



General Assembly

January Session, 2021

Raised Bill No. 6484

LCO No. 3501



Referred to Committee on TRANSPORTATION

Introduced by:
(TRA)
3501

AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF TRANSPORTATION.

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

1 Section 1. Subsection (h) of section 13a-73 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (h) All sales or exchanges of surplus property by the Department of
5 Transportation and matters dealing with the initial acquisition of any
6 existing mass transit system or the purchase or sale of real properties
7 acquired in connection with any state highway system or mass transit
8 system shall be subject to review and approval of the State Properties
9 Review Board except that those acquisitions and administrative
10 settlements relating to such properties which involve sums not in excess
11 of [five] ten thousand dollars shall be reported to the board by the
12 Commissioner of Transportation but shall not be subject to such review
13 and approval. The Secretary of the Office of Policy and Management
14 shall be informed for inventory purposes of any transfer effectuated in
15 connection with this section. The State Properties Review Board shall

16 not grant such approval if the Department of Transportation has failed
17 to comply with any applicable statutes in connection with the proposed
18 action.

19 Sec. 2. Section 13a-151 of the general statutes is repealed and the
20 following is substituted in lieu thereof (*Effective from passage*):

21 (a) The [crossing or attempted crossing of] owner of a motor vehicle
22 that crosses or attempts to cross any bridge posted with a maximum
23 weight limit notice, as required by section 13a-121, [by a vehicle having]
24 when such vehicle has a gross weight in excess of the [stated maximum
25 safe load shall constitute reckless driving by the operator of such vehicle
26 and the owner of such vehicle] posted weight limit shall be liable to the
27 authority bound to maintain such bridge for any damage to the
28 structure resulting from the passage or attempted passage of such
29 vehicle.

30 (b) The authority having control of any bridge shall be responsible for
31 any damage sustained by reason of the passage of any vehicle having a
32 gross weight not in excess of the maximum weight prescribed in the
33 notice provided for in section 13a-121, provided such vehicle shall not
34 be operated at a speed in excess of the posted speed limit for such bridge
35 while crossing such bridge.

36 Sec. 3. Section 14-298a of the general statutes is repealed and the
37 following is substituted in lieu thereof (*Effective October 1, 2021*):

38 (a) No person shall operate or move a motor vehicle over, on,
39 through, or under any bridge or structure on any highway (1) if the
40 height of such vehicle or the load exceeds the height of the posted
41 clearance or load, as shown by an official traffic control device, as
42 defined in section 14-297, or (2) if the weight of such vehicle or vehicle
43 and load exceeds the weight of the posted weight limit.

44 (b) Any person violating any provision of this section shall, (1) for a
45 first offense, be deemed to have committed an infraction and be fined
46 not more than one thousand five hundred dollars, and (2) for a

47 subsequent offense, be guilty of a class A misdemeanor.

48 Sec. 4. Subsection (b) of section 51-164n of the general statutes is
49 repealed and the following is substituted in lieu thereof (*Effective October*
50 *1, 2021*):

51 (b) Notwithstanding any provision of the general statutes, any person
52 who is alleged to have committed (1) a violation under the provisions of
53 section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-
54 393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-
55 251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g, subdivision (4)
56 of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-
57 435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115,
58 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-
59 253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292,
60 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection
61 (a), (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section
62 14-12, section 14-20a or 14-27a, subsection (f) of section 14-34a,
63 subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or 14-58,
64 subsection (b) of section 14-66, section 14-66a or 14-67a, subsection (g)
65 of section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b,
66 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a first
67 violation as specified in subsection (f) of section 14-164i, section 14-219
68 as specified in subsection (e) of said section, subdivision (1) of section
69 14-223a, section 14-240, 14-250 or 14-253a, subsection (a) of section 14-
70 261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or
71 14-279, subsection (e) or (h) of section 14-283, section 14-291, 14-293b, 14-
72 296aa, subdivision (1) of subsection (b) of section 14-298a, as amended
73 by this act, 14-300, 14-300d, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-
74 330 or 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-
75 25 or 15-33, subdivision (1) of section 15-97, subsection (a) of section 15-
76 115, section 16-44, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of
77 section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17b-
78 124, 17b-131, 17b-137, 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of
79 section 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-113, 19a-215, 19a-
80 219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-

