting in safety
315 and convenience. Any highway so changed shall continue to be
316 maintained by the town, city or borough after the completion of such
317 construction, reconstruction, repair or relocation.

318 (d) The commissioner is authorized and directed, to the full extent
319 but only to the extent permitted by moneys and appropriations
320 becoming available under sections 13a-184 to 13a-197, inclusive, or any
321 other law but subject to approval by the Governor of allotment thereof,
322 forthwith to undertake and proceed with the projects prescribed in
323 section 13a-185 and, to that end, said commissioner with respect to any
324 such project is authorized to do and perform any act or thing regarding
325 the projects which is mentioned or referred to in [said] section 13a-185.

326 (e) Subject to the limitations referred to in subsection (d) of this
327 section and in order to effectuate the purposes of said subsection, said
328 commissioner is authorized (1) to plan, design, lay out, construct,
329 reconstruct, relocate, improve, maintain and operate the projects, and
330 reconstruct and relocate existing highways, sections of highways,
331 bridges or structures and incorporate or use the same, whether or not so
332 reconstructed or relocated or otherwise changed or improved, as parts
333 of such projects; (2) to retain and employ consultants and assistants on
334 a contract or other basis for rendering professional, legal, fiscal,
335 engineering, technical or other assistance and advice; and (3) to do all
336 things necessary or convenient to carry out the purposes and duties and
337 exercise the powers expressly given in [said] sections 13a-184 to 13a-197,

338 inclusive. Except as otherwise stated in subsection (d) of this section,
339 nothing contained in [said] sections 13a-184 to 13a-197, inclusive, shall
340 be construed to limit or restrict, with respect to the projects, any power,
341 right or authority of the commissioner existing under or pursuant to any
342 other law.

343 (f) (1) Whenever a state of emergency, as a result of a disaster, exists
344 in the state or any part of the state, and is so declared to be under the
345 provisions of any federal law or state statute, and the state highway
346 system becomes damaged as a result of such disaster, or (2) whenever
347 the commissioner declares that an emergency condition exists on any
348 highway in the state which demands immediate attention to [insure]
349 ensure the safety of the traveling public, whether or not such highway
350 is damaged, the commissioner may, notwithstanding any other
351 provision of the statutes, employ, in any manner, such assistance as [he]
352 the commissioner may require to restore [said] such highway system to
353 a condition which will provide safe travel or to correct the emergency
354 condition so declared by the commissioner.

355 (g) When the commissioner declares that an emergency condition
356 exists on any highway in the state pursuant to subsection (f) of this
357 section, the commissioner shall have the right to enter upon and utilize
358 private property to restore such highway system or correct the
359 emergency condition. The commissioner shall make a reasonable effort
360 to notify the owner of record of such property prior to entering such
361 property. The owner shall be compensated for the use of such property
362 in the manner prescribed in section 13a-73, as amended by this act, for
363 acquiring real property for state highway purposes.

364 Sec. 13. Subsection (d) of section 14-270 of the general statutes is
365 repealed and the following is substituted in lieu thereof (*Effective July 1,*
366 *2022*):

367 (d) (1) The owner or lessee of any vehicle may pay either a fee of thirty
368 dollars for each permit issued for such vehicle under this section or a fee
369 as described in subdivision (3) of this subsection for such vehicle,
370 payable to the Department of Transportation. (2) An additional

371 transmittal fee of [five] twelve dollars shall be charged for each permit
372 issued under this section and transmitted via electronic means. (3) The
373 commissioner may issue an annual permit for any vehicle transporting
374 (A) a divisible load, (B) an overweight or oversized-overweight
375 indivisible load, or (C) an oversize indivisible load. The owner or lessee
376 shall pay an annual fee of nine dollars per thousand pounds or fraction
377 thereof for each such vehicle. A permit may be issued in any increment
378 up to one year, provided the owner or lessee shall pay a fee of one
379 hundred dollars for such vehicle or vehicle and trailer for each month
380 or fraction thereof. (4) The annual permit fee for any vehicle
381 transporting an oversize indivisible load shall not be less than six
382 hundred fifty dollars. (5) The commissioner may issue permits for
383 divisible loads in the aggregate not exceeding fifty-three feet in length.
384 (6) An additional engineering analysis fee of two dollars per thousand
385 pounds or fraction thereof over two hundred thousand pounds shall be
386 charged for an oversize-overweight vehicle and trailer or a commercial
387 vehicle combination and load that exceeds a permit weight of two
388 hundred thousand pounds.

389 Sec. 14. Subsection (c) of section 54-33p of the 2022 supplement to the
390 general statutes is repealed and the following is substituted in lieu
391 thereof (*Effective July 1, 2022*):

392 (c) A law enforcement official may conduct a test for impairment
393 based on the odor of cannabis or burnt cannabis if such official
394 reasonably suspects the operator [or a passenger of a motor vehicle] of
395 violating section [14-227,] 14-227a, 14-227m or 14-227n.

396 Sec. 15. Subsections (b) and (c) of section 54-56e of the 2022
397 supplement to the general statutes are repealed and the following is
398 substituted in lieu thereof (*Effective July 1, 2022*):

399 (b) The court may, in its discretion, invoke such program on motion
400 of the defendant or on motion of a state's attorney or prosecuting
401 attorney with respect to a defendant (1) who, the court believes, will
402 probably not offend in the future, (2) who has no previous record of
403 conviction of a crime or of a violation of section 14-196, subsection (c) of

404 section 14-215, section 14-222a, subsection (a) or subdivision (1) of
405 subsection (b) of section 14-224, section 14-227a or 14-227m, [or]
406 subdivision (1) or (2) of subsection (a) of section 14-227n or section 15-
407 132a, 15-133 or 15-140n, and (3) who states under oath, in open court or
408 before any person designated by the clerk and duly authorized to
409 administer oaths, under the penalties of perjury, (A) that the defendant
410 has never had such program invoked on the defendant's behalf or that
411 the defendant was charged with a misdemeanor or a motor vehicle
412 violation for which a term of imprisonment of one year or less may be
413 imposed and ten or more years have passed since the date that any
414 charge or charges for which the program was invoked on the
415 defendant's behalf were dismissed by the court, or (B) with respect to a
416 defendant who is a veteran, that the defendant has not had such
417 program invoked in the defendant's behalf more than once previously,
418 provided the defendant shall agree thereto and provided notice has
419 been given by the defendant, on a form prescribed by the Office of the
420 Chief Court Administrator, to the victim or victims of such crime or
421 motor vehicle violation, if any, by registered or certified mail and such
422 victim or victims have an opportunity to be heard thereon. Any
423 defendant who [makes application] applies for participation in such
424 program shall pay to the court an application fee of thirty-five dollars,
425 except as provided in subsection (g) of this section. No defendant shall
426 be allowed to participate in the pretrial program for accelerated
427 rehabilitation more than two times. For the purposes of this section,
428 "veteran" has the same meaning as provided in section 27-103.

