

General Assembly

Raised Bill No. 420

February Session, 2024

LCO No. 2735



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by: (PS)

AN ACT CONCERNING ILLEGALLY PASSING A SCHOOL BUS.

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

- Section 1. Section 14-279 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2024*):
- 3 (a) The operator of any vehicle or motor vehicle, including an 4 authorized emergency vehicle, as defined in section 14-1, shall 5 immediately bring such vehicle to a stop not less than ten feet from the 6 front when approaching and not less than ten feet from the rear when 7 overtaking or following any registered school bus on any highway or 8 private road or in any parking area or on any school property when such bus is displaying flashing red signal lights, except at the specific 10 direction of a traffic officer. Vehicles so stopped for a school bus shall 11 not proceed until such school bus no longer displays flashing red signal 12 lights, except that a stopped authorized emergency vehicle may proceed 13 as long as such authorized emergency vehicle is operated pursuant to 14 section 14-283. At the intersection of two or more highways vehicular 15 turns toward a school bus receiving or discharging passengers are 16 prohibited. The operator of a vehicle upon a highway with [separate

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- 17 roadways need not stop] two or more lanes for traffic separated by a
- 18 safety island or physical barrier may proceed without stopping upon
- 19 meeting or passing a school bus which is on [a different roadway] the
- 20 other side of such island or barrier.

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- 21 (b) Any person who violates any provision of subsection (a) of this 22 section shall be fined four hundred fifty dollars for the first offense and 23 for each subsequent offense, not less than five hundred dollars nor more 24 than one thousand dollars or imprisoned not more than thirty days or 25 both.
- (c) Upon receipt of a written report from any school bus operator specifying the [license plate] number <u>plate</u>, color and type of any vehicle observed by such operator violating any provision of subsection (a) of this section and the date, approximate time and location of such violation, a police officer shall issue a written warning or a summons to the owner of any such vehicle.
- Sec. 2. Section 14-279a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2024*):
 - (a) As used in this section and section 14-279b, as amended by this act, ["live digital video school bus violation detection monitoring system"] "digital video school bus violation detection monitoring system" or "monitoring system" means a system with one or more camera sensors and computers that produce: [live digital] (1) Digital and recorded video images of motor vehicles being operated in violation of section 14-279, as amended by this act, [. A monitoring system shall produce] (2) a [live] visual image that is viewable remotely and a recorded image of the [license plate] number plate of a motor vehicle violating section 14-279, as amended by this act, and [. Such] (3) a recorded image [shall indicate] that indicates the date, time and location of the violation.
 - (b) Any municipality, as defined in section 7-148, may, by vote of its legislative body, adopt an ordinance to authorize the use of a digital video school bus violation detection monitoring system to enforce the

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49 provisions of subsection (a) of section 14-279, as amended by this act. 50 Any ordinance adopted pursuant to this subsection shall be subject to 51 the procedures described in section 14-279b, as amended by this act, and 52 shall establish a fine to be imposed against the owner of a motor vehicle 53 committing a violation of such ordinance in the amount of two hundred 54 fifty dollars. Any such ordinance may subject violations to the 55 provisions of section 7-152c, and require proof of a violation by a preponderance of the evidence. The proceeds of any fines collected 56 57 pursuant to such an ordinance may be collected by the municipality or 58 its designated agent, and shall be credited to the municipality.

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[(b)] (c) A municipality or local or regional board of education, pursuant to an interlocal agreement, may install, operate and maintain [live] digital video school bus violation detection monitoring systems, [or] and may enter into an agreement with a private vendor for the installation, operation and maintenance of such monitoring systems on all registered school buses, whether owned, contracted or leased by such <u>local or regional board of education</u>. Such agreement shall provide for the compensation to the vendor for the expense of the monitoring services and cost of equipment provided by the vendor and for the reimbursement of the vendor for the expenses of installing, operating and maintaining the monitoring system. Such agreement shall provide that the vendor shall, on an annual basis, submit a report to such municipality [or] and local or regional board of education that includes, but is not limited to: (1) The total number of citations issued as a result of a violation detected and recorded by the monitoring system, and (2) the total amount of funds collected. The municipality [or local or regional board of education] shall, within thirty days, submit such report to the joint standing committee of the General Assembly having cognizance of matters relating to transportation. A municipality or local or regional board of education serving a municipality that has entered into an agreement with a private vendor for the installation, operation and maintenance of a [live] digital video school bus violation detection monitoring system [shall] may use amounts remitted to such municipality for fines imposed in accordance with an ordinance

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adopted pursuant to subsection [(e) of section 51-56a, in respect to the violation of section 14-279,] (b) of this section to [reimburse] compensate the private vendor for the expenses for installing, operating and maintaining the monitoring system.

