



# House of Representatives

General Assembly

**File No. 356**

January Session, 2023

Substitute House Bill No. 6625

*House of Representatives, April 3, 2023*

The Committee on Public Safety and Security reported through REP. BOYD of the 50th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING A RED LIGHT CAMERA PROGRAM IN THE CITY OF WATERBURY.**

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

1 Section 1. (*Effective October 1, 2023*) For the purposes of this section  
2 and sections 2 to 4, inclusive, of this act:

3 (1) "Automatic traffic enforcement safety device" means a device that  
4 produces one or more recorded images that capture the rear of a motor  
5 vehicle and indicate the date, time and location of each motor vehicle  
6 that fails to comply with the provisions of subdivision (3) of subsection  
7 (b) of section 14-299 of the general statutes when facing a steady red  
8 signal on a traffic control signal.

9 (2) "Driver", "highway", "number plate" and "owner" have the same  
10 meanings as provided in section 14-1 of the general statutes.

11 (3) "Pedestrian safety zone" means an area designated by the Office  
12 of the State Traffic Administration or the traffic authority of the city of  
13 Waterbury pursuant to section 14-307a of the general statutes.

14 (4) "Personally identifiable information" means information created

15 or maintained by the city of Waterbury or a vendor that identifies or  
16 describes an owner and includes, but need not be limited to, the owner's  
17 address, telephone number, number plate, photograph, bank account  
18 information, credit card number, debit card number or the date, time,  
19 location or direction of travel on a highway.

20 (5) "School zone" means an area designated by the Office of the State  
21 Traffic Administration or the traffic authority of the city of Waterbury  
22 pursuant to section 14-212b of the general statutes.

23 (6) "Traffic authority" and "traffic control signal" have the same  
24 meanings as provided in section 14-297 of the general statutes.

25 (7) "Vendor" means a person who (A) provides services to the city of  
26 Waterbury under sections 2 and 3 of this act; (B) operates, maintains,  
27 leases or licenses an automated traffic enforcement safety device; or (C)  
28 is authorized to review and assemble the recorded images captured by  
29 the automatic traffic enforcement safety device.

30 Sec. 2. (*Effective October 1, 2023*) (a) The city of Waterbury may, by  
31 ordinance adopted by its legislative body, authorize the use of  
32 automated traffic enforcement safety devices (1) at intersections within  
33 school zones and pedestrian safety zones located in such city, (2) at  
34 intersections on highways with a posted speed limit that exceeds  
35 twenty-five miles per hour within such city, (3) at other intersections  
36 and locations within such city that have a history of traffic crashes  
37 caused by the violation of a traffic control signal, and (4) at other  
38 intersections and locations within such city that have a history of  
39 violations of a traffic control signal, as demonstrated by complaints filed  
40 with police officers and recommendations from such city's police  
41 department. Any ordinance adopted pursuant to this section shall  
42 require the Bureau of Engineering and the Police Department of the city  
43 of Waterbury to jointly determine the location of the automated traffic  
44 enforcement safety device at such intersections, provided such  
45 determination shall also require the approval of the Office of the State  
46 Traffic Administration when such intersection is located on a state  
47 highway. Any ordinance adopted pursuant to this section shall also

48 adopt a citation hearing procedure pursuant to section 7-152c of the  
49 general statutes, as amended by this act.

50 (b) The city of Waterbury may enter into agreements with vendors  
51 for the design, installation, operation or maintenance, or any  
52 combination thereof, of automated traffic enforcement safety devices. If  
53 a vendor designs, installs, operates or maintains an automated traffic  
54 enforcement safety device, the vendor's fee may not be contingent on  
55 the number of citations issued or fines paid pursuant to the provisions  
56 of this section.

