



General Assembly

February Session, 2020

**Raised Bill No. 5198**

LCO No. 1473



Referred to Committee on TRANSPORTATION

Introduced by:  
(TRA)

**AN ACT CONCERNING MAINTENANCE WORK ZONE SAFETY ENFORCEMENT.**

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

1 Section 1. (NEW) (*Effective October 1, 2020*) (a) For the purposes of this  
2 section and section 2 of this act: (1) "Automated traffic enforcement  
3 safety device" means a photographic device, radar device, laser device  
4 or other electrical or mechanical device designed to (A) record the speed  
5 of a motor vehicle, and (B) produce one or more recorded images that  
6 indicate the time, date and location of the image; (2) "maintenance work  
7 zone" means an area of any limited access highway where maintenance  
8 work is being performed by the Department of Transportation; and (3)  
9 "highway worker" has the same meaning as provided in section 14-212d  
10 of the general statutes.

11 (b) (1) The Commissioner of Transportation may install, operate and  
12 maintain automated traffic enforcement safety devices in a maintenance  
13 work zone, provided sworn members of the Division of State Police  
14 within the Department of Emergency Services and Public Protection are  
15 not performing highway traffic enforcement or traffic control in such

16 maintenance work zone. The commissioner may enter into an  
17 agreement with a contractor for such installation, operation and  
18 maintenance. Such safety devices may only be operational on or after  
19 January 1, 2021, provided the commissioner has adopted regulations  
20 concerning such safety devices pursuant to section 2 of this act.

21 (2) The commissioner shall post signs that indicate the use of an  
22 automated traffic enforcement safety device at a distance of not less than  
23 five hundred feet in advance of a maintenance work zone in which such  
24 safety device is installed and operational. Such safety device shall not  
25 be operational unless one or more highway workers are in the  
26 maintenance work zone. Such safety device shall be removed from the  
27 maintenance work zone upon completion of the maintenance work.

28 (3) An automated traffic enforcement safety device shall be installed  
29 in a manner to only record images of the number plate of a motor  
30 vehicle, and shall not record images of the occupants of such motor  
31 vehicle or of any other persons or vehicles in the vicinity at the time the  
32 images are recorded.

33 (c) Whenever an automated traffic enforcement safety device detects  
34 and produces one or more recorded images of the number plate of a  
35 motor vehicle exceeding the posted speed limit by twelve miles per hour  
36 or more in a maintenance work zone and allegedly committing a  
37 violation specified in subsection (e) of section 14-219 of the general  
38 statutes, a sworn member of the Division of State Police within the  
39 Department of Emergency Services and Public Protection shall review  
40 the recorded images provided by such safety device. If, after such  
41 review, such member determines that there are reasonable grounds to  
42 believe that a violation has occurred, such member may issue a citation  
43 for the alleged violation. If such member authorizes the issuance of a  
44 citation for the alleged violation, the Division of State Police shall, not  
45 later than ten days after the alleged violation, mail the citation to the  
46 registered owner of the motor vehicle together with a copy of the  
47 recorded images. Any person who receives a citation pursuant to this  
48 subsection shall follow the procedures set forth in section 51-164n of the

49 general statutes.

50 (d) A recorded image that clearly shows the number plate of a motor  
51 vehicle exceeding the posted speed limit by twelve miles per hour or  
52 more in a maintenance work zone shall be sufficient proof of the identity  
53 of the motor vehicle.

54 (e) All defenses shall be available to any person who is alleged to have  
55 committed a violation specified in subsection (e) of section 14-219 of the  
56 general statutes that is detected and recorded by an automated traffic  
57 enforcement safety device, including, but not limited to, that (1) the  
58 violation was necessary to allow the passage of an authorized  
59 emergency vehicle, (2) the violation was necessary to avoid injuring the  
60 person or property of another, (3) the violation took place during a  
61 period of time in which the motor vehicle had been reported as being  
62 stolen to a law enforcement unit, as defined in section 7-294a of the  
63 general statutes, and had not been recovered prior to the time of the  
64 violation, (4) the person was convicted of committing a violation  
65 specified in subsection (e) of section 14-219 of the general statutes while  
66 in a maintenance work zone for the same incident based upon a separate  
67 and distinct summons issued by an officer, (5) the person was not  
68 operating the motor vehicle at the time of the violation, or (6) the  
69 violation was necessary in order for the person to comply with any other  
70 general statute or regulation concerning the operation of a motor  
71 vehicle.

72 (f) No person shall be subject to prosecution for both committing a  
73 violation specified in subsection (e) of section 14-219 of the general  
74 statutes that is detected and recorded by an automated traffic  
75 enforcement safety device and section 14-212d of the general statutes  
76 because of the same offense.

77 Sec. 2. (NEW) (*Effective October 1, 2020*) (a) Prior to the operation of  
78 an automated traffic enforcement safety device in a maintenance work  
79 zone, the Commissioner of Transportation, shall adopt regulations, in  
80 accordance with the provisions of chapter 54 of the general statutes,

81 regarding the privacy, security, collection, use and disclosure of  
82 recorded images and any other data produced by an automated traffic  
83 enforcement safety device. Such regulations shall include, but need not  
84 be limited to: (1) Procedures to ensure the privacy and security of  
85 recorded images; (2) a description of any other data produced by an  
86 automated traffic enforcement safety device and collected by the  
87 department or a contractor; and (3) provisions to appropriately limit  
88 access to recorded images and other such data.