- [(c)] (d) A warning sign shall be posted on all school buses in which a monitoring system is installed and operational indicating the use of such system.
- [(d)] (e) A monitoring system shall be installed to the extent practicable so as to record images of the number plate of a motor vehicle only, and shall not record images of the occupants of such motor vehicle or of any other persons or vehicles in the vicinity at the time the images are recorded. A citation issued under an ordinance adopted pursuant to subsection (b) of this section may not be dismissed solely because a recorded video or digital still image reveals such images, as long as reasonable effort has been made to comply with the provisions of this subsection.
- 99 Sec. 3. Section 14-279b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2024*):
 - [(a) Whenever a violation of section 14-279 is detected and recorded by a live digital video school bus violation detection monitoring system, a state or municipal police officer shall review the evidence file which shall include two or more digital photographs, recorded video or other recorded images. If, after such review, such officer determines that there are reasonable grounds to believe that a violation of section 14-279 has occurred, such officer shall authorize the issuance of a summons for such alleged violation. If such officer authorizes the issuance of a summons for such alleged violation, the law enforcement agency shall, not later than thirty days after the alleged violation, mail a summons to the registered owner of the motor vehicle together with a copy of two or more digital photographs, recorded video or other recorded images.]
 - (a) Upon receipt of an evidence file from a digital video school bus violation detection monitoring system that captures the number plate,

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115 color and type of any vehicle allegedly violating an ordinance adopted 116 pursuant to subsection (b) of section 14-279a, as amended by this act, 117 and the date, approximate time and location of such violation, a police officer or authorized municipal employee shall review such file and, if 118 119 there are reasonable grounds to believe that such violation occurred. 120 issue a written warning or citation to the owner of any such vehicle. If 121 issuing a citation, not later than thirty days after the date of the alleged violation, such officer or employee shall electronically certify such 122 citation, and the municipality, or its designated agent, shall send, by first 123 class mail, a copy of the citation to the owner of the motor vehicle 124 125 observed in the alleged violation. The citation shall include: (1) The 126 name and address of the owner of the motor vehicle; (2) the number plate of the motor vehicle; (3) the ordinance allegedly violated; (4) the 127 date, location and time of the alleged violation; (5) a copy of or 128 129 information on how to view, through electronic means, the recorded images described in this section; (6) a statement or electronically 130 generated affirmation by the police officer or authorized employee who 131 reviewed the recorded images and determined that the motor vehicle 132 133 violated an ordinance adopted pursuant to subsection (b) of section 14-134 279a, as amended by this act; (7) the fine imposed pursuant to the 135 ordinance; (8) notice of the right to contest the citation and instructions for how to request an in-person or virtual hearing pursuant to the 136 137 ordinance; and (9) information advising the owner of the motor vehicle 138 of the procedure for disclaiming liability by submitting an affidavit as 139 described in subsection (h) of this section to the municipality or its 140 designated agent.

(b) A certificate or facsimile of a certificate of the review of the evidence produced by the monitoring system that is sworn to by the police officer or authorized municipal employee that conducted such review shall be prima facie evidence of the facts contained in such certificate.

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(c) A manual or automated record of the mailing of a citation pursuant to subsection (a) of this section that is prepared by the police officer, authorized employee or vendor in the ordinary course of

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business shall be prima facie evidence of such mailing, and shall be
admissible in any hearing conducted pursuant to an ordinance adopted
in accordance with subsection (b) of section 14-279a, as amended by this

act, as to the facts contained in the citation.

[(b)] (d) As provided in subsection (b) of section 14-107, 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. A photographic or digital still or video image that clearly shows the number plate of a vehicle violating section 14-279, as amended by this act, shall be sufficient proof of the identity of such vehicle for purposes of subsection (b) of section 14-107.

[(c)] (e) Any person who is alleged to have committed a violation of [section 14-279] an ordinance adopted pursuant to subsection (b) of section 14-279a, as amended by this act, and receives a [summons] citation pursuant to subsection (a) of this section shall [follow the procedures set forth in section 51-164n] be subject to the collection and hearing procedures established in such ordinance.