429 (c) This section shall not be applicable: (1) To any person charged
430 with (A) a class A felony, (B) a class B felony, except a violation of
431 subdivision (1), (2) or (3) of subsection (a) of section 53a-122 that does
432 not involve the use, attempted use or threatened use of physical force
433 against another person, or a violation of subdivision (4) of subsection (a)
434 of section 53a-122 that does not involve the use, attempted use or
435 threatened use of physical force against another person and does not
436 involve a violation by a person who is a public official, as defined in
437 section 1-110, or a state or municipal employee, as defined in section 1-
438 110, or (C) a violation of section 53a-70b of the general statutes, revision

439 of 1958, revised to January 1, 2019, or section 14-227a or 14-227m,
440 subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision (2)
441 of subsection (a) of section 53-21 or section 53a-56b, 53a-60d, 53a-70, 53a-
442 70a, 53a-71, except as provided in subdivision (5) of this subsection, 53a-
443 72a, 53a-72b, 53a-90a, 53a-196e or 53a-196f, (2) to any person charged
444 with a crime or motor vehicle violation who, as a result of the
445 commission of such crime or motor vehicle violation, causes the death
446 of another person, (3) to any person accused of a family violence crime
447 as defined in section 46b-38a who (A) is eligible for the pretrial family
448 violence education program established under section 46b-38c, or (B)
449 has previously had the pretrial family violence education program
450 invoked in such person's behalf, (4) to any person charged with a
451 violation of section 21a-267, 21a-279 or 21a-279a, who (A) is eligible for
452 the pretrial drug education and community service program established
453 under section 54-56i or the pretrial drug intervention and community
454 service program established under section 54-56q, or (B) has previously
455 had (i) the pretrial drug education program (ii) the pretrial drug
456 education and community service program established under the
457 provisions of section 54-56i, or (iii) the pretrial drug intervention and
458 community service program established under section 54-56q, invoked
459 on such person's behalf, (5) unless good cause is shown, to (A) any
460 person charged with a class C felony, or (B) any person charged with
461 committing a violation of subdivision (1) of subsection (a) of section 53a-
462 71 while such person was less than four years older than the other
463 person, (6) to any person charged with a violation of section 9-359 or 9-
464 359a, (7) to any person charged with a motor vehicle violation (A) while
465 operating a commercial motor vehicle, as defined in section 14-1, or (B)
466 who holds a commercial driver's license or commercial driver's
467 instruction permit at the time of the violation, (8) to any person charged
468 with a violation of subdivision (6) of subsection (a) of section 53a-60, [or]
469 (9) to a health care provider or vendor participating in the state's
470 Medicaid program charged with a violation of section 53a-122 or
471 subdivision (4) of subsection (a) of section 53a-123, or (10) to any person
472 charged with a violation of section 15-132a, 15-133 or 15-140n.

473 Sec. 16. Subsection (c) of section 14-227b of the 2022 supplement to

474 the general statutes, as amended by section 118 of public act 21-1 of the
475 June special session, is repealed and the following is substituted in lieu
476 thereof (*Effective July 1, 2022*):

477 (c) If the person arrested refuses to submit to such test or
478 nontestimonial portion of a drug influence evaluation or submits to such
479 test, commenced within two hours of the time of operation, and the
480 results of such test indicate that such person has an elevated blood
481 alcohol content, the police officer, acting on behalf of the Commissioner
482 of Motor Vehicles, shall immediately revoke and take possession of the
483 motor vehicle operator's license or, if such person is not licensed or is a
484 nonresident, suspend the operating privilege of such person, for a
485 twenty-four-hour period. The police officer shall prepare a report of the
486 incident and shall mail or otherwise transmit in accordance with this
487 subsection the report and a copy of the results of any chemical test to
488 the Department of Motor Vehicles within three business days. The
489 report shall contain such information as prescribed by the
490 Commissioner of Motor Vehicles and shall be subscribed and sworn to
491 under penalty of false statement as provided in section 53a-157b by the
492 arresting officer. If the person arrested refused to submit to such test or
493 evaluation, the report shall be endorsed by a third person who
494 witnessed such refusal. The report shall set forth the grounds for the
495 officer's belief that there was probable cause to arrest such person for a
496 violation of section 14-227a or 14-227m or subdivision (1) or (2) of
497 subsection (a) of section 14-227n and shall state that such person had
498 refused to submit to such test or evaluation when requested by such
499 police officer to do so or that such person submitted to such test,
500 commenced within two hours of the time of operation, and the results
501 of such test indicated that such person had an elevated blood alcohol
502 content. A drug influence evaluation need not be commenced within
503 two hours of the time of operation. The Commissioner of Motor Vehicles
504 may accept a police report under this subsection that is prepared and
505 transmitted as an electronic record, including electronic signature or
506 signatures, subject to such security procedures as the commissioner may
507 specify and in accordance with the provisions of sections 1-266 to 1-286,
508 inclusive. In any hearing conducted pursuant to the provisions of

509 subsection (g) of this section, it shall not be a ground for objection to the
510 admissibility of a police report that it is an electronic record prepared by
511 electronic means.

