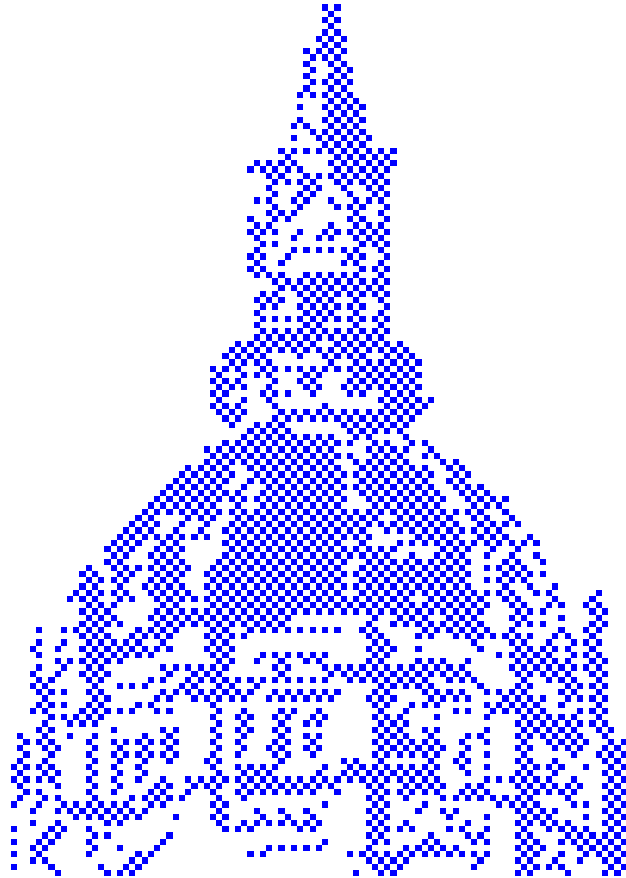




ACTS AFFECTING TRANSPORTATION



2016-R-0126

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NOTICE TO READERS

This report provides highlights of new laws (public acts) affecting transportation enacted during the 2016 regular and special legislative sessions. In each summary, we indicate the public act (PA) number.

Not all provisions of the acts are included here. Complete summaries of all 2016 public acts are available on OLR's webpage:

<https://www.cga.ct.gov/olr/olrsums.asp>

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, the House Clerk's Office, or the General Assembly's website: <http://www.cga.ct.gov>.

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BOATS AND BOATING

Jetted Articulated Vessels

A new law establishes regulatory requirements for operators of jetted articulated vessels (JAVs) similar to the requirements for operators of personal watercraft (e.g., jet skis). A JAV operator must be at least age 16 and hold a certificate of personal watercraft operation issued by the Department of Energy and Environmental Protection (DEEP). Violators are subject to a \$60 to \$250 fine for each violation ([PA 16-187](#), effective upon passage).

CONNECTICUT AIRPORT AUTHORITY (CAA)

CAA Insurance Requirements

A new law allows the Connecticut Airport Authority to obtain insurance covering board members, the director, and employees, instead of executing a bond for them, as required by prior law. The insurance must be equivalent to the bond and be conditioned on the faithful performance of duties, issued by an insurer authorized to transact business in Connecticut, and paid for by the authority ([PA 16-129](#), effective October 1, 2016).

CRIMES INVOLVING MOTOR VEHICLES

Evading Responsibility for an Accident

A new law increases, from one year to five years, the maximum prison sentence for an operator who (1) is

knowingly involved in an accident that causes physical injury to a person and (2) does not immediately stop; render assistance; and provide certain identifying information to the injured person, a witness, or a law enforcement official.

It retains the existing fines for these violations: \$75 to \$600 for a first offense and \$100 to \$1,000 for a subsequent offense ([PA 16-94](#), effective October 1, 2016).

