



General Assembly

Substitute Bill No. 6625

January Session, 2023



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
4 that produces one or more recorded images that capture the rear of a
5 motor vehicle and indicate the date, time and location of each motor
6 vehicle that fails to comply with the provisions of subdivision (3) of
7 subsection (b) of section 14-299 of the general statutes when facing a
8 steady red 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
17 owner's address, telephone number, number plate, photograph, bank
18 account information, credit card number, debit card number or the

19 date, time, 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
28 (C) is authorized to review and assemble the recorded images
29 captured by 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
40 filed 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
43 city of Waterbury to jointly determine the location of the automated
44 traffic 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.
53 If 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
59 advance warning signs along all approaches of the highways
60 preceding the location of the automated traffic enforcement safety
61 device. The advance warning signs shall (1) notify motor vehicle
62 operators of the location of an automated traffic enforcement safety
63 device, and (2) be erected not less than one hundred feet and not more
64 than one hundred ten feet from 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
68 comply with the provisions of subdivision (3) of subsection (b) of
69 section 14-299 of the general statutes when facing a steady red signal
70 on a traffic control signal and such failure is detected by an automated
71 traffic enforcement safety device; (2) payment of a fine and any
72 associated fee imposed for a violation of the ordinance may be made
73 by electronic means; and (3) a designated employee of a vendor or an
74 authorized employee of the city of Waterbury shall review and
75 approve the recorded image or images before a citation, as described in
76 subsection (f) of this section, is mailed to the owner of such motor
77 vehicle.

78 (e) Any ordinance adopted under this section may (1) establish a
79 fine to be imposed against the owner of a motor vehicle committing a
80 violation of such ordinance, provided the amount of such fine is not
81 more than fifty dollars for a first violation and not more than seventy-
82 five dollars for a second or subsequent violation, and (2) impose a

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

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

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

116 enforcement officer, which is observable on the recorded image or
117 images; (4) the violation was necessary to allow the passage of an
118 authorized emergency vehicle, which is observable on the recorded
119 image or images; (5) the person was participating in a funeral
120 procession, which is observable on the recorded image or images; or
121 (6) the operator of the motor vehicle was convicted of committing a
122 violation specified in subdivision (3) of subsection (b) of section 14-299
123 of the general statutes for the same incident based upon a separate and
124 distinct citation issued by a law enforcement officer.

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

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

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

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

148 commission of such violation.

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

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

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

181 *October 1, 2023*):

182 (c) Any such municipality, at any time within twelve months from
 183 the expiration of the final period for the uncontested payment of fines,
 184 penalties, costs or fees for any citation issued under any ordinance
 185 adopted pursuant to section 7-148, [or] section 22a-226d or section 2 of
 186 this act, for an alleged violation thereof, shall send notice to the person
 187 cited. Such notice shall inform the person cited: (1) Of the allegations
 188 against [him] such person and the amount of the fines, penalties, costs
 189 or fees due; (2) that [he] such person may contest [his] such person's
 190 liability before a citation hearing officer by delivering in person or by
 191 mail written notice within ten days of the date thereof; (3) that if [he]
 192 such person does not demand such a hearing, an assessment and
 193 judgment shall be entered against [him] such person; and (4) that such
 194 judgment may issue without further notice. For purposes of this
 195 section, notice shall be presumed to have been properly sent if such
 196 notice was mailed to such person's last-known address on file with the
 197 tax collector. If the person to whom such notice is issued is a registrant,
 198 the municipality may deliver such notice in accordance with section 7-
 199 148ii, provided nothing in this section shall preclude a municipality
 200 from providing 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 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*