512 Sec. 17. Subsections (b) and (c) of section 13a-73 of the 2022
513 supplement to the general statutes are repealed and the following is
514 substituted in lieu thereof (*Effective July 1, 2022*):

515 (b) The commissioner may take any land the commissioner finds
516 necessary for the layout, alteration, extension, widening, change of
517 grade or other improvement of any state highway, bicycle lane, multiuse
518 trail or for a highway maintenance storage area or garage and the owner
519 of such land shall be paid by the state for all damages, and the state shall
520 receive from such owner the amount or value of all benefits resulting
521 from such taking, layout, alteration, extension, widening, change of
522 grade or other improvement. The use of any site acquired for highway
523 maintenance storage area or garage purposes by condemnation shall
524 conform to any zoning ordinance or development plan in effect for the
525 area in which such site is located, provided the commissioner may be
526 granted any variance or special exception as may be made pursuant to
527 the zoning ordinances and regulations of the town in which any such
528 site is to be acquired. The assessment of such damages and of such
529 benefits shall be made by the commissioner and filed by the
530 commissioner with the clerk of the superior court for the judicial district
531 in which the land affected is located. The commissioner shall give notice
532 of such assessment to each person having an interest of record therein,
533 or such person's designated agent for service of process, by mailing to
534 such person a copy of the same, postage prepaid, and, at any time after
535 such assessment has been made by the commissioner, the physical
536 construction of such layout, alteration, extension, widening,
537 maintenance storage area or garage, change of grade or other
538 improvement may be made. If notice cannot be given to any person
539 entitled thereto because such person's whereabouts or existence is
540 unknown, notice may be given by publishing a notice at least twice in a
541 newspaper published in the judicial district and having a daily or
542 weekly circulation in the town in which the property affected is located.

543 Any such published notice shall state that it is a notice to the last owner
544 of record or such owner's surviving spouse, heirs, administrators,
545 assigns, representatives or creditors if he or she is deceased, and shall
546 contain a brief description of the property taken. Notice shall also be
547 given by mailing to such person at his or her last-known address, by
548 registered or certified mail, a copy of such notice. If, after a search of the
549 land and probate records, the address of any interested party cannot be
550 found, an affidavit stating such facts and reciting the steps taken to
551 establish the address of any such person shall be filed with the clerk of
552 the court and accepted in lieu of service of such notice by mailing the
553 same to the last-known address of such person. Upon filing an
554 assessment with the clerk of the court, the commissioner shall forthwith
555 sign and file for record with the town clerk of the town in which such
556 real property is located a certificate setting forth the fact of such taking,
557 a description of the real property so taken and the names and residences
558 of the owners from whom it was taken. Upon the filing of such
559 certificate, title to such real property in fee simple shall vest in the state
560 of Connecticut, except that, if it is so specified in such certificate, a lesser
561 estate, interest or right shall vest in the state. The commissioner shall
562 permit the last owner of record of such real property upon which an
563 owner-occupied residence or owner-operated business is situated to
564 remain in such residence or operate such business, rent free, for a period
565 of ninety days after the filing of such certificate.

566 (c) The commissioner may purchase any land and take a deed thereof
567 in the name of the state when such land is needed in connection with
568 the layout, construction, repair, reconstruction or maintenance of any
569 state highway, bicycle lane, multiuse trail or bridge, and any land or
570 buildings or both, necessary, in the commissioner's opinion, for the
571 efficient accomplishment of the foregoing purpose, and may further,
572 when the commissioner determines that it is in the best interests of the
573 state, purchase, lease or otherwise arrange for the acquisition or
574 exchange of land or buildings or both for such purpose. The
575 commissioner, with the advice and consent of the Attorney General,
576 may settle and compromise any claim by any person, firm or
577 corporation claiming to be aggrieved by such layout, construction,

578 reconstruction, repair or maintenance by the payment of money, the
579 transfer of other land acquired for or in connection with highway
580 purposes, or otherwise. The commissioner shall permit the last owner
581 of record of such real property upon which an owner-occupied
582 residence or owner-operated business is situated to remain in such
583 residence or operate such business, rent free, for a period of ninety days
584 from the filing of such deed.

585 Sec. 18. Section 14-240 of the general statutes is repealed and the
586 following is substituted in lieu thereof (*Effective July 1, 2022*):

587 (a) [No] As used in this section, "platoon" means two or three
588 commercial motor vehicles or buses, excluding school buses, traveling
589 in a unified manner at electronically coordinated speeds at following
590 distances that are closer than would be reasonable and prudent without
591 such coordination.

592 (b) Except as provided in subsection (e) of this section, no person
593 operating a motor vehicle shall follow another vehicle more closely than
594 is reasonable and prudent, having regard for the speed of such vehicles,
595 the traffic upon and the condition of the highway and weather
596 conditions.

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

599 [(c)] (d) Motor vehicles being driven upon any highway in a caravan
600 shall be so operated as to allow sufficient space between such vehicles
601 or combination of vehicles to enable any other vehicle to enter and
602 occupy such space without danger. The provisions of this subsection
603 shall not apply to funeral processions or to motor vehicles under official
604 escort, [or] traveling under a special permit or operating in a platoon.

605 (e) (1) A person may operate a platoon on the highways of this state,
606 provided such person files a plan for the general platoon operations
607 with the Commissioner of Transportation and such plan is approved by
608 the commissioner. The commissioner shall approve or reject a plan for

609 general platoon operations not later than fifteen days after the receipt of
610 such plan. If the commissioner rejects any such plan, the commissioner
611 shall provide a written explanation of the reason for such rejection and
612 guidance to amend such plan for resubmission.

613 (2) Each commercial motor vehicle or bus in a platoon shall display a
614 mark identifying such vehicle or bus as part of a platoon at all times
615 when such vehicle or bus is engaged in platooning. Such mark shall be
616 issued by the commissioner and displayed in a manner prescribed by
617 the commissioner.

618 (3) Each person operating a commercial motor vehicle or bus in a
619 platoon shall be seated in the driver's seat of such vehicle or bus and
620 hold a commercial driver's license of the appropriate class and bearing
621 endorsements for the type of vehicle or bus being driven.

622 (4) No person operating a commercial motor vehicle or bus in a
623 platoon shall pull or drag another motor vehicle in the platoon.

624 [(d)] (f) Any person who violates any provision of this section shall
625 have committed an infraction, except that (1) any person operating a
626 commercial vehicle combination or a commercial motor vehicle or bus
627 in a platoon in violation of any such provision shall have committed a
628 violation and shall be fined not less than one hundred dollars nor more
629 than one hundred fifty dollars, or (2) if the violation results in a motor
630 vehicle accident, such person shall have committed a violation and shall
631 be fined not less than one hundred dollars nor more than two hundred
632 dollars.

