
OLR Bill Analysis

sSB 420 (File 265, as amended by Senate "A")*

AN ACT CONCERNING ILLEGALLY PASSING A SCHOOL BUS.

SUMMARY

This bill makes several changes relating to Connecticut's motor vehicle law that generally prohibits drivers from passing a school bus that has its red signal lights flashing (a.k.a. the "stop arm law" since a stop-sign shaped "arm" extends from the left side of a bus when its red lights are activated). Principally, it:

1. sunsets the current statutory authorization for municipalities and boards of education to use a live digital video school bus violation detection monitoring system (i.e., monitoring system) to enforce the stop arm law, generally by July 1, 2026 (§ 2);
2. prohibits municipalities and boards of education from beginning to use a monitoring system under the current statutory authorization if they have not done so by July 1, 2024 (§ 2);
3. replaces the current statutory authorization with a similar one that expressly allows municipalities to adopt ordinances that authorize the use of a monitoring system to enforce the stop arm law and establish \$250 municipal fines for violations (§ 4); and
4. changes current law that allows a vehicle to pass a school bus displaying its flashing red signal lights on a separate road to specify that the two vehicles must be separated by a safety island or physical barrier (§ 1).

The bill also makes technical and conforming changes.

*Senate Amendment "A" principally (1) removes changes to the current monitoring system authorization that would have, among other

things, required that agreements with private vendors supply systems to all registered school buses and allowed instead of required fines collected for stop arm law violations go to compensate a private vendor; (2) adds the prohibition and sunset provisions concerning the current statutory authorization; and (3) adds provisions to the ordinance authorization, including different citation mailing timetables based on whether a vehicle is registered in or out of state and a requirement that funds from fines be used for improving public safety or compensating the municipality's private vendor for operating its system.

EFFECTIVE DATE: July 1, 2024

§ 1 — PASSING BUSES ON SEPARATE TRAFFIC LANE

By law, when a driver approaches a school bus displaying its flashing red signal lights on a public or private road, off-street parking lot open to the public, or any school property, the driver must immediately stop his or her vehicle at least 10 feet from the front or rear of the bus and remain stopped until the bus no longer displays its red signal lights, unless otherwise directed by a traffic officer.

However, the bill allows drivers on public roads with at least two lanes for traffic separated by a safety island or physical barrier to drive without stopping when meeting or passing a school bus that is on the opposite side of the island or barrier. This replaces a similar allowance under current law that permits drivers on public roads with separate roadways to not stop when meeting or passing a school bus that is on a different roadway.

§§ 2 & 3 — CURRENT MONITORING SYSTEMS AUTHORIZED BY STATUTE

Authorization and Private Vendor Agreements

Under existing law, a municipality or board of education may install, operate, and maintain monitoring systems and enter into an agreement with a private vendor for installing, operating, and maintaining them.

By law, private vendor agreements must also require the vendor to report annually on the number of tickets issued as a result of the

monitoring system and the amount of money collected. Under current law, the vendor's report must be submitted to the municipality or board of education, and the municipality or board of education must forward it to the Transportation Committee within 30 days. The bill further requires the report to also be forwarded to the Public Safety and Security Committee and specifies that the forwarding must be done within 30 days after the municipality or board of education receives the report.

Prohibition on New Operations and Sunset of Current Operations

The bill prohibits municipalities and boards of education that are not operating a monitoring system before July 1, 2024, under the current statutory authorization from (1) starting operation of one on or after July 1, 2024, or (2) entering into an agreement with a private vendor under this authorization for installing, operating, and maintaining a system on or after July 1, 2024.

The bill also generally requires municipalities, boards of education, and private vendors that are operating a monitoring system on July 1, 2024, under the current statutory authorization to stop doing so by July 1, 2026. However, these vendors may continue to operate their systems on or after July 1, 2026, if (1) their operation agreements were entered into prior to July 1, 2024; (2) no agreement renewal or extension option is exercised on or after July 1, 2024, that would extend their operation to include any period of time on or after July 1, 2026; and (3) their operation stops once the agreement ends.