57 (c) Prior to the operation of an automated traffic enforcement safety  
58 device, the traffic authority of the city of Waterbury shall install advance  
59 warning signs along all approaches of the highways preceding the  
60 location of the automated traffic enforcement safety device. The advance  
61 warning signs shall (1) notify motor vehicle operators of the location of  
62 an automated traffic enforcement safety device, and (2) be erected not  
63 less than one hundred feet and not more than one hundred ten feet from  
64 such location.

65 (d) Any ordinance adopted under this section shall specify the  
66 following: (1) That the owner of a motor vehicle commits a violation of  
67 the ordinance if the person operating such motor vehicle fails to comply  
68 with the provisions of subdivision (3) of subsection (b) of section 14-299  
69 of the general statutes when facing a steady red signal on a traffic control  
70 signal and such failure is detected by an automated traffic enforcement  
71 safety device; (2) payment of a fine and any associated fee imposed for  
72 a violation of the ordinance may be made by electronic means; and (3) a  
73 designated employee of a vendor or an authorized employee of the city  
74 of Waterbury shall review and approve the recorded image or images  
75 before a citation, as described in subsection (f) of this section, is mailed  
76 to the owner of such motor vehicle.

77 (e) Any ordinance adopted under this section may (1) establish a fine  
78 to be imposed against the owner of a motor vehicle committing a  
79 violation of such ordinance, provided the amount of such fine is not  
80 more than fifty dollars for a first violation and not more than seventy-

81 five dollars for a second or subsequent violation, and (2) impose a  
82 reasonable fee, not to exceed fifteen dollars, for the costs associated with  
83 the electronic processing of the payment of any such fine. Any amounts  
84 received by the city of Waterbury pursuant to the provisions of this  
85 section shall be used for the purposes of improving traffic safety within  
86 such city, including, but not limited to, the expenses for installing,  
87 operating and maintaining an automated traffic enforcement safety  
88 device.

89 (f) A designated employee of the vendor or an authorized employee  
90 of the city shall issue a citation to the owner of a motor vehicle  
91 committing a violation of an ordinance adopted under this section, by  
92 first class mail postmarked not later than thirty days after obtaining the  
93 name and address of the owner of the motor vehicle, but not more than  
94 sixty days after the date of the violation. The citation shall include the  
95 following: (1) The name and address of the owner of the motor vehicle;  
96 (2) the number plate of the motor vehicle; (3) the violation charged; (4)  
97 the location of the automatic traffic enforcement safety device and the  
98 date and time of the violation; (5) a copy of or information on how to  
99 view, through electronic means, the recorded image or images  
100 described in this section; (6) a statement or electronically generated  
101 affirmation by a designated employee of the vendor or authorized  
102 employee of the city who has reviewed the recorded image or images  
103 described in this section and determined that the motor vehicle violated  
104 the ordinance; (7) the amount of the fine imposed for the violation; and  
105 (8) the right to contest the violation and request a hearing.

106 (g) All defenses shall be available to any person who is alleged to  
107 have committed a violation of an ordinance adopted under this section,  
108 including, but not limited to, that (1) the person was operating an  
109 emergency vehicle in accordance with the provisions of subdivision (1)  
110 of subsection (b) of section 14-283 of the general statutes; (2) the traffic  
111 control signal was inoperative, which is observable on the recorded  
112 image or images; (3) the violation was necessary in order for the person  
113 to comply with an order or direction from a law enforcement officer,  
114 which is observable on the recorded image or images; (4) the violation

115 was necessary to allow the passage of an authorized emergency vehicle,  
116 which is observable on the recorded image or images; (5) the person was  
117 participating in a funeral procession, which is observable on the  
118 recorded image or images; or (6) the operator of the motor vehicle was  
119 convicted of committing a violation specified in subdivision (3) of  
120 subsection (b) of section 14-299 of the general statutes for the same  
121 incident based upon a separate and distinct citation issued by a law  
122 enforcement officer.