[(d)] (f) A [recorded] <u>digital still or recorded</u> image produced by a monitoring system shall be sufficient evidence of a violation of [section 14-279] <u>an ordinance adopted pursuant to subsection (b) of section 14-279a</u>, as amended by this act, and shall be admitted <u>at the citation hearing procedure</u> without further authentication.

[(e)] (g) All defenses shall be available to any person who is alleged to have committed a violation of [section 14-279] an ordinance adopted pursuant to subsection (b) of section 14-279a, as amended by this act, that is detected and recorded by a monitoring system, including, but not limited to, that (1) the violation was necessary to allow the passage of an emergency vehicle, (2) the violation was necessary to avoid injuring the person or property of another, (3) the violation was incurred while participating in a funeral procession, (4) the violation was incurred

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during a period of time in which the motor vehicle had been reported as being stolen to an organized local police department or the state police and had not been recovered prior to the time of the violation, (5) the operator was convicted of a violation of section 14-279, as amended by this act, for the same incident based upon a separate and distinct summons issued by a sworn police officer, or (6) the violation was necessary in order for the operator to comply with any other general statute or regulation concerning the operation of a motor vehicle.

- (h) Not later than thirty days after the mailing of a citation pursuant to subsection (a) of this section, the owner of a motor vehicle may submit an affidavit, executed by such owner and the operator of such vehicle at the time of the alleged violation and notarized, stating that such operator is the party who may be responsible for the alleged violation and providing the name and address of such operator. If the municipality or its designated agent receives such an affidavit, the municipality shall mail a citation to such operator.
- [(f) No recorded] (i) Except for civil traffic enforcement or as otherwise provided by law, no image produced by a monitoring system pursuant to this section may be introduced as evidence in any [other] civil or criminal proceedings.
 - [(g)] (j) A [recorded] <u>digital still or video</u> image produced by a monitoring system shall be destroyed (1) ninety days after the date of the alleged violation if a [summons] <u>citation</u> is not issued for such alleged violation pursuant to subsection (a) of this section, or (2) upon final disposition of the case to which it pertains if a summons is issued for such alleged violation pursuant to subsection (a) of this section, whichever is later.
 - (k) Violations of an ordinance adopted pursuant to this section shall not be made part of the driving record of such owner and may not be used for any purpose in the provision of a motor vehicle insurance policy.
- Sec. 4. Subsection (c) of section 7-152c of the 2024 supplement to the

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general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2024*):

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- (c) Any such municipality, at any time within twelve months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance adopted pursuant to section 7-148, 14-279a, as amended by this act, 14-307c or 22a-226d, for an alleged violation thereof, shall send notice to the person cited. Such notice shall inform the person cited: (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 citation hearing officer by delivering in person or by mail written notice within ten days of the date thereof; (3) that if such person does not demand such a hearing, an assessment and judgment shall be entered against such person; and (4) that such judgment may issue without further notice. For purposes of this section, notice shall be presumed to have been properly sent if such notice was mailed to such person's last-known address on file with the tax collector. If the person to whom such notice is issued is a registrant, the municipality may deliver such notice in accordance with section 7-148ii, provided nothing in this section shall preclude a municipality from providing notice in another manner permitted by applicable law.
- Sec. 5. Subsection (b) of section 51-164n of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2024*):
 - (b) Notwithstanding any provision of the general statutes, any person who is alleged to have committed (1) a violation under the provisions of section 1-9, 1-10, 1-11, 2-71h, 4b-13, 7-13, 7-14, 7-35 or 7-41, subsection (c) of section 7-66, section 7-83, 7-147h, 7-148, 7-283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-185, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 10a-35, 12-52, 12-54, 12-129b or 12-170aa, subdivision (3) of subsection (e) of section 12-286, section 12-286a, 12-292, 12-314b or 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-476c, 12-487, 13a-