Destruction Rules

Under current law, all recorded images of alleged violations must be destroyed (1) 90 days after an alleged violation that did not result in a summons or (2) upon the final disposition of a case where a summons was issued. The bill specifies that this destruction be done after the later of these two dates.

§§ 4 & 5 — MONITORING SYSTEMS AUTHORIZED BY MUNICIPAL ORDINANCE

Monitoring System Definition

For the ordinance authorization, the bill defines its related

monitoring system (“municipal school bus violation enforcement system”) substantially the same as the one under the current statutory authorization (“live digital video school bus violation detection monitoring system”). In both instances, the monitoring system is a system with one or more camera sensors and computers that produce:

1. digital and recorded video images of vehicles being driven in violation of the stop arm law;
2. a visual image, viewable remotely, and a recorded image of the violating vehicle’s number plate; and
3. a recorded image that indicates the violation’s date, time, and location.

For the purposes of the ordinance authorization, however, it does not carry forward the requirement in the current statutory authorization that the monitoring system produce digital, recorded video, and visual images that are “live.”

Ordinance Requirements and Other Conditions

Existing law empowers municipalities to regulate the operation and speed of vehicles, subject to state statutes (CGS § 7-148(c)(7)(B)). The bill specifically allows any municipality to, by vote of its legislative body, adopt an ordinance to authorize the use of a monitoring system to enforce the stop arm law.

Any ordinance adopted under the bill must:

1. specify that the owner of a motor vehicle commits a violation of the ordinance if the person driving the vehicle violates the stop arm law, unless an affidavit disclaiming liability is filed (see below);
2. adopt the bill’s procedures and establish a citation procedure according to state law, which may include an option for in-person and virtual citation hearings;
3. establish a \$250 fine for violating the ordinance;

4. allow the municipality or its designated agent to collect the fines, with proceeds credited to the municipality; and
5. require funds from the fines to be used for improving public safety in the municipality; compensating the municipality's private vendor (if any) that installs, operates, or maintains its system; or both.

Additionally, an ordinance may require proof of a violation by a preponderance of the evidence.

The bill prohibits an ordinance adopted under the bill from being effective if the municipality, its local or regional board of education, or a private vendor under an agreement with either is operating a monitoring system through the current statutory authorization.

Recorded Images and Warning Sign

Under the bill, monitoring systems must be installed, to the extent practicable, in such a way that only a vehicle's license plate number is recorded. It also prohibits them from recording images of vehicle occupants or other people or vehicles in the vicinity at the time of recording.

The bill provides that a citation issued under the ordinance may not be dismissed in a citation hearing solely because a recorded video or digital still image reveals images of the occupants or other people or vehicles, as long as reasonable effort has been made to comply with the above two requirements.

The bill also requires all school buses with an operational monitoring system to display a warning sign to that effect.

Reviewing Evidence File and Issuing Warnings and Citations

Under the bill, when a monitoring system's evidence file captures an alleged ordinance violation, police officers and authorized municipal employees must review the file when they receive it. If the officer or employee has reasonable grounds to believe that a violation occurred and the file captures the number plate, color, and type of vehicle

allegedly violating the ordinance and the date, approximate time, and location of the violation, then that officer or employee must issue a written warning or citation to the vehicle's owner.

The officer or employee must electronically certify a citation and it may only be issued if mailed within a certain time period. Specifically, it must be mailed (1) within 30 days after the date of the alleged violation for Connecticut registered vehicles or (2) within 60 days after the date of the alleged violation for vehicles registered in another jurisdiction. The municipality, or its designated agent, must send, by first class mail, a copy of the citation to the vehicle's owner. For out-of-state vehicles, the bill requires using the owner's address that is in the records of the official in the other jurisdiction that issues the vehicle's registration.

