



General Assembly

Amendment

January Session, 2023

LCO No. 10128



Offered by:

REP. STAFSTROM, 129th Dist.

REP. MCCARTHY VAHEY, 133rd Dist.

REP. GEE, 126th Dist.

REP. ROSARIO, 128th Dist.

REP. FELIPE, 130th Dist.

REP. BAKER, 124th Dist.

REP. BROWN, 127th Dist.

SEN. GASTON, 23rd Dist.

To: House Bill No. 6886

File No. 654

Cal. No. 422

**"AN ACT CONCERNING A STUDY OF THE CIVIL PROCEDURE
LAWS OF THIS STATE."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 14-279 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2023*):

5 (a) The operator of any vehicle or motor vehicle, including an
6 authorized emergency vehicle, as defined in section 14-1, shall
7 immediately bring such vehicle to a stop not less than ten feet from the
8 front when approaching and not less than ten feet from the rear when
9 overtaking or following any registered school bus on any highway or
10 private road or in any parking area or on any school property when such
11 bus is displaying flashing red signal lights, except at the specific
12 direction of a traffic officer. Vehicles so stopped for a school bus shall

13 not proceed until such school bus no longer displays flashing red signal
14 lights, except that a stopped authorized emergency vehicle may proceed
15 as long as such authorized emergency vehicle is operated pursuant to
16 section 14-283. At the intersection of two or more highways vehicular
17 turns toward a school bus receiving or discharging passengers are
18 prohibited. The operator of a vehicle upon a divided highway with
19 separate roadways need not stop upon meeting or passing a school bus
20 which is on a different roadway that is divided by a raised median or
21 barrier.

22 (b) [Any] Except as provided in subsection (d) of this section, any
23 person who violates any provision of subsection (a) of this section shall
24 be fined four hundred fifty dollars for the first offense and for each
25 subsequent offense, not less than five hundred dollars nor more than
26 one thousand dollars or imprisoned not more than thirty days or both.

27 (c) Upon receipt of a written report from any school bus operator, or
28 an evidence file from a digital video school bus violation detection
29 monitoring system, specifying the [license plate] number plate, color
30 and type of any vehicle observed by such operator or captured by such
31 evidence file violating any provision of subsection (a) of this section and
32 the date, approximate time and location of such violation, a police
33 officer or duly authorized municipal official shall issue a written
34 warning or a [summons] citation to the owner of any such vehicle.

35 (d) The owner of any vehicle found to have committed a violation of
36 subsection (a) of this section using an evidence file from a digital video
37 school bus violation detection monitoring system shall be assessed a
38 civil penalty of two hundred dollars. The imposition of a civil penalty
39 pursuant to this subsection shall not be made part of the driving record
40 of the person upon whom liability is imposed and may not be used for
41 any purpose in the provision of a motor vehicle insurance policy.

42 Sec. 2. Section 14-279a of the general statutes is repealed and the
43 following is substituted in lieu thereof (*Effective July 1, 2023*):

44 (a) As used in this section and [section 14-279b] sections 14-279, as

45 amended by this act, and 14-279b, as amended by this act, "[live] digital
46 video school bus violation detection monitoring system" or "monitoring
47 system" means a system with one or more camera sensors and
48 computers that produce [live] digital and recorded video images of
49 motor vehicles being operated in violation of section 14-279, as amended
50 by this act. A monitoring system shall produce a [live] visual image that
51 is viewable remotely and a recorded image of the [license plate] number
52 plate of a motor vehicle violating section 14-279, as amended by this act.
53 Such recorded image shall indicate the date, time and location of the
54 violation.

55 (b) A municipality, by ordinance adopted by its legislative body, may
56 authorize the use of a digital video school bus violation detection
57 monitoring system to enforce the provisions of subsection (a) of section
58 14-279, as amended by this act. Any municipality that adopts such
59 enforcement ordinance shall also adopt a local payment collection
60 procedure and citation hearing procedure pursuant to section 7-152c.
61 All proceeds from any civil penalty imposed by a municipality under
62 this section that is solely based upon an evidence file obtained from a
63 monitoring system shall be collected by the municipality, or its
64 designated agent, and allocated to the municipality.