633 Sec. 19. Section 13a-247 of the general statutes is repealed and the
634 following is substituted in lieu thereof (*Effective July 1, 2022*):

635 (a) No person, firm, [or] corporation or utility company shall excavate
636 within or under, or place any obstruction or substruction within, under,
637 upon or over, or interfere with construction, reconstruction or
638 maintenance of or drainage from, any state highway without the written
639 permission of the commissioner. [Said commissioner may fill in or close

640 any such excavation or remove or alter any such obstruction or
641 substruction, and the expense incurred by the commissioner in such
642 filling or removing or altering shall be paid by the person, firm or
643 corporation making such excavation or placing such obstruction or
644 substruction, provided any excavation, obstruction or substruction
645 existing within, under, upon or over any such highway on July 1, 1925,
646 or, at the discretion of said commissioner, any] Any excavation [,] made
647 or obstruction or substruction [made after said date] placed without a
648 permit or in violation of the provisions of a permit shall be removed or
649 altered by the person, firm, [or] corporation or utility company making
650 or [maintaining] placing the same within thirty days from the date when
651 said commissioner sends by registered or certified mail, postage
652 prepaid, a notice to such person, firm, [or] corporation or utility
653 company, ordering such removal or alteration. If such person, firm,
654 corporation or utility company fails to remove or alter any excavation,
655 obstruction or substruction not later than thirty days after receipt of
656 such notice from the commissioner, the commissioner may fill in or close
657 any such excavation or remove or alter any such obstruction or
658 substruction, and the expense incurred by the commissioner in such
659 filling or removing or altering shall be paid by such person, firm,
660 corporation or utility company.

661 (b) Notwithstanding the provisions of subsection (a) of this section, if
662 the commissioner determines that a person, firm, corporation or utility
663 company has created an unsafe condition within, under, upon or over
664 the state highway that requires immediate corrective action, the
665 commissioner may order immediate corrective action to remedy the
666 unsafe condition. Any costs and expenses incurred by the commission
667 to remedy the unsafe condition shall be paid by such person, firm,
668 corporation or utility company.

669 (c) The state shall not be liable for any damage to private property
670 placed in the state highway without a permit.

671 [(b)] (d) Any person, firm, [or] corporation or utility company
672 violating any provision of [subsection (a) of] this section shall be fined

673 [not more than one hundred dollars for a first offense and] not less than
674 [one hundred] two thousand dollars or more than five [hundred]
675 thousand dollars for each [subsequent] offense. Each violation shall be
676 a separate and distinct offense and, in the case of a continuing violation,
677 each day's continuance thereof shall be deemed to be a separate and
678 distinct offense.

679 Sec. 20. Subsection (b) of section 51-164n of the 2022 supplement to
680 the general statutes is repealed and the following is substituted in lieu
681 thereof (*Effective July 1, 2022*):

682 (b) Notwithstanding any provision of the general statutes, any person
683 who is alleged to have committed (1) a violation under the provisions of
684 section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-
685 393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-
686 251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g, subdivision (4)
687 of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-
688 435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115,
689 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, [13a-247,] 13a-253
690 or 13a-263, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-
691 292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c,
692 subsection (a), (b) or (c) of section 13b-412, section 13b-414, subsection
693 (d) of section 14-12, section 14-20a or 14-27a, subsection (f) of section 14-
694 34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or 14-58,
695 subsection (b) of section 14-66, section 14-66a or 14-67a, subsection (g)
696 of section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b,
697 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a first
698 violation as specified in subsection (f) of section 14-164i, section 14-219,
699 as amended by this act, as specified in subsection (e) of said section,
700 subdivision (1) of section 14-223a, section 14-240, as amended by this
701 act, 14-250 or 14-253a, subsection (a) of section 14-261a, section 14-262,
702 14-264, 14-267a, 14-269, 14-270, as amended by this act, 14-275a, 14-278
703 or 14-279, subsection (e) or (h) of section 14-283, section 14-291, 14-293b,
704 14-296aa, 14-300, 14-300d, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330
705 or 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-25 or
706 15-33, subdivision (1) of section 15-97, subsection (a) of section 15-115,

707 section 16-44, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section
708 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17b-124, 17b-
709 131, 17b-137, 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section
710 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-
711 222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-
712 336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-
713 231, 20-249, 20-257, 20-265, 20-324e, subsection (b) of section 20-334,
714 section 20-341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-38, 21-39, 21-43,
715 21-47, 21-48, 21-63, subsection (d) of section 21-71 or section 21-76a,
716 subsection (c) of section 21a-2, subdivision (1) of section 21a-19, section
717 21a-21, subdivision (1) of subsection (b) of section 21a-25, section 21a-26
718 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63
719 or 21a-77, subsection (b) of section 21a-79, section 21a-85 or 21a-154,
720 subdivision (1) of subsection (a) of section 21a-159, section 21a-278b,
721 subsection (c), (d) or (e) of section 21a-279a, section 21a-421eee, 21a-
722 421fff, 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, 22-29, 22-30, 22-34, 22-
723 35, 22-36, 22-38, 22-39, 22-39f, 22-49, 22-54, 22-61j or 22-61l, subdivision
724 (1) of subsection (n) of section 22-61l, subsection (f) of section 22-61m,
725 subdivision (1) of subsection (f) of section 22-61m, subsection (d) of
726 section 22-84, section 22-89, 22-90, 22-96, 22-98, 22-99, 22-100, 22-111o,
727 22-167, subsection (c) of section 22-277, section 22-278, 22-279, 22-280a,
728 22-318a, 22-320h, 22-324a, 22-326, subsection (b), subdivision (1) or (2) of
729 subsection (e) or subsection (g) of section 22-344, subdivision (2) of
730 subsection (b) of section 22-344b, subsection (d) of section 22-344c,
731 subsection (d) of section 22-344d, section 22-344f, 22-350a, 22-354, 22-
732 359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection
733 (a) of section 22a-250, subsection (e) of section 22a-256h, section 22a-363
734 or 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449,
735 22a-461, 23-4b, 23-38, 23-46 or 23-61b, subsection (a) or subdivision (1)
736 of subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a) of
737 section 25-43, section 25-43d, 25-135, 26-18, 26-19, 26-21, 26-31, 26-40, 26-
738 40a, 26-42, 26-49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1) of
739 subsection (d) of section 26-61, section 26-64, subdivision (1) of section
740 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-
741 105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138 or 26-141, subdivision