The bill requires the citation to include:

1. the vehicle owner's name and address;
2. the vehicle's number plate;
3. the alleged violation's date, location, and time;
4. a copy of or information on how to electronically view the monitoring system's recorded images;
5. a statement or electronically generated affirmation by the police officer or authorized employee who reviewed the recorded images and determined that the vehicle violated the municipality's ordinance;
6. the fine imposed under the ordinance and how to pay it;
7. notice of the right to contest the citation and instructions for how to request a citation hearing; and
8. information advising the vehicle owner of the procedure for disclaiming liability by submitting an affidavit to the municipality or its designated agent (see below).

Evidence Treatments

Under the bill, a certificate of the review of the evidence produced by the monitoring system (or a copy of this certificate), sworn to by the police officer or authorized municipal employee who conducted the review, is prima facie evidence (i.e., a preliminary showing that can be overcome by other evidence) of the facts contained in the certificate.

Additionally, a manual or automated record of the citation's mailing, prepared by the police officer, authorized employee, or vendor in the ordinary course of business, is prima facie evidence of the mailing and admissible in any hearing done under the ordinance as to the facts contained in the citation.

The bill makes a vehicle's owner liable for any fine imposed under an ordinance with two exceptions. First, if the vehicle identified by the system is a leased or rented motor vehicle, then the lessee of the vehicle is liable. Second, if the owner files an affidavit disclaiming liability (see below), then the vehicle's driver is liable.

Lastly, the bill provides that a monitoring system-produced digital still or video image will be sufficient evidence of an ordinance violation and must be admitted at a citation hearing proceeding without further authentication.

Available Defenses

For any person who is alleged to have violated the ordinance, the bill requires that all defenses be available to him or her, including that:

1. the driver was driving an emergency vehicle according to state law;
2. the violation was necessary to allow the passage of an emergency vehicle, comply with a law enforcement officer's order or direction (which is observable on the recorded images), or avoid injuring the person or property of another;
3. the vehicle had been reported as being stolen to a law enforcement unit and had not been recovered before the time of the violation; or

4. the driver received a citation for a stop arm law violation for the same incident.

Additionally, within 30 days after the mailing of a citation, the vehicle owner may submit a notarized affidavit, executed by the vehicle's owner and driver at the time of the alleged violation, stating that the driver is the party who may be responsible for the alleged violation and providing the driver's name and address. If the municipality or its designated agent receives this affidavit, the municipality must mail a citation to the driver within 30 days after its receipt.

Other Effects and Destruction of Images

The bill prohibits introducing monitoring system-produced recorded images as evidence in any other civil or criminal proceeding.

Under the bill, monitoring system-produced digital stills and video images must be destroyed (1) 90 days after the still or image was created or (2) upon payment or the final disposition of all matters related to a citation issued for an ordinance violation, whichever is later.

The bill further prohibits ordinance violations from being made part of an owner's driving record or used for any motor vehicle insurance policy purpose.

Vendor Agreements and Reporting

For enforcing ordinances adopted under the bill, the municipality or its board of education may enter into an agreement with a private vendor to install, operate, or maintain a monitoring system.

For agreements that require a vendor to operate the system, the bill requires them to report certain information to the municipality and board of education by August 1 following the vendor's first operation of the system and then by that day each year after in which it continues to operate the system. The report must provide the total number of citations issued in the prior fiscal year for violations detected and recorded by the monitoring system and the total amount of funds collected for the violations during the same period.

By October 1 following the adoption of an ordinance, and by that day in each year after in which the ordinance is in effect, the municipality must submit a report to the Department of Transportation (DOT) that includes (1) a copy of the ordinance, (2) the total number of citations issued for violations of the ordinance in the prior fiscal year, (3) the total amount of funds collected for those violations in the prior fiscal year, and (4) how the municipality spent those funds in the prior fiscal year.

By January 1, 2026, and annually after, DOT must submit a report to the Public Safety and Security and Transportation committees that includes copies of the ordinances it has received and a summary of the information provided by the reporting municipalities.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 25 Nay 0 (03/19/2024)