
OLR Bill Analysis

sHB 6748

AN ACT CONCERNING CERTIFICATES OF APPROVAL FOR MOTOR VEHICLE DEALERSHIPS AND REPAIR SHOPS, TRESPASS ON WATERSHED LAND, THE "MOVE OVER" LAW, MINOR REVISIONS TO MOTOR VEHICLE STATUTES AND MUNICIPAL APPROVAL BEFORE THE CONNECTICUT AIRPORT AUTHORITY PURCHASES A MUNICIPAL AIRPORT.

SUMMARY

This bill makes various unrelated changes affecting statutes on transportation and public water supply land. Specifically, it does the following:

1. transfers authority to issue motor vehicle dealer and repairer certificates of approval from a municipality's zoning board of appeals to its zoning enforcement official (§ 1);
2. establishes a separate, specific infraction for simple trespass of public water supply watershed land that is owned, controlled, or managed by a water company (§ 2);
3. expands the law requiring drivers to move over one lane for stationary or slow-moving emergency vehicles and stationary nonemergency vehicles (i.e., the "move over" law) to cover all public roads, rather than just those with two lanes going in the same direction (§ 3); and
4. subjects any Connecticut Airport Authority purchase of a municipally owned airport to approval by the municipality in which the airport is located (§ 6).

The bill also makes technical changes (§§ 4 & 5).

EFFECTIVE DATE: July 1, 2023, except that (1) the trespass on

watershed land and move over law provisions take effect October 1, 2023, and (2) technical changes take effect upon passage.

§ 1 — DEALER AND REPAIRER CERTIFICATES OF APPROVAL

With limited exceptions, the law requires a business applying for a motor vehicle dealer's or repairer's license from the Department of Motor Vehicles to submit a certificate of approval from the municipality where the business intends to locate. (These certificates indicate the municipality has determined the location is suitable and has also been approved by the local building official and fire marshal.) The bill transfers authority to issue certificates of approval from the municipality's zoning board of appeals (or if the municipality does not have one, the entity designated by local law) to its zoning enforcement official (see BACKGROUND).

Under the bill, the zoning enforcement official must determine whether the proposed location and use complies with the municipality's zoning regulations. Current law specifies no criteria for the zoning board of appeals, or other designated municipal entity, to consider when reviewing these applications (see BACKGROUND).

By law, unchanged by the bill, individuals who are aggrieved by decisions on certificates of approval may appeal to the Superior Court after exhausting all administrative remedies (CGS §§ 14-57 & 4-183).

§ 2 — SIMPLE TRESPASS ON WATERSHED LAND

By law, a person is guilty of simple trespass when, knowing that he or she is not authorized to do so, he or she enters or remains on any premises without intent to harm it. Simple trespass is an infraction (see BACKGROUND), subject to a fine of \$50 plus surcharges.

The bill establishes a separate, specific violation for simple trespass of public water supply watershed land that is owned, controlled, or managed by a water company. Under the bill, a person is guilty of this violation when, knowing that he or she is not authorized to do so, he or she enters or remains on the land without lawful authority or the water company's consent. Violators commit an infraction and are subject to a

\$90 fine.

§ 3 — MOVE OVER LAW EXPANSION

The state’s “move over” law requires drivers, when approaching emergency vehicles that are stationary or moving slowly in the shoulder, lane, or breakdown lane, to (1) immediately slow down to a speed reasonably below the speed limit and (2) if traveling in the lane adjacent to the shoulder or lane with the emergency vehicle, move over one lane unless it would be unsafe to do so. It also requires drivers to similarly move over one lane when approaching a nonemergency vehicle stationary in the shoulder, lane, or breakdown lane.

Currently, the move over law applies only on public roads with at least two travel lanes going in the same direction. The bill expands its application to any public road. (It is unclear how the law’s existing requirements to move over one lane would apply to roads without another lane going in the same direction.)

As under existing law, a violation is an infraction. However, violators are subject to higher penalties if the violation results in an emergency vehicle driver’s injury (up to \$2,500) or death (up to \$10,000).

BACKGROUND

Certificate of Approval Suitability Criteria

Prior to its repeal in 2003, state law specified suitability criteria and required them to be considered when reviewing certificate of approval applications. These criteria included, among other things, the proposed location relative to schools, churches, traffic conditions, and the effect on public traffic (CGS § 14-55, repealed by PA 03-185; see also *One Elmcroft, LLC v. Stamford Zoning Board of Appeals*, 337 Conn. 806 (2021)).

Infractions

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the fine’s amount. Violators may also be subject to other applicable charges depending on the type of infraction. For example, certain motor vehicle infractions trigger a Special

Transportation Fund surcharge of 50% of the fine. An infraction is not a crime and violators can generally pay the fine by mail without making a court appearance.

Related Bill

sHB 6646 (File 214), favorably reported by the Planning and Development Committee, also transfers authority for issuing certificates of approval from a municipality's zoning board of appeals but instead transfers authority to its planning commission (rather than the zoning enforcement official).

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 34 Nay 2 (03/17/2023)