



House of Representatives

General Assembly

File No. 273

February Session, 2024

Substitute House Bill No. 5328

House of Representatives, April 4, 2024

The Committee on Transportation reported through REP. LEMAR of the 96th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING AUTOMATED TRAFFIC SAFETY ENFORCEMENT IN WORK ZONES AND MUNICIPALITIES.

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

1 Section 1. Section 13a-261 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2024*):

3 For the purposes of this section and sections 13a-262 to 13a-268,
4 inclusive, as amended by this act, and section 6 of this act:

5 (1) "Department" means the Department of Transportation.

6 [(2) "Limited access state highway" means any state highway so
7 designated under the provisions of section 13b-27.]

8 [(3)] (2) "Owner" means a person in whose name a motor vehicle is
9 registered under the provisions of chapter 246 or law of another
10 jurisdiction.

11 [(4)] (3) "Personally identifiable information" means information

12 created or maintained by the department or a vendor that identifies or
13 describes an owner and includes, but need not be limited to, the owner's
14 address, telephone number, number plate, photograph, bank account
15 information, credit card number, debit card number or the date, time,
16 location or direction of travel on a [limited access] highway.

17 [(5)] (4) "Vendor" means a person selected by the department (A) to
18 provide services to the department described in sections 13a-262 to 13a-
19 268, inclusive, as amended by this act; (B) who operates, maintains,
20 leases or licenses a work zone speed control system; or (C) is authorized
21 to review and assemble the recorded images captured by the work zone
22 speed control system.

23 [(6)] (5) "Highway work zone" has the same meaning as provided in
24 section 14-212d.

25 [(7)] (6) "Work zone speed control system" means a device having one
26 or more motor vehicle sensors connected to a camera system capable of
27 producing recorded images that indicate the date, time and location of
28 the image of each motor vehicle allegedly operating in violation of the
29 provisions of section 13a-263, as amended by this act.

30 [(8)] (7) "Work zone speed control system operator" means a person
31 who is trained and certified to operate a work zone speed control
32 system.

33 [(9)] (8) "Driver", "highway" and "number plate" have the same
34 meanings as provided in section 14-1.

35 Sec. 2. Section 13a-262 of the general statutes is repealed and the
36 following is substituted in lieu thereof (*Effective July 1, 2024*):

37 (a) The department may establish a [pilot] program to operate work
38 zone speed control systems in a highway work zone. [The pilot program
39 shall provide for such systems at not more than three locations in the
40 state at any one time.] A work zone speed control system may be used
41 to record the images of motor vehicles traveling on a [limited access]
42 highway (1) within a highway work zone, and (2) on which the speed

43 limit, established using generally accepted traffic engineering practices,
44 is forty-five miles per hour or greater. [The pilot program shall
45 commence on or before January 1, 2022, and terminate on December 31,
46 2023.]

47 (b) A work zone speed control system may be used provided (1) such
48 system is operated by a work zone speed control system operator, (2) if,
49 in accordance with the manual of uniform traffic control devices as
50 approved and revised by the Office of State Traffic Administration, at
51 least two conspicuous road signs are placed at a reasonable distance in
52 advance of a highway work zone notifying drivers that a work zone
53 speed control system may be in operation, (3) at least one of the signs
54 described in subdivision (2) of this subsection indicates that the work
55 zone speed control system is operational or is not operational, (4) an
56 appropriate sign is conspicuously placed at the end of a highway work
57 zone with a work zone speed control system that is operational, and (5)
58 a notice identifying the location of a work zone speed control system is
59 available on the Internet web site of the department.

60 (c) A work zone speed control system shall be used in a manner to
61 only record images of motor vehicles that are exceeding the posted
62 highway work zone speed limit by [~~fifteen~~] ten miles per hour or more
63 in violation of the provisions of section 13a-263, as amended by this act.
64 Any recorded images collected as part of a work zone speed control
65 system shall not be used for any surveillance purpose. [The] At least
66 seven days prior to a work zone speed control system becoming
67 operational, the department or work zone speed control system
68 operator shall [certify] provide written notice of the date such system
69 will be operational to the Division of State Police [when a work zone
70 speed control system is operational] and the chief executive officer of
71 the municipality where such system is to be located.

