



# House of Representatives

General Assembly

**File No. 457**

January Session, 2023

Substitute House Bill No. 6748

*House of Representatives, April 5, 2023*

The Committee on Transportation reported through REP. LEMAR of the 96th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

**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.**

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

1 Section 1. Section 14-54 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2023*):

3 Any person who desires to obtain a license for dealing in or repairing  
4 motor vehicles shall first obtain and present to the commissioner a  
5 certificate of approval [of the location for which such license is desired  
6 from the board or authority designated by local charter, regulation or  
7 ordinance of the town, city or borough wherein the business is located  
8 or is proposed to be located, except that in any town or city having a  
9 zoning commission, combined planning and zoning commission and a  
10 board of appeals, such certificate shall be approved by the board of  
11 appeals] from the zoning enforcement official of the municipality where

12 such license is desired, affirming that the proposed location and use of  
13 the property conform to the zoning regulations of such municipality. In  
14 addition thereto, such certificate shall be approved by the local building  
15 official and local fire marshal. The provisions of this section shall not  
16 apply to (1) a transfer of ownership to a spouse, child, brother, sister or  
17 parent of a licensee, (2) a transfer of ownership to or from a corporation  
18 in which a spouse, child, brother, sister or parent of a licensee has a  
19 controlling interest, or (3) a change in ownership involving the  
20 withdrawal of one or more partners from a partnership.

21 Sec. 2. (NEW) (*Effective October 1, 2023*) (a) For the purposes of this  
22 section, "water company" has the same meaning as provided in section  
23 25-32a of the general statutes. A person is guilty of simple trespass of  
24 public water supply watershed land that is owned, controlled or  
25 managed by a water company when, knowing that such person is not  
26 licensed or privileged to do so, such person enters or remains on the  
27 watershed land without lawful authority or the consent of the water  
28 company.

29 (b) Any person who violates any provision of this section shall have  
30 committed an infraction and be fined ninety dollars.

31 Sec. 3. Section 14-283b of the general statutes is repealed and the  
32 following is substituted in lieu thereof (*Effective October 1, 2023*):

33 (a) For the purpose of this section, "emergency vehicle" means any  
34 vehicle with activated flashing lights (1) operated by a member of an  
35 emergency medical service organization responding to an emergency  
36 call, (2) operated by a fire department or by any officer of a fire  
37 department responding to a fire or other emergency, (3) operated by a  
38 police officer, (4) that is a maintenance vehicle, as defined in section 14-  
39 1, or (5) that is a wrecker, as defined in section 14-1, "police officer" has  
40 the meaning set forth in section 7-294a, and "highway" has the meaning  
41 set forth in section 14-1. [ provided such highway has two or more  
42 travel lanes that proceed in the same direction.]

43 (b) Any operator of a motor vehicle on a highway when approaching

44 one or more emergency vehicles that are stationary or traveling  
45 significantly below the posted speed limit and located on the shoulder,  
46 lane or breakdown lane of such highway shall (1) immediately reduce  
47 speed to a reasonable level below the posted speed limit, and (2) if  
48 traveling in the lane adjacent to the shoulder, lane or breakdown lane  
49 containing such emergency vehicle, move such motor vehicle over one  
50 lane, unless such movement would be unreasonable or unsafe.

51 (c) Any operator of a motor vehicle on a highway when approaching  
52 one or more nonemergency vehicles that are stationary and located on  
53 the shoulder, lane or breakdown lane of such highway shall, if traveling  
54 in the lane adjacent to the shoulder, lane or breakdown lane containing  
55 such nonemergency vehicle, move such motor vehicle over one lane,  
56 unless such movement would be unreasonable or unsafe.

57 (d) (1) Any person who violates the provisions of subsection (b) of  
58 this section shall have committed an infraction, except that if such  
59 violation results in the injury of the operator of an emergency vehicle,  
60 such person shall be fined not more than two thousand five hundred  
61 dollars and, if such violation results in the death of the operator of an  
62 emergency vehicle, such person shall be fined not more than ten  
63 thousand dollars.

64 (2) Any person who violates the provisions of subsection (c) of this  
65 section shall have committed an infraction.

