
OLR Bill Analysis

sSB 420

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. expressly allows municipalities to adopt ordinances that authorize the use of a digital video school bus violation detection monitoring system (i.e., monitoring system) to enforce the stop arm law and establish \$250 municipal fines for violations (§ 4);
2. modifies several aspects regarding the existing authorization for municipalities and boards of education to use monitoring systems, including requiring that agreements with private vendors supply systems to all registered school buses and allowing instead of requiring fines collected for stop arm law violations go to compensate a private vendor (§§ 2 & 3); and
3. 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.

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 — MONITORING SYSTEMS AUTHORIZED BY STATUTE

Monitoring System Definition Changes

The bill removes the requirement that school bus monitoring systems produce digital, recorded video, and visual images that are “live” and makes other minor and conforming changes.

Effectively, under the bill, 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.

Authorization and Private Vendor Agreements

Under existing law, a municipality or local or regional 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. The bill limits the second authorization by only allowing agreements where the vendor provides these monitoring

system services on all registered school buses, whether owned, contracted, or leased by the board of education.

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 instead requires the vendor to send its report to both the municipality and board of education, and the municipality to forward it to both the Transportation and Public Safety and Security committees within 30 days.

Use of Stop Arm Law Fines

The bill allows instead of requires certain remitted amounts a municipality receives due to stop arm law violations be given to private vendors.

Under existing law, stop arm law violators face a penalty of (1) a \$450 fine for a first offense and (2) for a subsequent offense, a fine of \$500 to \$1,000, 30 days in prison, or both. By law, the state must remit 80% of the fines collected from violators to the municipalities in which the violations occur.

Under current law, if a municipality or board of education has a private vendor monitoring system agreement, then the municipality must use these remitted amounts to reimburse the private vendor its service expenses. The bill instead allows municipalities to use these amounts, as well as the fines they collect from municipal ordinances adopted under the bill (see § 4 below), to compensate vendors for service expenses.

Recorded Images and Occupants

The bill makes two changes affecting protections in existing law for vehicle occupants.

First, under current law, monitoring systems must be installed in

such a way that only a vehicle's license plate number is recorded, but the bill changes this so that it only requires that the installation be done this way to the extent practicable.

Second, under existing law, monitoring systems are prohibited from recording images of vehicle occupants or other people or vehicles in the vicinity at the time of recording. The bill provides that a summons issued under the stop arm law, or a citation issued under a municipal ordinance adopted under the bill (see § 4 below), may not be dismissed 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.

Evidence File

The bill specifies that digital stills produced by monitoring systems are sufficient evidence of a stop arm law violation and must be admitted without further authentication. This is already the case under existing law for a system's recorded images.

The bill makes related changes regarding the application of the law's destruction rules so that they apply to digital still or video images rather than recorded ones.

§§ 2 & 4 — MONITORING SYSTEMS AUTHORIZED BY MUNICIPAL ORDINANCE

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. (The bill extends its "monitoring system" definition to this authorization and its other provisions.)

Any ordinance adopted under the bill must, subject to the bill's procedures, establish hearing and collection procedures, including in-person and virtual hearings. The ordinance must also establish a \$250 fine to be imposed against the owner or operator of a motor vehicle for

violating it.

Under the bill, an ordinance may require proof of a violation by a preponderance of the evidence and either the municipality or its designated agent may collect the fines under the ordinance. Fines must be credited to the municipality.

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 bill limits issuing citations to within 30 days after the date of the alleged violation. It requires the officer or employee to electronically certify the citation, and the municipality, or its designated agent, to send, by first class mail, a copy of the citation to the owner of the vehicle observed in the alleged violation within the 30-day period. The citation must 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 view, through electronic means, 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;

7. notice of the right to contest the citation and instructions for how to request an in-person or virtual hearing under the ordinance; 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 mailing of a citation, 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.

Further, as under other existing law, proof of the vehicle's registration number is prima facie evidence that the owner was the driver, except that, in the case of a leased or rented motor vehicle, the proof is prima facie evidence that the lessee was the driver. A photographic or digital still or video image that clearly shows the vehicle's number plate violating the ordinance is sufficient proof of the vehicle's identity.

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 violation was necessary to allow the passage of an emergency vehicle, avoid injuring the person or property of another, or comply with another motor vehicle law;
2. the violation was incurred while participating in a funeral procession;
3. the vehicle had been reported as being stolen to local or state police and had not been recovered before the time of the violation; or
4. the driver was convicted of a stop arm law violation for the same incident based on a separate and distinct summons issued by a sworn police officer.

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.

Other Effects and Destruction of Images

The bill prohibits introducing monitoring system-produced recorded images as evidence in any other civil or criminal proceeding, except for a stop arm law violation proceeding.

Under the bill, monitoring system-produced digital stills and video images must be destroyed (1) 90 days after the date the still or image was created or (2) upon the final disposition of a case where a summons was issued for a stop arm law violation or where a citation was 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.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 25 Nay 0 (03/19/2024)