72 (d) The Commissioner of Transportation may (1) enter into
73 agreements with vendors for the design, operation or maintenance, or
74 any combination thereof, of work zone speed control systems, and (2)
75 retain and employ consultants and assistants on a contract or other basis

76 for rendering legal, financial, professional, technical or other assistance
77 and advice necessary for the design, operation and maintenance of work
78 zone speed control systems. If a vendor provides, deploys or operates a
79 work zone control system, the vendor's fee may not be contingent on the
80 number of violations issued or fines paid pursuant to the provisions of
81 section 13a-263, as amended by this act.

82 Sec. 3. Section 13a-263 of the general statutes is repealed and the
83 following is substituted in lieu thereof (*Effective July 1, 2024*):

84 (a) No person operating a motor vehicle shall exceed the posted speed
85 limit by [fifteen] ten or more miles per hour, as detected by a work zone
86 speed control system, within a highway work zone where a work zone
87 speed control system is operational.

88 (b) [The] Except as provided in subsection (c) of this section, the
89 owner of a motor vehicle identified by a work zone speed [camera]
90 control system as violating the provisions of subsection (a) of this
91 section shall, (1) for a first violation, receive a written warning, and (2)
92 for a second or subsequent violation that occurs within one year of the
93 date of such owner's most recent violation, be fined seventy-five dollars.
94 [(3) for a subsequent violation, be fined one hundred fifty dollars.] Any
95 subsequent violation occurring after one year of such owner's most
96 recent violation shall be considered a first violation.

97 (c) The owner of a motor vehicle identified by a work zone speed
98 control system as violating the provisions of subsection (a) of this
99 section and traveling at a rate of speed of eighty-five miles per hour or
100 greater shall be fined seventy-five dollars.

101 (d) The owner shall be liable for any [such] fine imposed pursuant to
102 subsection (b) or (c) of this section unless the driver of the motor vehicle
103 received a citation from a law enforcement officer at the time of the
104 violation.

105 [(c)] (e) All amounts received in respect to the violation of subsection
106 (a) of this section shall be deposited into the Special Transportation

107 Fund, established pursuant to section 13b-68 and maintained pursuant
108 to article thirty-second of the amendments to the Constitution of the
109 state.

110 Sec. 4. Subsection (d) of section 14-307c of the 2024 supplement to the
111 general statutes is repealed and the following is substituted in lieu
112 thereof (*Effective July 1, 2024*):

113 (d) Any ordinance adopted under this section may: (1) Establish a fine
114 to be imposed against the owner of a motor vehicle committing a
115 violation of such ordinance, provided the amount of such fine is not
116 more than fifty dollars for a first violation and not more than seventy-
117 five dollars for a second or subsequent violation that occurs within one
118 year of the date of the owner's most recent violation, and (2) impose a
119 reasonable fee, not to exceed fifteen dollars, for the costs associated with
120 the electronic processing of the payment of any such fine. Any
121 subsequent violation occurring after one year of the owner's most recent
122 violation shall be considered a first violation. Any funds received by a
123 municipality from fines imposed pursuant to an ordinance adopted
124 under this section shall be used for the purposes of improving
125 transportation mobility, investing in transportation infrastructure
126 improvements or paying the costs associated with the use of automated
127 traffic enforcement safety devices in the municipality.

128 Sec. 5. Section 14-307f of the 2024 supplement to the general statutes
129 is repealed and the following is substituted in lieu thereof (*Effective July*
130 *1, 2024*):

131 (a) No personally identifiable information shall be disclosed by the
132 municipality or a vendor to any person or entity, including any law
133 enforcement unit, except where the disclosure is made in connection
134 with the charging, collection and enforcement of the fines imposed
135 pursuant to an ordinance adopted under section 14-307c, as amended
136 by this act.