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266, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-246 247 124, 13a-139, 13a-140, 13a-143b, 13a-253, 13a-263 or 13b-39f, subsection 248 (f) of section 13b-42, section 13b-90 or 13b-100, subsection (a) of section 249 13b-108, section 13b-221 or 13b-292, subsection (a) or (b) of section 13b-250 324, section 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, 251 subsection (a), (b) or (c) of section 13b-412, section 13b-414 or 14-4, 252 subdivision (2) of subsection (a) of section 14-12, subsection (d) of 253 section 14-12, subsection (f) of section 14-12a, subsection (a) of section 254 14-15a, section 14-16c, 14-20a or 14-27a, subsection (f) of section 14-34a, 255 subsection (d) of section 14-35, section 14-43, 14-44j, 14-49, 14-50a, 14-58 256 or 14-62a, subsection (b) of section 14-66, section 14-66a or 14-67a, 257 subsection (g) of section 14-80, subsection (f) or (i) of section 14-80h, 258 section 14-97a or 14-98, subsection (a), (b) or (d) of section 14-100a, 259 section 14-100b, 14-103a, 14-106a, 14-106c, 14-145a, 14-146, 14-152, 14-260 153, 14-161 or 14-163b, subsection (f) of section 14-164i, section 14-213b 261 or 14-219, subdivision (1) of section 14-223a, subsection (d) of section 14-262 224, section 14-240, 14-250, 14-253a, 14-261a, 14-262, 14-264, 14-266, 14-263 267a, 14-269, 14-270, 14-272b, 14-274, 14-275 or 14-275a, subsection (c) of 264 section 14-275c, section 14-276, subsection (a) or (b) of section 14-277, 265 section 14-278 [, 14-279] or 14-280, subsection (b), (e) or (h) of section 14-283, section 14-283d, 14-283e, 14-283f, 14-283g, 14-291, 14-293b, 14-296aa, 266 267 14-298a, 14-300, 14-300d, 14-300f, 14-319, 14-320, 14-321, 14-325a, 14-326, 268 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 269 15-15e, 15-25 or 15-33, subdivision (1) of section 15-97, subsection (a) of 270 section 15-115, section 16-15, 16-16, 16-44, 16-256e, 16-278 or 16a-15, 271 subsection (a) of section 16a-21, section 16a-22, subsection (a) or (b) of 272 section 16a-22h, section 16a-106, 17a-24, 17a-145, 17a-149 or 17a-152, 273 subsection (b) of section 17a-227, section 17a-465, subsection (c) of 274 section 17a-488, section 17b-124, 17b-131, 17b-137, 19a-33, 19a-39 or 19a-275 87, subsection (b) of section 19a-87a, section 19a-91, 19a-102a, 19a-102b, 276 19a-105, 19a-107, 19a-113, 19a-215, 19a-216a, 19a-219, 19a-222, 19a-224, 277 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 278 19a-339, 19a-340, 19a-425, 19a-442, 19a-502, 19a-565, 20-7a, 20-14, 20-279 153a, 20-158, 20-231, 20-233, 20-249, 20-257, 20-265, 20-324e, 20-329c or 280 20-329g, subsection (b) of section 20-334, section 20-341*l*, 20-366, 20-482,