123       Sec. 3. (*Effective October 1, 2023*) (a) No personally identifiable  
124 information shall be disclosed by the city of Waterbury or a vendor to  
125 any person or entity except where the disclosure is made (1) in  
126 connection with the charging, collection and enforcement of the fines  
127 imposed pursuant to section 2 of this act, (2) pursuant to a judicial order,  
128 including a search warrant or subpoena, in a criminal proceeding, or (3)  
129 to comply with federal or state laws or regulations, except as provided  
130 in subsection (e) of this section.

131       (b) No personally identifiable information shall be stored or retained  
132 by the city of Waterbury or a vendor unless such information is  
133 necessary for the collection and enforcement of the fines imposed  
134 pursuant to section 2 of this act.

135       (c) The city of Waterbury or a vendor may disclose aggregate  
136 information and other data gathered from automatic traffic safety  
137 enforcement devices that does not directly or indirectly identify an  
138 owner or a motor vehicle for research purposes authorized by the city.

139       (d) Except as otherwise provided by law or in connection with an  
140 administrative summons or judicial order, including a search warrant  
141 or subpoena, in a criminal proceeding, the city of Waterbury or a vendor  
142 shall destroy personally identifiable information and other data that  
143 specifically identifies a motor vehicle and relates to a violation of section  
144 2 of this act not later than one year after any fine is imposed or the  
145 resolution of a hearing conducted for the alleged commission of such  
146 violation.

147 (e) Personally identifiable customer information shall not be deemed  
148 a public record, for purposes of the Freedom of Information Act, as  
149 defined in section 1-200 of the general statutes.

150 Sec. 4. (*Effective October 1, 2023*) Not later than eighteen months  
151 following the date an automated traffic enforcement safety device  
152 becomes operational in the city of Waterbury pursuant to section 2 of  
153 this act, the city shall submit a report to the Department of  
154 Transportation and to the joint standing committees of the General  
155 Assembly having cognizance of matters relating to public safety and  
156 security and transportation, in accordance with the provisions of section  
157 11-4a of the general statutes. Such report shall include: (1) The number  
158 of violations of subdivision (3) of subsection (b) of section 14-299 of the  
159 general statutes that occurred at the locations where such automated  
160 traffic safety devices were installed prior to the use of such devices; (2)  
161 the number of violations of subdivision (3) of subsection (b) of section  
162 14-299 of the general statutes that were captured by such devices at such  
163 locations; (3) if available, the number and type of related traffic  
164 violations and crashes that occurred at such locations prior to and  
165 during the use of such devices; (4) the number of violations of  
166 subdivision (3) of subsection (b) of section 14-299 of the general statutes  
167 and related traffic violations and crashes that occurred at intersections  
168 where such devices were used and at similar intersections where such  
169 devices were not used; (5) a description of situations where a recorded  
170 image or images could not be used or were not used; (6) the number of  
171 leased or rented motor vehicles, out-of-state motor vehicles or other  
172 vehicles, including trucks, where enforcement efforts were  
173 unsuccessful; (7) the amount of revenue from the fines and associated  
174 fees retained by the city; (8) the cost to the city to use such devices; and  
175 (9) such other data or information as the city deems of interest.

176 Sec. 5. Subsection (c) of section 7-152c of the general statutes is  
177 repealed and the following is substituted in lieu thereof (*Effective October*  
178 *1, 2023*):