137 (b) No personally identifiable information shall be stored or retained
138 by the municipality or a vendor unless such information is necessary for

139 the charging, collection and enforcement of the fines imposed pursuant
140 to an ordinance adopted under section 14-307c, as amended by this act.

141 (c) The municipality or a vendor shall destroy personally identifiable
142 information and other data that specifically identifies a motor vehicle
143 and relates to a violation of an ordinance adopted under section 14-307c,
144 as amended by this act, not later than thirty days after any fine is
145 collected or the resolution of a hearing conducted for the alleged
146 commission of such violation, whichever is later, except a municipality
147 or vendor may retain a portion of personally identifiable information for
148 the limited purpose of determining whether a person committed a
149 second or subsequent violation of such ordinance. The municipality or
150 vendor shall destroy any retained portion of personally identifiable
151 information not later than one year after the date of such person's most
152 recent violation.

153 (d) Any information and other data gathered from automated traffic
154 enforcement safety devices shall be subject to disclosure under the
155 Freedom of Information Act, as defined in section 1-200, except no
156 personally identifiable information may be disclosed.

157 Sec. 6. (NEW) (*Effective July 1, 2024*) Not later than February 1, 2026,
158 and annually thereafter, the Commissioner of Transportation shall
159 submit a report, in accordance with the provisions of section 11-4a of the
160 general statutes, to the joint standing committee of the General
161 Assembly having cognizance of matters relating to transportation. Such
162 report shall include the following information regarding the preceding
163 calendar year: (1) The number of warnings and violations issued
164 pursuant to section 13a-263 of the general statutes, as amended by this
165 act, for each work zone speed control system that was operational; (2)
166 the number of such warnings and violations where the motor vehicle
167 exceeded the posted speed limit by (A) at least eleven miles per hour,
168 but not more than twenty miles per hour, (B) at least twenty-one miles
169 per hour, but not more than thirty miles per hour, (C) at least thirty-one
170 miles per hour, but not more than forty miles per hour, (D) forty-one
171 miles per hour or greater; (3) the number of crashes that occurred in each

172 highway work zone where a work zone speed control system was
173 operational; (4) the amount of fines received pursuant to section 13a-263
174 of the general statutes, as amended by this act; (5) the cost to the
175 Department of Transportation to use work zone speed control systems;
176 (6) the number of motor vehicles identified by a work zone speed control
177 system that were the subject of one violation, two violations, three
178 violations or four or more violations; (7) a list of engineering and
179 educational measures undertaken by the department to improve safety
180 in highway work zones with an operational work zone speed control
181 system; (8) a description of situations where recorded images produced
182 by a work zone speed control system could not be used or were not
183 used; and (9) the number of leased or rented motor vehicles, out-of-state
184 motor vehicles or other vehicles, including trucks, where enforcement
185 efforts were unsuccessful.

186 Sec. 7. Section 14-307g of the 2024 supplement to the general statutes
187 is repealed and the following is substituted in lieu thereof (*Effective July*
188 *1, 2024*):

189 (a) Not later than eighteen months following the date an automated
190 traffic enforcement safety device becomes operational in a municipality
191 pursuant to section 14-307c, as amended by this act, the municipality
192 shall submit a report to the Department of Transportation and to the
193 joint standing committee of the General Assembly having cognizance of
194 matters relating to transportation, in accordance with the provisions of
195 section 11-4a. Such report shall include, but need not be limited to: (1)
196 The number of violations of sections 14-218a and 14-219 and subdivision
197 (3) of subsection (b) of section 14-299 that occurred at the locations
198 where such automated traffic enforcement safety devices were installed
199 prior to the use of such devices; (2) the number of violations where a
200 motor vehicle exceeded the posted speed limit by ten or more miles that
201 were captured by such devices at such locations; (3) the number of
202 violations where a motor vehicle failed to comply with the provisions of
203 subdivision (3) of subsection (b) of section 14-299 when facing a steady
204 red signal on a traffic control signal that were captured by such devices
205 at such locations; (4) if available, the number and type of related traffic