742 (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-224a,
743 subdivision (1) of section 26-226, section 26-227, 26-230, 26-232, 26-244,
744 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-
745 6a, 29-25, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of
746 section 29-161q, section 29-161y or 29-161z, subdivision (1) of section 29-
747 198, section 29-210, 29-243 or 29-277, subsection (c) of section 29-291c,
748 section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12,
749 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38,
750 31-40, 31-44, 31-47, 31-48, 31-51, 31-52, 31-52a or 31-54, subsection (a) or
751 (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or
752 31-134, subsection (i) of section 31-273, section 31-288, subdivision (1) of
753 section 35-20, section 36a-787, 42-230, 45a-283, 45a-450, 45a-634 or 45a-
754 658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-22,
755 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-133, 53-199, 53-212a, 53-
756 249a, 53-252, 53-264, 53-280, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-
757 323, 53-331 or 53-344, subsection (c) of section 53-344b, or section 53-450,
758 or (2) a violation under the provisions of chapter 268, or (3) a violation
759 of any regulation adopted in accordance with the provisions of section
760 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance, regulation
761 or bylaw of any town, city or borough, except violations of building
762 codes and the health code, for which the penalty exceeds ninety dollars
763 but does not exceed two hundred fifty dollars, unless such town, city or
764 borough has established a payment and hearing procedure for such
765 violation pursuant to section 7-152c, shall follow the procedures set
766 forth in this section.

767 Sec. 21. Subdivision (3) of section 13a-261 of the 2022 supplement to
768 the general statutes is repealed and the following is substituted in lieu
769 thereof (*Effective July 1, 2022*):

770 (3) "Owner" means a person in whose name a motor vehicle is
771 registered under the [provision] provisions of chapter 246 or law of
772 another jurisdiction.

773 Sec. 22. Subdivision (3) of subsection (a) of section 13a-264 of the 2022
774 supplement to the general statutes is repealed and the following is

775 substituted in lieu thereof (*Effective July 1, 2022*):

776 (3) A work zone speed control system operator shall complete and
777 sign a daily log for a work zone control system. Such daily log shall (A)
778 state the date, time and location of such system's set-up, (B) state that
779 the work zone speed control system operator successfully performed,
780 and the work zone speed control system passed, the testing specified by
781 the manufacturer of the work zone speed control system, (C) be kept on
782 file at the principle office of the operator, and (D) be admitted in any
783 court proceeding for an alleged violation of section 13a-263.

784 Sec. 23. Section 14-307a of the 2022 supplement to the general statutes
785 is repealed and the following is substituted in lieu thereof (*Effective July*
786 *1, 2022*):

787 (a) The traffic authority of any town, city or borough may establish a
788 pedestrian safety zone on any street, highway and bridge or in any
789 parking area for ten cars or more or on any private road wholly within
790 the municipality under its jurisdiction without approval from the Office
791 of the State Traffic Administration, provided: (1) The municipality, by
792 vote of its legislative body, or in the case of a municipality in which the
793 legislative body is a town meeting, its board of selectmen, grants general
794 authority to the traffic authority to establish pedestrian safety zones
795 within the municipality. Such general authority is not required if such
796 legislative body or board of selectmen is also the traffic authority; (2) the
797 traffic authority conducts an engineering study described in subsection
798 (b) of this section; (3) the posted speed limit for such zone is not less than
799 twenty miles per hour; (4) such zone encompasses a clearly defined
800 downtown district or community center frequented by pedestrians or is
801 adjacent to hospital property or, in the opinion of the traffic authority,
802 is sufficiently close to hospital property as to constitute a risk to the
803 public safety; and (5) the traffic authority satisfies the requirements of
804 subparagraphs (C) to (E), inclusive, of subdivision (2) of subsection (c)
805 of section 14-218a, as amended by this act, if applicable.

806 (b) Prior to establishing a pedestrian safety zone, the traffic authority
807 shall conduct an engineering study in accordance with the Federal

808 Highway Administration's Manual on Uniform Traffic Control Devices
809 for Streets and Highways, as amended from time to time, and other
810 generally accepted engineering principles and guidance. The study shall
811 be completed by a professional engineer licensed to practice in this state
812 and shall consider factors, including, but not limited to, pedestrian
813 activity, type of land use and development, parking and the record of
814 traffic crashes in the area under consideration to be a pedestrian safety
815 zone. If the study recommends the establishment of a pedestrian safety
816 zone, the study shall also include a speed management plan and
817 recommend actions to achieve lower motor vehicle speeds.

818 (c) In a municipality where the Office of the State Traffic
819 Administration approves speed limits on the streets, highways and
820 bridges or in any parking area for ten cars or more or on any private
821 road wholly within the municipality in accordance with section 14-218a,
822 as amended by this act, the traffic authority shall notify the office in
823 writing of the establishment of any pedestrian safety zone and confirm
824 that the requirements of this section have been satisfied.

825 (d) If the Commissioner of Transportation or a traffic authority of any
826 town, city or borough seeks to establish a pedestrian safety zone on a
827 state highway that passes through a downtown or community center,
828 the commissioner or traffic authority shall submit a written request to
829 the Office of the State Traffic Administration and include with such
830 request the engineering study and speed management plan conducted
831 pursuant to subsection (b) of this section. The office shall be the sole
832 authority for establishing a pedestrian safety zone on a state highway
833 and shall provide a written explanation of the reasons for denying any
834 such request.