179 (c) Any such municipality, at any time within twelve months from

180 the expiration of the final period for the uncontested payment of fines,  
 181 penalties, costs or fees for any citation issued under any ordinance  
 182 adopted pursuant to section 7-148, [or] section 22a-226d or section 2 of  
 183 this act, for an alleged violation thereof, shall send notice to the person  
 184 cited. Such notice shall inform the person cited: (1) Of the allegations  
 185 against [him] such person and the amount of the fines, penalties, costs  
 186 or fees due; (2) that [he] such person may contest [his] such person's  
 187 liability before a citation hearing officer by delivering in person or by  
 188 mail written notice within ten days of the date thereof; (3) that if [he]  
 189 such person does not demand such a hearing, an assessment and  
 190 judgment shall be entered against [him] such person; and (4) that such  
 191 judgment may issue without further notice. For purposes of this section,  
 192 notice shall be presumed to have been properly sent if such notice was  
 193 mailed to such person's last-known address on file with the tax collector.  
 194 If the person to whom such notice is issued is a registrant, the  
 195 municipality may deliver such notice in accordance with section 7-148ii,  
 196 provided nothing in this section shall preclude a municipality from  
 197 providing notice in another manner permitted by applicable law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	New section
Sec. 2	October 1, 2023	New section
Sec. 3	October 1, 2023	New section
Sec. 4	October 1, 2023	New section
Sec. 5	October 1, 2023	7-152c(c)

**Statement of Legislative Commissioners:**

Sections 1(1), 2(d)(1) and 4(2) were rewritten for clarity; in Section 1(3), "a town, city or borough" was changed to "the city of Waterbury" for accuracy; in Section 2(a)(1), "in" was changed to "at intersections within" and "within" was changed to "located in" for consistency; in Section 2(b), "designs," was added for consistency; and in Section 2(f), "The city of Waterbury or its authorized agent" was changed to "A designated employee of the vendor or an authorized employee of the city" for internal consistency.

**PS** Joint Favorable Subst. -LCO

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:** None

**Municipal Impact:**

Municipalities	Effect	FY 24 \$	FY 25 \$
Waterbury	Cost	Potential	Potential
Waterbury	Revenue Gain	Potential	Potential

**Explanation**

The bill authorizes Waterbury to use "automated traffic enforcement safety devices" and establishes fines and associated fees for violations. Waterbury may incur costs beginning in FY 24 to purchase, install, and maintain automated traffic enforcement safety devices. The bill allows Waterbury to set fines up to \$50 for first violations, fines up to \$75 for subsequent violations, and processing fees up to \$15. This results in a revenue gain that will vary depending on the number of violations and the amount of the fines imposed.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations, and the amount of the fines imposed.



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**OLR Bill Analysis****sHB 6625*****AN ACT CONCERNING A RED LIGHT CAMERA PROGRAM IN THE CITY OF WATERBURY.*****SUMMARY**

Existing law empowers municipalities to regulate the operation and speed of vehicles, subject to state statutes (CGS § 7-148(c)(7)(B)). This bill specifically allows Waterbury to authorize, by ordinance, the use of “automated traffic enforcement safety devices” (red light cameras) to record vehicles that drive illegally through traffic signals in school zones and pedestrian safety zones, intersections on public roads with speed limits above 25 mph, and other locations with a history of traffic crashes caused by traffic control signal violations.

Under the bill, the ordinance may (1) establish a fine of up to \$50 for first violations and up to \$75 for subsequent violations and (2) impose a reasonable fee of up to \$15 for processing electronic fine payments. The bill also (1) requires the ordinance to adopt a citation hearing procedure and (2) bars the disclosure, storage, or retention of any personally identifiable information, except under limited circumstances.

Additionally, the bill allows Waterbury to enter into agreements with vendors to design, install, and operate the devices. It also requires the city to report to the Department of Transportation (DOT) and the legislature on the program within 18 months after implementing it.

EFFECTIVE DATE: October 1, 2023

**§§ 1 & 2 — SCOPE OF AUTHORIZATION AND ACTIONS BEFORE OPERATION*****Devices Defined and Locations Permitted***

The bill authorizes Waterbury to use an “automated traffic

enforcement safety device,” which is a device that produces at least one recorded image that captures a motor vehicle’s rear and indicates the date, time, and location of each vehicle that illegally runs a red light. (By law and under the bill, vehicles may make right turns when facing a red light in certain circumstances (CGS § 14-299(b)(3)).)