206 violations and crashes that occurred at each location where an
207 automated traffic enforcement safety device was installed prior to such
208 installation and during the use of such devices; (5) the number of
209 violations of sections 14-218a and 14-219 and subdivision (3) of
210 subsection (b) of section 14-299 and related traffic violations and crashes
211 that occurred at locations where such devices were used and at similar
212 locations where such devices were not used; (6) a description of
213 situations where recorded images could not be used or were not used;
214 (7) the number of leased or rented motor vehicles, out-of-state motor
215 vehicles or other vehicles, including trucks, where enforcement efforts
216 were unsuccessful; (8) the amount of revenue from the fines and
217 associated fees retained by the municipality; and (9) the cost to the
218 municipality to use such devices.

219 (b) Not later than a year after a municipality submits a report
220 pursuant to subsection (a) of this section, and each year thereafter until
221 an automated traffic enforcement safety device is no longer operational
222 in the municipality, the municipality shall submit a report to the
223 Department of Transportation and to the joint standing committee of the
224 General Assembly having cognizance of matters relating to
225 transportation, in accordance with the provisions of section 11-4a. Such
226 annual report shall include, but need not be limited to, (1) the number
227 of motor vehicles that were subject to one citation, two citations, three
228 citations or four or more citations, (2) in the case of an automated traffic
229 enforcement safety device that records images of motor vehicles failing
230 to comply with the provisions of subdivision (3) of subsection (b) of
231 section 14-299 when facing a steady red signal on a traffic control signal,
232 the number of citations at each location that were issued to motor
233 vehicles making a right turn, proceeding through the intersection and
234 making a left turn, (3) a list of engineering and educational measures
235 undertaken by the municipality to improve safety in locations when
236 automated traffic enforcement safety devices are operational, and (4)
237 data regarding how many citations were issued, how many hearings
238 were requested and the results of any such hearings.

239 (c) The Department of Transportation shall make any report received

240 pursuant to the provisions of this section available on the department's
241 Internet web site.

242 Sec. 8. Subsection (i) of section 13a-264 of the general statutes is
243 repealed and the following is substituted in lieu thereof (*Effective July 1,*
244 *2024*):

245 (i) The following defenses shall be available to the owner of a motor
246 vehicle identified by a work zone speed [camera] control system as
247 allegedly violating section 13a-263, as amended by this act: (1) The
248 violation took place during a period of time in which the motor vehicle
249 had been reported as being stolen to a law enforcement unit, as defined
250 in section 7-294a, and had not been recovered prior to the time of the
251 violation, and (2) the work zone speed control system used to determine
252 speed was not in compliance with the provisions of this section relating
253 to tests for accuracy, certification or calibration.

254 Sec. 9. Section 13a-265 of the general statutes is repealed and the
255 following is substituted in lieu thereof (*Effective July 1, 2024*):

256 The Department of Motor Vehicles shall provide the Department of
257 Transportation and any vendor with information regarding the owner
258 of a motor vehicle identified by a work zone speed [camera] control
259 system as allegedly violating the provisions of section 13a-263, as
260 amended by this act. Such information shall include, but need not be
261 limited to, the make and number plate of such motor vehicle and the
262 name and address of the owner of such motor vehicle.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2024</i>	13a-261
Sec. 2	<i>July 1, 2024</i>	13a-262
Sec. 3	<i>July 1, 2024</i>	13a-263
Sec. 4	<i>July 1, 2024</i>	14-307c(d)
Sec. 5	<i>July 1, 2024</i>	14-307f
Sec. 6	<i>July 1, 2024</i>	New section
Sec. 7	<i>July 1, 2024</i>	14-307g

Sec. 8	July 1, 2024	13a-264(i)
Sec. 9	July 1, 2024	13a-265

Statement of Legislative Commissioners:

In Section 1(8), "highway" was added for clarity; in Section 2(c), "to be" was added for clarity; in Section 3(b) and 4(d), the sentence regarding any subsequent violation occurring after one year of the owner's most recent violation was added for clarity; in Section 5(c), "first violation" was changed to "most recent violation" for accuracy; and in Section 6(2)(C), "least" was added for accuracy.

