

House of Representatives, March 31, 1998. The Committee on Transportation reported through REP. COCCO, 127th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT ENSURING THE SAFETY OF HIGHWAY WORK AREAS.

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

1 Section 14-212a of the general statutes is
2 repealed and the following is substituted in lieu
3 thereof:

4 (a) The Superior Court shall impose an
5 additional fee equivalent to one hundred per cent
6 of the fine established or imposed for the
7 violation of the provisions of section 14-213,
8 14-213b, AS AMENDED, 14-214, AS AMENDED, 14-215,
9 AS AMENDED, 14-216, 14-218a, 14-219, 14-220,
10 14-221, 14-222, 14-222a, 14-223, 14-224, AS
11 AMENDED, 14-225, 14-227a, 14-230, 14-230a, 14-231,
12 14-232, 14-233, 14-235, 14-236, 14-237, 14-238,
13 14-238a, 14-239, 14-240, 14-240a, 14-241, 14-242,
14 14-243, 14-244, 14-245, 14-246a, 14-247, 14-247a,
15 14-248a, 14-249, 14-250, 14-250a, 14-257, 14-261,
16 14-266, 14-271, 14-273, 14-279, 14-281a,
17 subsection (e) or (g) of section 14-283, section
18 14-289a or 14-289b for any such violation
19 committed while construction work is ongoing
20 within a highway construction zone designated in a
21 conspicuous manner by the Department of
22 Transportation OR WHILE UTILITY WORK IS ONGOING
23 WITHIN A UTILITY WORK ZONE DESIGNATED IN A

24 CONSPICUOUS MANNER BY A PUBLIC SERVICE COMPANY, AS
25 DEFINED IN SECTION 16-1, OR BY A WATER COMPANY, AS
26 DEFINED IN SECTION 25-32a.

27 (b) (1) The Department of Transportation
28 shall post a sign [(1)] at the beginning of a
29 highway construction zone which shall read as
30 follows:

31 "ROAD WORK AHEAD FINES DOUBLED"

32 and [(2)] at the end of such zone which shall read
33 as follows:

34 "END ROAD WORK".

35 (2) A PUBLIC SERVICE COMPANY OR WATER COMPANY
36 SHALL POST A SIGN AT THE BEGINNING OF A UTILITY
37 WORK ZONE WHICH SHALL READ AS FOLLOWS:

38 "UTILITY WORK AHEAD FINES DOUBLED"

39 AND AT THE END OF SUCH ZONE WHICH SHALL READ AS
40 FOLLOWS:

41 "END UTILITY WORK".

42 (c) The state or any agency or employee of
43 the state shall not be civilly liable for any
44 injuries or damages to any person or property
45 which may result, either directly or indirectly,
46 from failure on the part of the Department of
47 Transportation to post any sign required under
48 subsection (b) of this section.

49 TRA COMMITTEE VOTE: YEA 23 NAY 0 JFS

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF 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 HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5420

STATE IMPACT	Revenue Gain, see explanation below
MUNICIPAL IMPACT	None
STATE AGENCY(S)	Various Criminal Justice Agencies

EXPLANATION OF ESTIMATES:

STATE IMPACT: Passage of this bill would result in a revenue gain to the Special Transportation Fund (STF) and the General Fund by doubling the fines for certain motor vehicle offenses that occur in utility work zones. The rate at which offenses under the specified statutes of the bill occur and would be detected within a designated utility work zone is unknown. This would have no direct impact on traffic enforcement activities.

According to Judicial Department reports, a total of 1,715 motor vehicle offenses related to construction zones were reported during 1996 and 1997, generating additional revenues of approximately \$200,000 related to the doubled portion of the fines. Revenue to the STF represented 99% of this amount.

Under the bill, a public service company or water company would have the responsibility for posting a sign at the beginning and end of the work zone. Therefore, passage of this bill would not have a cost impact on the Department of Transportation.

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OLR BILL ANALYSIS

sHB 5420

AN ACT ENSURING THE SAFETY OF HIGHWAY WORK AREAS

SUMMARY: This bill extends the enhanced penalties that apply to designated motor vehicle violations occurring in conspicuously marked highway construction zones to these same violations when they occur in marked zones where utility work by a public service company or water company is ongoing.

EFFECTIVE DATE: October 1, 1998

FURTHER EXPLANATION**Enhanced Fines in Construction Zones**

Currently, when certain traffic violations occur in specifically marked Department of Transportation (DOT) construction zones, the court must impose an additional fee equal to 100% of the fine established for the violation. For the enhanced penalty to apply, the DOT must conspicuously post a sign at the beginning of the work zone that says "Road Work Ahead Fines Doubled" and a sign at the end of the zone saying "End Road Work."

The bill extends these enhanced penalties to the same violations when they occur in a zone where a public service or water company has ongoing utility work. Public service companies to which the bill applies include electric, gas, telephone, telegraph, pipeline, sewage, water, and community antenna television companies. Water companies include individuals, partnerships, associations, corporations, municipalities, or other entities, or their lessees, that own, maintain, operate, manage, control, or use bodies of water, a distributing plant, or a system supplying water to two or more consumers (private dwellings and other specified institutions or establishments) or to 25 or more people on a regular basis.