Driving Under the Influence with Child Passengers or When Driving a School Bus

A new law increases the criminal penalties for driving under the influence (DUI) (1) with a child passenger (under age 18) or (2) when driving a school bus, student transportation vehicle, or other motor vehicle specially designated for carrying children, with or without a child passenger. It does so by creating specific crimes for these offenses, separate from the DUI statute.

Among other changes compared to existing DUI law, the penalties for the new crimes include longer mandatory minimum and maximum prison terms and required probation for first offenses. For DUI with a child passenger, the new law adds to the required components of probation (1) submitting to an interview and risk evaluation by the Department of Children and Families (DCF) and (2)

cooperating with DCF-ordered programming. Individuals arrested for the new crimes are subject to the existing “administrative per se” license suspension procedures ([PA 16-126](#), effective October 1, 2016).

Program for Certain Minors to Avoid Fines or Criminal Charges

A new law allows a defendant under age 21 charged with certain motor vehicle violations or alcohol-related violations or crimes to participate in a program that can result in dismissing the charges against him or her. An approved nonprofit organization that advocates for drunk driving victims must conduct the program, which must provide a nonconfrontational forum for participants to hear from victims affected by underage drinking, drunk driving, distracted driving, or other motor vehicle violations.

The court can allow a defendant into the program if he or she is charged with:

1. a motor vehicle violation, unless it (a) caused serious injury or death, (b) is driving under the influence, or (c) is a felony and the court does not find good cause (depending on the violation, a motor vehicle violation is punishable as a crime or by a fine only);
2. misrepresenting his or her age, using another person’s driver’s license, or making a false

statement to procure alcohol; purchasing or attempting to purchase alcohol; or alcohol possession (which are punishable by fines); or

3. permitting a minor to illegally possess alcohol on private property or failing to halt illegal possession (a class A misdemeanor, punishable by up to one year in prison, a fine of up to \$2,000, or both).

A person can only use the program once ([PA 16-182](#), effective October 1, 2016).

Suspension of Prosecution for Certain Crimes Because of Alcohol or Drug Dependency

A new law prohibits a court from suspending the prosecution of, and ordering treatment for, people found to be drug or alcohol dependent if they were operating a commercial motor vehicle (large truck or bus) or held a commercial driver's license or commercial driver’s instruction permit when they were charged with certain motor vehicle-related crimes ([PA 16-55](#), § 9, effective October 1, 2016).

DEPARTMENT OF MOTOR VEHICLES (DMV)

Motor Vehicle License and Registration Transactions

A new law authorizes the Department of Motor Vehicles (DMV) to contract with unspecified entities to (1) renew driver’s licenses and identity (ID)

cards, (2) issue duplicate licenses and ID cards, and (3) conduct registration transactions, in the same manner DMV already contracts with automobile associations (AAA). The law increases, from \$3 to \$5, the fee AAA may charge for each transaction, and permits the new contractors to also charge the \$5 fee. It allows DMV to also authorize municipal departments or offices to conduct these transactions ([PA 16-55](#), § 24, effective upon passage).

Wait Times Reporting

A new law requires DMV to report periodically to the legislature's Transportation Committee on wait times at DMV offices and on department plans to improve those times ([PA 16-55](#), § 23, effective upon passage).

DEPARTMENT OF TRANSPORTATION (DOT)

Pollinator Health and Habitat Requirements

The legislature passed a new law establishing numerous requirements related to pollinator health and habitat. Pollinators are organisms that spread pollen between flowers, such as bees and butterflies. Among its requirements, the new law (1) requires the DOT commissioner to identify and report on opportunities to replace nonnative, cool-season turf grasses with native plant communities that include model pollinator habitat along state highways and (2) allows the commissioner, if federal funds are available, to plant vegetation with

pollinator habitat in deforested areas along state highway rights-of-way ([PA 16-17](#), §§ 12 & 14, effective upon passage).

Waiving Competitive Selection for Transit-Oriented Development (TOD) Projects

A new law expands the circumstances in which DOT can waive the competitive selection process for TOD project developers to include when the developer is the holder of an exercisable option to purchase an abutting property ([PA 16-151](#), § 4, effective upon passage).