81 335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-
82 158, 20-231, 20-249, 20-257, 20-265, 20-324e, subsection (b) of section 20-
83 334, 20-341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-38, 21-39, 21-43, 21-
84 47, 21-48, 21-63 or 21-76a, subsection (c) of section 21a-2, subdivision (1)
85 of section 21a-19, section 21a-21, subdivision (1) of subsection (b) of
86 section 21a-25, section 21a-26 or 21a-30, subsection (a) of section 21a-37,
87 section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79,
88 section 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-
89 159, subsection (a) of section 21a-279a, section 22-12b, 22-13, 22-14, 22-
90 15, 22-16, 22-26g, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b,
91 22-39c, 22-39d, 22-39e, 22-49 or 22-54, subsection (d) of section 22-84,
92 section 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-167, 22-279, 22-
93 280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b), (e) or (f)
94 of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415,
95 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of
96 section 22a-256h, section 22a-363 or 22a-381d, subsections (c) and (d) of
97 section 22a-381e, section 22a-449, 22a-461, 23-38, 23-46 or 23-61b,
98 subsection (a) or subdivision (1) of subsection (c) of section 23-65, section
99 25-37 or 25-40, subsection (a) of section 25-43, section 25-43d, 25-135, 26-
100 18, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-42, 26-49, 26-54, 26-55, 26-56, 26-
101 58 or 26-59, subdivision (1) of subsection (d) of section 26-61, section 26-
102 64, subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-
103 94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-
104 138 or 26-141, subdivision (1) of section 26-186, section 26-207, 26-215,
105 26-217 or 26-224a, subdivision (1) of section 26-226, section 26-227, 26-
106 230, 26-232, 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-
107 288, 26-294, 28-13, 29-6a, 29-25, 29-143o, 29-143z or 29-156a, subsection
108 (b), (d), (e) or (g) of section 29-161q, section 29-161y or 29-161z,
109 subdivision (1) of section 29-198, section 29-210, 29-243 or 29-277,
110 subsection (c) of section 29-291c, section 29-316, 29-318, 29-381, 30-48a,
111 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23,
112 31-24, 31-25, 31-32, 31-36, 31-38, 31-40, 31-44, 31-47, 31-48, 31-51, 31-52,
113 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-
114 74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273,
115 section 31-288, subdivision (1) of section 35-20, section 36a-787, 42-230,

116 45a-283, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section
117 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16,
118 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e,
119 53-311a, 53-321, 53-322, 53-323, 53-331 or 53-344, subsection (c) of section
120 53-344b, or section 53-450, or (2) a violation under the provisions of
121 chapter 268, or (3) a violation of any regulation adopted in accordance
122 with the provisions of section 12-484, 12-487 or 13b-410, or (4) a violation
123 of any ordinance, regulation or bylaw of any town, city or borough,
124 except violations of building codes and the health code, for which the
125 penalty exceeds ninety dollars but does not exceed two hundred fifty
126 dollars, unless such town, city or borough has established a payment
127 and hearing procedure for such violation pursuant to section 7-152c,
128 shall follow the procedures set forth in this section.

129 Sec. 5. Subsection (a) of section 13b-20e of the general statutes is
130 repealed and the following is substituted in lieu thereof (*Effective from*
131 *passage*):

132 (a) Any consultant who desires to provide consulting services to the
133 department in any calendar year shall be required to submit, not later
134 than the fifteenth day of [November] October immediately preceding
135 such calendar year, information concerning their qualifications as may
136 be required by the department. Such consultants shall provide the
137 department with additional or updated information upon request by the
138 department. The commissioner shall by January first, annually, analyze
139 the information submitted and determine those consultants qualified to
140 perform services in areas of expertise established by the department.
141 The commissioner shall publish annually, in accordance with the
142 provisions of section 13b-20g, at any time between September first to
143 October first, a notice that any person, firm or corporation which desires
144 to be listed with the department as a consultant shall submit such
145 information as required pursuant to this subsection to the department.
146 Such notice shall also list the areas of expertise likely to be needed by
147 the department during the next calendar year.

148 Sec. 6. Section 13b-20f of the general statutes is repealed and the

149 following is substituted in lieu thereof (*Effective from passage*):

150 The performance of all consultants who have active agreements with
151 the department shall be evaluated by the supervising unit within the
152 bureau utilizing the consultant services, at [six-month intervals] least
153 once a year and upon completion of the consultant services. Each such
154 evaluation shall be kept on file in the supervising unit and a copy filed
155 with the permanent selection panel.

156 Sec. 7. Subsection (a) of section 13b-34 of the general statutes is
157 repealed and the following is substituted in lieu thereof (*Effective from*
158 *passage*):

159 (a) (1) The commissioner shall have power, in order to aid or promote
160 the operation, whether temporary or permanent, of any transportation
161 service operating to, from or in the state, to contract in the name of the
162 state with any person, including but not limited to any common carrier,
163 any transit district formed under chapter 103a or any special act, or any
164 political subdivision or entity, or with the United States or any other
165 state, or any agency, instrumentality, subdivision, department or officer
166 thereof, for purposes of initiating, continuing, developing, providing or
167 improving any such transportation service. Such contracts may include
168 provision for arbitration of disputed issues.

169 (2) The commissioner, in order to aid or promote the operation of any
170 transportation service operating outside the state, may contract in the
171 name of the state with any person, including, but not limited to, any
172 common carrier, or with the United States or any other state, or any
173 agency, instrumentality, subdivision, department or officer thereof, for
174 purposes of providing any transportation service in the event such
175 assistance is required in the case of an emergency or a special event.

