



General Assembly

**Amendment**

January Session, 2023

LCO No. 8408



Offered by:

REP. LEMAR, 96<sup>th</sup> Dist.  
SEN. COHEN, 12<sup>th</sup> Dist.  
REP. KENNEDY, 119<sup>th</sup> Dist.  
SEN. HWANG, 28<sup>th</sup> Dist.

To: Subst. House Bill No. 5917

File No. 304

Cal. No. 202

**"AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE VISION ZERO COUNCIL."**

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- 1 Strike sections 1 to 3, inclusive, in their entirety and renumber the
  - 2 remaining sections and internal references accordingly
  - 3 In line 80, strike "develop," and "and thereafter"
  - 4 In line 81, strike "revise as necessary,"
  - 5 In line 86, strike "and"
  - 6 In line 88, after "intersection" insert ", and (3) be revised as the
  - 7 commissioner deems necessary."
  - 8 Strike section 6 in its entirety and renumber the remaining sections
  - 9 and internal references accordingly
  - 10 Strike section 9 in its entirety and substitute the following in lieu

11 thereof:

12 "Sec. 9. Section 14-41 of the general statutes is amended by adding  
13 subsection (g) as follows (*Effective January 1, 2024*):

14 (NEW) (g) The commissioner shall develop, and thereafter revise as  
15 needed, a video presentation concerning current state laws that impact  
16 motorists, pedestrians and bicyclists and ways to practice safe driving  
17 behaviors and reduce transportation-related fatalities and severe  
18 injuries. In developing such video presentation, the commissioner may  
19 use materials and one or more video presentations developed by a  
20 governmental entity, independent contractor or any other party. Upon  
21 every other renewal of a motor vehicle operator's license, the  
22 commissioner shall require the licensee to watch such video  
23 presentation prior to issuing such license."

24 Strike section 11 in its entirety and substitute the following in lieu  
25 thereof:

26 "Sec. 11. Section 14-111k of the general statutes is amended by adding  
27 subsection (e) as follows (*Effective January 1, 2024*):

28 (NEW) (e) Prior to issuing an operator's license to a person who holds  
29 an operator's license issued by another jurisdiction, the commissioner  
30 shall require such person to watch the video presentation developed  
31 pursuant to subsection (g) of section 14-41, as amended by this act, and  
32 provide such person with other safe driving training materials."

33 Strike line 198, strike "The Department of Public Health, in  
34 collaboration with" and insert in lieu thereof "The Department of  
35 Transportation, in collaboration with the Department of Public Health  
36 and"

37 Strike sections 14 to 16, inclusive, in their entirety and substitute the  
38 following in lieu thereof:

39 "Sec. 14. (NEW) (*Effective October 1, 2023*) For the purposes of this  
40 section, sections 15 to 17, inclusive, and sections 501 to 503, inclusive, of

41 this act:

42 (1) "Automated traffic enforcement safety device" means a device  
43 designed to detect and collect evidence of alleged violations of an  
44 ordinance adopted under section 15 of this act by recording images that  
45 capture the number plate, date, time and location of a motor vehicle that  
46 (A) exceeds the posted speed limit by ten or more miles per hour, or (B)  
47 fails to stop such vehicle when facing a steady red signal on a traffic  
48 control signal.

49 (2) "Automated traffic enforcement safety device operator" means a  
50 person who is trained and certified to operate an automated traffic  
51 enforcement safety device.

52 (3) "Driver", "number plate" and "owner" have the same meanings as  
53 provided in section 14-1 of the general statutes.

54 (4) "Equitable" means efforts, policies, standards, processes and any  
55 other functions of government intended to (A) ensure that patterns of  
56 discrimination and disparities of race, ethnicity and socioeconomic  
57 status, whether intentional or unintentional, are neither reinforced nor  
58 perpetuated, and (B) prevent the emergence and persistence of  
59 foreseeable future patterns of discrimination or disparities of race,  
60 ethnicity and socioeconomic status.

61 (5) "Pedestrian safety zone" means an area designated by the Office  
62 of the State Traffic Administration or the traffic authority of a town, city  
63 or borough pursuant to section 14-307a of the general statutes.