65 [(b)] (c) A municipality, [or] through an interlocal agreement with a
66 school district, or a local or regional board of education may install,
67 operate and maintain [live] digital video school bus violation detection
68 monitoring systems, [or] and may enter into an agreement with a
69 private vendor for the installation, operation and maintenance of such
70 monitoring systems on all registered school buses, whether owned,
71 contracted for or leased by the school district or such local or regional
72 board of education. Such agreement shall provide for the compensation
73 to the vendor for the expense of the monitoring services and cost of
74 equipment provided by the vendor and for the reimbursement of the
75 vendor for the expenses of installing, operating and maintaining the
76 monitoring system. Such agreement shall provide that the vendor shall,
77 on an annual basis, submit a report to such municipality [or] and local
78 or regional board of education that includes, but is not limited to: (1)

79 The total number of citations issued as a result of a violation detected
80 and recorded by the monitoring system, and (2) the total amount of
81 funds collected. The municipality [or local or regional board of
82 education] shall, within thirty days, submit such report to the joint
83 standing committee of the General Assembly having cognizance of
84 matters relating to transportation. A municipality [or local or regional
85 board of education serving a municipality] that has entered into an
86 agreement with a private vendor for the installation, operation and
87 maintenance of a [live] digital video school bus violation detection
88 monitoring system [shall] may use amounts [remitted to] collected by
89 such municipality in accordance with subsection [(e) of section 51-56a,
90 in respect to the violation of section 14-279] (b) of this section [,] to
91 reimburse the private vendor for the expenses for installing, operating
92 and maintaining the monitoring system.

93 [(c)] (d) A warning sign shall be posted on all school buses in which
94 a monitoring system is installed and operational indicating the use of
95 such system.

96 [(d)] (e) A monitoring system shall be installed to the extent
97 practicable so as to record images of the number plate of a motor vehicle
98 only, and shall not record images of the occupants of such motor vehicle
99 or of any other persons or vehicles in the vicinity at the time the images
100 are recorded. A citation issued under this section may not be dismissed
101 solely because a recorded video or digital still image reveals personally
102 identifying information, as long as a reasonable effort has been made to
103 comply with the provisions of this subsection.

104 Sec. 3. Section 14-279b of the general statutes is repealed and the
105 following is substituted in lieu thereof (*Effective July 1, 2023*):

106 [(a) Whenever a violation of section 14-279 is detected and recorded
107 by a live digital video school bus violation detection monitoring system,
108 a state or municipal police officer shall review the evidence file which
109 shall include two or more digital photographs, recorded video or other
110 recorded images. If, after such review, such officer determines that there

111 are reasonable grounds to believe that a violation of section 14-279 has
112 occurred, such officer shall authorize the issuance of a summons for
113 such alleged violation. If such officer authorizes the issuance of a
114 summons for such alleged violation, the law enforcement agency shall,
115 not later than thirty days after the alleged violation, mail a summons to
116 the registered owner of the motor vehicle together with a copy of two or
117 more digital photographs, recorded video or other recorded images.]

118 (a) A police officer or duly authorized municipal employee shall
119 review evidence produced by a digital video school bus violation
120 detection monitoring system and, if after such review, such police
121 officer or employee determines that there are reasonable grounds to
122 believe that a violation of subsection (a) of section 14-279, as amended
123 by this act, has occurred, such police officer or employee may, not later
124 than thirty days after the alleged violation, electronically certify a
125 citation. The municipality or its agent shall, by first class mail, provide
126 a copy of the citation to the owner of the motor vehicle. The citation shall
127 include the following: (1) The name and address of the owner of the
128 motor vehicle; (2) the number plate of the motor vehicle; (3) the violation
129 charged; (4) the date, location and time of the alleged violation; (5) a
130 copy of or information on how to view, through electronic means, the
131 recorded images described in this section; (6) a statement or
132 electronically generated affirmation by the police officer or authorized
133 employee of the municipality who reviewed the recorded images and
134 determined that the motor vehicle violated the ordinance pursuant to
135 subsection (b) of this section; (7) the amount of the civil penalty imposed
136 pursuant to subsection (d) of section 14-279, as amended by this act; and
137 (8) notice of the right to contest the citation and instructions for how to
138 request a hearing pursuant to subsection (b) of section 14-279a, as
139 amended by this act.

140 (b) A certificate or a facsimile of a certificate based on review evidence
141 produced by the monitoring system and sworn to or affirmed by a police
142 officer or municipal employee authorized to enforce violations pursuant
143 to section 14-279, as amended by this act, shall be prima facie evidence
144 of the facts contained in such certificate.

145 (c) The citation shall be sent by first class mail to the owner of the
146 motor vehicle. The act of mailing the citation shall constitute the
147 provision of notice of the citation to the owner of the motor vehicle. A
148 manual or automated record of mailing prepared by the police officer,
149 authorized employee of the municipality or the vendor in the ordinary
150 course of business shall be prima facie evidence of mailing and shall be
151 admissible in any hearing conducted pursuant to subsection (b) of
152 section 14-279a, as amended by this act, as to the facts contained in the
153 citation.