176 (3) The state, acting by and through the commissioner, may, by itself
177 or in concert with others, provide all or a portion of any such
178 transportation service, share in the costs of or provide funds for such
179 service, or furnish equipment or facilities for use in such service upon
180 such terms and conditions as the commissioner may deem necessary or

181 advisable, and any such contracts may include, without limitation
182 thereto, arrangements under which the state shall so provide service,
183 share costs, provide funds or furnish equipment or facilities. To these
184 ends, the commissioner may in the name of the state acquire or obtain
185 the use of facilities and equipment employed in providing any such
186 service by gift, purchase, lease or other arrangements and may own and
187 operate any such facilities and equipment and establish, charge and
188 collect such fares and other charges or arrange for such collection for the
189 use or services thereof as he may deem necessary, convenient or
190 desirable.

191 (4) The commissioner or any fare inspector, as defined in section 13b-
192 2, shall have the authority to issue citations for any violation of section
193 13b-38i. The commissioner may also acquire title in fee simple to, or any
194 lesser estate, interest or right in, any rights-of-way, properties or
195 facilities, including properties used on or before October 1, 1969, for rail
196 or other forms of transportation services. The commissioner may hold
197 such properties for future use by the state and may enter into
198 agreements for interim use of such properties for other purposes.

199 (5) Any person contracting with the state pursuant to this section for
200 the provision of any transportation service shall not be considered an
201 arm or agent of the state. Any person contracting with the state pursuant
202 to this section for the provision of any motor bus service shall not be
203 subject to the provisions of section 13b-80, as amended by this act. Any
204 damages caused by the operation of such transportation service by such
205 person may be recovered in a civil action brought against such person
206 in the superior court and such person may not assert the defense of
207 sovereign immunity in such action.

208 Sec. 8. Section 13b-80 of the general statutes is repealed and the
209 following is substituted in lieu thereof (*Effective from passage*):

210 [No] Except as provided in subdivision (5) of subsection (a) of section
211 13b-34, as amended by this act, no person, association, limited liability
212 company or corporation shall operate a motor bus without having
213 obtained a certificate from the Department of Transportation or from the

214 Federal Highway Administration pursuant to the Bus Regulatory
215 Reform Act of 1982, P.L. 97-261, specifying the route and certifying that
216 public convenience and necessity require the operation of a motor bus
217 or motor buses over such route. Such certificate shall be issued only after
218 written application for the same has been made. Upon receipt of such
219 application, said department shall promptly give written notice of the
220 pendency of such application to the mayor of each city, the warden of
221 each borough or the first selectman of each town in or through which
222 the applicant desires to operate, and to any common carrier operating
223 over any portion of such route or over a route substantially parallel
224 thereto. Any town, city or borough within which, or between which and
225 any other town, city or borough in this state, any such common carrier
226 is furnishing service may bring a written petition to the department in
227 respect to routes, fares, speed, schedules, continuity of service and the
228 convenience and safety of passengers and the public. Thereupon the
229 department may fix a time and place for a hearing upon such petition
230 and mail notice thereof to the parties in interest at least one week prior
231 to such hearing. No such certificate shall be sold or transferred until the
232 department, upon written application to it, setting forth the purpose,
233 terms and conditions thereof and after investigation, approves the same.
234 The application shall be accompanied by a fee of one hundred seventy-
235 six dollars. The department may amend or, for sufficient cause shown,
236 may suspend or revoke any such certificate. The department may
237 impose a civil penalty on any person or any officer of any association,
238 limited liability company or corporation who violates any provision of
239 any regulation adopted under section 13b-86 with respect to routes,
240 fares, speed, schedules, continuity of service or the convenience and
241 safety of passengers and the public, in an amount not to exceed one
242 hundred dollars per day for each violation. The owner or operator of
243 every motor bus shall display in a conspicuous place therein a
244 memorandum of such certificate. Notwithstanding any provision of
245 chapter 285, such certificate shall include authority to transport
246 baggage, express, mail and newspapers for hire in the same vehicle with
247 passengers under such regulations as the department may prescribe.
248 Any certificate issued pursuant to this section by the Division of Public

249 Utility Control within the Department of Business Regulation prior to
250 October 1, 1979, shall remain valid unless suspended or revoked by the
251 Department of Transportation.

252 Sec. 9. Subdivision (2) of subsection (b) of section 13a-95c of the
253 general statutes is repealed and the following is substituted in lieu
254 thereof (*Effective from passage*):

255 (2) Notwithstanding the provisions of subdivision (1) of this
256 subsection, there shall be a transition period during which the
257 Commissioner of Transportation may authorize the continued use of
258 consultants if necessary to complete contracts authorized pursuant to
259 section 13a-95b. During this period, the commissioner shall make all
260 reasonable efforts to perform development and inspection work as
261 described in subsection (a) of this section using, where such employees
262 are available, department employees and reducing, and where possible
263 eliminating, the dependency on outside consultants. The commissioner
264 shall establish a program to train department employees to support
265 alternative project delivery methods. Such training program may be
266 provided in projects utilizing consultants, as provided for in this section.
267 The commissioner shall report, on or before October first annually, to
268 the Governor of the progress made in training employees in alternative
269 project delivery methods, improving the diversity of technical expertise
270 of employees and building internal project delivery capacity. [The
271 authority granted by this subdivision to use consultants on contracts
272 entered into pursuant to section 13a-95b shall be subject to a termination
273 date which shall be January 1, 2022, unless the Governor certifies that
274 the use of consultants is necessary to complete projects authorized
275 pursuant to section 13a-95b, which shall extend such termination date
276 to a date not later than January 1, 2025.]