64 (6) "Personally identifiable information" means information created  
65 or maintained by the municipality or a vendor that identifies or  
66 describes an owner and includes, but need not be limited to, the owner's  
67 address, telephone number, number plate, photograph, bank account  
68 information, credit card number, debit card number or the date, time,  
69 location or direction of travel on a highway.

70 (7) "School zone" means an area designated by the Office of the State

71 Traffic Administration or the traffic authority of a town, city or borough  
72 pursuant to section 14-212b of the general statutes, as amended by this  
73 act.

74 (8) "Traffic authority", "traffic control sign" and "traffic control signal"  
75 have the same meanings as provided in section 14-297 of the general  
76 statutes.

77 (9) "Vendor" means a person who (A) provides services to a  
78 municipality under sections 15 and 16 of this act; (B) operates,  
79 maintains, leases or licenses an automated traffic enforcement safety  
80 device; or (C) is authorized to review and assemble the recorded images  
81 captured by an automated traffic enforcement safety device and  
82 forward such recorded images to the municipality.

83 Sec. 15. (NEW) (*Effective October 1, 2023*) (a) Any municipality may  
84 authorize the use of automated traffic enforcement safety devices at  
85 locations within school zones, pedestrian safety zones and other places  
86 in such municipality, provided (1) the municipality adopts an ordinance  
87 in accordance with the provisions of this section, and (2) the locations of  
88 such devices are identified in a plan approved by the Department of  
89 Transportation pursuant to section 502 of this act.

90 (b) The municipality may enter into agreements with vendors for the  
91 design, installation, operation or maintenance, or any combination  
92 thereof, of automated traffic enforcement safety devices. If a vendor  
93 designs, installs, operates or maintains an automated traffic  
94 enforcement safety device, the vendor's fee may not be contingent on  
95 the number of citations issued or fines paid pursuant to an ordinance  
96 adopted under this section.

97 (c) Any ordinance adopted under this section shall specify the  
98 following: (1) That an automated traffic enforcement safety device shall  
99 be operated by an automated traffic enforcement safety device operator;  
100 (2) that the owner of a motor vehicle commits a violation of the  
101 ordinance if the person operating such motor vehicle (A) exceeds the  
102 posted speed limit by ten or more miles per hour and such operation is

103 detected by an automated traffic enforcement safety device, or (B) fails  
104 to stop such motor vehicle when facing a steady red signal on a traffic  
105 control signal and such failure is detected by an automated traffic  
106 enforcement safety device; (3) an automated traffic enforcement safety  
107 device shall be used solely for identifying violations of the ordinance;  
108 (4) for the first thirty days after a location is equipped with an  
109 operational automated traffic enforcement safety device, the owner of a  
110 motor vehicle allegedly committing a violation of such ordinance that is  
111 detected by such device shall receive a written warning instead of a  
112 citation, as described in subsection (i) of this section; (5) payment of a  
113 fine and any associated fee imposed for a violation of the ordinance may  
114 be made by electronic means; (6) a sworn member or employee of the  
115 municipality's police department or an employee of the municipality, as  
116 designated by the traffic authority, shall review and approve the  
117 recorded images before a citation is mailed to the owner of such motor  
118 vehicle; and (7) the defenses available to the owner of a motor vehicle  
119 allegedly committing a violation of such ordinance, which shall include,  
120 but need not be limited to, the defenses listed in subsection (j) of this  
121 section.

122 (d) Any ordinance adopted under this section may: (1) Establish a fine  
123 to be imposed against the owner of a motor vehicle committing a  
124 violation of such ordinance, provided the amount of such fine is not  
125 more than fifty dollars for a first violation and not more than seventy-  
126 five dollars for a second or subsequent violation, and (2) impose a  
127 reasonable fee, not to exceed fifteen dollars, for the costs associated with  
128 the electronic processing of the payment of any such fine. Any funds  
129 received by a municipality from fines imposed pursuant to an ordinance  
130 adopted under this section shall be used for the purposes of improving  
131 transportation mobility, investing in transportation infrastructure  
132 improvements or paying the costs associated with the use of automated  
133 traffic enforcement safety devices in the municipality.