835 (e) The Office of the State Traffic Administration may adopt
836 regulations, in accordance with the provisions of chapter 54, to
837 implement the provisions of this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2022	New section
Sec. 2	July 1, 2022	54-1m(i)
Sec. 3	October 1, 2022	14-251
Sec. 4	October 1, 2022	14-218a(b)
Sec. 5	October 1, 2022	14-219
Sec. 6	July 1, 2022	13b-34
Sec. 7	July 1, 2022	4a-60(c)(1)
Sec. 8	July 1, 2022	4a-81(b)(2) and (3)
Sec. 9	July 1, 2022	4-252(b)
Sec. 10	July 1, 2022	4-252a(d)
Sec. 11	July 1, 2022	13b-4d
Sec. 12	July 1, 2022	13b-26
Sec. 13	July 1, 2022	14-270(d)
Sec. 14	July 1, 2022	54-33p(c)
Sec. 15	July 1, 2022	54-56e(b) and (c)
Sec. 16	July 1, 2022	14-227b(c)
Sec. 17	July 1, 2022	13a-73(b) and (c)
Sec. 18	July 1, 2022	14-240
Sec. 19	July 1, 2022	13a-247
Sec. 20	July 1, 2022	51-164n(b)
Sec. 21	July 1, 2022	13a-261(3)
Sec. 22	July 1, 2022	13a-264(a)(3)
Sec. 23	July 1, 2022	14-307a

Statement of Legislative Commissioners:

In Section 3, Subsec. and Subdiv. designators were added for clarity, "or marked crosswalk" was inserted for consistency and "the parking space" was changed to "there is an available parking space that" for clarity; in Section 18, the definition of "platoon" was moved to Subsec. (a) for accuracy and clarity and Subsecs. (a) to (e) were changed to Subsecs. (b) to (f) for accuracy; in Section 19(b), "authorize" was changed to "order" for clarity; and in Section 19(b) and (c), "right-of-way" was changed to "highway" for consistency.

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 23 \$	FY 24 \$
Resources of the General Fund	GF - Revenue Gain	See Below	See Below
Department of Transportation	TF - Potential Cost	See Below	See Below
Treasurer, Debt Serv.	TF - Potential Cost	See Below	See Below
Department of Transportation	Transportation Grants and Restricted Accounts Fund - Revenue Gain/Cost	400,000	400,000
Resources of the Special Transportation Fund	TF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund; TF=Transportation Fund

Municipal Impact:

Municipalities	Effect	FY 23 \$	FY 24 \$
Various Municipalities	Revenue Gain	See Below	See Below

Explanation

Section 1 prohibits open alcoholic containers in the passenger compartment of most motor vehicles operating on a public road and creates a penalty of up to \$500 for violations. This section results in a revenue gain from to the General Fund from any fines collected.

This section is expected to bring Connecticut into compliance with federal transportation law, which would remove a penalty that directs

a percentage of the state's federally funded highway construction funding to the state's federally funded highway safety programs. This would not impact the total federal formula dollars received by the state but could lead to a reallocation of federal dollars between construction and safety programs.

Section 3 prohibits parking within 25 feet of any marked crosswalk, expands certain exceptions related to this prohibition and, to the extent additional violations occur, results in a revenue gain to both the municipalities in which these violations occur and to the state. The base fine is remitted to municipalities and a surcharge is deposited to the General Fund. In FY 20, 1,455 violations of the current statute resulted in total fine revenue of \$191,196.

Section 4 allows the Department of Transportation (DOT) to change speed limits on limited access highways during a weather event or emergency provided the Department installs electronic signs indicating such speed limit.

The costs of variable speed limit systems (which can include electronic and static signage, roadway sensors, and related infrastructure) varies considerably depending on the number and complexity of the systems. Based on other states' experiences, it is expected that a fully built out site (consisting of approximately 8 signs and related infrastructure) could cost up to \$1.5 million in first year capital and operating costs. Ongoing operating costs would likely be less than \$1 million in this example but would depend on implementation and decisions made by DOT.

To the extent DOT exercises this authority and that the capital costs of the systems are paid for using existing Special Tax Obligation (STO) bonds, future Special Transportation Fund (STF) debt service costs may be incurred sooner under the bill. This is dependent on the degree that the bill causes STO bond funds to be expended, or to be expended more rapidly than they otherwise would have been.

Further, installation of these systems is potentially eligible for federal

reimbursement at between 80%-90% but would depend on the specifics of the project and, ultimately, on availability of funds and approval by U.S. DOT.

Sections 7 through 10 make various changes to DOT's contracting procedures and are not expected to have a fiscal impact.

Section 13 increases the fee for an electronically transmitted oversize/overweight permit from \$5 to \$12 and imposes a new engineering analysis fee on vehicles above 200,000 pounds. This section is expected to result in additional annual fee collections of approximately \$400,000. Collections are deposited into the Transportation Grants and Restricted Account Fund and are used to support costs for the permitting system, resulting in an equal amount of spending.

Section 17 expands DOT's authority to purchase property to include property intended for use as a bicycle lane or multi-use trail and is not expected to have a fiscal impact because any purchase, should it occur, would be funded under the relevant project's budget.

Section 18 authorizes truck platooning in the state under certain conditions, including approval of a plan by DOT. Violations of this section are subject to a fine of between \$100 and \$150, resulting in a potential minimal revenue gain to the STF (base fine) and to the municipalities in which violations occur (surcharge).

Section 19 increases the fine for encroachment without a permit from \$100 to between \$2,000 to \$5,000 for each day of encroachment and results in potential revenue gain to the General Fund. Encroachment penalties have rarely been imposed under current law.

The other sections of the bill are technical, make conforming changes, or otherwise do not have a fiscal impact to the state.

The Out Years

The annualized ongoing fiscal impact identified above would

continue into the future subject to inflation, the number of violations, the scope and cost of any variable speed limit systems implemented by DOT, and the terms of any bonds issued.

OLR Bill Analysis**sHB 5255****AN ACT CONCERNING RECOMMENDATIONS BY THE
DEPARTMENT OF TRANSPORTATION.**

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§§ 21-23 — TECHNICAL CHANGES

Makes several technical changes in laws on work zone speed cameras and pedestrian safety zones

BACKGROUND

SUMMARY

This bill makes various changes in the transportation statutes, including the following:

1. generally prohibits possessing an open alcoholic beverage container in the passenger area of a motor vehicle, with exceptions for for-hire transportation and RVs;
2. modifies laws pertaining to illegal encroachments on state highway property and increases the penalties for illegal encroachment;
3. allows the Department of Transportation (DOT) to enter and use private property during commissioner-declared emergencies to restore service or correct unsafe conditions;
4. expands the DOT commissioner’s eminent domain power to allow him to take land for bicycle lanes and multi-use trails; and
5. establishes conditions under which certain vehicles may operate in a “platoon.”

EFFECTIVE DATE: July 1, 2022, unless otherwise noted below.