HIGHWAY SAFETY

Increased Penalties for Incidents Involving Pedestrians

A new law increases the penalty for two motor vehicle infractions to violations, making them punishable by a fine of up to \$500. But it subjects the violations to the same procedures as those governing infractions, which allow a person to (1) pay the fine by mail without a court appearance or (2) contest the fine in court.

The new law's penalties apply when a motor vehicle operator:

1. fails to give the right of way, slow, or stop as appropriate for a pedestrian at crosswalks; passes a vehicle stopped at a crosswalk; fails to yield to pedestrians and others when crossing a sidewalk; or fails to reduce speed and stop

as necessary to yield to a blind pedestrian carrying a white cane or guided by a guide dog or

2. fails to exercise due care to avoid colliding with a pedestrian or person propelling a human-powered vehicle or fails to give a reasonable warning to avoid collision (such as sounding a horn).

The new law's fine is subject to a \$15 additional fee, which the state must remit to the municipality where the violation occurred.

By law, infractions and violations subject to the infraction procedures are not considered crimes ([PA 16-54](#), effective October 1, 2016).

"Move Over" Law Expansion

The legislature expanded the circumstances when drivers approaching emergency vehicles on a highway must slow down and move over one lane. Previously, drivers had to do so only when a stationary emergency vehicle was located on the shoulder, lane, or breakdown lane of a highway. Under the new law, a driver must also slow down and move over for emergency vehicles traveling significantly below the speed limit ([PA 16-151](#), § 3, effective July 1, 2016).

Carrying Certain Weapons in a Motor Vehicle

This session, the legislature codified case law (*State v. Deciccio*) by

exempting, from the existing ban on carrying certain weapons in a vehicle, someone having a dirk knife or police baton in a vehicle while lawfully moving his or her household goods or effects from one place or residence to another ([PA 16-178](#), effective October 1, 2016).

Work Zone Safety Account

A new law expands the permissible uses for Work Zone Safety Account funds to include purchasing and implementing technology and providing highway work zone training and education. Prior law allowed these funds to be used only for highway traffic enforcement ([PA 16-151](#), § 2, effective upon passage).

MOTORCYCLES, DIRT BIKES, AND ALL-TERRAIN VEHICLES (ATVS)

Regulating Mini-Motorcycles, Dirt Bikes, and ATVs

A new law authorizes municipalities to regulate the operation and use of mini-motorcycles on public property and impose penalties for their improper use up to the same limits applicable under existing law to dirt bike, ATV, and snowmobile ordinance violations. (Mini-motorcycles have seats less than 26 inches high and engines smaller than 50cc.)

The new law also authorizes municipalities with a population of 20,000 or more to enforce ordinances concerning mini-motorcycle, dirt bike,

or ATV operation by confiscating and selling at a public auction a vehicle used to violate them ([PA 16-208](#), effective October 1, 2016).

MOTOR VEHICLE DEALERS

Electronic Submission of Documents and Background Checks

A new law generally requires motor vehicle dealers, car rental firms, and motor vehicle title firms that submit at least seven vehicle registration-related documents to DMV each month to do so electronically. It also requires motor vehicle dealers and repairers to undergo state criminal history records checks ([PA 16-55](#), §§ 3 & 12, effective July 1, 2016).

PUBLIC TRANSPORTATION

Elimination of the Connecticut Public Transportation Commission

A new law eliminates the Connecticut Public Transportation Commission, which advised and assisted the transportation commissioner, governor, and Transportation Committee in planning, developing, and maintaining public transportation facilities and services ([PA 16-3, MSS](#), §§ 110-114, 134 & 209, effective July 1, 2016).