134 (e) Any municipality that adopts an ordinance under this section  
135 shall also adopt the following: (1) A citation hearing procedure pursuant  
136 to section 7-152c of the general statutes, as amended by this act, (2) a

137 comprehensive safety action plan to ensure that the streets located in the  
138 municipality safely and conveniently serve road users of all ages and  
139 abilities, including pedestrians, transit users, bicyclists, persons using  
140 wheelchairs or other assistive devices and motor vehicle operators, and  
141 (3) a written policy that meets or exceeds the standards of the model  
142 privacy policy and protocol developed pursuant to subsection (a) of  
143 section 501 of this act. Such municipality shall also be in compliance  
144 with any order made by the Office of the State Traffic Administration  
145 pursuant to the provisions of chapter 249 of the general statutes or any  
146 regulation adopted pursuant to said chapter by the office regarding a  
147 traffic control sign or traffic control signal at a location equipped or  
148 proposed to be equipped with an automatic traffic enforcement safety  
149 device.

150 (f) (1) Prior to the operation of an automated traffic enforcement  
151 safety device, the municipality shall (A) install at least two conspicuous  
152 signs at a reasonable distance in advance of such location, in accordance  
153 with the Federal Highway Administration's Manual on Uniform Traffic  
154 Control Devices for Streets and Highways, as amended from time to  
155 time, notifying motor vehicle operators of such location, and (B) provide  
156 notification of such location to persons, firms or corporations that  
157 operate a mobile application that is used for navigation purposes or to  
158 provide real-time information on motor vehicle traffic. The Department  
159 of Transportation shall designate which such persons, firms or  
160 corporations shall be notified and provide technical guidance to such  
161 municipalities regarding how to provide such notification.

162 (2) At least thirty days before the date the first automated traffic  
163 enforcement safety device becomes operational in the municipality, the  
164 municipality shall develop and implement a public awareness  
165 campaign to educate the public concerning the importance of obeying  
166 speed limits and traffic control signals and the imminent use of  
167 automated traffic enforcement safety devices in the municipality at the  
168 locations identified in the plan approved by the Department of  
169 Transportation pursuant to section 502 of this act.

170 (g) An automated traffic enforcement safety device operator shall  
171 complete training offered by the manufacturer of such device or the  
172 manufacturer's representative regarding procedures for setting up,  
173 testing and operating such device. The manufacturer or manufacturer's  
174 representative shall issue a signed certificate to the automated traffic  
175 enforcement safety device operator upon such operator's completion of  
176 the training. Such signed certificate shall be admitted as evidence in any  
177 hearing conducted pursuant to section 7-152c of the general statutes, as  
178 amended by this act.

179 (h) The municipality shall ensure each automated traffic enforcement  
180 safety device used by such municipality undergoes an annual  
181 calibration check performed at a calibration laboratory. The calibration  
182 laboratory shall issue a signed certificate of calibration after the annual  
183 calibration check. Such signed certificate of calibration shall be kept on  
184 file and admitted as evidence in any hearing conducted pursuant to  
185 section 7-152c of the general statutes, as amended by this act.

186 (i) (1) Whenever an automated traffic enforcement safety device  
187 detects and produces recorded images of a motor vehicle allegedly  
188 committing a violation of an ordinance adopted under this section, a  
189 sworn member or employee of the municipality's police department or  
190 an employee of the municipality designated by the traffic authority shall  
191 review the recorded images provided by such device. If, after such  
192 review, such member or employee determines that there are reasonable  
193 grounds to believe that a violation of the ordinance has occurred, such  
194 member or employee may issue a citation to the owner of the motor  
195 vehicle. The citation shall include the following: (A) The name and  
196 address of the owner of the motor vehicle; (B) the number plate of the  
197 motor vehicle; (C) the violation charged; (D) the location of the  
198 automated traffic enforcement safety device and the date and time of  
199 the violation; (E) a copy of or information on how to view, through  
200 electronic means, the recorded images described in this section; (F) a  
201 statement or electronically generated affirmation by the member or  
202 employee who reviewed the recorded images and determined that the  
203 motor vehicle violated the ordinance; (G) verification that the

204 automated traffic enforcement safety device was operating correctly at  
205 the time of the alleged violation and the date of the most recent  
206 calibration check performed pursuant to subsection (h) of this section;  
207 (H) the amount of the fine imposed and how to pay such fine; and (I)  
208 the right to contest the violation and request a hearing pursuant to  
209 section 7-152c of the general statutes, as amended by this act.