Under the bill, Waterbury may use these devices at the following locations in the city:

1. at intersections within school zones and pedestrian safety zones;
2. at intersections on public roads with a posted speed limit over 25 mph;
3. at other intersections and locations that have a history of traffic crashes caused by violations of a traffic control signal; and
4. at other intersections and locations that have a history of violations of a traffic control signal, as demonstrated by complaints filed with police officers and recommendations from the city’s police department.

By law and under the bill, a “school zone” and “pedestrian safety zone” is an area designated by the Office of the State Traffic Administration (OSTA) or the Waterbury local traffic authority (LTA). (By law, the entity designated as the LTA varies by municipality but may be the police commission, board of selectmen, mayor, town manager, or police chief (CGS § 14-297(6)). In practice, the Waterbury police commission is currently the city’s LTA.)

State law allows for the designation of a school zone on roads that are adjacent to school property or close enough to a school to constitute a risk to public safety under all the circumstances. For zones on state-owned roads, the municipality’s legislative body may request that OSTA designate the zone. On municipally owned roads, the municipality’s LTA has the authority to designate a zone (CGS § 14-212b).

Existing law allows LTAs, in the case of local roads, or OSTA, in the case of state roads, to establish pedestrian safety zones with speed limits

as low as 20 mph on roads (1) in clearly defined downtown districts and community centers frequented by pedestrians or (2) adjacent to hospital property or sufficiently close to it as to constitute a public safety risk. LTAs may establish a zone if they (1) receive general authority to establish zones from the municipality by vote of the legislative body and (2) conduct an engineering study as required by law (CGS § 14-307a).

### ***Ordinance Requirements and Options***

Under the bill, the ordinance must require that (1) the Waterbury bureau of engineering and its police department jointly determine the location of the automated traffic enforcement safety devices and (2) their determination be approved by OSTA when located on a state road. It also requires that the ordinance adopt a citation hearing procedure under existing law, specifically CGS § 7-152c.

The bill further requires that the ordinance must:

1. specify that a motor vehicle's owner violates the ordinance if the vehicle's driver is detected by the camera running a red light,
2. allow electronic payment for violation fines and fees, and
3. require an authorized municipal or designated vendor employee to review and approve the recorded images before a citation is mailed to a vehicle owner.

The bill allows the ordinance to set a fine for vehicle owners violating the ordinance of up to (1) \$50 for first violations and (2) \$75 for subsequent violations. It may also impose a reasonable fee, up to \$15, for electronic payment processing costs.

The bill requires Waterbury to use any revenue it collects under the program to improve traffic safety in the city, including the cost of installing, operating, and maintaining the devices.

### ***Warning Signs***

Before operating the automated traffic enforcement safety devices, the bill requires the Waterbury LTA install advance warning signs along all approaches of the public roads preceding a device's location. The

signs must (1) notify motor vehicle drivers about the device's location and (2) be erected within 100 to 110 feet of the location.

## **§§ 1, 2 & 5 — DEVICE OPERATION AND ORDINANCE ENFORCEMENT**

### ***Vendor Agreements***

The bill allows Waterbury to enter into agreements with vendors to design, install, operate, and maintain the automated traffic enforcement safety devices, but the vendor's fee may not depend on the number of citations issued or fines paid. Under the bill, a "vendor" is someone who (1) provides device-related services; (2) operates, maintains, leases, or licenses a device; or (3) reviews and assembles the images a device records.

### ***Issuing Citations***

Following a violation of the ordinance, an authorized city or designated vendor employee must issue a citation to the owner of the offending motor vehicle by first class mail within (1) 30 days after obtaining the vehicle owner's name and address and (2) 60 days after the violation.

The citation must include the following:

1. the motor vehicle owner's name and address,
2. the vehicle's license plate,
3. the violation charged,
4. the device location and the date and time of the violation,
5. a copy of the recorded images or information on how to view them electronically,
6. a statement or electronically generated affirmation by the authorized city or designated vendor employee who reviewed the images and determined that the vehicle violated the ordinance,
7. the fine imposed, and

8. the right to contest the violation and request a hearing.