§§ 1 & 2 — OPEN CONTAINERS

Generally prohibits possessing an open alcoholic beverage container in the passenger area of a motor vehicle, providing exceptions for for-hire transportation and RVs

This bill prohibits possessing an open alcoholic beverage container in

a motor vehicle's "passenger area" while the vehicle is on a public road. An open alcoholic beverage container is a bottle, can, or other receptacle that contains an alcoholic beverage and is either (1) open or has a broken seal or (2) partially empty. Under federal law, states are required to adopt an open container prohibition or face fiscal penalties (see BACKGROUND).

The prohibition does not apply to passengers in (1) vehicles designed, maintained, and used primarily for for-hire transportation, including taxis, motor buses, and livery vehicles; (2) transportation network company (e.g., Uber and Lyft) vehicles; or (3) a recreational vehicle's living quarters.

People who violate the bill's provisions face a fine of up to \$500. Under existing law, drivers who drink an alcoholic beverage while driving are guilty of a class C misdemeanor (punishable by up to three months imprisonment and a fine of up to \$500, CGS § 53a-213).

Passenger Area

The bill's open container prohibition applies to occupants of a vehicle's passenger area, which means (1) the area designed to seat the driver and any passenger while the vehicle is moving and (2) any area that is readily accessible to the driver or a passenger while they are in seating position. In motor vehicles without trunks, "passenger area" does not include locked glove compartments, the area behind the last upright seat, or an area not normally occupied by a driver or passenger.

Reporting (§ 2)

Existing law requires police departments to collect and report data to the Office of Policy and Management (OPM) on (1) traffic stops (including the characteristics of the person stopped and the alleged violation) and (2) complaints of discriminatory stops. It also requires OPM to annually report on the prevalence and disposition of these stops and complaints. The bill specifically requires that this report review stops for open container violations.

EFFECTIVE DATE: October 1, 2022, for the open container

prohibition.

§ 3 — CROSSWALKS

Prohibits drivers from parking within 25 feet of a mid-block crosswalk, but grandfathers in existing parking spaces and broadens an exception for crosswalks and intersections with curb extensions

Under current law, drivers are prohibited from parking within 25 feet of an intersection or a crosswalk located at an intersection. The bill generally broadens this prohibition to include crosswalks not located at intersections (i.e., mid-block crosswalks).

However, the bill adds another exception to this prohibition, grandfathering in any parking space established on or before October 1, 2022. It also expands an existing exemption allowing parking within 10 feet of an intersection that has a curb extension treatment that is as wide or wider than the parking lane. Currently, this exception applies only to intersections located in and comprised entirely of highways under New Haven's jurisdiction. Under the bill, this exception applies to any intersection or marked crosswalk with such a curb extension treatment.

EFFECTIVE DATE: October 1, 2022

§§ 4 & 5 — SPEED LIMITS DURING WEATHER EVENTS OR EMERGENCIES

Allows the DOT commissioner to modify speed limits during weather events or emergencies, so long as the limit is posted on electronic signs

The bill allows the DOT commissioner to modify speed limits during weather events or emergencies, so long as there are electronic signs indicating the speed limit. The bill makes a conforming change to make exceeding the commissioner-established speed limit subject to existing speeding penalties.

EFFECTIVE DATE: October 1, 2022

§ 6 — INDEMNIFICATION FOR RAILBANKING ARRANGEMENTS

Allows the DOT commissioner to indemnify a railroad company in connection with a railbanking agreement

The bill allows the DOT commissioner, if he deems it in the state's

best interest, to indemnify and hold harmless any railroad company in connection with an interim trail use and rail banking arrangement executed according to federal law. "Railbanking" is a voluntary arrangement between a railroad company and another entity to use an out-of-service rail corridor as a trail until a railroad might need the corridor again for rail service.

§§ 7-10 — CONTRACTING CHANGES

Makes changes to related to representations required in certain contracts

Nondiscrimination Provisions (§ 7)

Existing law generally requires that state contracts, municipal public works contracts, and a quasi-public agency contracts contain a nondiscrimination affirmation provision to certify that the contractor (1) understands the law's nondiscrimination and affirmative action obligations and (2) will maintain a nondiscrimination policy for the contract's duration.

Under current law, the authorized signatory of the contract must demonstrate his or her understanding of this obligation by either (1) providing an affirmative response in the required online bid or request for proposals or (2) initialing the affirmation provision in the contract. Under the bill, the signatory may also do so by signing the contract.

Consulting Agreements (§ 8)

By law, goods and services contracts with a total value of \$50,000 or more in a calendar or fiscal year have to include a representation as to whether a consulting agreement had been entered into in connection with the contract. The bill eliminates the requirement that it be "sworn as true" to the signatory's best knowledge and belief, instead requiring it be made to his or her best knowledge and belief. As under existing law, the representation is subject to the penalty of false statement.

The bill also makes technical changes related to the information included in applicable consulting agreement representations.

Minor and Conforming Changes (§§ 9 & 10)

The bill eliminates a reference to “most qualified or highest ranked” person in a provision about certification requirements for large state contracts.

The bill also makes a conforming change related to PA 21-76, which eliminated the false penalty statement for certifications related to contractor investments in Iran.

§§ 11 & 12 — ENTERING PRIVATE PROPERTY DURING EMERGENCIES

Allows DOT to enter and use private property during commissioner-declared emergencies to restore service or correct unsafe conditions, subject to certain requirements

The bill gives DOT the right to enter and use private property during commissioner-declared emergencies to, as applicable, (1) correct unsafe or emergency conditions or (2) restore the highway system or interrupted essential rail or transit services. Under current law, DOT must follow existing laws governing property rights acquisition procedures before entering private property (CGS § 13a-73).

Under the bill, DOT must (1) make a reasonable effort to notify a private property owner before entering the property and (2) compensate the property owner for the property use in accordance with state law pertaining to real property acquisition.

By law, the DOT commissioner may declare an emergency when any of the following circumstances occur:

1. a public railroad or its facilities are deemed to be in unsafe condition or there is an interruption of essential rail services;
2. a public transit facility or airport, or its equipment, is damaged due to natural disaster or incurs substantial casualty loss that results in an unsafe condition or interruption of essential services; or
3. an emergency condition exists on a public road that demands immediate attention to ensure public safety.