TRA *Joint Favorable Subst.*

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:

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Department of Transportation	TF - Potential Cost	See Below	See Below
Department of Emergency Services and Public Protection	GF - Potential Cost	See Below	See Below
Resources of the Special Transportation Fund	TF - Potential Revenue	See Below	See Below

Note: TF=Transportation Fund; GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 25 \$	FY 26 \$
Various Municipalities	Potential Revenue Loss	Minimal	Minimal

Explanation

The bill addresses two traffic enforcement programs: the Department of Transportation's (DOT) work zone speed camera program and the municipal speed and red light camera program.

DOT Work Zone Speed Camera Program

The bill restarts and makes permanent DOT's work zone speed camera program (formerly a pilot program). These provisions are permissive and DOT is not expected to establish new work zone speed cameras unless it has the funding to do so.

To the extent DOT exercises this authority, the department will incur costs to install, operate, and maintain the camera systems, resulting in a

cost to the Special Transportation Fund (STF). To the extent speeding violations occur, the State Police will have to review footage and issue citations resulting in potential costs to the General Fund for State Troopers and a potential revenue gain to the STF from fines. Greater revenue is expected under the bill than under the pilot (on a camera-for-camera basis) because the bill lowers the speeding violation threshold from 15 mph to 10 mph and allows specific circumstances where first time violations are issued a fine rather than a warning.

For context, the total cost of DOT's work zone speed camera pilot program, which included five sites operating at various times over most of 2023, was approximately \$3 million. Costs included equipment, software, and operational support for the speed monitoring technology; public informational and marketing campaigns; and costs for State Police to review potential violations. Most capital costs for the pilot were funded through federal funds. The program issued fewer than 750 violations with at least a \$75 fine imposed (in addition to more than 24,900 warnings).

Municipal Speed and Red Light Camera Program

The bill specifies that fines for subsequent violations from municipal speed or red light cameras must occur within one year. Current law permits municipalities to collect fines up to \$50 for a first violation, up to \$75 for subsequent violations, and processing fees up to \$15. This results in a potential revenue loss to municipalities beginning in FY 25 to the extent fewer subsequent violation fines are imposed. Any revenue loss is expected to be minimal. There is no impact to municipalities that do not use speed or red-light cameras or have not set fines.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of speed camera systems and fines collected.

OLR Bill Analysis

sHB 5328

AN ACT CONCERNING AUTOMATED TRAFFIC SAFETY ENFORCEMENT IN WORK ZONES AND MUNICIPALITIES.

SUMMARY

This bill restarts and makes permanent the Department of Transportation's (DOT) work zone speed camera program. The speed camera program was initially established as a pilot program in PA 21-2, June Special Session (§§ 296-305) and ended on December 31, 2023. The bill generally retains the pilot program's provisions on vendors, speed camera placement and operation, ticket issuance and processing, and data retention and privacy, but it makes the following changes:

1. expands the permissible locations for work zone speed cameras;
2. lowers, from at least 15 mph to at least 10 mph, the amount by which a vehicle must exceed the posted speed limit in a work zone in order to be issued a warning or ticket;
3. simplifies the fine structure and requires a fine to be issued for a first violation if the vehicle's detected speed is 85 mph or more;
4. requires notifying the chief elected official of a municipality before operating speed cameras in the municipality; and
5. requires DOT to annually report certain information on the program.

The bill also modifies the penalty and data retention provisions applicable to municipal speed and red light camera programs enacted under PA 23-116 (§§ 10-14 & 16-18). Generally, it specifies when a violation is considered a second or subsequent violation, which may be

subject to higher penalties, and allows municipalities or their vendors to retain data necessary to impose the penalties.

Lastly, the bill makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2024

WORK ZONE SPEED CAMERAS

Permissible Locations

The bill expands the possible locations for speed cameras and eliminates the limit on the number of locations with cameras. Under the pilot program, cameras could be placed in up to three work zones on limited access highways at any one time. Under the bill, cameras may be used in a work zone on any highway (i.e., public road), and there is no cap on the number of locations. But the bill retains the provision limiting the use of speed cameras to roads with speed limits of at least 45 mph.