210 (2) In the case of an alleged violation involving a motor vehicle  
211 registered in the state, the citation shall be mailed not later than thirty  
212 days after the identity of the owner is ascertained to the address of the  
213 owner that is in the records of the Department of Motor Vehicles. In the  
214 case of an alleged violation involving a motor vehicle registered in  
215 another jurisdiction, the citation shall be mailed not later than thirty  
216 days after the identity of the owner is ascertained to the address of the  
217 owner that is in the records of the official in the other jurisdiction issuing  
218 such registration. A citation shall be invalid unless mailed to an owner  
219 not later than sixty days after the alleged violation.

220 (3) The citation shall be sent by first class mail. A manual or  
221 automated record of mailing prepared by the municipality's police  
222 department shall be prima facie evidence of mailing and shall be  
223 admissible in any hearing conducted pursuant to section 7-152c of the  
224 general statutes, as amended by this act, as to the facts contained in the  
225 citation.

226 (j) The following defenses shall be available to the owner of a motor  
227 vehicle who is alleged to have committed a violation of such ordinance  
228 adopted under this section: (1) The operator was driving an emergency  
229 vehicle in accordance with the provisions of subdivision (1) of  
230 subsection (b) of section 14-283 of the general statutes; (2) the traffic  
231 control signal was inoperative, which is observable on the recorded  
232 images; (3) the violation was necessary in order for the operator to  
233 comply with an order or direction from a law enforcement officer, which  
234 is observable on the recorded images; (4) the violation was necessary to  
235 allow the passage of an authorized emergency vehicle, which is  
236 observable on the recorded images; (5) the violation took place during a



237 period of time in which the motor vehicle had been reported as being  
238 stolen to a law enforcement unit, as defined in section 7-294a of the  
239 general statutes, and had not been recovered prior to the time of the  
240 violation; or (6) the automated traffic enforcement safety device was not  
241 in compliance with the calibration check required pursuant to  
242 subsection (h) of this section.

243 Sec. 16. (NEW) (*Effective October 1, 2023*) (a) No personally identifiable  
244 information shall be disclosed by the municipality or a vendor to any  
245 person or entity, including any law enforcement unit, except where the  
246 disclosure is made in connection with the charging, collection and  
247 enforcement of the fines imposed pursuant to an ordinance adopted  
248 under section 15 of this act.

249 (b) No personally identifiable information shall be stored or retained  
250 by the municipality or a vendor unless such information is necessary for  
251 the charging, collection and enforcement of the fines imposed pursuant  
252 to an ordinance adopted under section 15 of this act.

253 (c) The municipality or a vendor shall destroy personally identifiable  
254 information and other data that specifically identifies a motor vehicle  
255 and relates to a violation of an ordinance adopted under section 15 of  
256 this act not later than thirty days after any fine is collected or the  
257 resolution of a hearing conducted for the alleged commission of such  
258 violation, whichever is later.

259 (d) Any information and other data gathered from automated traffic  
260 enforcement safety devices shall be subject to disclosure under the  
261 Freedom of Information Act, as defined in section 1-200 of the general  
262 statutes, except no personally identifiable information may be  
263 disclosed."