§ 13 — OVERSIZE/OVERWEIGHT PERMIT FEES

Increases the fee for electronically transmitted oversize/overweight permits and imposes an engineering analysis fee on superloads

The bill increases the fee for electronically transmitted oversize/overweight permits from \$5 to \$12. It also imposes an additional engineering analysis fee on vehicles and trailers or commercial combination vehicles that exceed a permit weight of 200,000 pounds (known as superloads). The fee amount is \$2 per thousand pounds, or fraction thereof, over 200,000 pounds.

§§ 14-16 — DUI-RELATED CHANGES

Makes changes related to (1) tests for impairment based on cannabis odor, (2) impaired boating and diversionary programs, and (3) drug influence evaluation administration

Testing Based on Cannabis Odor (§ 14)

Existing law provides that the odor of cannabis or burnt cannabis does not constitute probable cause or reasonable suspicion and cannot be used to justify a stop or search of a person or vehicle. But current law allows law enforcement officers to test for impairment based on this odor if the officer reasonably suspects that a motor vehicle's driver or passenger is violating the DUI laws. Under the bill, the officer may only test the driver based on this suspicion.

The bill also deletes an obsolete reference.

Diversionary Programs and Impaired Boating (§ 15)

The bill adds impaired boating to the list of offenses excluded from participation in the accelerated rehabilitation diversionary program.

Under existing law, people charged with a first violation of an impaired boating offense are already eligible for the pretrial impaired driving intervention program (CGS § 54-56r(a)(1)). By excluding impaired boating offenses from the accelerated rehabilitation program, impaired boaters may be convicted upon their second offense, as is currently the case with impaired drivers.

Drug Influence Evaluations (§ 16)

PA 21-1, June Special Session, authorized the use of drug influence

evaluations in investigations of impaired driving. The bill specifies that these evaluations do not need to start within two hours after the suspect was driving. By law, chemical tests of blood, breath, and or urine for alcohol or drugs generally must be started within the two-hour timeframe.

§ 17 — LAND ACQUISITION FOR BIKE LANES AND TRAILS

Expands the DOT commissioner's eminent domain power to allow him to take land for bicycle lanes and multi-use trails

Under existing law, the DOT commissioner has the power to take any land he finds necessary for the layout, alteration, construction, extension, widening, change of grade, repair, maintenance, or other improvement of any state highway. The bill expands this eminent domain power to allow him to take property necessary for bicycle lanes and multiuse trails. Under the bill, existing eminent domain provisions and restrictions apply, including requirements for notice and payment to property owners.

§ 18 — TRUCK PLATOONING

Establishes conditions under which certain vehicles may operate in a "platoon" (i.e., electronically coordinate speed and following distances)

This bill establishes conditions under which certain vehicles may operate in a "platoon" and exempts them from the law's prohibition on following too closely. Under the bill, a platoon means two or three commercial motor vehicles or buses (other than school buses) traveling in a unified manner at electronically coordinated speeds at following distances closer than would be reasonable and prudent without the coordination.

Platoon Plan

Under the bill, a person may operate a platoon on public roads in the state if the person (1) files with the DOT commissioner a general plan for platoon operations and (2) the commissioner approves the plan. When the commissioner receives a platoon operations plan, he must approve or reject it within 15 days. If he rejects the plan, he must provide a written explanation as to why it was rejected and guidance for resubmission.

Platoon Operation

The bill requires vehicles in a platoon to obtain a DOT-issued mark indicating that the vehicle is part of a platoon and display it, as DOT prescribes, at all times while platooning. Each person operating a vehicle in a platoon must be seated in the driver's seat and hold a license of the appropriate class for the vehicle being driven. The bill also prohibits vehicles in a platoon from pulling or dragging another vehicle in the platoon.

Penalty

Anyone who violates the bill's platooning provisions faces a fine of \$100 to \$150.

§§ 19 & 20 — ILLEGAL ENCROACHMENTS IN RIGHT-OF-WAY

Modifies laws about illegal encroachments on state highway property, including by allowing DOT to take immediate corrective action when necessary and to bill violators for the costs; increases the penalties for illegal encroachment

Existing law prohibits any person, firm, or corporation from doing the following to a state highway (including appurtenances to the highway) without a permit: (1) excavating within or under it; (2) placing obstructions or substructions within, under, upon, or over it; or (3) interfering with construction or maintenance of, or drainage from it. The bill specifically adds utility companies to the list of people to whom this prohibition applies.

By law, anyone who does these things without a permit, or who violates the conditions of the permit, must remove or alter the obstruction, substruction, or excavation within 30 days after the commissioner sends a notice requiring them to do so. The bill additionally allows the commissioner, upon someone's failure to comply with the requirements in the notice within 30 days, to (1) fill in or close any excavation or remove or alter any excavation, obstruction, or substruction and (2) bill them for the expenses the commissioner incurs.

If the DOT commissioner determines that an unsafe condition exists within, under, upon, or over the state highway that requires immediate

corrective action, the bill allows the DOT commissioner to authorize this action and bill the violator for the costs.

Under the bill, the state is not liable for any damage to private property placed in state highways without a permit.

The bill increases the penalty for violations of these encroachment provisions. Under current law, the penalty is up to \$100 for a first offense and between \$100 and \$500 for a subsequent offense. Under the bill, the penalty is between \$2,000 and \$5,000 for each offense. The bill also makes each violation a separate and distinct offense and makes each day the violation continues a separate and distinct offense. Lastly, the bill makes a conforming change to eliminate these violations from processing through the centralized infractions bureau.

§§ 21-23 — TECHNICAL CHANGES

Makes several technical changes in laws on work zone speed cameras and pedestrian safety zones

The bill makes several technical changes in laws on work zone speed cameras and pedestrian safety zones.

BACKGROUND

Federal Open Container Law Requirement

Federal law requires states to adopt an open container law that meets federal compliance criteria (23 U.S.C. § 154). To comply, state law must apply to (1) possession and consumption, (2) the entire passenger area, (3) all alcoholic beverages, (4) all occupants, and (5) all motor vehicles. It must also provide for primary enforcement (i.e., law enforcement may issue a citation upon observing someone violating the law) (23 C.F.R. § 1270.4).

States that do not have a compliant law must transfer 2.5% of their annual apportionment under specified highway construction programs (i.e., National Highway Performance Program and the Surface Transportation Block Grant Program) to specified traffic safety programs (i.e., 402 Highway Safety DUI Countermeasures Program or the Hazard Elimination Program).

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 23 Nay 12 (03/24/2022)