Notice Requirements

The bill adds a requirement that DOT or a work zone speed camera operator give written notice of the date work zone cameras will start operating in a given work zone to the Division of State Police and the chief executive officer of a municipality where the cameras will be located. DOT or the operator must give this notice at least seven days before the cameras begin operating. Under the pilot program, DOT or the operator had to certify to the State Police when work zone speed cameras were operating.

The bill retains public notice requirements from the pilot program. Specifically, in order to use speed cameras in a work zone, there must be at least two conspicuous signs placed at a reasonable distance ahead of the zone, and one of these signs must indicate whether the cameras are currently in use. DOT must also post the locations where work zone speed cameras are operating on its website.

Violations and Penalties

Under the pilot program and the bill, speed cameras in work zones

detect vehicles exceeding the speed limit by a specified amount, and the State Police review camera images and issue warnings and tickets as appropriate.

Vehicle owners could be ticketed or issued a warning under the pilot program if they exceeded the posted speed limit in a work zone by 15 mph or more. The bill lowers this amount to 10 mph or more for the permanent program. As under the pilot program, speed cameras in work zones record only vehicles exceeding the speed limit by this amount.

Under the pilot program, vehicle owners were issued a written warning for their first violation detected by a work zone speed camera. The bill generally retains this requirement from the pilot program, except that it imposes a \$75 fine for a first violation if the vehicle's detected speed is 85 mph or more. (By law, driving more than 85 mph is considered reckless driving (CGS §14-222).)

The bill also simplifies the fine structure for second violations detected by work zone speed cameras. Under the pilot program, a second violation was subject to a \$75 fine and a subsequent violation was subject to a \$150 fine. The bill makes the fine amount \$75 for all second and subsequent violations. It also specifies that second and subsequent violations are those that occur within one year after the owner's most recent violation, and subsequent violations occurring after that period are considered first violations. As under the pilot program, fine revenue goes to the Special Transportation Fund.

Annual Report

Under the bill, DOT must annually report to the Transportation Committee on the work zone speed camera program, starting by February 1, 2026. The report must include the following information from the preceding calendar year:

1. the number of warnings and violations issued by each operational speed camera;

2. the number of warnings and violations where the vehicle exceeded the speed limit by (a) 11-20 mph, (b) 21-30 mph, (c) 31-40 mph, and (d) 41 mph or more;
3. the number of crashes that happened in each work zone where a speed camera was operating;
4. the amount of fine revenue received and DOT's costs for using the cameras;
5. the number of motor vehicles that committed one violation, two violations, three violations, or four or more violations;
6. a list of engineering and education measures that DOT implemented to improve safety in work zones that have operating speed cameras;
7. descriptions of situations where work zone speed camera images could not be or were not used; and
8. the number of leased or rented motor vehicles, out-of-state vehicles, or other vehicles (including trucks) where enforcement efforts were unsuccessful.

MUNICIPAL SPEED AND RED LIGHT CAMERA CHANGES

By law, municipalities implementing speed or red light cameras may set fines for violations the cameras detect, but the fines cannot be more than \$50 for a first violation or \$75 for a second or subsequent violation. The bill specifies that (1) second and subsequent violations are those that occur within one year after the most recent violation and (2) subsequent violations occurring after that period are considered first violations. Current law does not specify a timeframe for second and subsequent violations.

Under existing law, municipalities and vendors generally must destroy the personally identifiable information they collect in connection with enforcing speed or red light camera violations and penalties within 30 days after a fine is collected or a hearing on the

alleged violation is resolved. The bill creates an exception allowing a municipality or vendor to retain a portion of personally identifiable information for the limited purpose of determining whether a person committed a second or subsequent offense. The municipality or vendor must destroy any information it keeps under this exception within one year after the date of a person's most recent violation.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 33 Nay 3 (03/18/2024)