277 Sec. 10. Subsection (a) of section 13b-97 of the general statutes is
278 repealed and the following is substituted in lieu thereof (*Effective from*
279 *passage*):

280 (a) No person, association, limited liability company or corporation
281 shall operate a taxicab until such person, association, limited liability

282 company or corporation has obtained a certificate from the Department
283 of Transportation certifying that public convenience and necessity
284 require the operation of a taxicab or taxicabs for transportation of
285 passengers, the acceptance or solicitation of which originates within the
286 territory specified in such certificate except as provided under
287 subsection (d) of this section. No such certificate shall be issued unless
288 the department finds that the person, association, limited liability
289 company or corporation is suitable to operate a taxicab service, after
290 giving due consideration to, at a minimum, the following factors: (1)
291 Any convictions of the applicant under federal, state or local laws
292 relative to safety, motor vehicle or criminal violations; (2) the number of
293 taxicabs to be operated under the certificate, provided no applicant for
294 a new certificate shall operate fewer than three taxicabs; (3) the
295 adequacy of the applicant's financial resources to operate the taxicab
296 service; (4) the adequacy of insurance coverage and safety equipment;
297 and (5) the availability of qualified taxicab operators. The commissioner
298 shall request the state criminal history records check for any person or
299 any officer of any association, limited liability company or corporation
300 applying for such certificate from the State Police Bureau of
301 Identification. The commissioner shall arrange for the fingerprinting of
302 any person or any officer of any association, limited liability company
303 or corporation applying for such certificate and forward the fingerprints
304 to said bureau which shall submit the fingerprints to the Federal Bureau
305 of Investigation for a national criminal history records check for any
306 federal conviction specified in subdivision (1) of this subsection. The
307 commissioner shall charge a fee for each such national criminal history
308 records check which shall be equal to the fee charged by the Federal
309 Bureau of Investigation for performing such check. Such certificate shall
310 be issued only after written application, fingerprinting and said criminal
311 history records check for the same has been made and public hearing
312 held thereon. The application shall be accompanied by a fee of two
313 thousand dollars and the fee for said criminal history records check.
314 Upon receipt of such application, the department shall fix a time and
315 place of hearing thereon [, provided such hearing shall be held not
316 earlier than three months after such receipt,] and shall promptly give

317 written notice of the pendency of such application and of the time and
318 place of such hearing [thereon] to [such] the applicant, the mayor of each
319 city, the warden of each borough or the first selectman of each town in
320 which the applicant desires to originate the transportation of such
321 passengers, and to any common carrier operating within the territory
322 specified. Notwithstanding any provision of this subsection to the
323 contrary, the department may, upon receipt of a written application,
324 amend an existing certificate to increase the number of taxicabs which
325 may be operated pursuant to the certificate without holding a hearing
326 on the application, provided the department issues a legal notice of such
327 application in a daily newspaper in accordance with the provisions of
328 section 1-2, gives written notice of the pendency of such application to
329 any common carrier operating within the territory specified and no
330 objection is filed with the department within thirty days of each such
331 notice.

332 Sec. 11. Section 13b-103 of the general statutes is repealed and the
333 following is substituted in lieu thereof (*Effective October 1, 2021*):

334 (a) (1) No person, association, limited liability company or
335 corporation shall operate a motor vehicle in livery service until such
336 person, association, limited liability company or corporation has
337 obtained a permit from the Department of Transportation, specifying
338 the nature and extent of the service to be rendered and certifying that
339 public convenience and necessity will be improved by the operation and
340 conduct of such livery service. Such permits shall be issued only after a
341 written application for the same has been made and a public hearing has
342 been held thereon. Upon receipt of such application, together with the
343 payment of a fee of two hundred dollars, the department shall fix a time
344 and place of hearing thereon, within a reasonable time, and shall
345 promptly give written notice of the pendency of such application and of
346 the time and place of such hearing to each applicant, the mayor of each
347 city, the warden of each borough and the first selectman of each town,
348 within which any such applicant desires to maintain an office or
349 headquarters, to any carrier legally operating motor vehicles in livery
350 service within the same territory and to other interested parties as