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281 20-597, 20-608, 20-610, 20-623, 21-1, 21-38, 21-39, 21-43, 21-47, 21-48 or 282 21-63, subsection (d) of section 21-71, section 21-76a or 21-100, 283 subsection (c) of section 21a-2, subdivision (1) of section 21a-19, section 21a-20 or 21a-21, subdivision (1) of subsection (b) of section 21a-25, 284 section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 285 21a-61, 21a-63, 21a-70b or 21a-77, subsection (b) or (c) of section 21a-79, 286 287 section 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-288 159, section 21a-278b, subsection (c), (d) or (e) of section 21a-279a, 289 section 21a-421eee, 21a-421fff, 21a-421hhh, subsection (a) of section 21a-290 430, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, 22-30, 22-34, 22-35, 291 22-36, 22-38, 22-39, 22-39f, 22-49, 22-54, 22-61j or 22-61l, subdivision (1) 292 of subsection (n) of section 22-61l, subsection (f) of section 22-61m, 293 subdivision (1) of subsection (f) of section 22-61m, section 22-84, 22-89, 294 22-90, 22-96, 22-98, 22-99, 22-100 or 22-1110, subsection (d) of section 22-295 118l, section 22-167, subsection (c) of section 22-277, section 22-278, 22-296 279, 22-280a, 22-318a, 22-320h, 22-324a or 22-326, subsection (b), subdivision (1) or (2) of subsection (e) or subsection (g) of section 22-344, 297 298 subsection (a) or (b) of section 22-344b, subsection (d) of section 22-344d, 299 section 22-344f, 22-350a, 22-354, 22-359, 22-366, 22-391, 22-413, 22-414, 300 22-415, 22-415c, 22a-66a or 22a-246, subsection (a) of section 22a-250, 301 section 22a-256g, subsection (e) of section 22a-256h, section 22a-363 or 302 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449, 303 22a-450, 22a-461, 23-4b, 23-38, 23-45, 23-46 or 23-61b, subsection (a) or 304 subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40, 305 subsection (a) of section 25-43, section 25-43d, 25-135, 26-18, 26-19, 26-306 21, 26-31, 26-40, 26-40a, 26-42, 26-43, 26-49, 26-54, 26-55, 26-56, 26-58 or 307 26-59, subdivision (1) of subsection (d) of section 26-61, section 26-64, 308 subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94, 309 26-97, 26-98, 26-104, 26-105, 26-107, 26-114a, 26-117, subsection (b) of 310 section 26-127, 26-128, 26-128a, 26-131, 26-132, 26-138, 26-139 or 26-141, 311 subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-312 224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-231, 26-313 232, 26-244, 26-257a, 26-260, 26-276, 26-280, 26-284, 26-285, 26-286, 26-314 287, 26-288, 26-290, 26-291a, 26-292, 26-294, 27-107, 28-13, 29-6a, 29-16, 315 29-17, 29-25, 29-1430, 29-143z or 29-156a, subsection (b), (d), (e), (g) or

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316 (h) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of 317 section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section 318 29-291c, section 29-316 or 29-318, subsection (b) of section 29-335a, 319 section 29-381, 30-19f, 30-48a or 30-86a, subsection (b) of section 30-89, 320 subsection (c) or (d) of section 30-117, section 31-3, 31-10, 31-11, 31-12, 321 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-47 or 322 31-48, subsection (b) of section 31-48b, section 31-51, 31-51g, 31-52, 31-323 52a, 31-53 or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 324 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-325 273, section 31-288, 31-348, 33-624, 33-1017, 34-13d or 34-412, 326 subdivision (1) of section 35-20, subsection (a) of section 36a-57, 327 subsection (b) of section 36a-665, section 36a-699, 36a-739, 36a-787, 38a-328 2 or 38a-140, subsection (a) or (b) of section 38a-278, section 38a-479qq, 329 38a-479rr, 38a-506, 38a-548, 38a-626, 38a-680, 38a-713, 38a-733, 38a-764, 330 38a-786, 38a-828, 38a-829, 38a-885, 42-133hh, 42-230, 42-470 or 42-480, 331 subsection (a) or (c) of section 43-16q, section 45a-283, 45a-450, 45a-634 332 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46a-333 81b, 46b-22, 46b-24, 46b-34, 46b-38d, 47-34a, 47-47 or 47-53, subsection 334 (i) of section 47a-21, subdivision (1) of subsection (k) of section 47a-21, 335 section 49-2a, 49-8a, 49-16, 52-143 or 52-289, subsection (j) of section 52-336 362, section 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-337 290a, 53-302a, 53-303e, 53-311a, 53-314, 53-321, 53-322, 53-323 or 53-331, 338 subsection (b) of section 53-343a, section 53-344, subsection (b) or (c) of 339 section 53-344b, subsection (b) of section 53-345a, section 53-377, 53-422 340 or 53-450 or subsection (i) of section 54-36a, or (2) a violation under the 341 provisions of chapter 268, or (3) a violation of any regulation adopted in 342 accordance with the provisions of section 12-484, 12-487 or 13b-410, or 343 (4) a violation of any ordinance, regulation or bylaw of any town, city or 344 borough, except violations of building codes and the health code, for 345 which the penalty exceeds ninety dollars but does not exceed two 346 hundred fifty dollars, unless such town, city or borough has established 347 a payment and hearing procedure for such violation pursuant to section 348 7-152c, shall follow the procedures set forth in this section.

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This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2024	14-279
Sec. 2	July 1, 2024	14-279a
Sec. 3	July 1, 2024	14-279b
Sec. 4	July 1, 2024	7-152c(c)
Sec. 5	July 1, 2024	51-164n(b)

Statement of Purpose:

To authorize municipalities to adopt an ordinance regarding illegally passing a school bus.

[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.]

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