### ***Issuing Notices for Uncontested Citations***

By law and applicable to citations issued under the bill, within 12 months of an uncontested citation for an alleged violation of the ordinance, Waterbury must send notice to the alleged offender. The notice must state, among other things, the (1) allegations; (2) amount of the fines, penalties, costs, or fees due; and (3) person's right to a hearing. If a person does not respond to the notice within a 10-day period, a default judgment may be entered against him or her. The law presumes a municipal citation notice was properly sent if it is sent to a person's last known address as listed in the tax collector's records.

### ***Available Defenses***

The bill provides that all defenses are available to anyone alleged to have violated the ordinance adopted under the bill, including the following:

1. the person was driving an emergency vehicle on the way to an emergency,
2. the traffic control signal was not working and this is observable in the images,
3. the violation was necessary to comply with an order or direction from a law enforcement officer or to allow an emergency vehicle to pass and this is observable in the images,
4. the person was participating in a funeral procession and this is observable in the images, and
5. the driver was convicted for a red light violation for the same incident based on a separate citation issued by a law enforcement officer.

### **§§ 1 & 3 — PRIVACY PROVISIONS**

The bill prohibits Waterbury and its vendors from disclosing "personally identifiable information" to any person or entity unless the disclosure is made (1) in connection with charging, collecting, and

enforcing fines imposed under the ordinance; (2) for a judicial order (e.g., a search warrant or subpoena) in a criminal proceeding; or (3) to comply with state or federal laws or regulations other than the state's Freedom of Information Act (FOIA). (Under the bill, personally identifiable information is not a public record for purposes of FOIA.)

Under the bill, "personally identifiable information" is information Waterbury or its vendors create or maintain that identifies or describes a vehicle owner and includes the owner's address; phone number; license plate; photo; bank account information; credit card or debit card number; and the date, time, location, or direction of travel on a public road.

The bill further prohibits Waterbury and its vendors from storing or keeping personally identifiable information unless it is necessary to collect and enforce fines imposed under the ordinance. Additionally, unless otherwise required by law, or related to an administrative summons or judicial order in a criminal proceeding, the bill requires the city and its vendors to destroy this information and other data specifically identifying a motor vehicle and relating to an alleged violation within one year after a fine is collected or a hearing is resolved.

However, the bill allows Waterbury and its vendors to disclose, for research purposes authorized by the city, aggregate information and other data gathered from the automated traffic enforcement safety devices that do not directly or indirectly identify a vehicle's owner.

#### **§ 4 — REPORTING**

Within 18 months after an automated traffic enforcement safety device starts operating in Waterbury, the city must report the following information to DOT and the Public Safety and Security and Transportation committees:

1. the number of red light violations that happened at locations where devices were installed before they started operating;
2. the number of red light violations that the devices captured;
3. if available, the number and type of related traffic violations and

- crashes that happened at each location with devices (a) before their installation and (b) during their use;
4. the number of red light violations and related traffic violations and crashes that happened at (a) intersections where the devices were used and (b) similar intersections where they were not used;
  5. a description of situations where recorded images could not be used or were not used;
  6. the number of leased vehicles, rented vehicles, out-of-state vehicles, or other vehicles, including trucks, for which enforcement efforts were unsuccessful;
  7. the fine and fee revenue collected;
  8. the city's costs for using the cameras; and
  9. any other data or information the city deems of interest.

(The bill does not set a time period for the information that must be provided on violations and crashes at locations before the devices were installed.)

## **BACKGROUND**

### ***Related Bill***

sHB 5917, §§ 14-18, favorably reported by the Transportation Committee, specifically allows municipalities to authorize, by ordinance, the use of speed cameras and red light cameras in school zones, pedestrian safety zones, and other OSTA-approved locations with a history of crashes.

## **COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable

Yea 22    Nay 3    (03/16/2023)