The designation of the utility work zone must be through signs saying "Utility Work Ahead Fines Doubled" and "End Utility Work." Unlike the current law which provides the state or any of its agencies or employees

with immunity from civil liability for injuries or damages resulting either directly or indirectly from DOT's failure to post the required signs, the bill provides no such immunity for the public service or water companies or their employees for a similar failure to post a sign as required.

BACKGROUND

Violations Subject to the Additional Fee

Violations of the laws below are subject to the 100% fee applied to the fine assessed by the court. Fines for other than infractions are for a first violation. Certain mandated court fees, a Special Transportation Fund surcharge, and other required additional charges are not shown.

<u>Law Violation</u>	<u>Violation</u>
Failing to carry a driver's license	Infraction
Driving without insurance or with inadequate insurance	\$100-\$1,000
Limits on instructing an unlicensed person	Infraction
Driving while license under suspension or revocation	\$150-\$200
Driving if under suspension for drunk driving, administrative per se suspension, manslaughter with a motor vehicle (2nd degree), or assault (2nd degree) with a motor vehicle	\$500-\$1,000
Operation by person under age 18 without sufficient insurance coverage	Infraction
Traveling unreasonably fast	Infraction
Speeding	Various
Excessively slow speed	Infraction

Transporting passengers for hire in a vehicle with a normal speed of 15 mph or less without a permit	Infraction
Reckless driving	\$100-\$300
Negligent homicide with a motor vehicle	\$1,000 max.
Failing to stop when signaled or disregarding officer's signal	Infraction
Increasing speed to elude a police officer	\$500-\$2,000
Evading responsibility following an accident	\$10,000 max. (Serious inj.)
	\$75-\$600 (Lesser inj. or damage)
Racing for a wager	\$75-\$600
Evading responsibility if operating other than a motor vehicle	\$500 max.
Drunk or drugged driving	\$500-\$1,000
Impaired driving	Infraction
Failing to drive to the right when the law requires it	Infraction
Failing to grant one-half of highway	Infraction
Use of restricted left lane by commercial vehicles	Infraction
Improper passing, including maintaining a safe distance, cutting in, and increasing speed while being passed	Infraction
Passing on the Right	Infraction
Failing to keep right on a curve or upgrade, at an intersection, or at a	Infraction

railroad-highway grade crossing	
Failing to drive in the proper lane on a multiple-lane highway	Infraction
Driving the wrong way on a divided highway	Infraction
Improperly entering or leaving a controlled-access highway	Infraction
Entering or leaving a controlled-access highway at other than an established entrance or exit	Infraction
Entering a limited-access highway at other than a designated place	Infraction
Driving the wrong way on a one-way street or around a rotary	Infraction
Following too closely	Infraction, except if a commercial vehicle combination (\$100-\$150)
Tailgating with intent to intimidate	\$100-\$300
Improper turning	Infraction
Making a restricted turn or failing to signal a turn	Infraction
Unsafe starting or backing	Infraction
Improper signaling for turns or stopping	Infraction
Failing to grant the right of way at an intersection; highway junction; private road or driveway; or when emerging from an alley, driveway, or building	Infraction
Failing to slow or stop at a crossing	Infraction

Failing to stop at a grade crossing when warnings are operating	\$150
Failing to stop at a grade crossing (certain commercial and public service vehicles)	\$150-250
Improperly operating or parking on a sidewalk	Infraction
Driving from a crowded front seat, driving with riders on the outside of the vehicle, or driving a for-hire vehicle with passengers in aisle seats	Infraction
Towing vehicles separated by more than 20 feet, failing to use a tow bar, improperly pushing a vehicle	Infraction
Operating a vehicle over 8,000 pounds capacity on a restricted road	\$100-\$500
Driving with an improperly secured or covered load	Infraction
Improperly operating a vehicle for which a passenger or school endorsement is required (overcrowding, exceeding capacity, person on outside of vehicle, improper seating)	Infraction
Passing a standing school bus	\$100-\$500
Speeding in a school bus and driving a student transportation vehicle without lit headlights	Infraction
Failing to pull right and stop for an emergency vehicle	Infraction
Willfully or negligently obstructing an emergency vehicle	\$50 max.
Driving a motorcycle with an improperly seated passenger or carrying a passenger within first	Infraction

three months of licensing

Driving a motorcycle more than two abreast, passing another vehicle in the same lane, driving between lanes, or driving without headlights lit

Infraction

Infractions

Infractions are punishable by fines, usually set by the judges of the Superior Court, of between \$35 and \$90, plus an additional fee based on the amount of the fine and a \$20 surcharge. In some instances, there can be an additional cost of \$15. In addition, certain motor vehicle infractions are subject to a Transportation Fund surcharge equal to 50% of the fine. This means that some violators could be liable for up to \$181 for a single charge. Parking tickets and seat-belt violations can be less than \$35. An infraction is not a crime; thus the individual does not have a criminal record and can pay the fine by mail without making a court appearance.

Right to a Jury Trial

By law, an accused person may demand a trial by jury in any criminal action where the maximum penalty is a fine exceeding \$199 or in any matter involving a violation payable through the Centralized Infractions Bureau where the maximum penalty is a fine of more than \$500.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute
Yea 23 Nay 0