



General Assembly

January Session, 2023

Raised Bill No. 6625

LCO No. 3732



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:
(PS)

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 stop when facing a steady red signal on a traffic control
7 signal and remain stopped until facing a steady green signal or green
8 arrow signal on the 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 a town, city
13 or borough 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) in school zones and
33 pedestrian safety zones within such city, (2) at intersections on
34 highways with a posted speed limit that exceeds twenty-five miles per
35 hour within such city, (3) at other intersections and locations within
36 such city that have a history of traffic crashes that were caused by the
37 violation of a traffic control signal, and (4) at other intersections and
38 locations within such city that have a history of violations of a traffic
39 control signal, as demonstrated by complaints filed with police officers
40 and recommendations from the police department. Any ordinance
41 adopted pursuant to this section shall require the Bureau of Engineering
42 and the Police Department of the city of Waterbury to jointly determine
43 the location of the automated traffic enforcement safety device at such
44 intersections, provided such determination shall also require the
45 approval of the Office of the State Traffic Administration when such

46 intersection is located on a state highway. Any ordinance adopted
47 pursuant to this section shall also adopt a citation hearing procedure
48 pursuant to section 7-152c of the general statutes, as amended by this
49 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 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 stop
68 when facing a steady red signal on a traffic control signal and remain
69 stopped until facing a steady green signal or green arrow signal on the
70 traffic control signal and such failure is detected by an automated traffic
71 enforcement safety device; (2) payment of a fine and any associated fee
72 imposed for a violation of the ordinance may be made by electronic
73 means; and (3) a designated employee of a vendor or an authorized
74 employee of the city of Waterbury shall review and approve the
75 recorded image or images before a citation, as described in subsection
76 (f) of this section, is mailed 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) The city of Waterbury or its authorized agent shall issue a citation
90 to the owner of a motor vehicle committing a violation of an ordinance
91 adopted under this section, by first class mail postmarked not later than
92 thirty days after obtaining the name and address of the owner of the
93 motor vehicle, but not more than sixty days after the date of the
94 violation. The citation shall include the following: (1) The name and
95 address of the owner of the motor vehicle; (2) the number plate of the
96 motor vehicle; (3) the violation charged; (4) the location of the automatic
97 traffic enforcement safety device and the date and time of the violation;
98 (5) a copy of or information on how to view, through electronic means,
99 the recorded image or images described in this section; (6) a statement
100 or electronically generated affirmation by a designated employee of the
101 vendor or authorized employee of the city who has reviewed the
102 recorded image or images described in this section and determined that
103 the motor vehicle violated the ordinance; (7) the amount of the fine
104 imposed for the violation; and (8) the right to contest the violation and
105 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 committee of the General
155 Assembly having cognizance of matters relating to public safety and
156 security and transportation, in accordance with the provisions of
157 section 11-4a of the general statutes. Such report shall include: (1) The
158 number of violations of subdivision (3) of subsection (b) of section 14-
159 299 of the general statutes that occurred at the locations where such
160 automated traffic safety devices were installed prior to the use of such
161 devices; (2) the number of violations where a motor vehicle failed to stop
162 when facing a steady red signal on a traffic control signal and remain
163 stopped until facing a steady green signal or green arrow signal on the
164 traffic control signal that were captured by such devices at such
165 locations; (3) if available, the number and type of related traffic
166 violations and crashes that occurred at such locations prior to and
167 during the use of such devices; (4) the number of violations of
168 subdivision (3) of subsection (b) of section 14-299 of the general statutes
169 and related traffic violations and crashes that occurred at intersections
170 where such devices were used and at similar intersections where such
171 devices were not used; (5) a description of situations where a recorded
172 image or images could not be used or were not used; (6) the number of
173 leased or rented motor vehicles, out-of-state motor vehicles or other
174 vehicles, including trucks, where enforcement efforts were
175 unsuccessful; (7) the amount of revenue from the fines and associated
176 fees retained by the city; (9) the cost to the city to use such devices; and
177 (10) such other data or information as the city deems of interest.

178 Sec. 5. Subsection (c) of section 7-152c of the general statutes is
179 repealed and the following is substituted in lieu thereof (*Effective October*
180 *1, 2023*):

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

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

Statement of Purpose:

To authorize a red light camera program in the city of Waterbury.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]