264 In line 450, strike "intersections" and insert in lieu thereof "locations"

265 In line 451, strike "intersections" and insert in lieu thereof "locations"

266 After the last section, add the following and renumber sections and

267 internal references accordingly:

268 "Sec. 501. (NEW) (*Effective from passage*) (a) Not later than January 1,  
269 2024, the Department of Transportation shall issue written guidance to  
270 municipalities concerning the development of a plan to use automated  
271 traffic enforcement safety devices, the submission of such plan and the  
272 criteria to be used by the department when evaluating any such plan for  
273 approval. Such guidance shall be consistent with the goal of installing  
274 automated traffic enforcement safety devices at locations likely to  
275 improve traffic safety and ensuring that the distribution of such devices  
276 throughout the municipality is equitable. Such guidance shall include  
277 the following factors to be considered by the municipality when  
278 determining the locations to include in a plan: (1) The history of traffic  
279 crashes caused by excessive speeding or the violation of a traffic control  
280 sign or traffic control signal at such location, (2) the history of traffic  
281 crashes that resulted in the fatality or serious injury of a person at such  
282 location, (3) the rate of poverty in such municipality as determined by  
283 the five-year estimates of the most recent American Community Survey  
284 conducted by the United States Census Bureau, (4) the per cent of  
285 occupied housing units with vehicles available as determined by the  
286 five-year estimates of the most recent American Community Survey  
287 conducted by the United States Census Bureau, (5) the average daily  
288 traffic of such location, (6) the history of traffic stops conducted in the  
289 municipality and reported to the Office of Policy and Management  
290 pursuant to subsection (h) of section 54-1m of the general statutes, (7)  
291 the roadway geometry of any such location, and (8) any other additional  
292 information or data as determined by the department. Such guidance  
293 shall include a model privacy policy and protocol regarding the privacy,  
294 security, collection and destruction of personally identifiable  
295 information and other information and data gathered from automated  
296 traffic enforcement safety devices and establishing internal audit  
297 requirements to ensure compliance with such policy and protocol.

298 (b) Not later than January 1, 2026, the Department of Transportation  
299 shall issue written guidance to municipalities concerning how to  
300 evaluate the effectiveness of automated traffic enforcement safety

301 devices and submit a subsequent plan to use such devices together with  
302 supporting documentation. Such guidance shall include the factors to  
303 be considered when determining whether an automated traffic  
304 enforcement safety device at a location improved traffic safety.

305 (c) The guidance issued pursuant to the provisions of this section  
306 shall be revised as necessary and published on the department's Internet  
307 web site.

308 Sec. 502. (NEW) (*Effective October 1, 2023*) (a) (1) A municipality's plan  
309 concerning the use of automated traffic enforcement safety devices in  
310 the municipality shall identify the proposed locations of such devices  
311 and include documentation that such proposed locations comply with  
312 the guidelines developed pursuant to subsection (a) of section 501 of this  
313 act. The municipality shall conduct a public hearing regarding any such  
314 plan prior to submission and, by vote of its legislative body or, in a  
315 municipality where the legislative body is a town meeting, by vote of  
316 the board of selectman, shall submit such plan to the Department of  
317 Transportation, in such form as the department may prescribe.

318 (2) Not later than sixty days after the date a plan is received by the  
319 department, the department shall determine if the plan is likely to  
320 improve traffic safety at the proposed locations and the distribution of  
321 such devices throughout the municipality is equitable, and shall  
322 approve or disapprove the plan, in whole or in part. If the department  
323 disapproves any such plan, in whole or in part, the department shall  
324 provide a written explanation of the reason for such disapproval and  
325 guidance to revise such plan for resubmission. Any such disapproval  
326 shall not preclude the submission of a revised plan.

327 (3) The approval of a municipality's initial plan shall be valid for a  
328 period of three years from the date the first automated traffic  
329 enforcement safety device becomes operational in the municipality and,  
330 thereafter, the approval of any subsequent plan shall be valid for a  
331 period of three years from the date of approval.

332 (b) A municipality operating automated traffic enforcement safety

333 devices pursuant to an approved plan that has not yet expired may  
334 submit to the Department of Transportation a modification to such plan  
335 to propose the use of such devices at additional locations, in the same  
336 manner as described in subdivision (1) of subsection (a) of this section.  
337 The department shall approve or disapprove any such modification, in  
338 whole or in part, in the same manner as described in subdivision (2) of  
339 subsection (a) of this section. The approval of any such modification  
340 shall expire on the date the approved plan expires.