89 (b) No recorded image or other such data produced by an automated  
90 traffic enforcement safety device shall be sold or disclosed by the  
91 Department of Transportation or a contractor to any person or entity  
92 except where the disclosure is made: (1) Between the department, a  
93 contractor or the Division of State Police within the Department of  
94 Emergency Services and Public Protection pursuant to section 1 of this  
95 act; (2) pursuant to a judicial order, including a search warrant or a  
96 subpoena, in a criminal proceeding; or (3) to comply with federal or state  
97 law or regulation.

98 (c) Not less than ten days after a disclosure of a recorded image or  
99 other such data is made pursuant to the provisions of subdivision (2) of  
100 subsection (b) of this section, the Department of Transportation or a  
101 contractor shall send or transmit, in a manner determined by the  
102 department or contractor, a notification to the person who was the  
103 subject of the judicial order regarding such disclosure. The department  
104 or contractor shall not be required to send such notice by mail if the  
105 United States Postal Service has determined that mail is undeliverable  
106 to such person at the address for such person that is in the records of the  
107 department or contractor.

108 (d) A recorded image and any other data produced by an automated  
109 traffic enforcement safety device shall be destroyed (1) sixty days after  
110 the date of the alleged violation, if a citation is not issued for such  
111 alleged violation pursuant to subsection (c) of section 1 of this act, or (2)  
112 upon final disposition of the case to which it pertains, if a citation is  
113 issued for such alleged violation pursuant to subsection (c) of section 1

114 of this act.

115 (e) The Department of Transportation or a contractor may disclose  
116 aggregate information and other data collected from the use of an  
117 automated traffic enforcement safety device that does not directly or  
118 indirectly identify a motor vehicle for research purposes authorized by  
119 the Commissioner of Transportation.

120 (f) Commencing one year from the date an automated traffic  
121 enforcement safety device is operational in a maintenance work zone in  
122 this state, and every year thereafter, the Department of Transportation  
123 or a contractor shall conduct an internal audit of the department's or  
124 contractor's compliance with the regulations adopted pursuant to  
125 subsection (a) of this section.

126 (g) Commencing one year from the date an automated traffic  
127 enforcement safety device is operational in a maintenance work zone in  
128 this state, and every year thereafter, the Department of Transportation  
129 shall submit a report, in accordance with the provisions of section 11-4a  
130 of the general statutes, to the joint standing committee of the General  
131 Assembly having cognizance of matters relating to transportation. Such  
132 report shall include, but need not be limited to: (1) The number of times  
133 number plates are recorded by an automated traffic enforcement safety  
134 device; (2) the number of times the department or a contractor disclosed  
135 recorded images or other data produced by an automated traffic  
136 enforcement safety device pursuant to a search warrant in a criminal  
137 proceeding; (3) the number of times the department or contractor  
138 disclosed recorded images or other data pursuant to a subpoena in a  
139 criminal proceeding; (4) the number of requests for recorded images or  
140 other data received by the department or a contractor, including the  
141 identity of the person or entity who made each such request and a copy  
142 of each such request; and (5) the results of the internal audit conducted  
143 pursuant to subsection (f) of this section.

144 (h) A recorded image or other data produced by an automated traffic  
145 enforcement safety device shall not be deemed a public record, for

146 purposes of the Freedom of Information Act, as defined in section 1-200  
147 of the general statutes.

148       Sec. 3. (*Effective October 1, 2020*) The Commissioner of Transportation  
149 shall develop and implement a public awareness campaign to educate  
150 the public concerning unsafe driving in a highway work zone, as  
151 defined in section 14-212d of the general statutes, and the possible use  
152 of an automated traffic enforcement safety device in a maintenance  
153 work zone, as defined in section 1 of this act.

154       Sec. 4. Section 14-212g of the general statutes is repealed and the  
155 following is substituted in lieu thereof (*Effective January 1, 2021*):

156       (a) There is established an account to be known as the "work zone  
157 safety account" which shall be a separate, nonlapsing account within the  
158 Special Transportation Fund. The account shall contain any moneys  
159 required by law to be deposited in the account. Moneys in the account  
160 shall be expended by the Department of Transportation to [protect the  
161 safety of workers in highway work zones, as defined in section 14-212d,  
162 through (1) highway traffic enforcement, including, but not limited to,  
163 the expansion of the "Operation Big Orange" program, and (2) the  
164 purchase and implementation of technology and equipment. Any use of  
165 moneys in the work zone safety account by the department, other than  
166 for the "Operation Big Orange" program or direct traffic enforcement in  
167 work zones, shall be approved by the Highway Work Zone Safety  
168 Advisory Council, as described in section 14-212e] pay the costs of  
169 sworn members of the Division of State Police within the Department of  
170 Emergency Services and Public Protection who are engaged in highway  
171 traffic enforcement or traffic control in highway work zones, as defined  
172 in section 14-212d.

173       (b) Upon receipt of the moneys paid pursuant to subdivisions (4) and  
174 (5) of subsection (b) of section 13b-61, the State Treasurer shall transfer  
175 nine thousand dollars of such moneys monthly to the work zone safety  
176 account established in subsection (a) of this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2020</i>	New section
Sec. 2	<i>October 1, 2020</i>	New section
Sec. 3	<i>October 1, 2020</i>	New section
Sec. 4	<i>January 1, 2021</i>	14-212g

***Statement of Purpose:***

To allow the use of automated traffic enforcement safety devices within maintenance work zones.

*[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.]*