



General Assembly

***Raised Bill No. 5210***

***February Session, 2006***

LCO No. 1218

\*01218\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:

(JUD)

***AN ACT CONCERNING ENFORCEMENT OF SPEEDING AND TRAFFIC CONTROL SIGNAL VIOLATIONS.***

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

Section 1. Subsection (b) of section 14-107 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(b) Whenever there occurs a violation of section 10a-79, 10a-92, 10a-139, 14-218a, 14-219, 14-222, 14-223, 14-224 or 14-253a, [or] sections 14-275 to 14-281, inclusive, [or section 14-299](#) or a violation of an ordinance, bylaw or regulation of any town, city or borough in regard to parking, proof of the registration number of any motor vehicle therein concerned shall be prima facie evidence in any criminal action or in any action based on an infraction that the owner was the operator thereof, except in the case of a leased or rented motor vehicle, such proof shall be prima facie evidence in any criminal action that the lessee was the operator thereof.

Sec. 2. (NEW) (*Effective October 1, 2006*) (a) For the purposes of sections 2 to 4, inclusive, of this act, "automated traffic enforcement device" means a device that (1) is designed to automatically record the image of the license plate of a motor vehicle that is (A) traveling at a speed in excess of the speed limit established for a street, road, highway or parking area, or (B) entering an intersection in violation of a traffic control signal, and (2) indicates on the recorded image produced the date, time, location of the violation and, if it is a speed enforcement device, the speed of the motor

vehicle or, if it is a traffic control signal enforcement device, the traffic control signal.

(b) Any municipality, as defined in subsection (a) of section 7-148 of the general statutes, may, by ordinance, authorize the use of automated traffic enforcement devices to enforce the provisions of any ordinance regulating the speed of vehicles or of section 14-218a, 14-219 or 14-299 of the general statutes, and establish a fine not to exceed one hundred dollars for any violation of such ordinance or said section 14-218a, 14-219 or 14-299 that is detected and recorded by such device.

(c) Whenever a violation of an ordinance regulating the speed of motor vehicles or of section 14-218a, 14-219 or 14-299 of the general statutes is detected and recorded by an automated traffic enforcement device, the law enforcement agency shall, not later than five days after the alleged violation, mail a citation to the registered owner of the motor vehicle and a copy of the recorded image or images produced by the device. Proof of the registration number of the motor vehicle therein concerned shall be prima facie evidence that the owner was the operator thereof, except that, in the case of a leased or rented motor vehicle, such proof shall be prima facie evidence that the lessee was the operator thereof, as provided in subsection (b) of section 14-107 of the general statutes, as amended by this act. A citation shall not be issued under this subsection unless a sign was posted on the street, road, highway or parking area where the automated traffic enforcement device was used not less than thirty days prior to such use providing notice to operators of motor vehicles that such device may be used to enforce speeding and traffic control signal laws on such street, road, highway or parking area.

(d) An automated traffic enforcement device used by a municipality pursuant to this section shall be activated and record images only upon detecting the approach of a motor vehicle and a probable violation.

(e) Except as provided in subsection (f) of this section, any fine collected by a municipality pursuant to this section shall be deposited into the general fund of the municipality or in any special fund designated by the municipality.

(f) One-half of any fine collected by a municipality pursuant to this section with respect to a violation of a traffic control signal that was placed and maintained by the state shall be paid to the State Treasurer for deposit in the Special Transportation Fund.

(g) Any municipality that authorizes the use of automated traffic enforcement devices pursuant to this section shall report the location where any such device is installed to the State Traffic Commission.

Sec. 3. (NEW) (*Effective October 1, 2006*) (a) Any municipality that adopts an ordinance as provided in section 2 of this act shall establish by ordinance a speeding and traffic control signal violation hearing procedure in accordance with this section. The Superior Court shall be authorized to enforce the assessments and judgments provided for under this section.

(b) The chief executive officer of the municipality shall appoint one or more speeding and traffic control signal violation hearing officers, other than police officers or persons who work in the police department, to conduct the hearings authorized by this section.

(c) A municipality may, not later than twelve months after the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any alleged violation of an ordinance regulating the speed of motor vehicles or of section 14-218a, 14-219 or 14-299 of the general statutes

detected and recorded by an automated traffic enforcement device pursuant to section 2 of this act, send notice to the registered owner of the motor vehicle by first class mail at such person's address according to the registration records of the Department of Motor Vehicles. Such notice shall inform the owner: (1) Of the allegations against such person and the amount of the fines, penalties, costs or fees due; (2) that such person may contest such person's liability before a speeding and traffic control signal violations hearing officer by delivering in person or by mail written notice not later than ten days after the date thereof; (3) that if such person does not demand such a hearing, an assessment and judgment shall enter against such person; and (4) that such judgment may issue without further notice.

(d) If the person to whom notice is sent pursuant to subsection (c) of this section wishes to admit liability for any alleged violation, such person may, without requesting a hearing, pay, in person or by mail to an official designated by the municipality, the full amount of the fines, penalties, costs or fees admitted to. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing by the tenth day after the date of the first notice provided for in subsection (c) of this section shall be deemed to have admitted liability, and the designated municipal official shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in subsection (f) of this section.

(e) Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen days nor more than thirty days from the date of the mailing of notice, provided the hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation shall be filed and retained by the municipality, be deemed to be a business record within the scope of section 52-180 of the general statutes and be evidence of the facts contained therein. A person wishing to contest such person's liability shall appear at the hearing and may present evidence in such person's behalf. A designated municipal official, other than the hearing officer, may present evidence on behalf of the municipality. If such person fails to appear, the hearing officer may enter an assessment by default against such person upon a finding of proper notice and liability under the applicable ordinance or statute. The hearing officer may accept from such person copies of police reports, documents of the Department of Motor Vehicles and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as the hearing officer deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce the hearing officer's decision at the end of the hearing. If the hearing officer determines that the person is not liable, the hearing officer shall dismiss the matter and enter the hearing officer's determination in writing accordingly. If the hearing officer determines that the person is liable for the violation, the hearing officer shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable ordinances of that municipality.

(f) If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty days nor more than twelve months after such mailing, a certified copy of the notice of assessment with

the clerk of a superior court facility designated by the Chief Court Administrator with an entry fee of eight dollars. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment. The clerk shall enter judgment, in the amount of such record of assessment and court costs of eight dollars, against such person in favor of the municipality. Notwithstanding any provision of the general statutes, the hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.

(g) A person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted not later than thirty days after the mailing of notice of such assessment by filing a petition to reopen such assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to section 52-259 of the general statutes, at a superior court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

Sec. 4. (NEW) (*Effective October 1, 2006*) Notwithstanding any provision of the general statutes, a violation of section 14-218a, 14-219 or 14-299 of the general statutes detected and recorded by an automated traffic enforcement device shall not constitute an infraction or violation, be processed by the Centralized Infractions Bureau, be considered a moving traffic violation, be reported to the Department of Motor Vehicles for inclusion on a person's driving record or cause the assessment of points against the operator's license of the person found to have violated said section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	14-107(b)
Sec. 2	<i>October 1, 2006</i>	New section
Sec. 3	<i>October 1, 2006</i>	New section
Sec. 4	<i>October 1, 2006</i>	New section

**Statement of Purpose:**

To authorize municipalities to use automated traffic enforcement devices to photograph motor vehicles that violate speeding and stoplight laws and provide that the municipalities retain the fines collected through such automated enforcement.

**[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not**

***underlined.]***