154 ~~[(b)]~~ (d) As provided in subsection (b) of section 14-107, proof of the
155 registration number of the motor vehicle therein concerned shall be
156 prima facie evidence that the owner was the operator thereof, except
157 that, in the case of a leased or rented motor vehicle, such proof shall be
158 prima facie evidence that the lessee was the operator thereof. A
159 photographic or digital still or video image that clearly shows the
160 number plate of a vehicle violating section 14-279, as amended by this
161 act, shall be sufficient proof of the identity of such vehicle for purposes
162 of subsection (b) of section 14-107.

163 ~~[(c)]~~ (e) Any person who is alleged to have committed a violation of
164 section 14-279, as amended by this act, and receives a [summons]
165 citation pursuant to subsection (a) of this section shall follow the
166 municipal ordinance payment and hearing procedures set forth in
167 [section 51-164n] section 7-152c and subsection (b) of section 14-279a, as
168 amended by this act.

169 ~~[(d)]~~ (f) A [recorded] digital still or recorded image produced by a
170 monitoring system shall be sufficient evidence of a violation of section
171 14-279, as amended by this act, and shall be admitted without further
172 authentication.

173 ~~[(e)]~~ (g) All defenses shall be available to any person who is alleged
174 to have committed a violation of section 14-279, as amended by this act,
175 that is detected and recorded by a monitoring system, including, but not
176 limited to, that (1) the violation was necessary to allow the passage of

177 an emergency vehicle, (2) the violation was necessary to avoid injuring
178 the person or property of another, (3) the violation was incurred while
179 participating in a funeral procession, (4) the violation was incurred
180 during a period of time in which the motor vehicle had been reported
181 as being stolen to an organized local police department or the state
182 police and had not been recovered prior to the time of the violation, (5)
183 the operator was convicted of a violation of section 14-279, as amended
184 by this act, for the same incident based upon a separate and distinct
185 summons issued by a sworn police officer, or (6) the violation was
186 necessary in order for the operator to comply with any other general
187 statute or regulation concerning the operation of a motor vehicle.

188 [(f)] (h) [No recorded] Except as otherwise provided by law, no
189 digital still or video image produced by a monitoring system pursuant
190 to this section may be introduced as evidence in any [other] civil or
191 criminal [proceedings] proceeding.

192 [(g)] (i) A [recorded] digital still or video image produced by a
193 monitoring system shall be destroyed (1) ninety days after the date of
194 the alleged violation if a [summons] citation is not issued for such
195 alleged violation pursuant to subsection (a) of this section, or (2) upon
196 final disposition of the case to which it pertains if a [summons] citation
197 is issued for such alleged violation pursuant to subsection (a) of this
198 section.

199 Sec. 4. Subsections (d) and (e) of section 51-56a of the general statutes
200 are repealed and the following is substituted in lieu thereof (*Effective July*
201 *1, 2023*):

202 (d) Each person who pays in any sum as a fine or forfeiture for any
203 violation of sections 14-218a, 14-219, 14-222, 14-223, 14-227a, 14-227m,
204 14-227n, sections 14-230 to 14-240, inclusive, sections 14-241 to 14-249,
205 inclusive, section 14-279, as amended by this act, for the first offense,
206 except as provided in subsection (b) of section 14-279a, as amended by
207 this act, sections 14-289b, 14-299, 14-300, 14-300d, 14-300j, sections 14-
208 301 to 14-303, inclusive, or any regulation adopted under said sections

209 or ordinance enacted in accordance with said sections shall pay an
 210 additional fee of twenty-five dollars. The state shall remit to the
 211 municipalities in which the violations occurred the amounts paid under
 212 this subsection. Each clerk of the Superior Court or the Chief Court
 213 Administrator, or any other official of the Superior Court designated by
 214 the Chief Court Administrator, on or before the thirtieth day of January,
 215 April, July and October in each year, shall certify to the Comptroller the
 216 amount due for the previous quarter under this subsection to each
 217 municipality served by the office of the clerk or official.

218 (e) The state shall remit to the municipalities in which the violation
 219 occurred all fine amounts received in respect to the violation of section
 220 14-279, as amended by this act, except as provided in subsection (b) of
 221 section 14-279a, as amended by this act, after crediting twelve per cent
 222 of such fine amounts to the Special Transportation Fund established
 223 under section 13b-68 and crediting eight per cent of such fine amounts
 224 to the General Fund. Each clerk of the Superior Court or the Chief Court
 225 Administrator, or any other official of the Superior Court designated by
 226 the Chief Court Administrator, shall, on or before the thirtieth day of
 227 January, April, July and October in each year, certify to the Comptroller
 228 the amount due for the previous quarter under this subsection to each
 229 municipality served by the office of the clerk or official."

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2023	14-279
Sec. 2	July 1, 2023	14-279a
Sec. 3	July 1, 2023	14-279b
Sec. 4	July 1, 2023	51-56a(d) and (e)