
OLR Bill Analysis

sSB 1195

AN ACT ESTABLISHING SECONDARY TRAFFIC VIOLATIONS.

SUMMARY

This bill designates certain equipment-related and administrative motor vehicle violations as secondary violations, prohibiting law enforcement officers from stopping a motor vehicle only to enforce one of these violations. The violations deemed secondary are generally designated as infractions (see BACKGROUND) and include, among others, (1) window tint violations, (2) failure to have two working headlights, (3) failing to illuminate the rear license plate, (4) failure to renew a registration or driver's license, and (5) failure to carry a driver's license when driving.

The bill specifies that it does not prohibit enforcement of secondary violations (1) in the case of a vehicle stopped for a violation that is not a secondary violation (i.e., a primary violation), (2) by automated enforcement, and (3) by mailing a violation notice.

Existing law already makes some violations secondary violations (although it does not use that term), including (1) the failure of a backseat passenger age 16 or older to wear a seat belt (CGS § 14-100a(c)(4)) and (2) smoking, inhaling, or ingesting cannabis while driving or as a passenger (CGS §§ 53a-213a & -213b).

The bill also modifies the violation for obscuring license plates, which is a primary violation. Current law requires that license plates be entirely unobscured and prohibits placing anything on a vehicle or license plates that obscures any information on the plate. The bill instead requires that plates be substantially unobscured and prohibits placing anything that obscures the plate's numbers and letters.

Lastly, the bill makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2023

§§ 4-9, 10 & 17-19 — EQUIPMENT VIOLATIONS

Tinted Window Violations (§ 4)

Existing law generally prohibits (1) driving a vehicle with objects or materials placed, installed, or applied on the vehicle in a way that obstructs the driver's clear and full view of the road out of the windshield and side and rear windows and (2) putting transparent material on these windows if it alters the color or reduces the light transmittance. But it makes many exceptions to these prohibitions, including allowing tinting of side windows that complies with the law's standards on light transmission and luminous reflectance. It also prohibits anyone from selling, offering, or delivering in the state a vehicle with windows that do not comply with these standards.

By law, any motor vehicle with a window that was tinted after factory delivery must have a Department of Motor Vehicle (DMV)-issued sticker indicating that material used complies with the law's standards. Manufacturers must apply to DMV for approval before shipping material to the state and deliver the approved stickers with the material. The sticker's presence on a motor vehicle indicates that the window complies with the law, and vehicles with tinted windows operating without a compliance sticker are in violation of the law.

Violations of these provisions are infractions under existing law. The bill additionally makes them secondary violations.

Display of License Plates (§§ 5 & 16)

By law, vehicles issued two license plates must display them in a visible place on the vehicle's front and rear. The bill makes displaying a license plate against a vehicle's rear window a secondary violation, as long as the numbers and letters are plainly legible.

Lights (§§ 6-9)

The bill makes the following light-related infractions secondary violations:

1. failure to illuminate the rear license plate with a white light that makes it clearly legible from 50 feet away,
2. having only one red reflector on the vehicle's rear when two are required (but having no reflectors remains a primary violation), and
3. having only one working headlight otherwise in compliance with the law when two are required (but having no working headlights remains a primary violation).

The bill also requires violations of laws on the number, placement, and intensity of lights or other technical specifications included in the motor vehicle equipment laws that would also constitute a violation of the statute on use of lights while driving (CGS § 14-96a) to be enforced under the equipment statutes and not under CGS 14-96a.

Obstructed Windshield (§ 10)

Existing law prohibits attaching, placing, or hanging a device, sticker, or ornament on or in a vehicle in a way or location so that it obstructs the driver's view of the highway or distracts the driver. The bill makes violations of this prohibition a secondary violation, as long as the obstruction is not substantial.

Horn (§ 17)

Under existing law, when operating on a public road, every motor vehicle must have a horn in good working order that can make a sound that can be heard under normal conditions from at least 200 feet away. The law prohibits the horn or other warning devices from making an unreasonably loud or harsh sound or a whistle. The bill makes violations of these provisions secondary violations.

Mirrors (§§ 18 & 19)

Existing law requires motor vehicles and other vehicles (e.g., bicycle and motor scooters) to have a mirror attached, located, and adjusted in a way that gives the operator a clear view of the highway directly to the vehicle's rear or on a line parallel to the vehicle's body. It also requires vehicles that are not motor vehicles to watch for vehicles approaching

to their rear and drive to the right as promptly as safety permits, in order to allow the oncoming vehicle to pass safely.

The bill makes these infractions secondary violations.

§§ 11-15 — ADMINISTRATIVE VIOLATIONS

Failure to Renew Registration (§ 11)

Existing law generally requires a person to register a vehicle with DMV before it may be driven, towed, or parked on any public road. Violations are generally infractions, but the commissioner is authorized to suspend a person's driver's license for failing to renew a registration (CGS § 14-12g(c)).

Current law has a grace period of 30 days after a previously registered vehicle's registration expires during which a violation is considered "failure to renew" and subject only to an infraction penalty and not license suspension. The bill extends this grace period from 30 to 60 days after the expiration date and makes failure to renew a secondary violation.

Failure to Renew Driver's License (§§ 12 & 15)

Existing law similarly has a grace period of 60 days after a driver's license expires during which previously licensed drivers are fined for failure to renew a driver's license rather than driving without a license (CGS § 14-36). It also makes driving without getting reinstated within the first 60 days after a person's license suspension expires subject to the penalty for failure to renew.

The bill makes these violations secondary violations.

Failure to Carry Driver's License (§ 14)

By law, a person must carry their driver's license with them when they drive. Driving without it is an infraction. The bill also makes failing to do so a secondary violation.

Failure to Change Address (§ 13)

The law requires driver's license and identity card holders to update DMV within 48 hours of any change of address. The bill makes failing

to do so a secondary violation.

BACKGROUND

Infractions

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the fine's amount. There may also be other applicable charges depending on the type of infraction. For example, certain motor vehicle infractions trigger a Special Transportation Fund surcharge of 50% of the fine. An infraction is not a crime and violators can generally pay the fine by mail without making a court appearance.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 24 Nay 13 (03/27/2023)