341 (c) (1) A municipality that seeks to continue to use automated traffic  
342 enforcement safety devices after such expiration shall submit a  
343 subsequent plan to the Department of Transportation for approval. Such  
344 subsequent plan may include some or all of the previously approved  
345 locations for such devices and propose new locations for such devices.  
346 The municipality shall conduct a public hearing regarding such  
347 subsequent plan prior to its submission to the department and, by vote  
348 of its legislative body or, in a municipality where the legislative body is  
349 a town meeting, by vote of the board of selectman, submit to the  
350 department such plan and supporting documentation in accordance  
351 with the guidelines issued pursuant to subsection (b) of section 501 of  
352 this act. Supporting documentation for any subsequent plan shall  
353 include, but need not be limited to: (A) Evidence that the devices used  
354 by the municipality at locations identified in a prior plan improved  
355 traffic safety, (B) a description of how any proposed new locations  
356 comply with the guidelines developed pursuant to subsection (a) of  
357 section 501 of this act, and (C) records that the funds received by the  
358 municipality from fines imposed pursuant to an ordinance adopted  
359 under this section were expended in accordance with the provisions of  
360 subsection (d) of section 15 of this act.

361 (2) Not later than sixty days after the date a subsequent plan and  
362 supporting documentation is received by the department, the  
363 department shall determine: (A) If the subsequent plan is likely to  
364 improve traffic safety at the proposed locations, (B) if the subsequent  
365 plan includes a location previously equipped with an automated traffic  
366 enforcement safety device, whether the use of such device improved

367 traffic safety at such location, and (C) if the distribution of such devices  
368 throughout the municipality is equitable, and shall approve or  
369 disapprove the plan, in whole or in part. The department shall not  
370 approve any part of a plan that includes a location previously equipped  
371 with an automated traffic enforcement safety device unless the  
372 department determines the use of such device improved traffic safety at  
373 such location.

374 (d) In no event shall a municipality use, install or operate an  
375 automated traffic enforcement safety device unless such use, installation  
376 or operation complies with the provisions of a plan approved by the  
377 Department of Transportation and the approval of such plan is effective.

378 Sec. 503. (NEW) (*Effective October 1, 2023*) Not later than February 1,  
379 2024, and annually thereafter, the Department of Transportation shall  
380 submit a report, in accordance with the provisions of section 11-4a of the  
381 general statutes, to the joint standing committee of the General  
382 Assembly having cognizance of matters relating to transportation,  
383 concerning the status of plans submitted by municipalities pursuant to  
384 section 502 of this act. Such report shall, at a minimum, (1) list the  
385 municipalities that submitted such plans during the previous year, (2)  
386 identify which plans the department approved, and (3) identify which  
387 plans the department disapproved and provide the reasoning for each  
388 such disapproval.

389 Sec. 504. Subsection (b) of section 14-212b of the general statutes is  
390 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
391 *2023*):

392 (b) (1) At the request of the legislative body of a town, city or borough,  
393 the Office of the State Traffic Administration may designate as a school  
394 zone any part of a state highway that is adjacent to school property or  
395 is, in the opinion of said office, sufficiently close to school property as to  
396 constitute a risk to the public safety under all the circumstances. At the  
397 request of such legislative body, the [commission] office may revoke any  
398 such designation. (2) A local traffic authority may designate as a school

399 zone, and may revoke any such designation, any part of a local highway  
400 that is adjacent to school property or is, in the opinion of the local traffic  
401 authority, sufficiently close to school property as to constitute a risk to  
402 the public safety under all the circumstances."

This act shall take effect as follows and shall amend the following sections:		
Sec. 9	<i>January 1, 2024</i>	14-41(g)
Sec. 11	<i>January 1, 2024</i>	14-111k(e)
Sec. 14	<i>October 1, 2023</i>	New section
Sec. 15	<i>October 1, 2023</i>	New section
Sec. 16	<i>October 1, 2023</i>	New section
Sec. 501	<i>from passage</i>	New section
Sec. 502	<i>October 1, 2023</i>	New section
Sec. 503	<i>October 1, 2023</i>	New section
Sec. 504	<i>July 1, 2023</i>	14-212b(b)