66 Sec. 4. Subsection (c) of section 22a-202 of the general statutes is  
67 repealed and the following is substituted in lieu thereof (*Effective from*  
68 *passage*):

69 (c) There is established a Connecticut Hydrogen and Electric  
70 Automobile Purchase Rebate Advisory Board, which shall be within the  
71 Department of Energy and Environmental Protection for administrative  
72 purposes only. The advisory board shall advise the Commissioner of  
73 Energy and Environmental Protection concerning priorities for the  
74 allocation, distribution and utilization of funds for the Connecticut  
75 Hydrogen and Electric Automobile Purchase Rebate program. The

76 advisory board shall consist of the Commissioner of Energy and  
77 Environmental Protection or the commissioner's designee, the  
78 Commissioner of Consumer Protection or the commissioner's designee,  
79 the president of the Connecticut Green Bank or the president's designee,  
80 the chairperson of the Public Utilities Regulatory Authority or the  
81 chairperson's designee and ten members appointed as follows: (1) One  
82 representative of an environmental organization knowledgeable in  
83 electric vehicle policy appointed by the speaker of the House of  
84 Representatives; (2) one member who is an owner or manager of a  
85 business engaged in the sale or repair of bicycles appointed by the  
86 president pro tempore of the Senate; (3) one representative of an  
87 organization that represents the interests of an environmental justice  
88 community appointed by the majority leader of the House of  
89 Representatives; (4) one representative of an association representing  
90 automotive retailers in the state appointed by the majority leader of the  
91 Senate; (5) one representative of an association representing electric  
92 vehicle consumers appointed by the minority leader of the House of  
93 Representatives; (6) one member appointed by the minority leader of  
94 the Senate; (7) one representative of an organization interested in the  
95 promotion of walking or bicycling appointed by the House chairperson  
96 of the joint standing committee of the General Assembly having  
97 cognizance of matters relating to transportation; (8) one member  
98 appointed by the Senate chairperson of the joint standing committee of  
99 the General Assembly having cognizance of matters relating to  
100 transportation; (9) one representative of an association representing  
101 electric vehicle manufacturers appointed by the House ranking member  
102 of the joint standing committee of the General Assembly having  
103 cognizance of matters relating to transportation; and (10) one member  
104 appointed by the Senate ranking member of the joint standing  
105 committee of the General Assembly having cognizance of matters  
106 relating to transportation. The Commissioner of Energy and  
107 Environmental Protection may appoint to the advisory board not more  
108 than three additional representatives from other industrial fleet or  
109 transportation companies. Each member appointed pursuant to  
110 subdivisions (1) to (10), inclusive, of this subsection or appointed by the

111 Commissioner of Energy and Environmental Protection shall serve for  
112 a term of two years and may [service] continue to serve until such  
113 member's successor is appointed. The Commissioner of Energy and  
114 Environmental Protection, or the commissioner's designee, shall serve  
115 as chairperson of the advisory board. The advisory board shall meet at  
116 such times as it deems necessary and may establish rules governing its  
117 internal procedures.

118 Sec. 5. Subdivision (2) of subsection (d) of section 14-164c of the  
119 general statutes is repealed and the following is substituted in lieu  
120 thereof (*Effective from passage*):

121 (2) On and after July 1, 2022, until July 1, 2024, inclusive, the  
122 commissioner shall grant an extension of time for a vehicle which fails  
123 any required inspection to obtain needed repairs, provided any motor  
124 vehicle dealer or repairer licensed under the provisions of section 14-52,  
125 certifies, in writing, that the part needed to fix a problem associated with  
126 the vehicle's engine is delayed due to market conditions. Any [waiver]  
127 extension of time granted pursuant to the provisions of this subdivision  
128 shall be valid for a period of one hundred eighty days from the date of  
129 the certification provided by such dealer or repairer.

130 Sec. 6. Subsection (c) of section 15-120nn of the general statutes is  
131 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
132 *2023*):

133 (c) The authority may purchase or acquire title in fee simple to, or any  
134 lesser estate, interest or right in, any airport, restricted landing area or  
135 other air navigation facility owned or controlled by any municipality or  
136 by any two or more municipalities jointly or by any other person, except  
137 any such purchase of an airport owned by a municipality shall be subject  
138 to the approval of the legislative body of the municipality within whose  
139 territorial limits the airport is located.

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>July 1, 2023</i>	14-54
Sec. 2	<i>October 1, 2023</i>	New section
Sec. 3	<i>October 1, 2023</i>	14-283b
Sec. 4	<i>from passage</i>	22a-202(c)
Sec. 5	<i>from passage</i>	14-164c(d)(2)
Sec. 6	<i>July 1, 2023</i>	15-120nn(c)

**Statement of Legislative Commissioners:**

In Section 2(b), "be deemed to" was deleted for consistency with standard drafting conventions.

**TRA**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Resources of the General Fund	GF - Revenue Gain	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

**Section 2** creates a new infraction for trespass of certain watershed land, resulting in minimal revenue gain from fines.

**Section 3** expands the "move over" law to all public roads rather than only multiple lane roads, resulting in additional revenue from fines. In FY 22, violations of the current statutes resulted in fines totaling \$35,708.

**Section 6** makes any Connecticut Airport Authority purchase of a municipally-owned airport subject to the approval of the legislative body of the host municipality and does not result in a fiscal impact.

The other sections are technical or otherwise do not have a fiscal impact to the state or municipalities.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

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**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 03-265; 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)