351 determined by the department. (2) Notwithstanding the provisions of
352 subdivision (1) of this subsection, the department may issue a permit for
353 the operation of vehicles (A) having a capacity of less than eleven adults
354 or to be used exclusively at funerals, weddings, christenings,
355 processions or celebrations, without holding a hearing and certifying
356 that public convenience and necessity would be improved by the
357 operation of such vehicles, or (B) having a capacity of not less than
358 eleven or more than fourteen adults and used for sightseeing and
359 related purposes, without holding a hearing, provided the department
360 issues a legal notice, as provided under section 1-2, of such application
361 and no objection is filed with the department within thirty days of
362 publication of such notice. (3) Notwithstanding the provisions of
363 subdivision (1) of this subsection, the department may issue a
364 temporary or permanent permit to any person, association, limited
365 liability company or corporation operating a motor vehicle engaged in
366 the transportation of passengers for hire by virtue of a contract with, or
367 a lower tier contract for, any federal, state or municipal agency that (A)
368 is in effect on July 1, 1997, with or without hearing, after a written
369 application for the same has been made and the department has
370 determined that the applicant meets the requirements of subsection (b)
371 of this section except with respect to public convenience and necessity,
372 or (B) becomes effective after July 1, 1997, with or without hearing, after
373 a written application for the same has been made and the department
374 has determined that the applicant meets the requirements of subsection
375 (b) of this section. Any such permit issued under the provisions of this
376 subdivision (i) shall be limited to service provided under any such
377 contract, and (ii) with respect to any contract under the provisions of
378 subparagraph (A) of this subdivision, shall not authorize a total number
379 of motor vehicles exceeding the number required to provide service
380 existing under such contract on July 1, 1997. (4) Notwithstanding the
381 provisions of subdivision (1) of this subsection, the department shall
382 issue to any person who has an intrastate livery permit for at least one
383 year, upon the application of such person, up to two additional vehicle
384 authorizations each year without a hearing and without written notice
385 of the pendency of the application, if all the existing permits held by

386 such person are registered and in use and if there are no outstanding
387 violations or matters pending adjudication against such person. The
388 department shall have thirty calendar days to issue such amended
389 permit.

390 (b) In determining whether or not such a permit will be granted, the
391 Department of Transportation shall take into consideration the present
392 or future public convenience and necessity for the service the applicant
393 proposes to render, the suitability of the applicant or the suitability of
394 the management if the applicant is a limited liability company or
395 corporation, the financial responsibility of the applicant, the ability of
396 the applicant efficiently and properly to perform the service for which
397 authority is requested and the fitness, willingness and ability of the
398 applicant to conform to the provisions of this chapter and the
399 requirements and regulations of the department under this chapter.

400 (c) Any interested party may bring a written petition to the
401 Department of Transportation in respect to fares, service, operation or
402 equipment, or the convenience, protection and safety of the public with
403 regard to any carrier operating a motor vehicle in livery service.
404 Thereupon, the department may fix a time and place for a hearing upon
405 such petition and give notice thereof. No permit shall be sold or
406 transferred until the department, upon written application to it setting
407 forth the purpose, terms and conditions thereof and accompanied by a
408 fee of two hundred dollars, after investigation, approves the same. The
409 department may amend or, for sufficient cause shown, may suspend or
410 revoke any such permit. The department may impose a civil penalty on
411 any person or any officer of any association, limited liability company
412 or corporation who violates any provision of this chapter or any
413 regulation adopted under section 13b-102 with respect to fares, service,
414 operation or equipment, in an amount not to exceed one thousand
415 dollars per day for each violation. Prior to the imposition of a civil
416 penalty under this subsection, the department shall provide notice to
417 said person or officer no later than fifteen business days after receipt of
418 information concerning an alleged violation and shall provide an
419 opportunity for a hearing.

420 (d) The owner or operator of each motor vehicle in livery service shall
421 display in such vehicle such permit or a memorandum thereof.

422 (e) (1) Any person who holds himself or herself out to be the operator
423 of a motor vehicle in livery service who has not received a permit under
424 this section shall be guilty of a class B misdemeanor.

425 (2) The state shall remit to a municipality fifty per cent of the fine
426 amount received for a violation of subdivision (1) of this subsection with
427 respect to each summons issued by such municipality. Each clerk of the
428 Superior Court or the Chief Court Administrator, or any other official of
429 the Superior Court designated by the Chief Court Administrator, shall,
430 on or before the thirtieth day of January, April, July and October in each
431 year, certify to the Comptroller the amount due for the previous quarter
432 under this subsection to each municipality served by the office of the
433 clerk or official.

434 (f) The Department of Transportation may revoke a permit issued
435 under this section or section 13b-105 without a hearing, provided (1) the
436 department sends a notice of revocation to the permit holder at the
437 address of the permit holder on file with the department and (A) the
438 notice is returned as undeliverable or could not be delivered, or (B) the
439 permit holder fails to respond to the notice within the time period
440 specified by the department in such notice, (2) the department conducts
441 a physical inspection of the address of the permit holder on file with the
442 department and determines that no livery service is operated at such
443 address, and (3) no motor vehicle is registered by the permit holder with
444 the Department of Motor Vehicles to be used as specified in the permit
445 pursuant to section 13b-106.