TRANSPORTATION FUNDING

Bonds

The bond act authorizes new bonds in FY 17 for transportation projects and

programs as follows: (1) \$8 million in general obligation bonds for transit-oriented development and predevelopment activities and (2) \$375,000 in special tax obligation (STO) bonds for DOT to design improvements for Lakeside Boulevard in Waterbury. It authorizes the following increases to FY 17 STO bond authorizations: (1) an additional \$10 million for bridge improvement, rehabilitation, and replacement and (2) an additional \$60 million for bus and rail facilities and equipment ([PA 16-4, MSS](#), effective July 1, 2016).

Local Bridge Program

The local bridge program provides grants to municipalities for the removal, replacement, reconstruction, rehabilitation, or improvement of local bridges. A new law changes the way the grant amount is calculated from a formula to a flat percentage (50% of the project's total cost), effectively increasing the grant amount available to many municipalities. The law also makes more bridges eligible for the program by changing the standards used to determine the physical condition of the bridge ([PA 16-151](#), § 1, effective July 1, 2016).

Reduced Sales Tax Diversion to Special Transportation Fund (STF)

The Department of Revenue Services commissioner must deposit a specified percentage of sales tax revenue each month into the STF. For FY 17, a new

law requires him to reduce each monthly STF deposit by \$4,166,667 (i.e., \$50 million in the aggregate) ([PA 16-2, MSS](#), § 45, effective July 1, 2016).

TRUCKS AND TRUCKING

Permit Fees for Oversize and Overweight Vehicles

A new law increases DOT permit fees for motor vehicles that exceed certain height, width, length, or weight limits, but allows the DOT commissioner to waive the higher fees for one year in certain cases ([PA 16-3, MSS](#), § 178, effective July 1, 2016).

MISCELLANEOUS

Electric Vehicles

A new law includes several provisions related to electric vehicles. It requires (1) DMV to collect certain information on electric vehicles and (2) Eversource and United Illuminating to integrate electric vehicle charging load projections into their distribution planning. Under the act, DEEP's integrated resource plan must include an analysis of electric vehicles.

The act also establishes requirements for public electric vehicle charging stations and contains provisions related to hydrogen-fueled vehicles and labeling requirements. The act extends a requirement that the Public Utilities Regulatory Authority consider time of day rates for electric vehicles ([PA 16-135](#), effective July 1, 2016).

Motor Vehicle Property Taxes

In 2015, the legislature capped the mill rates municipalities, districts, and boroughs may impose on motor vehicles. This year, it increased the cap from (1) 32 to 37 mills for the 2015 assessment year and (2) 29.36 mills to 32 mills for the 2016 assessment year and thereafter. It also established the motor vehicle mill rate for certain municipalities, districts, and boroughs that previously set a mill rate for the 2015 assessment year ([PA 16-3, MSS](#), § 187, effective upon passage and applicable to assessment years beginning on or after October 1, 2015).

Posting Human Trafficking Notices at Service Plazas

A new law expands the types of service stops that must post a notice developed by the Office of the Chief Court Administrator about services for human trafficking victims. It requires any publicly or privately operated service plaza to post the notice ([PA 16-71](#), § 10, effective October 1, 2016).

Sales Tax on Certain Parking Fees

A new law exempts from the sales and use tax non-metered motor vehicle parking in (1) seasonal lots with 30 or more spaces operated by the state or political subdivisions and (2) municipally-owned lots with 30 or more spaces ([PA 16-72](#) and [PA 16-3, MSS](#), § 180, effective upon passage).

Symbol of Access for People with Disabilities

A new law replaces the international symbol of access with a new symbol on (1) special license plates and temporary windshield placards for individuals with disabilities or who are blind, or the parent or guardian of such individuals, and (2) parking space signs for such individuals that are replaced, repaired, or erected on and after January 1, 2017. In addition, the new law replaces "handicapped" with "reserved" on the parking signs, which currently read

"handicapped parking permit required," and "violators will be fined."

The new symbol must (1) depict a logo with a dynamic character leaning forward with a sense of movement, be readily identifiable, and be simply designed with no secondary meaning and (2) provide for the equivalent facilitation and accessibility as the international access symbol ([PA 16-78](#), effective January 1, 2017).

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