



General Assembly

**Amendment**

**February Session, 2022**

LCO No. 6319



Offered by:  
SEN. MINER, 30<sup>th</sup> Dist.

To: Subst. House Bill No. 5255      File No. 380      Cal. No. 538

(As Amended by House Amendment Schedule "A")

**"AN ACT CONCERNING RECOMMENDATIONS BY THE  
DEPARTMENT OF TRANSPORTATION."**

1      Strike section 16 in its entirety and substitute the following in lieu  
2 thereof:

3      Sec. 16. Section 13a-247 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective July 1, 2022*):

5      (a) No person, firm, [or] corporation or utility company shall excavate  
6 within or under, or place any obstruction or substruction within, under,  
7 upon or over, or interfere with construction, reconstruction or  
8 maintenance of or drainage from, any state highway without the written  
9 permission of the commissioner. [Said commissioner may fill in or close  
10 any such excavation or remove or alter any such obstruction or  
11 substruction, and the expense incurred by the commissioner in such  
12 filling or removing or altering shall be paid by the person, firm or  
13 corporation making such excavation or placing such obstruction or

14 substruction, provided any excavation, obstruction or substruction  
15 existing within, under, upon or over any such highway on July 1, 1925,  
16 or, at the discretion of said commissioner, any] Any excavation [,] made  
17 or obstruction or substruction [made after said date] placed without a  
18 permit or in violation of the provisions of a permit shall be removed or  
19 altered by the person, firm, [or] corporation or utility company making  
20 or [maintaining] placing the same within thirty days from the date when  
21 said commissioner sends by registered or certified mail, postage  
22 prepaid, a notice to such person, firm, [or] corporation or utility  
23 company, ordering such removal or alteration. If such person, firm,  
24 corporation or utility company fails to remove or alter any excavation,  
25 obstruction or substruction not later than thirty days after receipt of  
26 such notice from the commissioner, the commissioner may fill in or close  
27 any such excavation or remove or alter any such obstruction or  
28 substruction, and the expense incurred by the commissioner in such  
29 filling or removing or altering shall be paid by such person, firm,  
30 corporation or utility company.

31 (b) Notwithstanding the provisions of subsection (a) of this section, if  
32 the commissioner determines that a person, firm, corporation or utility  
33 company has created an unsafe condition within, under, upon or over  
34 the state highway that requires immediate corrective action, the  
35 commissioner may order immediate corrective action to remedy the  
36 unsafe condition. Any costs and expenses incurred by the commission  
37 to remedy the unsafe condition shall be paid by such person, firm,  
38 corporation or utility company.

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

41 (d) The provisions of this section shall not apply to historic structures  
42 that were constructed prior to the commissioner's permitting process.

43 [(b) Any] (e) The commissioner, after notice and a hearing conducted  
44 pursuant to the provisions of chapter 54, may impose a civil penalty of  
45 not less than two thousand dollars or more than five thousand dollars

46 for each offense on any person, firm, [or] corporation or utility company  
47 violating any provision of [subsection (a) of] this section, [shall be fined  
48 [not more than one hundred dollars for a first offense and not less than  
49 one hundred dollars or more than five hundred dollars for each  
50 subsequent offense.] Each violation shall be a separate and distinct  
51 offense and, in the case of a continuing violation, each day's continuance  
52 thereof shall be deemed to be a separate and distinct offense."

This act shall take effect as follows and shall amend the following sections:		
Sec. 16	July 1, 2022	13a-247