446 Sec. 12. Section 13b-392 of the general statutes is repealed and the
447 following is substituted in lieu thereof (*Effective October 1, 2021*):

448 In determining whether or not such a certificate shall be granted, the
449 Commissioner of Transportation shall take into consideration the
450 existing motor transportation facilities and the effect upon them of
451 granting such certificate, the suitability of the applicant, or the

452 suitability of the management if the applicant is a corporation, the
453 financial responsibility and financial stability of the applicant, the ability
454 of the applicant efficiently to perform the service for which authority is
455 requested [] and the criminal history of the applicant. [, the condition of
456 and effect upon the highways involved and the safety of the public
457 using such highways. The commissioner shall take into consideration
458 such recommendations as to motor transportation facilities, or
459 highways, or the effect of granting such certificate upon either of them,
460 or the safety of the public using such highways.] No such certificate shall
461 be denied solely on the ground that there is an existing rail or household
462 goods carrier service. When it appears that no household goods carrier
463 service is being supplied over the route or routes applied for, public
464 convenience and necessity shall be presumed to require operation of
465 such service.

466 Sec. 13. Subdivision (1) of subsection (b) of section 19a-342 of the
467 general statutes is repealed and the following is substituted in lieu
468 thereof (*Effective October 1, 2021*):

469 (b) (1) Notwithstanding the provisions of section 31-40q, no person
470 shall smoke: (A) In any building or portion of a building, [partially
471 enclosed shelter on a rail platform or bus shelter] owned and operated
472 or leased and operated by the state or any political subdivision [thereof
473 of the state; (B) in any area of a health care institution; (C) in any area of
474 a retail food store; (D) in any restaurant; (E) in any area of an
475 establishment with a permit issued for the sale of alcoholic liquor
476 pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a, 30-
477 33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of an
478 establishment with a permit for the sale of alcoholic liquor pursuant to
479 section 30-23 issued after May 1, 2003, and, on and after April 1, 2004, in
480 any area of an establishment with a permit issued for the sale of
481 alcoholic liquor pursuant to section 30-22a or 30-26 or the bar area of a
482 bowling establishment holding a permit pursuant to subsection (a) of
483 section 30-37c; (F) within a school building or on the grounds of such
484 school; (G) within a child care facility or on the grounds of such child
485 care facility, except, if the child care facility is a family child care home,

486 as defined in section 19a-77, such smoking is prohibited only when a
487 child enrolled in such home is present; (H) in any passenger elevator,
488 provided no person shall be arrested for violating this subsection unless
489 there is posted in such elevator a sign which indicates that smoking is
490 prohibited by state law; (I) in any dormitory in any public or private
491 institution of higher education; [or] (J) on and after April 1, 2004, in any
492 area of a dog race track or a facility equipped with screens for the
493 simulcasting of off-track betting race programs or jai alai games; or (K)
494 in any area of a platform or a shelter at a rail, busway or bus station,
495 owned and operated or leased and operated by the state or any political
496 subdivision of the state. For purposes of this subsection, "restaurant"
497 means space, in a suitable and permanent building, kept, used,
498 maintained, advertised and held out to the public to be a place where
499 meals are regularly served to the public, "school" has the same meaning
500 as provided in section 10-154a and "child care facility" has the same
501 meaning as provided in section 19a-342a.

502 Sec. 14. Special act 91-32 is amended to read as follows (*Effective from*
503 *passage*):

504 Notwithstanding the provisions of section 13b-268 of the general
505 statutes or any other provision of the general statutes, special act or
506 regulation which prohibits the construction of any new highway
507 railroad crossing at-grade, the [commissioner] Commissioner of
508 [transportation] Transportation shall construct an at-grade crossing for
509 [emergency vehicles] vehicle and pedestrian traffic at the east end of
510 Portland Street and Bridge Street in the town of Middletown. The
511 crossing shall be constructed subject to the provisions of sections 13b-
512 342 to [13b-347] 13b-345, inclusive, of the general statutes.

513 Sec. 15. Section 4e-30 of the general statutes is repealed and the
514 following is substituted in lieu thereof (*Effective from passage*):

515 (a) A state contracting agency may audit the books and records of a
516 contractor or any subcontractor under any negotiated contract or
517 subcontract to the extent that such books and records relate to the
518 performance of such contract or subcontract. Such books and records

519 shall be maintained by the contractor for a period of three years from
520 the date of final payment under the prime contract and by the
521 subcontractor for a period of three years from the expiration of the
522 subcontract.

523 (b) If a state contracting agency enters into an amendment to any
524 negotiated contract or subcontract that extends the terms of such
525 contract or subcontract, the amendment shall be deemed a new and
526 separate negotiated contract for the purposes of this section. The books
527 and records of a contractor or any subcontractor related to the
528 performance of such amendment shall be maintained by the contractor
529 from the commencement of such amendment until a period of three
530 years from the date of final payment under such amendment or the date
531 of expiration of such amendment, whichever is later.

532 Sec. 16. Subsection (c) of section 14-100a of the general statutes is
533 repealed and the following is substituted in lieu thereof (*Effective October*
534 *1, 2021*):

535 (c) (1) The operator of and any [front seat] passenger in any motor
536 vehicle or fire fighting apparatus originally equipped with seat safety
537 belts complying with the provisions of 49 CFR 571.209, as amended
538 from time to time, shall wear such seat safety belt while the vehicle or
539 fire fighting apparatus is being operated on any highway, except as
540 follows:

541 (A) A child under eight years of age shall be restrained as provided
542 in subsection (d) of this section; and

543 (B) The operator of such vehicle shall secure or cause to be secured in
544 a seat safety belt any passenger eight years of age or older and under
545 sixteen years of age. [; and]

546 (C) If the operator of such vehicle is under eighteen years of age, such
547 operator and each passenger in such vehicle shall wear such seat safety
548 belt while the vehicle is being operated on any highway.

549 (2) The provisions of subdivision (1) of this subsection shall not apply

550 to: (A) [any] Any person whose physical disability or impairment would
551 prevent restraint in such safety belt, provided such person obtains a
552 written statement from a licensed physician or a licensed advanced
553 practice registered nurse containing reasons for such person's inability
554 to wear such safety belt and including information concerning the
555 nature and extent of such condition. Such person shall carry the
556 statement on his or her person or in the motor vehicle at all times when
557 it is being operated, [or] (B) an authorized emergency vehicle, other than
558 fire fighting apparatus, responding to an emergency call or a motor
559 vehicle operated by a rural letter carrier of the United States postal
560 service while performing his or her official duties or by a person
561 engaged in the delivery of newspapers, or (C) any passenger on a bus,
562 as defined in 49 USC 30127, as amended from time to time.

563 (3) Failure to wear a seat safety belt shall not be considered as
564 contributory negligence nor shall such failure be admissible evidence in
565 any civil action.

566 (4) No law enforcement official may stop a motor vehicle solely for
567 the apparent or actual failure of a back seat passenger who is sixteen
568 years of age or older to wear a seat safety belt.

569 ~~[(4)]~~ (5) Any operator of a motor vehicle, who is eighteen years of age
570 or older, and any passenger in such motor vehicle, who violates any
571 provision of this subsection shall have committed an infraction and shall
572 be fined fifty dollars. Any operator of a motor vehicle who is under
573 eighteen years of age and any passenger in such motor vehicle who
574 violates any provision of this subsection shall have committed an
575 infraction and shall be fined seventy-five dollars. Points may not be
576 assessed against the operator's license of any person convicted of such
577 violation.

578 Sec. 17. Section 54-33m of the general statutes is repealed and the
579 following is substituted in lieu thereof (*Effective October 1, 2021*):

580 The failure of an operator of, or [front seat] passenger in, a private
581 passenger motor vehicle or vanpool vehicle to wear a seat safety belt as

582 required by section 14-100a, as amended by this act, shall not constitute
583 probable cause for a law enforcement official to conduct a search of such
584 vehicle and its contents.

585 Sec. 18. Section 13a-124a of the general statutes is repealed and the
586 following is substituted in lieu thereof (*Effective from passage*):

587 (a) As used in this section, ["specific information sign"] "a specific
588 service sign" or "logo sign" means a rectangular sign with the word GAS,
589 FOOD, LODGING, [or] CAMPING or ATTRACTION and exit
590 directional information pertaining to the designated motorist service
591 placed [at the top of] on the sign and upon which is mounted separately
592 attached business [signs] sign panels showing the brand, symbol,
593 trademark or name, or any combination of these, for the designated
594 service available on a crossroad at or near an interchange or intersection.

595 [(b) The Commissioner of Transportation may issue permits for the
596 erection and maintenance of specific information signs and business
597 signs within the rights-of-way of any portion of a state-maintained
598 limited access highway, except a parkway. The commissioner shall not
599 issue any such permit to any person or company until such person or
600 company files with the commissioner a bond or recognizance to the
601 state, satisfactory to the commissioner and in such amount as the
602 commissioner determines, subject to forfeiture upon failure to comply
603 with (1) the requirements of this section, (2) regulations adopted
604 pursuant to this section, or (3) any orders of the commissioner relating
605 to the erection and maintenance of specific information signs and
606 business signs. Any such bond or recognizance shall remain in full force
607 and effect as long as such person or company is subject to any such
608 requirements, regulations or orders as provided in this section.

609 (c) Any person or company issued a permit in accordance with
610 subsection (b) of this section shall be reimbursed, by subsequent
611 permittees on the same sign, the costs associated with said sign divided
612 by the number of other permittees on said sign.

613 (d) The commissioner shall adopt regulations in accordance with

614 chapter 54 to carry out the purposes of this section. Such regulations
615 shall include, but not be limited to, establishment of (1) fees for the
616 permits issued under subsection (b) of this section, (2) reimbursements
617 issued pursuant to subsection (c) of this section, and (3) standards for
618 the location, size and maintenance of specific information signs and
619 business signs.]

620 (b) The Commissioner of Transportation may enter into an agreement
621 with a qualifying person or company regarding the erection,
622 maintenance and removal of a specific service sign within the rights-of-
623 way of any portion of a state-maintained limited access highway, except
624 a parkway. The commissioner shall adopt regulations, in accordance
625 with the provisions of chapter 54, regarding (1) the design and
626 installation requirements for a specific service sign, (2) the minimum
627 qualifications for a person or company to obtain a specific service sign,
628 (3) the application process to obtain a specific service sign, (4) the
629 financial responsibility of such person or company, and (5) the terms
630 regarding the removal of a specific service sign or revocation of an
631 agreement with such person or company.

632 Sec. 19. Section 13b-237 of the general statutes is repealed and the
633 following is substituted in lieu thereof (*Effective October 1, 2021*):

634 (a) (1) The Commissioner of Transportation shall not, directly or
635 indirectly, sell, transfer, salvage or otherwise dispose of any surplus rail
636 [or other track] material, [unless the commissioner has offered such rail
637 or other track material] including, but not limited to, rail sections having
638 a maximum length of two hundred feet, ties, tie plates and other track
639 material, without first offering such surplus rail material to freight
640 railroad companies for upgrading state-owned rights-of-way. [Said
641 commissioner shall offer any remaining rail or other track material, if
642 any, to freight railroad companies for upgrading other rail lines located
643 within the state. If any freight railroad company accepts such offer, the
644 Department of Transportation shall transfer such rail or other track
645 material to the recipient's designated material site within the state at a
646 charge to such recipient that, in the case of state-owned rights-of-way

647 does not exceed the value, as scrap, of the materials replaced by the
648 material transferred by said department, and, in the case of non-state-
649 owned rights-of-way, does not exceed the value, as scrap, of the
650 materials transferred by said department.] Such offer shall be in writing
651 and shall be sent by first class mail or electronic mail. No later than thirty
652 days after the date of such offer, a freight railroad company interested
653 in acquiring such surplus material shall submit, in a manner prescribed
654 by the commissioner, a notification of interest and a statement regarding
655 the need and intended use of such surplus material. If more than one
656 freight railroad company submits a notification of interest, the
657 commissioner may select a freight railroad company based on the prior
658 distribution of surplus rail material and the best intended use of such
659 surplus rail material on state property as determined by the
660 commissioner. The commissioner shall send a notification of selection to
661 the selected freight railroad company by first class mail or electronic
662 mail.

663 (2) The commissioner shall offer remaining surplus rail material, if
664 any, to freight railroad companies for upgrading other rail lines located
665 within the state in the same manner as provided for in subdivision (1)
666 of this subsection.

667 (3) The commissioner shall make any surplus rail material available
668 for inspection at a designated location within a rail yard or along a
669 sliding track in the state.

670 (b) A freight railroad company that received a notice of selection shall
671 accept delivery of the surplus rail material not later than thirty days after
672 receipt of such notice. If the selected freight railroad company does not
673 accept delivery within such thirty-day period, the commissioner may
674 select another freight railroad company that submitted a notification of
675 interest and statement pursuant to subsection (a) of this section or
676 salvage or otherwise dispose of the surplus rail material. The selected
677 freight railroad company shall (1) arrange for and pay the costs
678 associated with the handling and delivery of the surplus rail material
679 from a specific location within a rail yard or along a sliding track in the

680 state, (2) accept the surplus rail material in "as is" condition, (3)
 681 acknowledge that the commissioner assumes no responsibility for the
 682 quality or fitness of the surplus rail material, and (4) install the surplus
 683 rail material pursuant to the statement submitted to the commissioner
 684 in accordance with subsection (a) of this section unless otherwise
 685 approved in writing by the commissioner. The selected freight railroad
 686 company shall not salvage the surplus rail material and obtain
 687 reimbursement for the cost of the handling and delivery of the surplus
 688 rail material, but may salvage any material replaced by the surplus rail
 689 material to offset such costs.

690 (c) The commissioner may enter into agreements with salvage
 691 companies for the salvage or disposal of surplus rail material that is not
 692 distributed to a freight railroad company pursuant to this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	13a-73(h)
Sec. 2	<i>from passage</i>	13a-151
Sec. 3	<i>October 1, 2021</i>	14-298a
Sec. 4	<i>October 1, 2021</i>	51-164n(b)
Sec. 5	<i>from passage</i>	13b-20e(a)
Sec. 6	<i>from passage</i>	13b-20f
Sec. 7	<i>from passage</i>	13b-34(a)
Sec. 8	<i>from passage</i>	13b-80
Sec. 9	<i>from passage</i>	13a-95c(b)(2)
Sec. 10	<i>from passage</i>	13b-97(a)
Sec. 11	<i>October 1, 2021</i>	13b-103
Sec. 12	<i>October 1, 2021</i>	13b-392
Sec. 13	<i>October 1, 2021</i>	19a-342(b)(1)
Sec. 14	<i>from passage</i>	SA 91-32
Sec. 15	<i>from passage</i>	4e-30
Sec. 16	<i>October 1, 2021</i>	14-100a(c)
Sec. 17	<i>October 1, 2021</i>	54-33m
Sec. 18	<i>from passage</i>	13a-124a
Sec. 19	<i>October 1, 2021</i>	13b-237

Statement of Purpose:

To implement the recommendations of the Department of Transportation.

[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.]